



ATLANTIC CITY
CONVENTION & VISITORS AUTHORITY
2314 Pacific Avenue - Atlantic City, NJ 08401

January 8, 2013

**RE: Project #ACCVA 13-01
Visitor Profile Research Services**

To Whom It May Concern:

The Atlantic City Convention & Visitors Authority's (ACCVA) is accepting proposals for Visitor Profile Research Services.

Sealed proposals will be received at **3:00 PM Friday, February 22, 2013**, prevailing time at the offices of the Atlantic City Convention & Visitors Authority. Proposals shall be in a sealed envelope mailed or delivered to the address below. If you would like to respond to this solicitation, please submit an original and four copies of your formal proposal.

Proposals submitted after the due date and time will not be considered.

Rosalind Kincaid, RPPO, QPA
Atlantic City Convention & Visitors Authority
2314 Pacific Avenue
Atlantic City, NJ 08401

Questions regarding the proposal must be submitted in writing via fax (609) 348-3426 or e-mail (gcallen@accva.com) by **3:00 PM Friday, February 1, 2013**. Questions received after the above date and time will not receive a response. All questions should be directed to the attention of Gary Callender.

I look forward to your participation.

Sincerely,

Rosalind Kincaid, RPPO, QPA
Vice President, Administration/Human Resources

Gary Callender, RPPS
Manager, Administrative Processes

**NOTICE TO BIDDERS
PROJECT#: ACCVA 13-01**

VISITOR PROFILE RESEARCH SERVICES

The Atlantic City Convention & Visitors Authority is seeking proposals from a firm/agency to provide Visitor Profile Research Services.

Beginning **Tuesday, January 8, 2013** between the hours of 9:30 a.m. and 4:30 p.m., RFP Specification Packages may be obtained from the Atlantic City Convention & Visitors Authority, 2314 Pacific Avenue, Atlantic City, New Jersey 08401, or by calling 609-449-7104 to request an electronic mailing. RFP Specification Packages may also be downloaded from the ACCVA website; www.atlanticcitynj.com by clicking the ABOUT US tab located in the upper right-hand corner of the website's home page and then selecting BID OPPORTUNITIES.

Sealed proposals will be received at the offices of the Atlantic City Convention & Visitors Authority, located at 2314 Pacific Avenue, Atlantic City, NJ 08401 on **Friday, February 22, 2013 at 3:00 PM,** prevailing time, at which place and time sealed proposals will be publicly opened.

Proposals shall be sealed and mailed, delivered or presented to the Atlantic City Convention & Visitors Authority, Attn: Gary Callender 2314 Pacific Avenue, Atlantic City, NJ 08401. The Authority accepts no responsibility for the timeliness of any mail, delivery, or courier service.

No proposals may be withdrawn for a period of 60 days after the date set for opening.

Bidders are required to comply with the requirements of P.L. 1975, C127 and Chapter 33 of the Public Laws of 1977.

Rosalind Kincaid
Vice President, Administration/Human Resources

**REQUEST FOR PROPOSAL
PROJECT #ACCVA 13-01
VISITOR PROFILE RESEARCH**

I. MISSION

- The Atlantic City Convention Center Authority is a public agency doing business as the Atlantic City Convention & Visitors Authority, hereinafter the “Authority.”
- The mission of the Atlantic City Convention & Visitors Authority is to serve as Atlantic City’s customer focused marketing service organization, to generate economic growth through convention and leisure tourism development – aggressively marketing the convention center facilities while building business for Atlantic City as a visitor destination.

II. OBJECTIVE

- To provide a sound basis for marketing and business decisions through the ongoing assessment of the Atlantic City visitor and trends in visitor behavior, characteristics and preferences over time.
- The specific goals are:
 - * To monitor trends in visitor behavior, visitor characteristics and visitor preferences. A benchmark study was conducted in 2004 and a second study was conducted in 2008.
 - * To supply detailed information on the habits of different visitor groups including travel, online experience, gaming, shopping, dining, etc.
 - * To provide identification of market segments and potential market segments.
 - * To provide basis for calculating the economic impact of different visitor groups.
 - * To determine visitor satisfaction and awareness levels.

III. PROGRAM SUMMARY

- Enter into a contract for one year with a qualified research Firm/Agency, hereafter the Vendor to conduct monthly visitor interviews via appropriate methodology which may include but not limited to online interviews, intercept interviews and telephone interviews and report results on an annual basis.

IV. PRIMARY AUDIENCES

- Authority marketing staff, marketing partners (participating partners will receive their property results on a proprietary basis, other marketing partners will receive the aggregate information contained in the annual report), public policy makers, financial analysts, new developers, government officials, and media.

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V. SCOPE OF SERVICES

Mandatory report inclusions:

- **Vendor must propose method of interview and provide a detailed description of proposed methodology as part of their submission, however, intercept interviews, online & telephone interviews may be offered.**
- Proposed methodology should accommodate interviews of a minimum of 3,000 randomly selected visitors over a one-year period and will result in information representative of the flow of visitors during the one-year period after their submission. The proposed method of interview may include but is not limited to intercept interviews, online and telephone interviews.
- Vendor is to recommend interview locations to achieve randomization.
- The chosen Vendor shall produce the following detailed annual reports with executive summaries on behalf of the Atlantic City Convention & Visitors Authority.
 - * Visitor profile – Summary report
 - * Market Segmentation Report
 - Convention attendee
 - Package purchaser
 - General tourist
 - Casino guest

VI. AUTHORSHIP

- The Authority's Vice President of Marketing will be responsible for final editing and approval of all questionnaires and reports before they go to final print.

VII. QUALIFICATION STATEMENT

Each bidder shall submit a Statement of Qualification with their proposal, which shall include the following:

1. Number of year's your firm has operated performing research and profile reports.
2. Include copies of curriculum vitae for key staff assigned to this project.
3. Provide three references of agencies/companies for whom the firm has performed similar services. References must include contact name and telephone number.
4. Provide details as to how your firm will accomplish the work to produce the visitor profile research report, including, but not limited to:
 - Proposed methodology that will result in information representative of the flow of visitors during one-year period.
 - Detail your firm's process for selecting interviewers, including, how they are trained, selected, screened and supervised.
 - Detail any work to be subcontracted and supply each subcontractor/firm's name, address and applicable information.

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VIII. PRICING

- Vendor shall submit a Lump Sum price to include all services under the Scope of Services.

IX. OTHER

- All costs incurred in the preparation of proposals shall be wholly borne by each proposer. All supporting documentation and samples submitted with each proposal shall become the property of the Authority.

X. PROPOSED TIME TABLE

- RFP Notification **Tuesday, January 8, 2013**
- Questions due: **3:00 PM, Friday, February 1, 2013**
- Proposals due: **3:00 PM, Friday, February 22, 2013**

XI PROJECT SCHEDULE

- Contract Award – in or about **March, 2013**
- Visitor Interviews to begin - **April, 2013**
- Six month interim report to be presented by the selected firm - **October, 2013**
- First annual report due on 2013 data - **April, 2014**

NOTE: Future annual reports will be due on or about **April 1** of each year. This RFP is intended to cover the requirements through the first annual report.

XII. QUESTIONS

- All questions shall be submitted in writing via facsimile (609-348-3426), and directed to the attention of Gary Callender, Mgr., Administrative Processes or via e-mail (gcallender@accva.com) no later than **3:00 PM, February 1, 2013**. Any questions received after the due date and time will not be considered; any questions submitted to anyone other than the aforementioned will not be considered. Any resulting addendum will be forwarded to all potential vendors. All addenda become a part of the specifications, and any resulting proposal and contract.

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VISITOR PROFILE RESEARCH**

XIII. PROPOSAL PREPARATION

- By submitting a proposal, the vendor covenants and agrees that he has satisfied himself, from his own investigation of the conditions to be met, that he fully understands his obligations and that he will not make any claim for or have right to cancellation or relief because of any misunderstanding or lack of information.
- In order to be considered for selection, vendor must submit a complete written response to this proposal. Response shall include one (1) original and four (4) copies to be considered and evaluated by the Authority. Ownership of all data, material and documentation originated and prepared for the Authority pursuant to this proposal shall belong exclusively to the Authority. The Authority shall not incur any costs for the development of the proposal or any associated materials. The Authority agrees not to use any material provided through this process for other than evaluation purposes, without a formal contract
- The contents of the proposal of the successful vendor will become a part of any contract awarded as a result of the proposal.
- Proposals should be prepared simply and economically, providing a straightforward, concise description of vendor's capabilities to meet and satisfy the requirements of the proposal. Emphasis should be on completeness and clarity of content

XIV. CONTENT OF PROPOSALS

- Include Qualification Statement
- List any known potential conflict(s) of interest
- Include proof of Professional Liability naming The Atlantic City Convention & Visitors Authority as additional insured with a minimum limit of \$1,000,000. The Atlantic City Convention & Visitors Authority shall be held harmless for any activities covered under the scope of this contract.
- In order to ensure acceptable service, the Authority requires the Vendor to specify a contact person assigned to the Authority's account. Should the contact person change, for any reason, the Authority must be notified in writing.
- Upon contract award, the successful bidder shall submit to the Authority a current copy of Certificate of Employee Information Report issued by the State of New Jersey pursuant to N.J.A.C. 17:27-1.1 et seq.

XV. PROPOSAL INFORMATION

- The Atlantic City Convention & Visitors Authority assumes no responsibility and/or liability for costs incurred by any vendor prior to the issuance of an agreement, contract, or purchase order.

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XVI. SUBMISSION OF PROPOSAL

- Proposals pricing shall be submitted on the "Proposal Pricing Form" that is issued with the specifications and should be in strict accordance with the specifications.

XVII. TERM OF CONTRACT

- One (1) year from the signing of the contract, pending Atlantic City Convention & Visitors Authority's Board of Directors approval.

XIII. CONTRACT AWARD

- Contract award will be made based upon Firm/Agency and Vendor qualifications, pricing and other factors considered.

XIX. CONTRACT TERMINATION

- The Authority may terminate the contract at any time for "cause". "Cause" shall include without limitation, breach by Contractor of the provisions of any contract entered into by Contractor and the Authority, the Contractor's failure to perform all services in the manner required under this RFP, or Contractor's otherwise unsatisfactory performance of the required services. In the event that the Authority terminates the Contractor for "cause", the Authority will do so upon ten (10) days prior written notice, or such shorter time period if, in the Authority's discretion is so required. In addition, the Authority may in its sole discretion terminate the contract without cause by giving the Contractor thirty - (30) days prior written notice.

XX. INVOICING

- Any invoicing resulting from the award of a contract for the specified services are to be forwarded to:

Atlantic City Convention & Visitors Authority
Attn: Accounts Payable
2314 Pacific Avenue
Atlantic City, NJ 08401

- Invoices must reflect the pricing quoted in the Proposal Pricing Form.
- Failure to accurately submit invoice information may result in delays in processing payments.

General Terms and Conditions

The following terms and conditions apply to all contract or purchase agreements made with the Atlantic City Convention Center & Visitors 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

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.

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.

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.

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, and the current Facility Management Company, their 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, and the current Facility Management Company, 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, New Jersey Sport and Exposition Authority, the Atlantic County Improvement Authority, and SMG, 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 & Visitors 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 so 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 & Visitors 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 & Visitors 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 ACCVA shall determine and certify the amount and sums thus claimed by the Atlantic City Convention Center & Visitors 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 seven (7) 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 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.

4.3 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.

Required Forms

Project #ACCVA 13-01

Visitor Profile Research Services

- **Proposal Pricing Form**
- **Exceptions / Subcontractors**
- **Stockholders Information**
- **Non-Collusion Affidavit**
- **Executive Order 117A**
- **Executive Order 117B**
- **EO 117 Certification and Disclosure**
- **New Jersey Business Registration**
- **Mandatory Equal Employment Opportunity Language**
- **Affirmative Action Compliance Notice**
- **Americans with Disabilities Act of 1990**

**REQUEST FOR PROPOSAL
PROJECT #ACCVA 13-01
VISITOR PROFILE RESEARCH**

PROPOSAL PRICING FORM

Lump sum price for conducting Visitor Profile Research Services as specified under the Scope of Services:

\$ _____

Signature

Title

Date

Special Notes to Bidders

Project #ACCVA 13-01

Visitor Profile Research Services

A. 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:**

Name Of Bidder: _____

Special Notes to Bidders

Project #ACCVA 13-01

Visitor Profile Research Services

B. 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:**

Name Of Bidder: _____

Stockholders Information

Name of Bidder: _____

**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.

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.

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.

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

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 & Visitors Authority, 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 & Visitors Authority, Casino Reinvestment Development Authority, any other entity with a member who is involved in the evaluation process 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.

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 & Visitors Authority under such circumstances.

Non-Collusion Affidavit
Pg 2

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 117A

IMPORTANT NOTICE

NEW "PAY-TO-PLAY" RESTRICTIONS TO TAKE EFFECT NOVEMBER 15, 2008

Governor Jon S. Corzine recently signed Executive Order No. 117, which is designed to enhance New Jersey's efforts to protect the integrity of government contractual decisions and increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

Executive Order No. 117 extends the provisions of Chapter 51 in two ways:

1. The definition of "business entity" is revised and expanded so that contributions by the following individuals also are considered contributions attributable to the business entity:

- Officers of corporations and professional services corporations, with the term "officer" being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1), with the exception of officers of non-profit entities;
- Partners of general partnerships, limited partnerships, and limited liability partnerships and members of limited liability companies (LLCs), with the term "partner" being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1); and
- Spouses, civil union partners, and resident children of officers, partners, LLC members and persons owning or controlling 10% or more of a corporation's stock are included within the new definition, except for contributions by spouses, civil union partners, or resident children to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides.

2. Reportable contributions (those over \$300.00 in the aggregate) to legislative leadership committees, municipal political party committees, and candidate committees or election funds for Lieutenant Governor are disqualifying contributions in the same manner as reportable contributions to State and county political party committees and candidate committees or election funds for Governor have been disqualifying contributions under Chapter 51.

Executive Order No. 117 applies only to contributions made on or after November 15, 2008, and to contracts executed on or after November 15, 2008.

Updated forms and materials are currently being developed and will be made available on the website as soon as they are available. In the meantime, beginning November 15, 2008, prospective vendors will be required to submit, ***in addition to the currently required Chapter 51 and Chapter 271 forms***, the attached Certification of Compliance with Executive Order No. 117.

**Certification on Behalf of A Company, Partnership or Organization and All Individuals
Whose Contributions are Attributable to the Entity
Pursuant to Executive Order No. 117 (2008)**

I hereby certify as follows:

On or after November 15, 2008, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008) has solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) **Any candidate committee and/or election fund of the Governor;**
- b) **A State political party committee;**
- c) **A legislative leadership committee;**
- d) **A county political party committee; or e) A
municipal political party committee.**

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

Name of Company, Partnership or Organization:

Signed: _____ **Title:** _____

Print Name: _____ **Date:** _____

(circle one) (A) The Company, Partnership or Organization is the vendor;

or

(B) the Company, Partnership or Organization is a Principal (more than 10% ownership or control) of the vendor, a Subsidiary controlled by the vendor, or a Political Organization (e.g., PAC) controlled by the vendor.

**Please note that if the person signing this Certification is not signing on behalf of all individuals whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008), each of those individuals will be required to submit a separate individual Certification.*

Individual Certification of Compliance with Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, I have not solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

- a) Any candidate committee and/or election fund of the Governor;**
 - b) A State political party committee;**
 - c) A legislative leadership committee;**
 - d) A county political party committee;**
- or
- e) A municipal political party committee.**

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

Signed: _____

Print Name: _____ **Date:** _____

P.L. 2005, Chapter 51, Executive Order 117B

INFORMATION AND INSTRUCTIONS

For Completing The “Two-Year Vendor Certification and Disclosure of Political Contributions” Forms

Background Information

On September 22, 2004, then-Governor James E. McGreevey issued Executive Order 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, Executive Order 134 prohibited State departments, agencies and authorities from entering into contracts exceeding \$17,500 with individuals or entities that made certain political contributions. Executive Order 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 (“Chapter 51”).

On September 24, 2008, Governor Jon S. Corzine issued Executive Order No. 117 (“E.O. 117”), which is designed to enhance New Jersey’s efforts to protect the integrity of procurement decisions and increase the public’s confidence in government. The Executive Order builds upon the provisions of Chapter 51.

Two-Year Certification Process

Upon approval by the State, the Certification and Disclosure of Political Contributions form (CH51.1R1/21/2009) is valid for a two (2) year period. Thus, if a vendor receives approval on Jan 1, 2009, the certification expiration date would be Dec 31, 2011. Any change in the vendor’s ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/EO117 forms to the State Review Unit. **Please note that it is the vendor’s responsibility to file new forms with the State should these changes occur.**

Prior to the awarding of a contract, the agency should first send an e-mail to CD134@treas.state.nj.us to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

Instructions for Completing the Forms

NOTE: Please refer to the next section, “Useful Definitions for Purposes of Ch. 51 and E.O. 117,” for guidance when completing the forms.

Part 1: VENDOR INFORMATION

Business Name – Enter the full name of the Vendor, including trade name if applicable.

Business Type -- Select the vendor’s business organization from the list provided.

Address, City, State, Zip and Phone Number -- Enter the vendor’s street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor’s primary email address.

Vendor FEIN – Please enter the vendor’s Federal Employment Identification Number.

**Part 2: PUBLIC LAW 2005, Chapter 51 / EXECUTIVE ORDER 117 (2008) DUAL
CERTIFICATION**

Read the following statements and verify that from the period beginning on or after October 15, 2004, no contributions as set forth at subsections 1(a)-(c) have been made by either the vendor or any individual whose contributions are attributable to the vendor pursuant to Executive Order 117 (2008).

NOTE: Contributions made prior to November 15, 2008 are applicable to Chapter 51 only.

Part 3: DISCLOSURE OF CONTRIBUTIONS MADE

Check the box at top of page 2 if no reportable contributions have been made by the vendor. If the vendor has no contributions to report, this box must be checked.

Name of Recipient Entity – Enter the full name of the recipient entity. **Address of Recipient Entity** – Enter the recipient entity's street address. **Date of Contribution** – Indicate the date of the contribution.

Amount of Contribution – Enter the amount of the reportable contribution. **Type of Contribution** – Select the type of contribution from the list provided. **Contributor**

Name – Enter the full name of the contributor.

Relationship of Contributor to the Vendor -- Indicate relationship of the contributor to the vendor, e.g. officer or partner of the company, spouse of officer or partner, resident child of officer or partner, parent company of the vendor, subsidiary of the vendor, etc.

NOTE: If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

Part 4: CERTIFICATION

Check box A if the person completing the certification and disclosure is doing so on behalf of the vendor and all individuals and/or entities whose contributions are attributable to the vendor.

Check box B if the person completing the certification and disclosure is doing so on behalf of the vendor only.

Check box C if the person completing the certification and disclosure is doing so on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Enter the full name of the person authorized to complete the certification and disclosure, the person's title or position, date and telephone number.

USEFUL DEFINITIONS FOR THE PURPOSES OF Ch. 51 and E.O. 117

- **“Vendor”** means the contracting entity.
- **“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. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) 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 (viii) with respect to an individual who is included within the definition of “business entity,” that individual’s spouse or civil union partner and any child residing with that person.¹
- **“Officer”** means a president, vice-president with senior management responsibility, secretary, treasurer, chief executive officer, or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.
- **“Partner”** means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.
- **“Reportable Contributions”** are those contributions, including in-kind contributions, in excess of \$300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.
- **“In-kind Contribution”** means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.
- **“Continuing Political Committee”** includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

¹ Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.

- **“Candidate Committee”** means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a), for the purpose of receiving contributions and making expenditures.
- **“State Political Party Committee”** means a committee organized pursuant to N.J.S.A. 19:5-4.
- **“County Political Party Committee”** means a committee organized pursuant to N.J.S.A. 19:5-3.
- **“Municipal Political Party Committee”** means a committee organized pursuant to N.J.S.A. 19:5-2.
- **“Legislative Leadership Committee”** means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.
- **“Political Party Committee”** means:
 1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
 2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
 3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to cd134@treas.state.nj.us or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9th Floor, Trenton, NJ 08625. Original forms should remain with the Agency and copies should be sent to the Chapter 51 Review Unit.

Questions & Answers

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or Executive Order 117 (2008) may be submitted electronically through the Division of Purchase and Property website at <http://www.state.nj.us/treasury/purchase/execorder134.htm>. Responses to previous questions are posted on the website, as well as additional reference materials and forms.

NOTE: *The Chapter 51 Q&A on the website **DOES NOT** address the expanded pay-to-play requirements imposed by Executive Order 117. The Chapter 51 Q&A are only applicable to contributions made prior to November 15, 2008. There is a separate, combined Chapter 51/E.O. 117 Q&A section dealing specifically with issues pertaining to contributions made after November 15, 2008, available at <http://www.state.nj.us/treasury/purchase/execorder134.htm#state>.*



State of New Jersey
Division of Purchase and Property
Two-Year Chapter 51 / Executive Order 117 Vendor Certification and
Disclosure of Political Contributions

For AGENCY USE ONLY	
General Information	
Solicitation, RFP or Contract No. _____	Award Amount _____
Description of Services _____	
Agency Contact Information	
Agency _____	Contact Person _____
Phone Number _____	Agency Email _____

Part 1: Vendor Information

Full Legal Business Name _____
 (Including trade name if applicable)

Business Type Corporation Limited Partnership Professional Corporation General Partnership
 Limited Liability Company Sole Proprietorship Limited Liability Partnership

Address 1 _____ Address 2 _____
 City _____ State _____ Zip _____ Phone _____
 Vendor Email _____ Vendor FEIN _____

Part 2: Public Law 2005, Chapter 51/ Executive Order 117 (2008) Certification

I hereby certify as follows:

1. On or after October 15, 2004, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order 117 (2008) has 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 vendor, pursuant to the terms of Executive Order 117 (2008).
 - a) **Within the preceding 18 months**, 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 **Lieutenant Governor**,
 - (ii) Any State, county, **municipal** political party committee; OR
 - (iii) Any **legislative leadership committee**.
 - b) **During the term of office of the current Governor(s)**, the below-named person or organization has not made a contribution to
 - (i) Any candidate, committee and/or election fund of the Governor or **Lieutenant Governor**, OR
 - (ii) Any State, county or **municipal** 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(s)**, the below-named person or organization has not made a contribution to
 - (i) Any candidate, committee and/or election fund of the Governor or **Lieutenant Governor**, OR Any State, county, **municipal** political party committee of the political party nominating the successful gubernatorial candidate(s) in the last gubernatorial election.

PLEASE NOTE: Prior to November 15, 2008, the only disqualifying contributions include those made by the vendor or a principal owning or controlling 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) to any candidate committee and/or election fund of the Governor or to any state or county political party within the preceding 18 months, during the term of office of the current Governor or within the 18 months immediately prior to the first day of the term of Office of Governor.

Part 3: Disclosure of Contributions Made

Check this box if no reportable contributions have been made by the above-named business entity or individual.

Name of Recipient _____	Address of Recipient _____
Date of Contribution _____	Amount of Contribution _____
Type of Contribution (i.e. currency, check, loan, in-kind _____)	
Contributor Name _____	
Relationship of Contributor to the Vendor _____	
Contributor Address _____	
City _____	State _____ Zip _____

If this form is not being completed electronically, please attach pages for additional contributions as necessary. Otherwise click "Add a Contribution" to enter additional contributions.

Part 4: Certification

I have read the instructions accompanying this form prior to completing this certification on behalf of the above-named business entity. 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.

I understand that this certification will be in effect for two (2) years from the date of approval, provided the ownership status does not change and/or additional contributions are not made. If there are any changes in the ownership of the entity or additional contributions are made, a new full set of documents are required to be completed and submitted. By submitting this Certification and Disclosure, the person or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.

(CHECK ONE BOX A, B or C)

- (A) I am certifying on behalf of the above-named business entity and all individuals and/or entities whose contributions are attributable to the entity pursuant to Executive Order 117 (2008).

- (B) I am certifying on behalf of the above-named business entity only.

- (C) I am certifying on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Signed Name _____ Print Name _____

Phone Number _____ Date _____

Title/Position _____

Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to cd134@treas.state.nj.us, or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9th Floor, Trenton, NJ 08625. The agency should save the forms locally and keep the original forms on file, and submit copies to the Chapter 51 Review Unit.

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.

"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."

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	<i>J.P. Tully</i> Acting Director	
FORM-BRC(08-01)	This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.	

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.**

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 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. 17:27-4;
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: _____

**American with Disabilities Act of 1990
Equal Opportunity for Individuals with Disability**

The contractor and the Atlantic City Convention & Visitors Authority (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. S121 01 et seq.*), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

Signature: _____

Date: _____

Title: _____

Checklist

Project #ACCVA 13-01

Visitor Profile Research Services

Required by owner (X)	Required Forms	Initial each required entry and if required submit the item
X	Proposal Pricing Form	
X	Special Notes To Bidders - Exceptions	
X	Special Notes To Bidders – Subcontractors	
X	Stockholder Disclosure Certification	
X	Non-Collusion Affidavit	
X	Executive Order 117 Disclosure and Certifications (A and B)	
X	Proof of New Jersey Business Registration (Certification)	
X	Mandatory Americans with Disabilities Act of 1990 Language/ Compliance	
X	Mandatory Affirmative Action Language / Compliance	

Name Of Bidder: _____