

PART I – INTRODUCTION

Bid proposals will be received from Proposers via the Internet until the time and date specified in the legal notice, at which time the bid proposals submitted will be downloaded, and publicly opened and read, in the 6th Floor COB Building, 1333 Atlantic Avenue; Atlantic City, NJ;

Late submissions will not be entertained.

PART II - GENERAL CONDITIONS

A. Instructions

All questions must be answered. All forms and required certifications, which are located at the end of the RFP, (Affirmative Action, Non-Collusion Affidavit, Receipt of Addenda, Insurance Certificate and Investment Activities in Iran Certificate) must be completed and submitted with your proposal.

Each proposal shall include a Letter of Transmittal which bears the original signature of an authorized representative of the vendor and which also includes the name of individuals authorized to negotiator with the County of Atlantic

Each proposal shall include a full explanation of the services that will be provided

Proposals shall be in sufficient detail to determine and evaluate the services provided

Proposal process are to remain firm for a period of not less than sixty (60) days to allow the County to determine the best proposal that will most economically serve the intentions of this proposal.

The Bidder must upload their bid prior to the date and hour named so that it is included in the letting download

This is the only vehicle to bid this project; paper bids will not be accepted.

Bids shall be received online only. No paper submission will be accepted

B Proposer Qualifications

The proposal must include: the company history a list of vendor credentials, and experience statement to include but not limited to any experience with similar projects.

The Proposer shall furnish to the County of Atlantic any and all such information, documentation and data for this purpose, as the County of Atlantic may request.

The County of Atlantic reserves the right to reject any proposal should the information submitted by or investigation of such vendor fails to satisfy the County of Atlantic.

Proposals must specify any deviations from the requirements.

The County reserves the right to reject any or all items covered in the proposal request, or any portion(s) thereof, waive informalities, re-advertise and/or take such other actions decreed necessary and in the best interest of the County of Atlantic.

Failure or inability to meet any of the requirements set forth in this RFP will be sufficient reason to disqualify prepares.

The County of Atlantic reserves the right not to consider any proposal that is incomplete or that does not meet the specification requirements

C. Statutory Requirements

BUSINESS REGISTRATION

Pursuant to N.J.S.A. 52:32-44, Atlantic County (The "Contracting Agency") is prohibited from entering into a contract with an entity unless the bidder/proposer/contractor, and each subcontractor that is required by law to be named in a bid/proposal/contract has a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services within the Department of the Treasury.

Prior to contract award or authorization, the contractor shall provide the Contracting Agency with its proof of business registration and that of any named subcontractor(s).

Subcontractors named in a bid or other proposal shall provide proof of business registration to the bidder, who in turn, shall provide it to the Contracting Agency prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

During the course of contract performance:

(1) the contractor shall not enter into a contract with a subcontractor unless the subcontractor first provides the contractor with a valid proof of business registration.

(2) the contractor shall maintain and submit to the Contracting Agency a list of subcontractors and their addresses that may be updated from time to time.

(3) the contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Taxation at (609)292-6400. Form NJ-REG can be filed online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

Before final payment is made under the contract, the contractor shall submit to the Contracting Agency a complete and accurate list of all subcontractors used and their addresses.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required, or that provides false business registration information, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000, for each proof of business registration not properly provided under a contract with a contracting agency.

OTHER REQUIREMENTS

All proposals must comply with the provisions mandated by applicable Federal Law and New Jersey Statutes.

Vendors that may work in the Atlantic County Harborfields Facility will be required to sign acknowledgement forms stating each worker has read the summary and is aware of and will comply with the NJ Prison Rape Elimination Act

Any provision in the RFP which may be in conflict with any New Jersey statute are amended to conform to the minimum requirement of such statute.

The County is exempt from all taxes including Federal Excise Tax, Transportation Taxes, State Excise and Sales Tax, and local taxes.

Proposal prices are to remain firm for a period of not less than sixty (60) days to allow the County to determine the lowest that shall most economically serve the intentions of this proposal.

No Proposer shall be allowed to offer more than one price on each item even though he/she may feel that he/she has two or more type or styles that will meet specifications. Bidders must determine for themselves which to offer. If said bidder should submit more than one price on any item, all prices for the item shall be rejected.

It is understood and agreed that all prices quoted are firm and not subject to any increase during the life of the contract. Should there be any reduction in successful bidder(s) prices as submitted, vendor agrees that all deliveries made on and after such date of price reduction will be invoiced on the basis of reduced prices.

The County reserves the right to reject any or all proposals covered in the RFP request, or any portion(s) thereof, waive informalities, re-advertise and/or take such other actions decreed necessary and in the best interest of the County of Atlantic.

When award of contract is made in one fiscal year with an effective date in the next fiscal year, award shall be contingent upon the availability of appropriation of sufficient funds for that purpose for the year in which said contract takes effect. When a contract shall be awarded for a period in excess of one year, said contract shall be contingent upon the annual availability and appropriation of sufficient funds for that purpose for each year of the contract.

Successful bidder(s) specifically and explicitly agrees to indemnify and save and keep harmless and defend the County of Atlantic against any and all losses, cost damage, claim expense or liability whatsoever, because of accident or injury to person or property of others occurring in connection with the operations under the contract including but not limited to employees, agents, servants, contractors and subcontractors of the successful bidder, even if the losses, cost damage, claim expense, or liability stem from negligence of the County of Atlantic.

The proposals is irrevocable by the subscriber, or his, their or its personal or legal representatives. Said proposer and award thereunder is made to the subscriber by the County of Atlantic and shall bind the subscriber, his, their or its heirs, executors, administrators, successors or assigns.

Assignment to any third party of any Moines due or to grow due the contract on any contract based on this proposal is prohibited and will not be recognized by the County.

The contractor shall not transfer or sublet any portion of the work covered by these specifications without written consent of the County of Atlantic.

The parties to any County contract resulting from this proposal do hereby agree that the provisions of N.J.S.A. 10:2-1 through 10:2-4, dealing with discrimination in employment on public contracts, and the Rules and Regulations promulgated pursuant thereunto, are hereby made a part of such contract and are binding upon them.

A written request for the withdrawal of the proposal, or any party thereof, will be granted if the request is received by the County Purchasing Agent prior to the specified time of the proposal opening.

Safety: The Contractor hereby covenants and agrees to take, use provide and make all proper, necessary and sufficient precautions, safeguards and protections against the occurrence of happenings, accidents, injuries, damages or hurt to any person or property during the progress of the work herein covered, and be responsible for any indemnity and save harmless the County of Atlantic, its officers, agent, servants and employees from payment of all sums of money by reason of all or any such happenings, accidents, injuries, damages, hurt to person or property that may happen or occur upon or about such work, and all fines, penalties and loss incurred for or by reason of violations or any Federal, State, City or Borough ordinance or regulations while said work is in progress.

Successful proposer will be required to comply with all applicable provisions of the N.J. Public Employees Occupational Safety and Health Act, (N.J.A.C. 34:6A-25), when providing any materials, supplies or services as part of this contract.

Oral Instructions Neither the County of Atlantic or their authorized representatives will be responsible in any way for oral answers unconfirmed in writing to any inquiries regarding the intent or meaning of these specifications

To Request a reasonable accommodation of a disability, contact the ADA coordinator at: 343-2389 (phone); 348-5551 (TTD); 345-4295 (FAX) at least five (5) business days prior to the event.

MULTIPLE PROPOSALS NOT ALLOWED: No proposer shall be allowed to submit more than one proposal from an individual, firm, partnership, corporation or association under the same or different name, this will be cause for automatic rejection of your proposal.

The County of Atlantic shall award all contracts to the most advantageous proposal, price and other factors considered, in accordance with the evaluation methodology established in this proposal. Failure or inability to meet any of the requirements set forth in this proposal will be sufficient reason to disqualify proposer as non responsive.

D. Terms.

PROJECT SPECIFIC

E. Cancellation

Proposals are subject to:

1. Right of the County of Atlantic to cancel the contract upon ninety (90) days written notice to the firm.

2. The County of Atlantic reserves the right to reject any and all proposals and any part thereof and to waive any informalities, formalities, irregularities and errors in the proposals.

F. Questions

Please submit all questions in writing on the bid express portal

Responses will be forwarded to all firms who have picked up RFP packages.

No firm intending to submit a proposal, nor any employee of any firm intending to submit a proposal shall contact any County employee for any reason either directly or indirectly related to this Request for Proposal. Any firm found violating this policy will be automatically disqualified from submitting a proposal.

G. Contract

The firm will be required to sign the standard County Contract, a copy of which is included. If the firm desires to make any modifications to the County's contract language, or has another contract form that he/she desires the County to sign, in lieu of or in addition to the County Contract form, a sample copy of the firm's proposed language modifications or contract form must be submitted with the proposal, or it shall be assumed that the contract documents will consist exclusively of the County's form contract. Modifications or additions to the County's form contract will not be entertained after contract award. The County will not agree to sign a contract which includes a provision for dispute resolution by arbitration.

H. Insurance

Firm must supply with their proposals proof of insurance as detailed in Insurance Requirements. An insurance certificate must be submitted prior to contract execution.

I. The Atlantic County Recycling Program and Solid Waste Management Plan.

The Contractor shall be required to comply with the requirements of the Atlantic County Solid Waste Management Plan and Recycling Plan, adopted in accordance with N.J.S.A. 13:1E- 1, et seq., and Atlantic County Ordinances #10 of 2009 and #9 of 2014. The said plans and ordinances specify requirements concerning disposal of solid wastes, along with materials that are identified as either mandatory recyclables or recommended to be recycled.

J. Affirmative Action Shall

The Contractor shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

Each successful contractor is required to submit one of the following documents

PRIOR TO EXECUTION OF A CONTRACT:

1. A copy of the contractor's Letter of Federal Approval indicating the contractor has an existing Federally approved affirmative action program , or
2. A copy of the contractor's Certificate of Employee Information Report, or
3. Contractor's initial Affirmative Action Employee Information Report (Form AA 302)

K. Ethical Standards; Truth In Contracting Laws:

A Bidders should be aware of the following statutes that represent "Truth in Contracting" laws:

1. N.J.S.A. 2C:21-34 et seq., governs false claims and representations by bidders. It is a serious crime for the bidder to knowingly submit a false claim and/or knowingly make material misrepresentation.
2. N.J.S.A. 2C:27-10 provides that a public servant commits a crime if said public servant solicits or receives a benefit directly or indirectly, for an official act performed or to be performed by a public servant, which is a violation of official duty.
3. N.J.S.A. 2C:27-11 provides that a bidder commits a crime if said person, directly or indirectly, confers or agrees to confer any benefit not allowed by law to a public servant.
4. Bidder should consult the statutes or legal counsel for further information.

B. In addition to and without limitation upon any other law, rule or standards related to ethics in public bidding and contracting, take note that County employees are prohibited by policy from accepting gifts from vendors. Consequently, all bidders should be aware and should make all employees and representatives aware that they may not offer any item or material, irrespective of the perceived value of the item or material, to any County employee. Items and materials that have been or are intended to be discarded by the bidder shall not be offered or given to a County employee. Bidders must immediately report to the County Purchasing Agent any County employee who approaches the bidder, the bidder's employees or representatives and solicits, requests or suggests in any way that the bidder provide something as a gift to a County employee.

L. Attachments.

The firm must include all of the following with their proposal:

1. Proposal Pricing Form
2. A Copy of the NJ Business Registration Certificate
3. Investment Activities in Iran Certificate
4. Certification of Non-Involvement in Prohibited Activities in Russia or Belarus
5. Affirmative Action requirement
6. Non-Collusion Affidavit must be notarized

7. Receipt of Addenda
8. Proof of Insurance

M. Reservations

The County of Atlantic reserves the right to reject any and all proposals, and any part thereof, and to waive any formalities, informalities, irregularities and errors in proposals.

A written request for the withdrawal of a proposal, or any party thereof, will be granted if the request is received by the County Purchasing Agent prior to the specified time of the proposal opening.

N. Interview

The County reserves the right to interview firms, request clarification of proposals, request additional information, request modification of proposals and negotiate contract terms with the successful contractor.

Firms may be asked to explain and/or clarify their proposal to a selection committee.

O. Investment Activities in Iran

Pursuant to N.J.S.A. 52, 32-55, et seq., any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete a certification with their bid, in the form provided, to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division of Purchase and Property's website at www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf

P. Certification of Non-Involvement in Prohibited Activities in Russia or Belarus

Pursuant to N.J.S.A. 52:32-60.1 requires the Department of the Treasury (Treasury) to establish a list of persons and entities engaging in prohibited activities in Russia or Belarus. The law prohibits the State from (1) entering into or renewing contracts; (2) approving or renewing Public Works Contractor Registrations; (3) approving economic development subsidies; (4) providing tax clearance certificates; and (5) certifying urban renewal entities for the purposes of the "Long Term Tax Exemption Law" with a person or entity identified on the list.

<https://www.nj.gov/treasury/administration/pdf/NoticeRussia.pdf>