

Atlantic City

convention & visitors authority ™

PROJECT #ACCVA 05-09



Room Reservations Convention Housing Services

2:00 PM Wednesday, April 17, 2009

Theresa Thompson, Purchasing Agent
Atlantic City Convention & Visitors Authority
2314 Pacific Avenue
Atlantic City, NJ 08401
Phone: 609.449.7113

NOTICE
TO
BIDDERS

**NOTICE TO BIDDERS
PROJECT#: ACCVA 05-09**

**ROOM RESERVATIONS &
CONVENTION HOUSING
SERVICES**

The Atlantic City Convention & Visitors Authority is seeking proposals from vendors to provide combined Room Reservations and Convention Housing Services.

Copies of the specifications may be obtained from the offices of the Atlantic City Convention & Visitors Authority, 2314 Pacific Avenue, Atlantic City, New Jersey 08401, telephone (609) 449-7104 or (609) 449-7113, Monday through Friday between the hours of 9:00 AM and 4:00 PM beginning Monday, March 30, 2009. Copies may also be downloaded from ACCVA website, www.atlanticcitynj.com, click on the ABOUT US tab to search Bib Opportunities.

Sealed proposals must be submitted by 2:00 PM Friday, April 17, 2009 and addressed to Theresa Thompson, Purchasing Agent, Atlantic City Convention & Visitors Authority, 2314 Pacific Avenue, Atlantic City, NJ 08401. The Authority accepts no responsibility for timeliness of any mail, delivery, or courier service.

All questions regarding the specifications should be submitted in writing (via fax) 609-348-3426 or via e-mail (gcallender@accva.com) by 12:00 noon Friday, April 3, 2009.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

CHECKLIST

Required by owner	Submission Requirement	Initial each required entry and if required submit the item
x	Stockholder Disclosure Certification	
x	Non-Collusion Affidavit	
x	Executive Order 134 Disclosure and Certifications	
x	Proof of New Jersey Business Registration	
x	Mandatory Affirmative Action Language / Compliance	
x	Bid Proposal Form	
x	References	
<input type="checkbox"/>	Americans with Disabilities Act of 1990 Language	Not applicable to this solicitation
<input type="checkbox"/>	Bid Guarantee (with Power of Attorney for full amount of Bid Price)	Not applicable to this solicitation
<input type="checkbox"/>	Consent of Surety (with Power of Attorney for full amount of Bid Price)	Not applicable to this solicitation
<input type="checkbox"/>	Prevailing Wage	Not applicable to this solicitation
<input type="checkbox"/>	Public Works Contractor Certificate	Not applicable to this solicitation
<input type="checkbox"/>	Equipment Certification	Not applicable to this solicitation
<input type="checkbox"/>	Status of Present Contracts	Not applicable to this solicitation

ROOM RESERVATIONS and CONVENTION HOUSING
Project # ACCVA 05-09

Specifications

1. MISSION

- The Atlantic City Convention & Visitors Authority serves as the destination's principal marketing arm, stimulating economic growth through convention and leisure tourism development. By leading the aggressive marketing of our destination, we enrich the quality of life for all

2. INTENTION

- The Authority intends to enter into a contract with a qualified Offeror in response to this Request for Proposal ("RFP") for the provision of a **Room Reservations System** and **Convention Housing Services**.

3. CRITICAL DATES

The following are the critical dates:

- RFP Notification beginning Monday, March 30, 2009
- Question cut-off Friday, April 3, 2009 (12:00 noon)
- Response due date/time Friday, April 17, 2009 2:00 p.m.
- Contract commencement* on or around Monday, June 15, 2009

- (* Due to uncertainties in the evaluation and selection process, the dates shown are tentative and reflect optimal circumstances)

4. QUESTIONS/ADDENDA

- All questions must be submitted in writing and directed to the attention of the Authority's Purchasing Coordinator (Gary Callender) no later than the cut-off date shown above. Questions may be submitted via e-mail, gcallender@accva.com, or via fax (609-348-3426)
- Any questions received after the due date and time, will not be considered; any questions submitted to anyone other than the Authority's Purchasing Coordinator will not be considered.
- Any resulting addendum will be forwarded to all potential Offerors.
- All addenda become part of the RFP and any resulting proposal and contract.

5. TARGET AUDIENCE

Target Audience -- Visitors and potential visitors to the Atlantic City area who are in need of making lodging arrangements.

- Visitors to the Visitor Welcome Centers on the Expressway and the Boardwalk.
- Visitors with access to the Internet.
- Visitors who choose to utilize a toll free telephone number and speak to an operator to make lodging arrangements
- Visitors making housing arrangements associated with a convention

6. PROGRAM OVERVIEW

The Room Reservations & Convention Housing Systems are intended to:

- help sell the Atlantic City destination,
- deliver lodging reservations via a link to the Authority's Website,
- allow for online hotel content updating,
- provide free online direct marketing to lodging facilities participants,
- offer low charges to lodging facilities for confirmed lodgings,
- should be user friendly,
- provide detailed property information (including photos, real-time rates and availability),
- allow consumers to receive instant confirmation,
- offer the ability to transmit e-mail notification of discounts and promotions.
- Coordinate and service convention housing needs of ACCVA's existing, returning and future convention and trade shows by use of cutting edge, web-based housing software

ROOM RESERVATIONS and CONVENTION HOUSING

Project # ACCVA 05-09

Specifications

7. SCOPE OF WORK FOR SERVICES/WORK FOR ROOM RESERVATIONS SYSTEM

- **Internet Room Reservations System**

- Real-time Internet reservations system.
- Contractor to provide room reservations system/booking engine with seamless integration to Authority's website: www.atlanticcitynj.com and our microsite(s) as needed.
- The look and feel of the contractor's system/booking engine must mirror Authority's website and microsite(s) in all ways including layout, design, copy, color scheme and marketing.
- Contractor will use only copy provided by Authority's marketing staff and approved by Authority's designee.
- Contractor must provide complete training for the Authority at no additional cost.

- **Call Center**

- Contractor will provide Call Center service for real-time reservations through Authority's toll-free visitor services telephone line.
- Contractor must provide opportunity for the Authority's staff to educate Call Center counselors about destination attractions.
- Call Center staff must be fully trained in customer service skills
- Call Center counselors may be Contractor's employees or subcontracted staff.
- Call Center must be staffed with live operators 24 hours per day.

- **In person room reservations at the Authority's Visitor Welcome Centers**

(Web based reservations will be handled by the Authority's staff)

- **Integration**

- Booking block code for main site and microsite(s) designed to blend with overall theme and design of page on which it will reside.
- Hotel search results to be incorporated into the web site and microsite(s) template so the user never sees transition.

- **Rating System**

- System should incorporate a proprietary or nationally recognized rating system into the hotel information displayed on the site.
- Allow users to sort and search based on this field.

- **User Interface Options**

- User friendly sort functions on: hotel name, price, and rating
- Search option allowing users to search by hotel name and rating

- **Package Options**

- Preferred system should have package capabilities of some form, allowing visitors to book these packages online and giving the hotel properties and/or the ACCVA the ability to enter package offers.

- **Hotels/Properties**

- Ability to prioritize the display of ACCVA Marketing Partner hotels within the inventory of Atlantic City area lodging facilities.

ROOM RESERVATIONS and CONVENTION HOUSING

Project # ACCVA 05-09

Specifications

- **Reporting**

- Reporting system should have flexibility to generate reports with a variety of output data sets.
- Administrative access to booking reports and information, capability of generating, printing, and saving reports containing (but not limited to) the following criteria/fields.

Room Nights	Departure Date
Bookings	Booking Date
Booking Value	Arrival Date
Commission Earned	Lost Business/Cancellations
By Hotel	Lookers .vs. Bookers

- **Marketing**

- Access to email database (direct or indirect) enabling the ACCVA to market to users that have booked rooms via the Room Reservations System. This includes pre and post arrival email marketing as well as re-marketing at a future date.
- Provide the Authority with a Room Reservation System that will provide Internet-based room availability, rates, photos, as well as information regarding the lodging facilities that fully mirrors the Authority's website and its microsite(s).
- The room reservation system must have either a proprietary or nationally recognized rating system (i.e., Mobil) for accommodations.
- The system should utilize current Internet technology.
- The system should be capable of processing lodging reservations for the traveler the Authority's Web site.
- Provide recommendations for an efficient, customer friendly system.
- The Contractor must provide experienced professionals for directing and guiding the project.
- Contractor must provide Authority staff with online access to current status reports
- Provide lodging facilities with on-line inventory management.
- Contractor should currently have inventory of Atlantic City area lodging facilities.
- System must be able to book international reservations on-line.
- Contractor is responsible for obtaining any additional inventory to meet demand.
- Propose a revenue sharing program for confirmed lodging reservations (see heading "Revenue Sharing").
- Provide additional recommendations for funding mechanisms that will fully support the reservations system with no cost to the Authority. (See heading "Revenue Sharing")
- Provide surveys and methodologies that will allow the Authority to derive pertinent customer profiles and enhance its marketing efforts.

ROOM RESERVATIONS and CONVENTION HOUSING

Project # ACCVA 05-09

Specifications

8. GENERAL SCOPE OF SERVICES/WORK FOR CONVENTION HOUSING SYSTEM

• TECHNICAL REQUIREMENTS

- Coordinate and service housing needs of ACCVA's existing, returning and future convention and trade shows by use of cutting edge, web-based housing software.
- The software shall have the capability to handle a voucher system.
- Provide attendees a link to ACCVA website, www.atlanticcitynj.com and ACCVA Visitor Information Center's 800 number for local and regional visitor support. Vendor shall also have the ability to link with the client's home page.

• PERFORMANCE SPECIFICATIONS

- The vendor shall have the ability to negotiate hotel contracts, and have access to multiple properties citywide to meet the housing needs of conventioners.
- The vendor shall provide the Authority with a post convention report of the number of rooms booked for each event. The report shall be available within 30 days of the convention closing. All reports shall include statistics regarding usage (exhibitor/attended room block, daily outstanding reservations and delegate lists) from all properties utilized for the convention
- The vendor shall provide on-going updated reports as needed.
- The vendor shall have the capabilities to process requests via housing form (mailed or faxed), online and phone center.
- The vendor shall provide attendees a full range of customer service inclusive of a demonstrated awareness of and communication of local and regional visitor information.
- The vendor shall have the capability to handle a voucher system
- The vendor shall have a minimum of 3 years experience in convention housing with minimum of #1500 peak room nights.
- The vendor shall be available EST Monday – Friday, a minimum, with the ability to extend service hours as client needs dictate, including weekends.
- The vendor shall respond to all attendee and client outreach including e-mails, facsimiles and phone calls in a timely and professional manner. Perform modifications and cancellations as needed.
- The vendor shall be familiar with all properties within the city, and be able to respond to issues regarding contracted properties and individual preferences.
- Provide training to hotel and ACCVA staff at no additional cost to ACCVA.
- Produce housing forms as needed.
- Include full coordination with ACCVA Housing Coordinator.
- Coordinate on-site desk with ACCVA Housing Coordinator as needed.
- Remain seamless.
- Maintain excellent relationships with contracted hotels.
- Retain excellent relationships with ACCVA clients.

ROOM RESERVATIONS and CONVENTION HOUSING
Project # ACCVA 05-09

Specifications

9. IMPLEMENTATION DATE

- The contract shall commence on or about Monday, June 15, 2009, with the room reservations system and Convention Housing Services fully functional.

10. GENERAL INFORMATION

- Web site activity: The Authority's main web site receives approximately 175,000 unique visitors monthly.
- Authority support. The Authority intends to support the Contractor in its endeavor to market the advertising packages available through the Room Reservations system. The support may include—an introduction meeting with Marketing Partners; provision of the Marketing Partnership list; Letter of support from the Authority.
- Hardware requirement. This RFP is for online based reservation system residing on Contractors servers, the Contractor will maintain hardware necessary to store required data and to deliver service described in this RFP.
- Project completion. Project completion shall be defined as the room reservation and convention housing systems have been completely designed, implemented and ready to accept reservations from consumers.
- Marketing. The Authority intends to market the room reservations system on the Website, through its automated visitor call lines and at the Visitor Information Centers.
- Estimated revenue generation. The Authority is anticipating the program may generate confirmed room revenue in excess of \$600,000 annually. This figure is based on the previous 5 years of bookings made through the call center, ACCVA visitor centers, and online.

11. REVENUE SHARING – ROOM RESERVATIONS ONLY

- As part of the written proposal submission, Contractor is to provide a revenue sharing proposal. The revenue sharing proposal is to be submitted on the attached forms headed "Revenue Sharing Proposal". Any additional comments are to be attached on Contractor's letterhead and submitted with the written proposal.

12. AUTHORITY WILL PROVIDE

- Authority shall provide copy, photos, slides, logos, video and Marketing Partnership database to Contractor.

13. COST/RESPONSIBILITIES

- Contractor shall supply sufficient hardware, and software to ensure efficient implementation and operation of program at no cost to the Authority.
- Contractor shall utilize sufficiently knowledgeable sales staff to solicit participation from lodging facilities.
- Contractor may generate revenue through the participation of lodging facilities or other businesses.
- Contractor is responsible for executing all agreements for lodging facilities participation.
- If revenue sharing is proposed, Contractor will remit payments to ACCVA monthly.

ROOM RESERVATIONS and CONVENTION HOUSING

Project # ACCVA 05-09

Specifications

14. CONTRACT TERM /RENEWAL

- Initial contract term – two years
- The Authority reserves the right to renew the contract for three additional one-year terms, at the same terms and conditions. Contract renewal will be at the discretion of the Authority, and upon approval from the Authority's Board Members.
- Should the Authority decide to renew the contract, the Contractor shall receive a thirty-day written notice prior to the termination of the initial term of the contract or any subsequent term.

15. OWNERSHIP

- All copy, graphics, photos, coding and related materials and work used on the Authority's web-site, or to produce or modify the Authority's web-site, remain exclusive property of the Authority, in addition to being copyright and trademark protected.

16. HYPERTEXT LINKS/REVENUES

- The Authority reserves the right to any and all revenues generated by and from, and any and all future revenues related to the Authority's web site, specifically, but not limited to, hypertext links with other web-sites.

17. TERMINATION

- The Authority reserves the right to terminate the contract, for cause, by giving thirty (30) days written notice to the other party of its intention to do so.
- The Authority reserves the right to terminate the contract, without cause, by giving ninety (90) days written notice to the other party of its intention to do so.

18. PROCEDURAL REQUIREMENTS

- Contractor shall comply with all procedural instructions that may be issued from time to time by the Authority.
- Contractor shall comply with any and all Federal, State or Local Laws, now in effect or hereafter promulgated which apply to the service herein specified.
- Contractor or authorized representative shall be required to meet periodically with Authority staff to discuss project status, at no cost to the Authority.

19. PROPOSAL REVIEW -- CONTRACT AWARD

- **Offers responding to this RFP, must submit a proposal for both services requested.** Failure to propose both services shall result in your proposal not being considered for contract award.
- Submissions will be reviewed and firms will be ranked based on evaluation criteria established within the RFP.
- Offerors may be contacted to clarify or confirm items within their proposals.
- Offerors may be chosen to participate in an oral presentation, at the Authority's option.
- An award will be made considering qualifications, room reservations program, revenue sharing proposal, cost and other factors considered
- All Offerors submitting a proposal, whether they are chosen to receive the contract or not, will receive written notice of award thereafter.

ROOM RESERVATIONS and CONVENTION HOUSING
Project # ACCVA 05-09

PROVIDE THE FOLLOWING INFORMATION IN YOUR PROPOSAL.

NOTE: Failure to submit the minimum requested information will cause your proposal to be determined "non-responsive" and, as such, a proposal cannot be considered.

PROPOSAL FORMAT / WEIGHTED EVALUATION CRITERIA:

Proposal must be concise, but contain:

1. Executive Summary (Weight -20)

- a) Offeror must present an overview of work for the on-site reservations system at the Visitor Welcome Centers, the Internet Room Reservations System and the Call Center.
- b) Completed Room Reservations System and Convention Housing Services is to be available on or around June 15, 2009 Offeror must provide a timeline for the Authority's review.
- c) For Convention Housing include an overall Qualification Statement

2. Personnel & Quality Control (Weight -10)

- a) Describe quality controls that will be used.
- b) Who will be assigned as project manager? What is their experience?
- c) What guarantees does Offeror provide to the Authority as to the ease of use for a typical consumer's requirements?

3. Experience and qualifications (Weight -30)

- a) For Room Reservations:
 - 1) Provide number of years in business.
 - 2) Describe Offeror's history, philosophy and rationale.
 - 3) Do you currently have room block agreements with Atlantic City hotel properties? If so, please list the properties.
 - 4) Provide verification of your Offeror's knowledge and expertise in providing Room Reservations Systems via the Internet and through a Call Center by a description of similar services your firm has performed.
 - 5) Offeror should reference other entities in which they have provided a room reservation system.
 - 6) Provide number of room nights booked and consumed in 2008.
 - 7) Provide minimum of three business references for room reservations and minimum of three business reference for convention housing, including contact name and telephone number.
- b) For Convention Services:
 - 1) List three (3) Convention & Visitor Bureaus for which you have performed similar services. please include contact name, address and telephone number.
 - 2) Company shall have a minimum of two (2) years of experience managing Passkey software.
 - 3) Include the company's representative client list for last two years.
 - 4) Detail any work to be subcontracted and supply the name and address of the company.

4. Room Reservations System / Convention Housing Services -- Proposed (Weight - 40)

- a) Provide a description of the proposed **Room Reservations System** via the Internet;
 - its functions;
 - its interface with participating lodging facilities;
 - how confirmations are delivered to consumers and lodging facilities;
 - its proposed cost structure to participating lodging properties (per confirmed reservations and/or other);
 - discuss revenue sharing options with the Authority.

PROPOSAL FORMAT / WEIGHTED EVALUATION CRITERIA:

Proposal must be concise, but contain:

- b) Provide web address for your Internet Room Reservations System.
- c) Outline what marketing strategies you anticipate using to invite lodging facilities participation.
- d) Outline what marketing strategies you anticipate using to promote Atlantic City.

- e) What will you provide to the participating lodging facilities such as: information update options, direct revision to their information, revision by your staff of their information, quick turnaround of short-time discounts and availability information; etc.
- f) What service fee if any is charged to the consumer?
- g) What is your cancellation policy?
- h) Provide a description of the **Call Center**, utilizing the Internet Room Reservations System.
 - Describe how consumers may expect to utilize the Call Center's services;
 - how confirmations are delivered to consumers and lodging facilities;
 - its proposed cost structure to participating lodging properties (per confirmed reservations and/or other);
 - discuss revenue sharing options with the Authority.

ROOM RESERVATIONS and CONVENTION HOUSING
Project # ACCVA 05-09

REVENUE SHARING PROPOSAL

Offeror proposes to share revenues resulting from advertising, confirmed reservations, or other revenue generating agreements for the Room Reservations System in the following manner:

(Please check and fill out appropriate areas.)

1. <input type="checkbox"/> After first \$ _____ Gross , a percentage of _____ % will be paid to the Authority, <input type="checkbox"/> monthly <input type="checkbox"/> annually.
2. <input type="checkbox"/> After first \$ _____ Net after expenses, a percentage of _____ % will be paid to the Authority, <input type="checkbox"/> monthly <input type="checkbox"/> annually.
3. <input type="checkbox"/> \$ _____ per each consumed room reservation.
4. <input type="checkbox"/> _____ % of <input type="checkbox"/> Net <input type="checkbox"/> Gross of each consumed room reservation.
5. <input type="checkbox"/> Offeror does not propose any revenue sharing options to the Authority.
6. <input type="checkbox"/> Other, details below:

SPECIAL NOTES TO BIDDERS

This form shall be completed. If it is not the bid shall be rejected

EXCEPTIONS:

The Bidder shall list the exceptions to these specifications, if any, paragraph by paragraph, in the space provided below. If additional space is needed, please stipulate on your own letterhead, the page and item to which you are making additional exceptions, and attach to your proposal.

Check One:

_____ **No exception taken.**

_____ **Exception(s) taken, as follows:**

SUBCONTRACTORS

If no Subcontractors are to be used, check the appropriate box. If Subcontractor(s) will be used, check the appropriate box and list Subcontractors to the Proposal, in the space below. If additional space is needed, please complete list on your own letterhead and attach to your proposal.

Check One:

_____ **No subcontractors.**

_____ **Subcontractor(s), list as follows:**

TERMS
AND
CONDITIONS

TERMS AND CONDITIONS

The following terms and conditions apply to all contract or purchase agreements made with the Atlantic City Convention Center Authority (Authority), unless specifically deleted on the Authority's proposal form.

Bidders are notified by this statement that all terms and conditions shall become a part of any contract(s) or order(s) awarded as a result of this solicitation, whether stated in part, in summary or by reference. In the event a vendor's terms and conditions conflict with the state's, the state's terms and conditions shall prevail.

I. STATE LAW REQUIRING MANDATORY COMPLIANCE BY ALL VENDORS

- 1.1. **Corporate Authority** – It is required that all corporations be authorized to do business in the state of New Jersey. Corporations incorporated out of the state must file a Certificate of Authority with the Secretary of State, Department of State, State House, Trenton, New Jersey. Refer to N.J.S.A 12A: 13-3 Chapter 13-3.
- 1.2 **Anti-Discrimination** – All parties to any contract with the Atlantic City Convention Center Authority agree not to discriminate in employment and agree to abide by all anti-discrimination law including those contained within N.J.S.A. 10:2-1 through 10:2-4, N.J.S.A. 10:5-31 through 10:5-38, and all rules and regulations issued hereunder.
- 1.3 **Ownership Disclosures** – Contract's for any work, goods or services cannot be issued to any firm unless prior to or at the time of bid submission, the firm has disclosed the names and addresses of all of its owners holding 10% or more of the firm's stock or interest. Refer to N.J.S.A. 52:25-24.2 1977 Chapter 33.
- 1.4 **Compliance – State Laws-** It is agreed and understood that any contracts and/or orders placed as a result of this proposal shall be governed and construed and the rights and obligations of the parties hereto shall be determined in accordance with the laws of the State of New Jersey.

II. LIABILITIES

- 2.1 **Liability- Copyright** – The vendor shall hold and save the Atlantic City Convention Center Authority, the Atlantic County Improvement Authority, and Spectacor Management Group, Inc., its officers, agents, servants, and employees, harmless from liability of any nature or kind for or on account of the use of any copyrighted or non-copyrighted composition, secret process, patented or non-patented invention, article or appliance furnished or used in the performance of his/her contract.
- 2.2 **Liability – Physical** – If it becomes necessary for the vendor, either as principle or by agency or employee, to enter the premises or property of the state for any reason, the vendor hereby covenants and agrees to take use, provide and make proper, all necessary and sufficient precautions, safeguards and protection against the occurrence of happenings of any accidents, injuries, damages or hurt to any person or property during the progress of work herein covered on the premises or property of the Authority and to be responsible for, and indemnify and save harmless the Atlantic City Convention Center Authority, the Atlantic

County Improvement Authority, and Spectacor Management Group, Inc., along with their officers and employees, from the payment of all sums of money by reason of all or any, such accidents, injuries, damages or hurt that may arise or occur during such work, and all fines, penalties and loss incurred for or by reason of violation of any city ordinance, regulation or the laws of the State of New Jersey or the United States while said work is in progress. Contractor shall carry insurance to indemnify the Atlantic City Convention Center Authority, the Atlantic County Improvement Authority, and Spectacor Management Group, Inc., and their officers and employees against any claim for loss, damage or injury to property or persons arising out of the performance by the contractor or his employees and agents of the services covered by the contract and the use, misuse or failure of any equipment used by the contractor or his employees or agents, and shall provide certificates of such insurance to the Authority upon request. Amounts to be in accordance with the attached sample Certificate of Insurance.

III. TERMS GOVERNING ALL PROPOSALS WITH THE ATLANTIC CITY CONVENTION CENTER AUTHORITY

- 3.1 **Subcontracting or Assignment** - The contract may not be subcontracted or assigned by the contractor, in whole or in part, without the written consent of the Authority. Such consent, if granted, shall not relieve the contractor of any of his/her responsibilities under the contract.

In the event that the bidder proposes to subcontract for the services to be performed under the terms of the contract award, he shall state in his bid and attaché for approval a list of the subcontractors and an itemization of the services to be supplied by the subcontractor.

Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the Authority.

- 3.2 **Delivery Guarantee** – Deliveries shall be made as such time and in such quantities as ordered in strict accordance with conditions contained within the specifications. Delivery shall be made to the Atlantic City Convention Center Authority by the successful bidder at the places specified by the Purchasing Agent or duly authorized representative, but in no event, before the issuance of a purchase order to the successful bidder under the terms of the contract so awarded.

The vendor shall deliver all material to the Authority in first class condition, and in accordance with good commercial practice.

Items delivered shall be strictly in accordance with the bid specifications.

In the event delivery of goods or services is not made within the number of days stipulated, or within the schedule defined in the specifications, the Authority may be authorized to obtain the equipment, material or service from any available source; the difference in price, if any, to be paid by the contractor failing to meet the commitments. In addition, if the successful bidder fails to complete delivery within the time stated, said successful bidder shall pay the Atlantic City Convention Center Authority, the sum of one hundred dollars (\$100.00) for each day consumed in the completion of the contract awarded hereunder, which may exceed the time allowed for such purpose. Such amounts or sums shall be deemed and taken in all courts to be liquidated damages for nonperformance of the aforesaid contract within the time frame allotted, and not as penalty. The Purchasing Agent of the Atlantic City Convention Center Authority shall

determine and certify the amount and sums thus claimed by the Atlantic City Convention Center Authority, as such liquidated damages to the Authority's auditor, who shall deduct and retain the same from the monies due or which shall become due under the contract.

- 3.3 **Authority's Right of Final Bid Acceptance** – The Authority reserves the right to reject any and all bids, or to award in whole or in part, if deemed to be in the best interest of the Authority to do so. In the case of tie bids, the Authority shall have the authority to award orders or contracts to the vendor or vendors best meeting all specifications and conditions.
- 3.4 **Bid Acceptance and Rejections** – Pursuant to N.J.A.C. Title 17, Chapter 12, Subchapter 2.4 through 2.5, the terms and conditions defined therein relating to informalities in bidding and automatic rejection of bids shall apply to all proposals and bids.
- 3.5 **Maintenance and Records** – The contractor shall maintain records for products and/or services delivered against the contract for a period of three (3) years from the date of final payment. Such records shall be made available to the Authority upon request.

IV. TERMS RELATING TO PRICE QUOTATION

- 4.1 **Price Fluctuation During Contract** – All prices quoted shall be firm and not subject to increase during the period of the contract.
- 4.2 **Delivery Costs** – Unless noted otherwise in the specifications, all prices for items in bid proposals are to be submitted F.O.B. Destination. Proposals submitted other than F.O.B. Destination shall not be considered. Regardless of the method of quoting shipments, the vendors shall assume all liability and responsibility for the delivery of merchandise in good condition to the Authority
- 4.3 **Discounts** – Cash discounts for periods of less than 15 days shall not be considered as factors in the award of contracts. Any discount period shall commence on the date the Authority certifies the acceptance of the goods and/or services.
- 4.4 **Tax Charges** – The Authority is exempt from state sales or use taxes and federal excise taxes. These taxes shall not be included in the vendor's price quotations.

V. PAYMENT

- 5.1 Payment for the specified item or items, furnished, delivered and accepted, shall be made by the Atlantic City Convention Center Authority to the successful bidder within thirty (30) days after submission of an invoice based on the total delivered price, as set forth in this (its, their) proposal, with a properly executed affidavit to the Purchasing Department.

VI. PROPOSAL FORM

- 6.1 All proposals must be submitted on the Proposal Form of the Atlantic City Convention Center Authority. The form may be obtained from the office of the Purchasing Agent, or an exact replica as to wording and punctuation. No alterations in the wording of the Proposal Form or interpolations will be permitted and any proposal submitted in disregard of this requirement may be regarded as informal and need not be considered by the Authority in making the award.

Pricing shall be submitted on the specification pages included in this bid document.

- 6.2 Proposals shall be submitted in a Sealed Envelope with the Bidder's name and address, name of project and project number on the outside of envelope containing the bid.
- 6.3 The certified or cashier's check, or bid bond, if required by these Instructions to Bidders shall be attached to the outside of the bid envelope. The outside mailing envelope shall bear the same endorsement as required in the base of the bid envelope and may be mailed or delivered to the Purchasing Agent of the Atlantic City Convention Center Authority (Authority), or presented to the Authority at its offices located at 2314 Pacific Avenue, Atlantic City, New Jersey 08401 at the time of calling for said proposals. The Atlantic City Convention Center Authority will not assume responsibility for bids forwarded through the mail if lost in transit at any time before bid opening.
- 6.4 **Preference for Domestic Products** – Only products manufactured in the United States, wherever available, shall be used in connection with this undertaking, pursuant to 40A: 11-18 of the revised statutes of the state of New Jersey.
- 6.5 **Brand Names** – Brand names and/or description used in this bid proposal are to acquaint bidders with the type of commodity desired and will be used, as a standard by which alternate or competitive materials offered will be judged. Competitive items must be equal to the standards described and be of the same reputation for quality and workmanship. Variations between the materials described and materials offered are to be fully explained by the bidder in an accompanying letter. In the absence of any changes by the bidder, it will be presumed and required, that material described in these specifications be delivered.

**STOCKHOLDER
DISCLOSURE
CERTIFICATION**

Stockholders Information

**BIDDER SHALL SIGN, COMPLETE AND SUBMIT THIS FORM WITH PROPOSAL.
FAILURE TO DO SO WILL ELIMINATE YOUR PROPOSAL FROM CONSIDERATION.**

Chapter 33 of the Public Laws of 1977 (N.J.S.A. 52:25-24.2) provides in pertinent part that no partnership or corporation shall be awarded any state contract for the performance of any work or the furnishing of any materials or supplies unless, prior to the receipt of the bid or accompanying the bid of said partnership or corporation, there is submitted a statement containing the following information.

1. If the bidder is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the bidder is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of stockholders who own 10% or more of the stock of any class of that corporation.

Bidder shall complete **one** of the following statements; check appropriate box and sign below.

Stockholders or Partners owning 10% or more of the company-submitting bid

Signature _____

Name: _____
Home Address: _____

Name: _____
Home Address _____

Name: _____
Home Address _____

Name: _____
Home Address _____

Name: _____
Home Address: _____

Name: _____
Home Address _____

No Stockholder or Partner owns 10% or more of the company submitting a bid.

Signature _____

An individual who operates as a sole proprietor is submitting bid.

Signature _____

NON-COLLUSION AFFIDAVIT

Non-Collusion Affidavit

ATTENTION: THIS FORM MUST BE NOTARIZED

COMPLETE, SIGN, NOTARIZE AND RETURN THIS FORM WITH YOUR BID PROPOSAL. FAILURE TO DO SO WILL ELIMINATE YOUR PROPOSAL FROM CONSIDERATION.

STATE OF NEW JERSEY:

COUNTY OF:

I, _____ of _____ in the
County of _____ and the State of _____

of full age, being duly sworn according to law on my oath, depose and say, that:

I am, _____ of the Firm of _____,
(INSERT TITLE) (INSERT NAME OF FIRM)

The Bidder making the Proposal for the herein project, and that I executed the said Proposal with full authority to do so, that said Bidder has not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project, and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Atlantic City Convention Center Authority, Atlantic County Improvement Authority and SMG, Inc., rely upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I warrant that no requirement or commitment was made in reference to any political contribution to any party, person, or elected official and that no undisclosed benefits of any kind were promised to anyone connected with Atlantic City Convention Center Authority, Atlantic County Improvement Authority, SMG, Inc., or any political party in reference hereto.

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

Non-Collusion Affidavit

I further warrant and represent that I have never admitted, acknowledged or been convicted of payment of kickbacks or unlawful gifts to any government official or employee for which conduct the State of New Jersey deems me disqualified from doing business with the Atlantic City Convention Center Authority under such circumstances.

I also understand that the above disqualification does not apply to any vendor who cooperates with the prosecution and give supporting testimony on behalf of the prosecution in the course of a judicial inquiry.

Signature of Affiant (Bidder)

Print or Type Name of Affiant (Bidder)

Sworn to and subscribed before me _____
NOTARY PUBLIC SIGNATURE

This _____ day of _____ 20____.

NOTARY SEAL

My Commission expires _____

**EXECUTIVE ORDER 134
DISCLOSURE
&
CERTIFICATION**

EXECUTIVE ORDER 134

I. Requirements of Executive Order 134

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, Executive Order 134 was signed on September 22, 2004 ("EO 134"). Pursuant to the requirements of EO 134, the terms and conditions set forth in this section are material terms of any contract resulting from this RFP:

II. Definitions

For the purpose of this section, the following shall be defined as follows:

Contribution – means a contribution reportable as a recipient under "The New Jersey Campaign Contributions Expenditures Reporting Act." P.L. 1973, c. 83 (C.10:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Currently, contributions in excess of \$400 during a reporting period are deemed "reportable" under these laws. As of January 1, 2005, that threshold will be reduced to contributions in excess of \$300.

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.

III. Breach of Terms of Executive Order 134 Deemed Breach of Contract

It shall be a breach of the terms of the contract for the Business Entity to (i)make or solicit a contribution in violation of this Order, (ii)knowingly conceal or misrepresent a contribution given or received; (iii)make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv)make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v)engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of EO 134; (vi)fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii)engage in any exchange of contributions to circumvent the intent of EO 134; or (viii)directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of EO134.

IV. Certification and Disclosure Requirements

The State shall not enter into a contract to procure from any Business Entity services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee during certain specified time periods. Accordingly, the Business Entity shall submit with its bid proposal Executive Order 134 Certification(s) in the form set forth in **Attachment (A)** attached hereto, certifying that no contributions prohibited by Executive Order 134 have been made by the Business Entity. A separate Certification is required for each person or organization defined above as a Business Entity. Failure to submit the Certification(s) with the Bid Proposal shall be cause for automatic rejection of the bid proposal.

Prior to awarding any contract or agreement to any Business Entity, the Business Entity proposed as the intended awardee of the contract shall report all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C.527 for the Internal Revenue Code that also meets the definition of a "continuing political committee" within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:251.7, in the form of the Disclosure attached hereto as **Attachment (B)**. A separate Disclosure is required for each person or organization defined above as a Business Entity. Upon receipt of a Notice of Intent to Award a Contract, the intended awardee shall submit to the Division, in care of the Purchase Bureau Buyer, the Disclosure(s) within five (5) business days of the State's request.

Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made. A copy of the Continuing Disclosure of Political Contributions is attached hereto as **Attachment (C)**. A separate Disclosure is required for each person or organization defined above as a business entity.

V. State Treasurer Review

The State Treasurer or his designee shall review the Disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor. If the State Treasurer determines that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of such contract.

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.

Public Law 2005, Chapter 51

Formerly:

Executive Order
134

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), **completed by the agency**, to:

**EO 134 Review Unit
P.O. Box 039
33 West State Street, 4th 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.

OWNERSHIP DISCLOSURE FORM

	PAGE
NUMBER:	
OPEN DATE:	
BIDDER:	

INSTRUCTIONS: Provide below the names, home addresses, dates of birth, offices held and any ownership interest of all officers of the firm named above. If additional space is necessary, provide on an attached sheet.

NAME	HOME ADDRESS	DATE OF BIRTH	OFFICE HELD	OWNERSHIP INTEREST (Shares Owned or % of Partnership)

INSTRUCTIONS: Provide below the names, home addresses, dates of birth, and ownership interest of all individuals not listed above, and any partnerships, corporations and any other owner having a 10% or greater interest in the firm named above. If a listed owner is a corporation or partnership, provide below the same information for the holders of 10% or more interest in that corporation or partnership. If additional space is necessary, provide that information on an attached sheet. If there are no owners with 10% or more interest in your firm, enter "None" below. Complete the certification at the bottom of this form.

NAME	HOME ADDRESS	DATE OF BIRTH	OFFICE HELD	OWNERSHIP INTEREST (Shares Owned or % of Partnership)

COMPLETE ALL QUESTIONS BELOW

	YES	NO
1. Within the past five years has another company or corporation had a 10% or greater interest in the firm identified above? <i>(If yes, complete and attach a separate disclosure form reflecting previous ownership interests.)</i>	_____	_____
2. Has any person or entity listed in this form or its attachments ever been arrested, charged, indicted, or convicted in a criminal or disorderly persons matter by the State of New Jersey, or any other state or the U.S. Government. <i>(If yes, attach a detailed explanation for each instance.)</i>	_____	_____
3. Has any person or entity listed in this form or its attachments ever been suspended, debarred, or otherwise declared ineligible by any agency or government from bidding or contracting to provide services, labor, material or supplies? <i>(If yes, attach a detailed explanation for each instance.)</i>	_____	_____
4. Are there now any criminal matters or debarment proceedings pending in which the firm and/or its officers and/or managers are involved? <i>(If yes, attach a detailed explanation for each instance.)</i>	_____	_____
5. Has any federal, state or local license, permit or other similar authorization, necessary to perform the work applied for herein and held or applied for by any person or entity listed in this form, been suspended or revoked, or been the subject of any pending proceedings specifically seeking or litigating the issue of suspension or revocation? <i>(If yes to any part of this question, attach a detailed explanation for each instance.)</i>	_____	_____

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

I being duly authorized, certify that the information supplied above, including all attached pages, is complete and correct to the best of my knowledge. I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

COMPANY NAME: _____ (Signature)

ADDRESS: _____ PRINT OR TYPE _____ (Name)

_____ (Title)

FEIN/SSN#: _____ Date: _____

Public Law 2005, Chapter 51

Formerly:

Executive Order
134

**Contractor Certification and Disclosure
of Political Contributions**

Solicitation No.: _____ Bidder: _____

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:

Executive Order
134

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."

#1

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

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.

#2

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.

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.

#3

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.

**STATE OF NEW JERSEY
BUSINESS
REGISTRATION
CERTIFICATE**

NEW JERSEY BUSINESS REGISTRATION

All prospective contractors shall comply with P.L. 2004, c. 57(Chapter 57) requiring all businesses to submit proof of business registration in the state of New Jersey. A copy of the company's Business Registration Certificate, issued by the Department of the Treasury shall be submitted with their proposal.

Proposals submitted without the Business Registration Certification will be rejected, and not considered for contract award.

"New Jersey Business Registration Requirements"

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

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

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

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 (C.52:32-44 et.al.) or subsection e. or f. of section 92 of P.L. 19767, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency."


To register: Businesses must complete **Form NJ-REG** and submit it to the Division of Revenue. The form can be filed on line or by mailing a paper form to the Division. Online filing is strongly encouraged.

Registration is free, there are no fees associated with this process.

- Register online at www.nj.gov/treasury/revenue/taxreg.htm. Click the "online" link and select "Register for Tax and Employer Purposes."
- Download the paper form and instructions at www.nj.gov/treasury/revenue/revprnt.htm.
- Call the Division at 609-292-1730 to have a form mailed to you or if you have questions regarding the process.
- Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

**The Following is a "Sample" of the
"Required"
State of New Jersey Business Registration Certificate
That MUST Be Included in the Submitted Proposal**

Sample of a Valid State of New Jersey Business Registration Certificate

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		DEPARTMENT OF TREASURY/ DIVISION OF REVENUE PO BOX 252 TRENTON, N J 08646-0252
TAXPAYER NAME: ATLANTIC CITY CONVENTION CENTER AUTHORITY	TRADE NAME: ATLANTIC CITY CONVENTION & VISITORS	
TAXPAYER IDENTIFICATION#: 000-000-000/000	SEQUENCE NUMBER: 0000000	
ADDRESS: 2314 BOARDWALK ATLANTIC CITY NJ 08401	ISSUANCE DATE: 02/19/04	
EFFECTIVE DATE: 07/01/66		
FORM-BRC(08-01)	Acting Director	

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

**AFFIRMATIVE
ACTION
COMPLIANCE NOTICE**

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. 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 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, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act 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 where applicable agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with the Good faith efforts to meet targeted county employment goals established in accordance with **N.J.A.C. 17:27-5.2**, or Good faith efforts to meet targeted county employment goals determined by the Division, pursuant to **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, labor unions, that it does not discriminate on the basis of age, 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.

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal 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, 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

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Opportunity Compliance as may be requested by the Division 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**.

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

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

The successful bidder shall submit to the public agency, 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 contractor is operating
- (b) under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

(c) OR

- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

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

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

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____