TOWNSHIP OF WEST CALDWELL

REQUEST FOR PROPOSALS
PROFESSIONAL SERVICES

ZONING BOARD OF ADJUSTMENT ATTORNEY

The Governing Body and the Zoning Board of Adjustment of the Township of West Caldwell, through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq., is soliciting proposals from qualified attorneys for the appointment and position of Zoning Board of Adjustment Attorney for the calendar year 2027.

Submission Deadline: Tuesday, December 1, 2026 at 10:00 a.m.

Number of Qualification Statements to be sent: **One (1) original, hard copy (clearly marked as "original") and one (1) complete copy in an electronic format (CD/DVD/USB).**

Address all Qualification Statements to:

Nikole H. Baltycki, Township Administrator
Township of West Caldwell
30 Clinton Road
West Caldwell, New Jersey 07006

Proposals must be returned in a sealed envelope bearing the name and address of the proposer written on the face of the envelope and clearing marked "RFP for Zoning Board of Adjustment Attorney. Attn: Nikole H. Baltycki."

Proposals may be hand delivered or mailed. In the case of mailed qualifications, the Township assumes no responsibility for Proposals received after the above-stated designated date and time. Proposals received after the designated date and time for receipt will not be accepted and will be returned unopened. Proposals will not be accepted by facsimile or e-mail.

Each Proposal and all required forms must be signed by a person authorized to do so. Proposals must cover all information requested in this RFP. Responses which in the judgment of the Township fail to meet the requirements of the RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected. All communications concerning this RFP or the RFP process shall be directed, in writing, to Administrator Baltycki. The Administrator's decision shall be final and conclusive.

During the period provided for the preparation of responses to this RFP, the Township may issue addenda or answers to written inquiries. Addenda will be noticed by the Township and will constitute part of the RFP. All responses shall be prepared with full consideration of any addenda issued. Proposer must complete and submit the Acknowledgement of Receipt of Addenda Form attached at Exhibit A.

The Township shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.

This RFP is not intended to be an offer, order or contract and should not be recognized as such, nor shall any obligation or liability be imposed on the Township by issuance of this RFP.

The Township, in its sole discretion, reserves the right to reject any or all qualifications and to waive any and all irregularities as is in the best interest of the Township. A final award shall be made by Resolution adopted by a majority of the Zoning Board of Adjustment based upon the proposal made to the Township that has been determined to be **the most advantageous to the Township, all factors considered.** The Zoning Board of Adjustment reserves the right to negotiate the terms and conditions with any qualified proposer before making its determination and appointment.

1. **Appointment of Attorney.** The Zoning Board of Adjustment Attorney shall be appointed by the Zoning Board of Adjustment as provided in N.J.S.A. 40A:55-71 and Section 18A-7.1 of the Revised General Ordinances of the Township of West Caldwell for calendar year 2027. The term of contract for Zoning Board of Adjustment Attorney shall be a term of one (1) year. The Zoning Board of Adjustment Attorney shall be appointed in a manner consistent with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

The hourly rate for all legal services for calendar year 2027 shall be $200 (two hundred dollars) per hour. The hourly rate for law students and graduates awaiting admission shall be $150 (one hundred and fifty dollars) per hour. The hourly rate for paralegal and related support staff shall be $125 (one hundred twenty-five dollars) per hour. No additional compensation will be paid for secretarial or clerical staff or overhead costs.

The above-listed rates shall apply for all legal service, whether approved by the Zoning Board of Adjustment or required by the Applicant and paid by escrow.

The Zoning Board of Adjustment Attorney will be paid a fixed rate of $1,000 per meeting for each regularly scheduled meeting regardless of meeting length. The rate for any special meetings, whether approved by the Zoning Board of Adjustment or required by Applicant and paid by escrow, will also be $1,000 per meeting regardless of meeting length. No allowance will be made for travel time to and from meetings at the municipal building.

2. **Duties and Responsibilities.** The Zoning Board of Adjustment Attorney shall perform such duties as are prescribed by general law and local ordinance. In addition, subject to the approval of the Zoning Board of Adjustment, the Board of Adjustment Attorney shall:

a. Attend all meetings of the Zoning Board of Adjustment and provide legal work and representation of the Zoning Board of Adjustment at same.
b. Perform all legal work required by the Zoning Board of Adjustment as well as any additional duties as required.

c. Work with the Board Chairperson and Board Secretary to review all development applications and/or applications for relief submitted to the Board of Adjustment.

d. Prepare all resolutions as directed by the Zoning Board of Adjustment and prepare opinions and ruling on questions of law that may arise at Zoning Board of Adjustment meetings.

e. Coordinate all efforts with the appropriate official of the administration to effectuate the intent and objectives of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.), the Master Plan and the Land Use Code of the Township of West Caldwell.

f. Work closely with the Township Attorney as necessary to represent the Township in any litigation and conduct trials, appeals, and other proceedings based upon any decisions rendered by the Board of Adjustment.

g. Maintain all legal papers, documents, memoranda, reports and other records relating to the legal duties of the Board of Adjustment. Upon termination of services with the Zoning Board of Adjustment, the Attorney shall forthwith surrender to the Zoning Board of Adjustment all such property and shall furnish written consent to substitution of his/her successor in any pending actions or proceedings.

h. Provide general advice as directed by the Zoning Board of Adjustment.

3. Minimum Qualifications. A proposer for the position of Zoning Board of Adjustment Attorney must meet the following minimum qualifications:

a. Must be an attorney in good standing licensed to practice law in the State of New Jersey for ten years.

b. Must have five (5) years experience in practicing land use law.

c. Must be a partner in a qualified New Jersey law firm.

d. Must have prior experience working with public sector clients and specifically representing municipal clients in land use matters.

e. Must be responsive to telephone calls and inquiries.

f. Must be able to handle diverse issues and matters.

4. Special Counsel. Whenever it is deemed to be in the best interests of the Zoning Board of Adjustment, the Zoning Board of Adjustment may appoint on their own motion a special counsel or law firm within the limits of available appropriations to assist in the representation of the Zoning Board of Adjustment in connection with any issue or capacity. Such appointment is subject to approval of a majority of the Zoning Board of Adjustment.

5. Contract Required. The successful proposer shall be required to execute the Township's form contract which includes its standard form indemnification and insurance provisions.

PROPOSER'S RESPONSIBILITY IN RESPONDING TO TOWNSHIP'S REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES

In response to this RFP each proposal shall provide at a minimum the following information:

1. Qualification Information:

a. Full Name;
b. Firm Name, Address and Telephone Number;
c. Years practicing with Firm;
d. Your Legal Specialty;
e. Your Firm's Legal Specialties;
f. A listing of all of your post high school education;
g. Dates of your licensure in the State of New Jersey and any other state as to the professional discipline requested to serve the needs of the Zoning Board of Adjustment.
h. A listing of your professional affiliations or membership in any professional societies or organizations, with an indication as to any offices held.
i. The number of attorneys employed (if a professional firm) and/or affiliated with your Firm, and a listing of the name, law school and year of law school graduation of all attorneys that will be providing legal services to the Zoning Board of Adjustment pursuant to this proposal;
j. A listing of all previous public sector entities served by the proposer including dates of service and position(s) held;
k. The relevant legal experience that qualifies you for the position of Zoning Board of Adjustment Attorney;
l. Any other relevant legal or work experience that you would like the Zoning Board of Adjustment to consider in evaluating your qualifications for the position of Zoning Board of Adjustment Attorney;
m. A listing of any and all ethics or disciplinary charges assessed against you and/or your Firm and the details surrounding same including the disposition of the charge(s);
n. The name, address and telephone number of three client references that can be contacted by the Zoning Board of Adjustment;
o. Proposed cost of service(s) or activities, not including the hourly rate for attorneys, paralegals and support staff. The proposed cost should include:
    i. Expenses for postage, faxes, copying and telephone excluded from the hourly rate
    ii. Additional services defined beyond the scope of regular services; and
p. Any additional information that you would like the Zoning Board of Adjustment to consider in evaluating your proposal.

2. Insurance. The proposer, as a member of a profession that is subject to suit for professional malpractice, shall provide documentation that insurance for professional liability/malpractice coverage with limits as to liability that will be in place to protect the Zoning Board of Adjustment and the Township of West Caldwell. If appointed, the proposer shall furnish a certificate of insurance naming the Township of West Caldwell as an additional insured under such policies.

3. **Law Against Discrimination and Affirmative Action.** The proposer shall file a statement as to compliance with N.J.S.A. 10:5-1 et. seq. (Laws against Discrimination) and P.L. 1975, C. 127 (Affirmative Action).

4. **Proof of Business Registration Certificate.** Proposer must include with their qualifications, a Business Registration Certificate as required by N.J.S.A. 52:32-44.

5. **Shareholder Disclosure Form.** Proposer must complete and submit the Shareholder Disclosure Form attached hereto as Exhibit B.

6. **Affirmative Action.** In accordance with the laws of the State of New Jersey, all contracting entities must comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. Proposer is required to submit an Affirmative Action Statement together with evidence of compliance. Appendix A contains mandatory Affirmative Action Language which shall appear in any contract with the Township, and which lists in subparagraph (j) thereof the acceptable documents that may be submitted to evidence compliance. Proposer must complete and submit the Affirmative Action Compliance Notice attached hereto as Exhibit C.

7. **Affidavit of Non-Collusion.** Proposer shall properly execute and submit the Affidavit of Non-Collusion attached hereto as Exhibit D.

8. **Pay to Play.** The successful proposer is advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.27 if the successful proposer receives contracts in excess of $50,000 from public entities in a calendar year. It is the successful proposer's responsibility to determine if filing is necessary. See Exhibit E.

9. **Americans with Disabilities Act of 1990.** Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Proposers are required to read Americans with Disabilities language attached to this RFP at Exhibit F and agree that the provisions of Title II of the Act are made a part of the contract. The successful Proposer will be obligated to comply with the Act and to hold the owner harmless.

10. **Protected Information**. By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Township harmless in any case of any such infringement.

11. **Prohibited Investment Activities in Iran, Russia and Belarus.** Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification attached as Exhibit G prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran.

12. **Signature Page.** Proposer shall complete and submit the signatory page attached as Exhibit H, which shall be signed by an authorized representative of the Proposer and evidence the Proposer's acceptance of the terms and conditions of this RFP.

13. **RFP Document Checklist.** Proposer must complete and submit the RFP Document Checklist attached hereto as Exhibit I.

EVALUATION CRITERIA AND BASIS FOR AWARD OF CONTRACT

The Zoning Board of Adjustment shall award all professional service agreements based upon qualifications, merit, references and experience with issues confronting the Zoning Board of Adjustment and the Township of West Caldwell. The specific evaluation criteria will include:

1. Individual and Firm experience and reputation;

2. Knowledge of the Municipal Land Use Law and legal services to be provided as Zoning Board of Adjustment Attorney;

3. Availability to accommodate the meeting schedule and required needs of the Zoning Board of Adjustment and the Township's Administrative Departments; and

4. Other factors the Zoning Board of Adjustment deem to be in the best interest of the Township of West Caldwell and its taxpayers.

A final award shall be made by Resolution adopted by a majority of the Zoning Board of Adjustment based upon the proposal made to the Zoning Board of Adjustment that has been determined to be **the most advantageous to the Township, all factors considered.** The Zoning Board of Adjustment reserves the right to negotiate with any qualified proposer before making its determination and appointment. All awards are and shall be subject to the availability of funds.

TOWNSHIP OF WEST CALDWELL

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA
Exhibit A

The undersigned proposer hereby acknowledges receipt of the following Addenda:

Addendum Number	Dated	Acknowledge Receipt (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ **No addenda were received**:

Acknowledged for: _____
(Name of Proposer)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____

TOWNSHIP OF WEST CALDWELL

OWNERSHIP DISCLOSURE CERTIFICATION
Exhibit B

Name of Business _____

☐ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

☐ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

☐Partnership ☐Corporation ☐Sole Proprietorship
☐Limited Partnership ☐Limited Liability Corporation ☐Limited Liability Partnership
☐Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: _____
Home Address: _____
_____

Name: _____
Home Address: _____
_____

Name: _____
Home Address: _____
_____

Name: _____
Home Address: _____
_____

Name: _____
Home Address: _____
_____

Name: _____
Home Address: _____
_____

Subscribed and sworn before me this ____ day of _____, 202__.

_____
(Affiant)

_____
(Notary Public)

_____
(Print Name & Title of Affiant)

My Commission Expires_____

(Corporate Seal)

TOWNSHIP OF WEST CALDWELL

AFFIRMATIVE ACTION AFFIDAVIT
Exhibit C

STATE OF :
ss
COUNTY OF :

I, _____ of the (City, Town, Borough) of _____ in the County of _____, State of _____, of full age being duly sworn according to law on my oath depose and say that:

1. I am (President, partner, owner, member) of the firm of _____ a contractor of the State of New Jersey, County of Essex, Township of West Caldwell.
2. I am familiar with the affirmative action requirements of P.L. 1975, c. 127 and rules and regulations issued by the Treasurer, State of New Jersey, pursuant thereto.
3. _____ has complied with all the affirmative action requirements of the State of New Jersey, including those required by P.L. 1975, c. 127 and rules and regulations issued by the Treasurer, State of New Jersey pursuant thereto.
4. I am aware that if _____ does not comply with P.L. 1975, c. 127 and rules and regulations issued pursuant thereto, that no monies will be paid by the State of New Jersey, County of Essex, Township of West Caldwell, until an affirmative action plan is approved. I am also aware that the contract may be terminated and that _____ may be debarred from all public contracts for a period of up to five (5) years.
5. I am aware that _____ is required to submit one of the following three documents to the Township of West Caldwell along with the signed contract for goods or services: 1) a copy of a letter from the Office of Federal Contract Compliance Programs evidencing federal affirmative action plan approval; 2) a copy of a Certificate of Employee Information Report issued by the State of New Jersey; or 3) a completed Initial Affirmative Action Employee Information Report (Form AA302).
6. If I am submitting an Initial Affirmative Action Employee Information Report (Form AA302), in compliance with paragraph 5 above, I do hereby certify that I have never before applied for a certificate of employee information report in accordance with rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time; and I agree to submit immediately to the Division a Copy of the Employee Information Report.

Subscribed and Sworn to
Before me this _____ day
of _____ 20__.

_____
Signature of Authorized Representative

_____
Name and Title

Appendix A

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

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

Each 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:

1. Appropriate evidence that the contractor is operating under an existing Federally approved or sanctioned affirmative action program;
2. A certificate of employee information report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. 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.

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 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 afford equal employment opportunities to minority and women workers consistent with good faith efforts to meet targeted county employment goals established in accordance with **N.J.A.C. 17:27-5.2**, or good faith efforts to meet targeted county employment goals determined by the Division, pursuant to **N.J.A.C. 17:27-5.2**.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed ,color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedure, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant **to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

TOWNSHIP OF WEST CALDWELL

NON-COLLUSION AFFIDAVIT
Exhibit D

State of New Jersey
County of _____ ss:

I, _____ residing in _____
(name of affiant) (name of municipality)

in the County of _____ and State of _____of
full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
(title or position) (name of firm)

_____, the Proposer making this Proposal for the RFP

entitled _____, and that I executed the said proposal with
(title of RFP)
full authority to do so that said Proposer 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

_____relies upon the truth of the statements contained in said
(name of contracting unit)
Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

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 _____.
(company name)

Subscribed and sworn before me this ____ day of _____, 202__.

_____
(Affiant)

_____
(Notary Public)

_____
(Print Name & Title of Affiant)

My Commission Expires_____

(Corporate Seal)

TOWNSHIP OF WEST CALDWELL

DISCLOSURE OF CONTRIBUTIONS (Pay-to-Play)
Exhibit E

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of $50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

TOWNSHIP OF WEST CALDWELL

AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability
Exhibit F

The contractor and the Township of West Caldwell, (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.

TOWNSHIP OF WEST CALDWELL
DISCLOSURE OF PROHIBITED INVESTMENT ACTIVITIES IN IRAN, RUSSIA AND BELARUS

P.L. 2022, c. 3, N.J.S.A. 52:32-55 et seq., N.J.S.A. 40A:11-2.1, N.J.S.A. 18A:18A-49.4

Exhibit G

PART 1: COMPLETE PART 1 BY CHECKING ONE OF THE TWO BOXES BELOW

Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification below prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran. Before a contract for goods or services can be amended or extended, a person or entity must certify that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list. Both lists are found on Treasury's website at the following web addresses: https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf.

As applicable to the type of contract, the above-referenced lists must be reviewed prior to completing the below certification. A person or entity unable to make the certification must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran. The person or entity must cease engaging in any prohibited activities and provide an updated certification before the contract can be entered into.

If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may be 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 party.

CONTRACT AWARDS AND RENEWALS/CONTRACT AMENDMENTS ANDEXTENSIONS

☐ **I certify,** pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate appears on the N.J. Department of Treasury's lists of entities engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 or in investment activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further 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 itsbehalf.

(Skip Part 2 and sign and complete the Certification below.)

IF UNABLE TO CERTIFY

☐ **I am unable to certify** as above because the person or entity and/or a parent entity, subsidiary, or affiliate is listed on the Department's Russia-Belarus list and/or Chapter 25 Iran list. *I will provide a detailed, accurate, and precise description of the activities as directed in Part 2 below, and sign and complete the Certification below*. Failure to provide such will prevent the award of the contract to the person or entity, and appropriate penalties, fines, and/or sanctions will be assessed as provided by law.

PART 2

PLEASE PROVIDE FURTHER INFORMATION RELATED TO PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS AND/OR INVESTMENT ACTIVITIES IN IRAN. You must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran in the space below and, if needed, on additional sheets provided by you.

CERTIFICATION

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there, 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 Township of West Caldwell is relying on the information contained herein and hereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Township of West Caldwell to notify the Township of West Caldwell 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. 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 Township of West Caldwell and that the Township of West Caldwell at its option may declare any contract(s) resulting from this certification void and unenforceable.

Printed Name of Authorized Agent _____ *Signature of Authorized Agent* _____

Title _____ *Date* _____

Company Name/Person/Entity _____

TOWNSHIP OF WEST CALDWELL

SIGNATORY PAGE
Exhibit H

The undersigned, having examined this RFP and having full knowledge of the conditions under which the services described herein must be performed, hereby accepts the terms and conditions of this RFP.

NAME OF THE PROPOSER: _____

NAME OF AUTHORIZED SIGNATORY: _____

AUTHORIZED SIGNATORY SIGNATURE: _____

DATE: _____

CONTACT ADDRESS: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

TOWNSHIP OF WEST CALDWELL

DOCUMENT CHECKLIST
Exhibit I

Required	Submission Requirement	Initial each required entry and if required submit the item
☒	Ownership Disclosure Certification	
☒	Affidavit of Non-Collusion	
☒	New Jersey Business Registration Certificate	
☒	Acknowledgment of Receipt of Addenda	
☒	Americans with Disabilities Act of 1990	
☒	Evidence Demonstrating Proposer Meets Minimum Qualifications	
☒	Affirmative Action Affidavit and Mandatory Affirmative Action Language	
☒	Disclosure of Prohibited Investment Activities In Iran, Russia and Belarus	
☒	Signatory Page	

*This form should be submitted with the proposal. It is provided for proposer's use in assuring compliance with all required documentation.