

REQUEST FOR QUALIFICATIONS FOR SPECIAL LEGAL COUNSEL FOR

BOND COUNSEL

Date Issued: May 18, 2026
Question and Answer Cut-Off Date: June 5, 2026
Proposal Due Date: June 18, 2026



“Protecting Public Health and the Environment”

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Executive Director

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General Counsel

Passaic Valley Sewerage Commission
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1.0 PURPOSE AND INTENT

The Passaic Valley Sewerage Commission (“PVSC”) issues this Request for Qualifications (“RFQ”) intending to select Special Legal Counsel for the Scope of Services as described in Section 2.0. PVSC seeks attorneys or law firms¹ with five or more years of experience in the stated practice area.

2.0 SCOPE OF SERVICES

When deemed necessary by PVSC, Bond Counsel will provide all necessary legal services with respect to public financing, including but not limited to:

1. Providing objective legal opinions with respect to the authorization and issuance of debt obligations and whether interest paid is tax-exempt under applicable federal and/or state laws and regulations;
2. Preparing authorizing documents and other necessary documents with respect to the issuance of bonds, including closing documents and transcripts;
3. Reviewing use of proceeds to ensure compliance with applicable federal and/or state laws and regulations;
4. Preparing all documents and materials necessary to comply with all applicable “continuing disclosure” requirements for transactions;
5. Participating, if requested, in activities associated with rating agency and/or bond insurer reviews; and
6. Offering continuing legal advice, as needed, on issues related to the sale of bonds, any issues that arise post-sale, the trustee administration of obligations, and any actions necessary to ensure that interest will continue to be tax-exempt.

¹ Any attorney in good standing and licensed to practice law in the State of New Jersey is eligible to submit a proposal in response to this RFQ.

3.0 TERM

The term of the Special Legal Counsel designation made pursuant to this RFQ will be for a two-year period for the referral of new matters, and for a sufficient period to complete all assigned cases. The estimated service period is September 1, 2026, through August 31, 2028.

4.0 SPECIAL LEGAL COUNSEL GUIDELINES

Counsel designated as Special Legal Counsel and retained on any specific matter shall be required to comply with the Special Legal Counsel Guidelines (the “Guidelines”) available for review at PVSC’s website (<http://nj.gov/pvsc>), under the “About Us” tab, or at the PVSC Legal Department. The Guidelines may be updated from time to time. Such updates will be available at the same website. By submitting a proposal, the bidder agrees that if and whenever it is retained, it shall abide by the Guidelines as written, as well as with any updates that may be made during the term of the designation.

4.1 CONFLICT OF INTEREST

Section III of the Guidelines requires that Special Legal Counsel be free of any conflict of interest. Firms designated as Special Legal Counsel have a continuing obligation to disclose to PVSC any actual or potential conflicts that may arise during the term of designation. Additionally, retained Special Legal Counsel shall not disclose any confidential information learned or received during the retention period, either during the retention or at any time after the retention has concluded.

4.2 COSTS

Special Legal Counsel shall have resources sufficient to advance all costs, including the costs of any necessary experts. Billing for costs shall be done in accordance with the Guidelines.

5.0 RFQ PROCESS

5.1 SUBMISSION

A sealed original and three sealed copies of the proposal, including the cover sheet provided in Attachment A, and all forms and certifications required in Attachments B through I, must be marked “Special Legal Counsel RFQ for Bond Counsel” and delivered no later than 11:00 a.m. on the proposal due date appearing on the cover of this RFQ to:

MICHAEL D. WITT
GENERAL COUNSEL
LEGAL DEPARTMENT
PASSAIC VALLEY SEWERAGE COMMISSION
600 WILSON AVENUE
NEWARK, NJ 07105

Proposals may not be delivered by facsimile or e-mail.

5.2 RFQ QUESTION AND ANSWER PERIOD

PVSC will accept questions pertaining to this RFQ from all potential bidders electronically. Questions shall be directed to Michael D. Witt, at the following email address: “mwitt@pvsc.com.”

Please note that the subject line of your email must specifically be marked: “Question about Special Legal Counsel RFQ for Bond Counsel.” Questions will be accepted until 5:00 p.m. on the date for question and answer cut-off appearing on the cover of this RFQ. Answers to all questions received will be published solely as addenda posted on PVSC’s website.

5.3 ADDENDA TO THE RFQ

In the event that it becomes necessary to clarify or revise this RFQ, such clarification or revision will be by addenda. Any addenda to this RFQ will become part of this RFQ and part of any designation of a firm as Special Legal Counsel as a result of this RFQ. The due date for proposals may be changed by an addendum.

Any addenda will be published solely on PVSC’s website: “<http://nj.gov/pvsc>.”

No addenda will be mailed to any bidder, even if the bidder received the RFQ by mail for any reason.

5.4 SOLE RESPONSIBILITY OF BIDDER TO MONITOR FOR ADDENDA

It is the sole responsibility of the bidder to remain apprised of the existence of any addenda to this RFQ. Any addenda will be published solely on PVSC's website.

5.5 PUBLIC RECORDS

Documents and information submitted in response to this RFQ shall be made available to the general public as required by applicable law.

5.6 PVSC NOT RESPONSIBLE FOR COSTS

PVSC shall not be responsible for any expenses in the preparation and/or presentation of the proposals and oral interviews, if any, or for the disclosure of any information or material received in connection with the solicitation, whether by negligence or otherwise.

6.0 REQUIRED COMPONENTS OF PROPOSAL IN RESPONSE TO THIS RFQ

Proposals submitted in response to this RFQ must respond to each of the following requests in the order indicated. Please do not place each response on a separate piece of paper. Please provide the information requested below for all attorneys who may perform any of the requested services.

6.1 COVER SHEET

Complete the cover sheet attached as Attachment A with the name and address of the responding firm, other contact information with respect to the firm's proposal, and the number of attorneys in the firm. The number of attorneys in the firm shall be used to develop lists of large and small firms to be designated as Special Legal Counsel in order to facilitate the appropriate handling of matters for PVSC (see Section 6.2(D)).

6.2 FIRM PROFILE

- A. Indicate the date your firm was established.
- B. Describe your firm's specialty and/or area(s) of expertise.
- C. Identify the number of employees in the firm in the following categories:
licensed attorneys; legal support staff; and other support staff.
- D. Indicate whether your firm is a large firm or a small firm. For purposes of this RFQ, a "small firm" is one that has fewer than twenty (20) full- or part-time attorneys and a "large firm" is one that has twenty (20) or more full- or part-time attorneys.
- E. Provide a description of your firm's presence in New Jersey. Note the location of each office and the number of partners and associates resident in each office.
- F. Identify any State agencies or departments represented by your firm during the last five (5) years. For each matter, provide the name of the State agency or department and a description of the matter.
- G. Identify any State agencies or departments before or against which your firm has regularly appeared on behalf of other clients.
- H. Identify any governmental entities, agencies, or political subdivisions that your firm represents or has represented. Include the time period during which your firm represented each such governmental entity, agency or political subdivision and the nature of the work performed.
- I. Provide a representative listing of your firm's major private and public sector clients.

6.3 QUALIFICATIONS AND EXPERIENCE IN AREA OF LAW

A. Identify and give the office location of each attorney who practices in the area of law relevant to this RFQ.

B. Indicate the percentage of your firm's practice that is in the stated practice area.

C. List all attorneys in your firm that have at least five (5) years of experience in the stated practice area.

D. State the qualifications and experience of the particular attorneys proposed to staff the work. For each attorney that would be involved in handling the work as Special Legal Counsel pursuant to this RFQ, provide detailed information including information as to the areas listed below:

1. Education, including advanced degrees;
2. Years and jurisdictions of admission to practice;
3. Number of years engaged in practice in the area of law relevant to this RFQ;
4. General legal or other relevant work experience, including an indication of whether the attorney has tried any cases and, if so, approximately how many;
5. Any professional distinctions in litigation (e.g., trial certification, teaching experience, etc.);
6. Area(s) of specialization; and
7. Office location of the attorney.

Note: You may also attach a resume for each attorney.

E. As to the members of your firm who would be involved in handling the work as Special Legal Counsel, describe the role each would play and the approximate percentage

of the work that each would perform. Percentages for junior lawyers may be listed separately or in the aggregate.

F. Describe your firm's approach, manpower, and technical resources to handle document intensive matters, including handling electronically stored information. Indicate whether your firm uses a vendor for any aspect of these approaches and, if so, under what circumstances and to what extent.

6.4 OTHER QUALIFICATION INFORMATION

A. Identify all adverse determinations against your firm or any of its partners, associates or employees or persons acting on its behalf, with respect to actions, proceedings, claims or complaints of any kind under any local, state or federal laws, regulations, court rules, or Rules of Professional Conduct.

B. Identify and describe in detail any indictments, convictions or civil offenses arising directly or indirectly from the conduct of business by your firm or any of its partners, associates, employees, or agents.

C. Identify any material arrangements, relationships, associations, employment or other contacts that may cause a conflict of interest or the appearance of a conflict of interest if your firm is retained as Special Legal Counsel.

D. Identify your firm's malpractice insurer and describe the policy limits.

E. Confirm that your firm covers litigation costs, any bonds required by a court, and any potential liability under Fed.R.Civ.P. 11.

F. Confirm that your firm agrees to abide by the Special Legal Counsel Guidelines' billing procedures.

G. Submit the following forms: (1) a Certification of Insurance; (2) a Conflict of Interest Certification; (3) a Chapter 51/Executive Order 117 Certification; (4) a Statement of

Ownership; (5) either a Letter of Federal Affirmative Action Plan Approval, a Certificate of Employee Information Report, or an Employee Information Report Form AA302; (6) Proof of New Jersey Business Registration; (7) Disclosure of Investment Activities in Iran; and (8) Certification of Non-Involvement in Prohibited Activities in Russia or Belarus. These forms are attached to this RFQ as attachments B through I.

7.0 FEES

Fees for the term of this Special Legal Counsel designation and any retention as a result of the designation shall be:

Partners/Associates: \$225 per hour

Paralegals/Law Assistants: \$90 per hour

A firm retained by PVSC as Bond Counsel with respect to a particular transaction shall provide PVSC with a fee cap at the outset of the firm's retention for the transaction. Any deviation from the fee cap will be considered only as the result of unforeseeable substantial changes in the structure or circumstances of the transaction, as agreed upon by PVSC.

8.0 ADDITIONAL TERMS

8.1 ADDITIONAL REQUIREMENTS FOR ALL PVSC AGREEMENTS – ATTACHMENTS B THROUGH I

The Additional Requirements set forth in Attachments B through I are material terms of any Retention Agreement resulting from this RFQ. Your proposal must include all of the forms and/or certifications required by Attachments B through I. Note, however, that a firm selected as Special Legal Counsel shall have to submit updated certifications or forms if it also is retained for a specific matter, when required by law.

8.2 NO ENDORSEMENT

Designation as Special Legal Counsel does not constitute an endorsement by PVSC. A firm designated as Special Legal Counsel may not promote or advertise its designation without the express written permission of PVSC.

8.3 EFFECT OF SUBMITTING A PROPOSAL

Submission of a proposal in response to this RFQ will not bind or otherwise obligate PVSC to include the responding firm on the list of Special Legal Counsel.

8.4 EFFECT OF INCLUSION ON LIST

Inclusion of a firm on the list of designated Special Legal Counsel will not bind or otherwise obligate PVSC to retain the listed firm for legal services. Inclusion on the list of designated Special Legal Counsel will not guarantee any other form of employment or engagement.

9.0 SELECTION PROCESS

9.1 PROPOSAL RESPONSIVENESS

All proposals will be reviewed to determine responsiveness. PVSC may reject non-responsive proposals without evaluation, but may waive minor non-compliance.

9.2 EVALUATION OF PROPOSALS

An evaluation committee, with a minimum of three members, will evaluate responsive proposals using the following evaluation criteria categories, separate or combined in some manner, and not necessarily listed in order of significance:

1. The background, qualifications, skills and experience of the attorneys including any past experience with PVSC;

2. The firm's degree of expertise concerning the practice area at issue, including any past experience with PVSC; and

3. Resources of the firm.

9.3 RANKING AND RECOMMENDATION OF PROPOSALS

The evaluation committee will rank proposals based on the criteria delineated in Section 9.2, and will recommend the firms whose proposals it finds to be most advantageous to PVSC for designation as Special Legal Counsel.

9.4 OPTIONAL INTERVIEWS AND/OR ORAL PRESENTATIONS

PVSC reserves the right to require interviews and/or oral presentations from any of the most qualified firms that submit proposals prior to making a final determination.

9.5 DESIGNATION AND APPROVAL

All recommendations will be submitted to PVSC's Commissioners for their determination, in their discretion, as to which firms, if any, shall be designated as Special Legal Counsel.

9.6 NOTIFICATION

PVSC shall notify in writing any firm that is selected of its selection as Special Legal Counsel and the firms designated as Special Legal Counsel shall be posted on PVSC's website at "<http://nj.gov/pvsc>."

9.7 RESERVED RIGHTS

PVSC reserves the right to reject any and all proposals received in response to this RFQ when determined to be in PVSC's best interests to do so. PVSC further reserves the right to waive minor noncompliance in any proposal. PVSC further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all firms submitting proposals in response to this RFQ. In the event that all proposals are rejected or if PVSC, at any

time, deems the number of qualified firms receiving designations as the result of this RFQ to be insufficient to meet the potential needs of PVSC, PVSC reserves the right to re-solicit proposals.

10.0 SPECIAL LEGAL COUNSEL DESIGNATIONS AND RETAINER AGREEMENTS

10.1 SPECIAL LEGAL COUNSEL DESIGNATION

A firm selected pursuant to this RFQ for designation as Special Legal Counsel will be the subject of a Special Legal Counsel designation. A firm may not represent PVSC unless it is given a Special Legal Counsel designation. A Special Legal Counsel designation, however, is not a retention for a specific matter and does not entitle a firm to be retained for any matter. The terms and conditions set forth in this RFQ shall be the terms and conditions of the Special Legal Counsel designation.

10.2 RETENTION LETTER

A firm may not represent PVSC unless it also executes a retention letter for a specific matter or class of matters. A firm selected as Special Legal Counsel and placed on a list may, from time to time, be contacted by PVSC for retention on a specific matter. At that time, if the firm agrees to the retention, the firm may be required to submit updated certifications, as required by Attachment F, and will receive a retention letter to countersign. The terms and conditions set forth in this RFQ shall be included in the additional terms and conditions in the Retainer Letter.

10.3 PVSC'S RIGHT TO TERMINATE A SPECIAL LEGAL COUNSEL DESIGNATION

PVSC shall have the right to terminate a Special Legal Counsel designation at any time, with or without cause, by giving Special Legal Counsel written notice of termination.

11.0 ATTACHMENTS

Attachments to this RFQ are:

Attachment A – Cover Sheet

Attachment B – Certification of Insurance

Attachment C – Conflict of Interest Certification

Attachment D – Chapter 51/Executive Order 117 Certification

Attachment E – Statement of Ownership

Attachment F – Mandatory Affirmative Action Language

Attachment G – Proof of New Jersey Business Registration

Attachment H – Disclosure of Investment Activity in Iran

Attachment I – Certification of Non-Involvement in Prohibited Activities in Russia
or Belarus

ATTACHMENT A



“Protecting Public Health and the Environment”

**COVER SHEET, AGREEMENT AND CERTIFICATION FOR PASSAIC VALLEY
SEWERAGE COMMISSION FOR SPECIAL COUNSEL DESIGNATION**

Name and Issue Date of Special Legal Counsel RFQ to Which You Are Responding:

Firm Name: _____

Firm Address: _____

Number of Attorneys in the Firm: _____

Attorney to Contact for This Proposal: _____

Telephone Number of Contact for This Proposal: _____

Email Address of Contact for This Proposal: _____

AGREEMENT AND CERTIFICATION

By submitting this proposal, I agree, on behalf of my firm, that my firm will abide by the Special Legal Counsel Guidelines available at <http://nj.gov/pvsc> and with any updates thereto during the term of a Special Legal Counsel designation in the event that my firm is retained by Passaic Valley Sewerage Commission. By submitting this proposal, I understand that in the event that my firm is selected and receives a Special Legal Counsel designation, the Special Legal Counsel designation is not a guarantee that my firm will be retained for any matter. By submitting this proposal, I agree that in the event that my firm receives a Special Legal Counsel designation and is retained, my firm shall bill at the agreed upon rates, and that the rates shall not increase during the term of the Special Legal Counsel designation.

I have reviewed the information in this proposal and it is true and accurate to the best of my knowledge. By submitting this proposal, I certify that I have the authority to bind my firm to the Proposal submitted and to any retention my firm may receive as a result.

Signature of Contact Attorney

Date

ATTACHMENT B

ATTACHMENT C

ATTACHMENT D

REQUIREMENTS OF CHAPTER 51 AND EXECUTIVE ORDER 117

1. **Requirements.** In order to safeguard the integrity of New Jersey 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, Public Law 2005, c. 51 (“Chapter 51”) requires the submission of the attached Certification and Disclosure Form. The terms and conditions set forth in this Section are material terms of an Agreement with PVSC.

2. **Definitions.** For the purpose of this Section, the following shall be defined as follows:

a) **Contribution** – means a contribution reportable by the recipient under “The New Jersey Campaign Contributions and Expenditures Reporting Act.” P.L. 1973, c. 83 (N.J.S.A. 19:44A-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. As of January 1, 2005, contributions in excess of \$300 during a reporting period are deemed “reportable” under these laws for all contracts awarded in excess of \$17,500.00 after October 15, 2004.

b) **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. Section 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.

Pursuant to Chapter 51, all business entities which have been awarded a State contract 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 to PVSC using the standard certification and disclosure form, which may be downloaded from the Division of Purchase and Property’s website.

Questions regarding Chapter 51, including whether all “principals” of the proposer have submitted the necessary forms, should be directed to the Department of the Treasury, Division of Purchase and Property, <http://www.state.nj.us/treasury/purchase/execorder134.htm>.

ATTACHMENT E

STATEMENT OF OWNERSHIP - NOTICE FOR CORPORATIONS AND PARTNERSHIPS

Chapter 33 of the Public Laws of 1977 (N.J.S.A. 52:25-24.2, et seq.) provides that no Corporation or Partnership shall be awarded any State, County, Municipal or School District contracts for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the proposal, or accompanying the proposal of said corporation or partnership, a statement is submitted. The statement shall set forth the names and home addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock of any class or all individual partners in the partnership who own 10% or greater interest therein. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of the corporation stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed. See below:

STOCKHOLDER OR PARTNERSHIP DISCLOSURE STATEMENT

(Check One)

Sole Proprietorship **Partnership** **Corporation**

Joint Venture **Other (Specify)** _____

Please check the appropriate paragraph:

- () I certify that the list below contains the names and home addresses of all individuals holding 10% or more ownership of the undersigned law firm.

- () I certify that no one individual owns 10% or more of the undersigned law firm.

Name of Law Firm

Signature of Responsible Partner

Print Name

This Statement Must Be Signed By A Duly Authorized Representative Of The Responding Law Firm

STOCKHOLDERS HOLDING 10% OR MORE OF THE CORPORATION STOCK

Name:
Home Address:
Percentage of Ownership:

Name:
Home Address:
Percentage of Ownership:

Name:
Home Address:
Percentage of Ownership:

Name:
Home Address:
Percentage of Ownership:

Name:
Home Address:
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Home Address:
Percentage of Ownership:

Name:
Home Address:
Percentage of Ownership:

ATTACHMENT F

MANDATORY AFFIRMATIVE ACTION LANGUAGE
PROCUREMENT, PROFESSIONAL AND SERVICES 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 take affirmative action to ensure that such applicants are recruited and employed, 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 action 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 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, 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 Purchase and Property, CCAU, EEO Monitoring Program 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 Purchase and Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

ATTACHMENT G

PROOF OF NEW JERSEY BUSINESS REGISTRATION

N.J.S.A. 52:32-44 requires that each proposer submit proof of New Jersey Business Registration with the proposal.

All business organizations that do business with a public contracting agency are required to be registered with the State of New Jersey, Department of Treasury, Division of Revenue, and provide proof of that registration to the contracting agency at the time any submission is received. "Business Organization" means an individual, partnership, association, joint stock company, trust, corporation or other legal business entity or successor thereof.

FAILURE TO PROVIDE PROOF OF REGISTRATION WITH THE PROPOSAL IS CONSIDERED A FATAL DEFECT AND CANNOT BE CURED.

Proof of registration shall be a copy of the proposer's New Jersey Business Registration Certificate (BRC). A BRC may be obtained from the New Jersey Division of Revenue. Additional information is available at the following website:

www.nj.gov/treasury/revenue/busregcert.htm

N.J.S.A. 52:32-44 imposes the following requirements on all contractors and subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

- (1) The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- (2) Prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used;
- (3) During the term of this contract, the contractor and its affiliates must collect and remit to the Director, New Jersey Division of Taxation, 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 this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.

ATTACHMENT H

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

RFP/BID:

Bidder/Offeror: _____

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with the Passaic Valley Sewerage Commission must complete the certification below to attest, under penalty of perjury, that the person or entity's, subsidiaries, or affiliates is not identified on a list created and maintained by the N.J. Department of the Treasury as a person or entity engaging in investment activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List") The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>

Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive.

If PVSC finds a person or entity to be in violation of the principles which are the subject of this law, it shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the person or entity.

PLEASE CHECK THE APPROPRIATE BOX:

- I certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.
- I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates *is* listed on the New Jersey Department of Treasury Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as nonresponsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

Name: _____	Relationship to Bidder/Offeror: _____
Description of Activities: _____ _____	
Duration of Engagement: _____	Anticipated Cessation Date: _____
Proposer Contact Name: _____	Contact Phone Number: _____

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 attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is 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 State to notify the State in writing of any changes to the answers of 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 State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print) _____ Signature _____

Title _____ Date: _____

ATTACHMENT I



**CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES
IN RUSSIA OR BELARUS PURSUANT TO P.L.2022, c.3**

CONTRACT / BID SOLICITATION TITLE _____

CONTRACT / BID SOLICITATION No. _____

CHECK THE APPROPRIATE BOX

I, the undersigned, am authorized by the person or entity seeking to enter into or renew the contract identified above, to certify that the Vendor/Bidder is not engaged in prohibited activities in Russia or Belarus as such term is defined in [P.L.2022, c.3](#),¹ section 1.e, except as permitted by federal law.

I understand that if this statement is willfully false, I may be subject to penalty, as set forth in P.L.2022, c.3, section 1.d.

OR

I, the undersigned am unable to certify above because the person or entity seeking to enter into or renew the contract identified above, or one of its parents, subsidiaries, or affiliates may have engaged in prohibited activities in Russia or Belarus. A detailed, accurate and precise description of the activities is provided below.

Failure to provide such description will result in the Quote being rendered as non-responsive, and the Department/Division will not be permitted to contract with such person or entity, and if a Quote is accepted or contract is entered into without delivery of the certification, appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Description of Prohibited Activity

Attach Additional Sheets If Necessary.

If you certify that the bidder is engaged in activities prohibited by P.L. 2022, c. 3, the bidder shall have 90 days to cease engaging in any prohibited activities and on or before the 90th day after this certification, shall provide an updated certification. If the bidder does not provide the updated certification or at that time cannot certify on behalf of the entity that it is not engaged in prohibited activities, the State shall not award the business entity any contracts, renew any contracts, and shall be required to terminate any contract(s) the business entity holds with the State that were issued on or after the effective date of P.L. 2022, c. 3.

Signature of Authorized Representative

Date

Print Name and Title of Authorized Representative

Vendor Name

¹ Engaged in prohibited activities in Russia or Belarus” means (1) companies in which the Government of Russia or Belarus has any direct equity share; (2) having any business operations commencing after the effective date of this act that involve contracts with or the provision of goods or services to the Government of Russia or Belarus; (3) being headquartered in Russia or having its principal place of business in Russia or Belarus, or (4) supporting, assisting or facilitating the Government of Russia or Belarus in their campaigns to invade the sovereign country of Ukraine, either through in-kind support or for profit.