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JERSEY CITY REDEVELOPMENT AGENCY

REQUEST FOR QUALIFICATIONS/PROPOSALS

FOR A

MUSEUM DEVELOPMENT CONSULTANT

PROPOSAL DUE DATE
NOVEMBER 17, 2017 at 2 PM

The Jersey City Redevelopment Agency (“**JCRA**”) has issued this Request for Qualifications/Proposals (“**RFQ/RFP**”) in accordance with the competitive contracting process described herein pursuant to the New Jersey Local Public Contracts Law *N.J.S.A. 40A:11-1 et seq.* (“**LPCL**”). Specifically, the JCRA is requesting proposals pursuant to the competitive contracting provision of the LPCL at *N.J.S.A. 40A:11-4.1 to 4.5* for the redevelopment project (“**Project**”) described herein.

All proposals are prepared at the cost and expense of the prospective consultant (“**Respondent(s)**”). The JCRA is not responsible for paying for any of the costs or expenses associated with the preparation or submission of proposals.

Any successful Respondent is required to comply with requirements of the Law Against Discrimination, P.L. 1975, Ch. 127, N.J.S.A. 10:5-31, et seq., the Affirmative Action Rules, N.J.A.C. 17:27-1.1, et seq., the Americans with Disabilities Act of 1990, 42 USC §2101, et seq.

Respondents and their subcontractors must at all times comply with all applicable obligations pursuant to The New Jersey Campaign Contributions and Expenditure Reporting Act, N.J.S.A. 19:44A-1, et seq., and any local or municipal restrictions adopted in accordance with said Act, including but not necessarily limited to Ordinance No. 08-128 of the City of Jersey City, “Contractor Pay-To-Play Reform Ordinance,” adopted September 3, 2008 and Ordinance No. 09-096 of the City of Jersey City, “Redevelopment Pay-To-Play Reform Ordinance,” adopted September 9, 2009.

This RFQ/RFP constitutes an invitation to submit qualifications and proposals to the JCRA, and does not represent an offer, obligation or agreement on the part of the JCRA. The JCRA reserves the right to protect the best interests of the JCRA and the City of Jersey City (“**City**”), to waive any technical errors, to reject any proposal (or any part thereof) for any reason whatsoever, or to reject all proposals in accordance with the provisions of the LCPL. The JCRA reserves the right at any time to withdraw this RFQ/RFP. In addition, the JCRA retains the right to make modifications or additions to the RFQ/RFP.

For purposes of distribution of Addenda and other information pertaining to this RFP, each prospective Respondent must provide the JCRA with the name and contact information (name, company, address, phone, cell, fax, and e-mail address) of the person to whom any and all communications relating to the RFQ/RFP shall be sent. This information may be provided to the JCRA at the time the Respondent picks up the RFP package, or emailed to Barbara Amato, Director of Administrative Services at the JCRA, BarbaraA@jcnj.org.

All questions or inquiries regarding this RFP should be directed, in writing, to the following JCRA representative:

Barbara Amato, Director of Administrative Services
Jersey City Redevelopment Agency
66 York Street, 3rd floor
Jersey City, New Jersey 07302
Phone: (201) 761-0820
Email: BarbaraA@jcnj.org

Respondents are required to submit written questions to the JCRA regarding the RFQ/RFP and its attachments, no later than 2 p.m. on October 13, 2017. This deadline for questions is intended to permit the JCRA sufficient time to issue an Addendum, if appropriate, without disrupting the procurement schedule. Consequently, Respondents are cautioned that questions submitted after the question deadline will not be accepted.

Proposals may be submitted in person, sent by U.S. certified mail return receipt requested, or by private courier service, to the Jersey City Redevelopment Agency, 66 York Street, 3rd floor, Jersey City, New Jersey 07302. A non-refundable fee of \$50.00 Fifty Dollars in the form of a check will be required for each set of proposal documentation.

All proposals will become the property of the JCRA and will not be returned to the Respondent.

Proposals will be evaluated based on the competitive contracting requirements set forth in the LPCL and its related regulations, and as set forth in this RFP. Proposals will be evaluated by an Evaluation Committee formed for the purposes of evaluating the submissions, to determine whether Proposals are responsive, and to evaluate the price proposals. The Evaluation Committee will furnish an Evaluation Report to the Executive Director and Board of Commissioners of the JCRA, not less than 48 hours prior to the award of the contract.

Key Dates

RFP Issued	September 18, 2017
Deadline to acknowledge interest & submit questions	October 13, 2017
Answers to questions sent to all consultants who have acknowledged interest	October 20, 2017
Deadline for Proposal Submittal	November 17, 2017 at 2 p.m.
Finalist interviews (if deemed necessary)	Week of November 27, 2017
Respondents Notified of Decision	December 19, 2017
Anticipated Completion Date	December 19, 2017

MISSION STATEMENT

The staff and Board of Commissioners of the JCRA are committed to stimulating responsible reinvestment in Jersey City that enhances the quality of life in all neighborhoods and communities of Jersey City. We believe that the strength and health of a great city is the economic, housing and quality of life opportunities that the city provides to its residents. The JCRA is committed to providing the residents of Jersey City with the widest range of job, housing and economic opportunities available to any city in the country today.

We are committed to enhancing the quality of life for all of the residents of Jersey City by guiding responsible development and reinvestment in all neighborhoods and communities in Jersey City.

OBJECTIVE

To find a person or firm capable of providing the services described herein to the City and JCRA in connection with the development of the Pathside Building (described herein) into a premier regional museum (the “**Project**”).

BACKGROUND

The City of Jersey City is an ethnically diverse community comprised of approximately 262,000 residents. The second most populous city in New Jersey, at only 16 square miles, it is also the most densely populated in the state. Rich in history, it can trace its roots back to colonial days. Over the past two decades the City has undergone a dramatic transformation. Once a transportation gateway to the nation, it has been transformed into a growing and vibrant community with luxurious housing opportunities and a robust business community.

As the City’s growth continues it has turned its attention to addressing certain aspects required to provide a community with a plethora of opportunities to grow and flourish. In particular, the City is seeking to enhance the cultural, artistic, scientific and technological opportunities for its residents and others. In the words of George Washington “The Arts and Sciences, essential to the prosperity of the State and to the ornament of human life, have a primary claim to the encouragement of every lover of his country and mankind.”

The City’s efforts in this regard began with its efforts to assist in the expansion of the Liberty Science Center into a one of a kind science and technology campus that will include, in addition to the Liberty Science Center itself, a school, research and work facility and residential community—a mini city where people work, learn, live and play.

The City is committed to providing creative opportunities to residents of all ages. In service of this goal, the City recently announced a change to the Journal Square redevelopment plan that is expected to spur further investments in arts and culture in the Journal Square area. The zoning change is intended to incentivize new developments to include spaces for theaters, galleries, studios, museums and retail, and will help to bring artists from throughout the region into this area, while also working to support the City’s existing community of artists. The JCRA is also partnering with the City to increase contributions into the Jersey City Arts Fund, which will work to further develop arts and cultural spaces throughout the Journal Square neighborhood.

The next major initiative in this regard will be the acquisition of the “Pathside” Building for the development of a regional museum. The building, which is further described below, will be acquired this year from Hudson County Community College for the purpose of repurposing it as a museum. As stated by Mayor Fulop, “This museum will be larger in scale, have a broader collection, be a destination for the region, located near mass transportation and it would fulfill the need of a cultural center for the City”.

DESCRIPTION OF PATHSIDE BUILDING

The Pathside Building is located at 25 Journal Square. It is a free standing rectangular-shaped academic building housing classrooms, faculty and staff offices, the library, and the student center. The building was constructed in 1912, originally as a PSE&G office building, with a major renovation taking place in 1995. The building is 4 stories high with a cellar. The total floor area of the building, all floors, is approximately 57,800 square feet. The building superstructure is a steel frame with exterior brick masonry walls with terra cotta/cast stone copings, parapet, cornice, horizontal trim and a limestone/cast stone ground level band with main entrance surrounded by limestone/cast stone. All the roofs are flat. The main building roof is a “Carlisle” rubberized type roofing system. The windows are replacement aluminum double hung double pane glazed type installed in the 1995 renovation. The Pathside Building directly adjoins the Journal Square Transportation Center, which includes a bus terminal, a two-level parking facility, and the Journal Square station of the PATH rail transit system. The building’s main entrance faces west onto a wide concrete pedestrian walkway covered by a glass and steel canopy attached to building which runs the full length of the west façade. Sip Avenue is to the south. The two-story New Jersey Transit bus garage building borders the building site to the north and the bus garage service road borders the building site to the east.



THE REQUIRED SERVICES

The JCRA intends to acquire the Pathside Building before the end of 2017. Once acquired, the JCRA will undertake to make certain improvements to the building and its critical systems in order to secure it from further deterioration. During such time it will commence the process of turning such building into a museum. While the current intention is to focus on the visual arts (with a component of the building reserved for local artists etc.), the City is prepared to consider other forms of art such as performance art.

The City is prepared to invest additional money, beyond the initial purchase price and capital improvements described above. However, there is a limit to in the amount of public funds that are available for this purpose. For this reason, the City and JCRA have determined that a partner (public or private (for-profit, non-profit or individual)) is required in order to achieve the vision articulated above by the Mayor – to expand the Jersey City brand into the cultural arts.

The City and JCRA require a consultant with expertise in the operation and development of museums or auction houses for the purpose of assisting it in the development of a strategic plan to turn the Pathside Building into a museum. While the City is committed to the development of a museum, it has an open mind as to the type of museum it will develop. Therefore, such assistance will include the preparation of a solicitation for partner(s), such as other museums seeking additional facilities to show their collection or private collectors seeking a facility to share their art with the public. Further assistance will include an analysis of the offerings in the region in order to determine if there is an underserved constituency in the cultural arena.

Once the solicitation is prepared, the selected consultant will assist the City and JCRA in its distribution of the solicitation for partner(s), including arranging and participating in meetings with such persons or entities and providing feedback on the strengths of each proposal. For this reason, the selected consultant should be an active participant in the museum and art dealer market with extensive contacts and relationships with respect thereto.

The selected consultant will be required to advise the JCRA on the capital improvements to the Pathside Building that can be undertaken prior to the selection of a partner and the development of the museum with the goal of continuing the capital improvement process while making sure the building can be adapted to meet any appropriate opportunity that may be developed for the building as a museum.

CONSULTANT QUALIFICATIONS

Minimum qualifications for consultants submitting proposals:

- Demonstrated experience in developing and implementing successful and innovative solutions to the development of museums and similar facilities and the ability to identify, recommend and implement cost-effective improvements that can be maintained and have longevity.
- Ability to work collaboratively with staff and working group members and solicit input from the community.

- Expertise in analyzing sites and entities associated with cultural heritage, tourism, arts/culture, museums, creative economy, and/or education
- Understanding of and experience with similar cultural organizations and nonprofit institutions.
- Experience in historic real estate development for significant historic sites with both non-profit and for-profit uses.
- Ability to complete the project within the given timeframe and budget.

SCOPE OF WORK/DELIVERABLES

The selected consultant will perform a variety of Project-specific functions, including, but not limited to the:

- Development of a Strategic Plan for the Pathside Museum
 - The Plan should include an analysis of regional cultural offerings and should make special note of underserved constituency in the cultural arena
- Production of a list of recommended potential partnerships and funding sources with brief annotations describing why they are a good match for different use scenarios.
 - This can be a separate item or an appendix to the Plan.
- Preparation of a solicitation to be disbursed to the recommended potential partners
- Initiation of and participating in meetings with the responsive potential partners, and providing feedback on the strengths of each proposal
- Evaluation of the current state of the Pathside building and recommendations regarding capital improvements

FORMAT OF PROPOSALS

The JCRA will evaluate all proposals guided by the evaluation criteria described below.

Each RFQ/RFP response submitted must contain, in sequence and with the appropriate heading, each of the following sections:

- 1) Title Page
- 2) Statement of Interest
- 3) Background on the company or individual
- 4) References
- 5) Other relevant information
- 6) Fee Proposal for the Services
- 7) Bid Specifications

These required sections are further described and defined as follows:

1. Title Page

The proposal must include a title page, which identifies the name of Respondent(s), name of the Respondent's primary contact, Respondent's address, telephone number and email address.

2. Statement of Interest

Provide a brief statement which specifically addresses: your interest in this particular Project, specialized experience in the development of museums and similar facilities, and an analysis/identification of issues - identify constraints as well as opportunities.

3. Background

Include a description of the company, if applicable, as well as and the resumes of the person or persons that will be providing the proposed services. Such descriptions and/or resumes should be responsive to the required services described herein. If more than one person will provide the services, outline the role of each proposed team member, detailing the qualifications for the role that the team member possesses.

4. References

Provide at least three references describing the services provided to such persons and the dates when such services were performed. Provide contact information for such references.

5. Other Information

If you believe that there are other services that the City and JCRA require, outline such services and the cost of same. If you believe a different approach than the one described herein should be employed by the City/JCRA for the development of a museum please describe and explain your recommended approach.

6. Fee Proposal

Please provide a fee proposal for the requested services and any recommended services.

7. Bid Specifications

Provide completed and executed, if applicable, copies of the documents listed on the attached Bid Specification Submission Checklist including: Exhibit A Bid Proposal Form, Exhibit B Statement of Ownership Disclosure, Exhibit C Acknowledgment of Receipt of Addenda, Exhibit D Disclosure of Contributions to New Jersey Election Law Enforcement Commission, Exhibit E Non-Collusion Affidavit, and Exhibit F Affirmative Action Compliance Notice, substantially in the form of the attached exhibits.

PROPOSAL EVALUATION AND CRITERIA FOR SELECTION

Proposals are being solicited pursuant to the competitive contracting process set forth in N.J.S.A. 40A:11-4.1(m), as consulting services permit the award of a contract to a responsible Respondent based on price and other factors.

In the event the JCRA determines to make an award, it will award the contract solicited in the RFP to the Respondent submitting the Proposal conforming to the RFP that is ranked highest by the JCRA pursuant to the criteria and methodology set forth in this RFP. The JCRA and an Evaluation Committee designated by the JCRA (“Evaluation Committee”) shall review all Proposals to determine if they satisfy the RFP requirements and evaluate same based upon the evaluation criteria set forth in the RFP. The JCRA, in its sole discretion, may elect to ask some or all Respondents meet with the JCRA and/or City staff.

If the JCRA determines to make an award, the highest ranked responsible Respondent will be recommended to the JCRA by the Evaluation Committee for award of the contract.

After evaluating the Proposals, the Evaluation Committee shall furnish a written report to the JCRA (“Evaluation Report”) setting forth its analysis of the Proposals and the basis for its ranking of the responsive Proposals. The Evaluation Committee will not be required to rank a nonconforming or otherwise nonresponsive Proposal.

The names of the members of the Evaluation Committee shall not be disclosed until the Evaluation Report is presented to the JCRA.

The proposals will be evaluated on the following weighted criteria:

<u>CRITERIA WEIGHT</u>	<u>Points</u>
Project Interpretation, Plan and Approach	[0 – 25]
Qualifications, References and Capacity of Respondent	[0 – 25]
General Experience of the Respondent as Applicable to this Project	[0 – 25]
Fee Proposal	[0 – 25]

JERSEY CITY REDEVELOPMENT AGENCY
BID SPECIFICATION CHECKLIST

Required	Submission Requirements	Initial each required entry and if required submit the item
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<input type="checkbox"/>	Bid Proposal Form	
<input type="checkbox"/>	Stockholder Disclosure Certification	
<input type="checkbox"/>	Acknowledgment of Receipt of Addenda	
<input type="checkbox"/>	Political Contribution Disclosure	
<input type="checkbox"/>	Non-Collusion Affidavit	
<input type="checkbox"/>	Affirmative Action Compliance Notice	

BID PROPOSAL FORM

(Contract Title and Bid Number, if applicable)

(Description of goods/services being bid)

The undersigned proposes to furnish and deliver the above goods/services pursuant to the bid specification and made part hereof:

Amount in words

\$ _____
Amount in numbers

Company Name

Federal I.D. # or Social Security #

Address

Signature of Authorized Agent

Type or Print Name

Title: _____

Telephone Number

Date

Fax Number

E-mail address

STOCKHOLDER DISCLOSURE CERTIFICATION

This Statement Shall Be Included with Bid Submission

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: _____

Name: _____

Home Address: _____

Home Address: _____

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Subscribed and sworn before me
this ___ day of _____, 2017.

(Affiant)

(Notary Public)

(Print name & title of affiant)

My Commission expires:

(Corporate Seal)

JERSEY CITY REDEVELOPMENT AGENCY
ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

No addenda were received:

Acknowledged for: _____
(Name of Bidder)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

* N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.”

NON-COLLUSION AFFIDAVIT

State of _____)
) ss:
County of _____)

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 bidder making this Proposal for the bid

entitled _____, and that I executed the said proposal with
(title of bid proposal)

full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the **Jersey City Redevelopment Agency** relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I 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 _____.

Signature

(Type or print name of affiant under signature)

Subscribed and sworn to before me this
_____ day of _____, 2017

Notary public of

My Commission expires: _____

(Seal)

AFFIRMATIVE ACTION COMPLIANCE NOTICE

N.J.S.A. 10:5-31 and N.J.A.C. 17:27

**GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of a contract, one of the following three documents as forms of evidence:

- A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);
OR
- A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;
OR
- A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

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

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

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____ SIGNATURE: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27**

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will 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 employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable 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 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 applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**