

**SOMERSET HILLS SCHOOL DISTRICT  
PUBLIC NOTICE**

**REQUEST FOR PROPOSAL - RFP #2024-01**

**FOR HIGH IMPACT TUTORING GRANT SERVICES**

NOTICE is hereby given that the Somerset Hills Board of Education is accepting sealed Proposals to obtain **High Impact Tutoring Grant Services** from approved NJDOE Vendors to act as the district's high impact tutoring service provider as outlined in the RFP.

Proposals must be submitted to the Somerset Hills Board of Education no later than January 11, 2024 at 11:00 AM. An original and two (2) copies of the Proposal must be submitted on the required forms, in a sealed envelope labeled "**RFP-High Impact Tutoring Grant Services**" and delivered to the Office of the Business Administrator as provided below:

Somerset Hills Board of Education  
Attn: Jinnee DeMarco, Business Administrator  
25 Olcott Avenue  
Bernardsville, NJ 07924

The Board assumes no responsibility for proposals that are improperly mailed or misdirected.

Upon release of this Request for Proposals (RFP), all Proposer communications concerning this information request must be directed in writing to the Business Administrator, who is the only authorized contact person for the RFP. Any contact with anyone other than with the Business Administrator or lobbying regarding this RFP with any elected, appointed official, or employee of the school district can and shall result in disqualification. Any oral communications shall be considered unofficial and non-binding on the School District. To request a copy of the RFP please contact:

Name: Jinnee DeMarco, Business Administrator  
Address: 25 Olcott Ave, Bernardsville, NJ 07924  
Telephone: (908) 204-1930 ext 1117  
E-mail: [jdemarco@shsd.org](mailto:jdemarco@shsd.org)

All interested Proposers must use and complete all forms and must comply with every requirement contained in the RFP.

Pursuant to N.J.S.A. 52:32-44 all proposals should be accompanied by a New Jersey Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue and Enterprise Services. The Proposer must provide its Business Registration Certificate prior to award of the contract.

No proposal may be withdrawn for a period of sixty (60) days after the date set for the opening thereof. The contract shall be awarded to the Proposer whose proposal is determined to be the most advantageous to the District, price and other factors considered. The contract will be awarded in accordance with the Competitive Contracting provisions of the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq. The Somerset Hills Board of Education reserves the right to waive any and all minor immaterial guidelines and requirements herein and to reject all Proposals in accordance with the

Public School Contracts Law N.J.S.A 18A:18A-22. All interested Proposers are required to comply with the requirements of N.J.S.A. 10:2-1 et seq., “The Law Against Discrimination” and Affirmative Action, N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq. No vendor who is listed on the State Treasurer’s or the Federal Government’s List of Debarred, Suspended or Disqualified Vendors shall be eligible to submit a proposal.

A. BACKGROUND

Information may be obtained by visiting the school district’s website at <https://www.shsd.org>.

Proposers are advised that for any specific matter, the Board may retain the services of another Attorney.

B. PURPOSE

In accordance with N.J.S.A. 19:44A-20.4 et seq., the Somerset Hills Board of Education is requesting proposals from instructional service providers approved by the NJ Department of Education as meeting program requirements to provide tutoring services. Proposals and qualifications for the instructional service provider will be evaluated as a whole. Pursuant to Title 18A-18A-5(1), professional services are not required to be bid or advertised and the Board is not required to award based on lowest price and will award based on criteria as outlined in this proposal request. The requests are being made to ensure the district receives the highest quality service at a fair and competitive price.

C. SERVICES SPECIFICATIONS

**Scope of Service:**

The Somerset Hills Board of Education is interested in organizations that provide ELA and Math tutoring services which include the following considerations:

- Render tutoring services at scale in alignment with the principles of high impact tutoring (see Quality of Standards, below);
- Provide a minimum of two (2) to three (3) sessions per week for each student, with recommended maximum ratio of three (3) students to one (1) tutor;
- Prioritize grades three (3) and four (4) but allow for LEAs to express additional needs;
- Demonstrate immediate capacity to serve more than 103 students in one elementary school.
- Conduct criminal background history clearance consistent with N.J.S.A. 18A:6-7.1 and N.J.A.C. 6A:9B-4.2 for all tutors;
- Ensure tutors receive training and leverage high-quality instructional materials for tutoring;
- Align tutor training to research-backed best practices, the New Jersey Student Learning Standards (NJSLS) within the specific content area, and grade level(s) of support; and
- Ensure a sufficient number of tutors are immediately available and those tutors meet eligibility requirements prior to service.

**Qualifications:**

To be eligible, an organization must, at a minimum, provide the following:

- A. A previous project plan of a similar scale and concept that demonstrates experience in delivering tutoring programs for large numbers of students (103). In addition, the project plan should confirm:
  1. Proof of leadership and organizational skills, as well as strong project management and scheduling skills;

2. Experience with conducting and/or leading tutoring sessions in English Language Arts and Math; and
  3. Extensive working knowledge of assessment literacy and the ability to design instructional interventions in response to student data.
- B. Provide resumes/CVs and describe qualifications and experience of key leadership staff who will be involved in this project. In addition, attest that all tutoring staff:
1. Are appropriately qualified and have been thoroughly vetted by the organization;
  2. Have obtained criminal background history clearance consistent with N.J.S.A.18A:6-7.1 and N.J.A.C. 6A:9B-4.2;
  3. Hold experience tutoring in Mathematics or English Language Arts with the targeted grade levels, at a minimum, grades three (3) and four (4).
  4. Hold appropriate educational certificates.
  5. Bilingual (Spanish) tutors are available.

Additional Requirements for Organizations:

- A. Vendors may be required to attend additional trainings pertaining, but not limited to, New Jersey Student Learning Standards in English Language Arts and Mathematics.
- B. Vendors shall be available and hold the technical capacity to lead and conduct in-person tutoring sessions, during the regular school day.
- C. Vendors shall ensure that supervision practices of students during tutoring sessions are aligned with state and local policies.

Quality of Standards

Several recent studies have evaluated high-impact practices that have been leveraged to remediate unfinished learning resulting from the pandemic. In 2020, EdResearch for Recovery developed a series of evidence briefs written by leading educational experts to inform pandemic recovery strategies, which included a brief on specific, peer-reviewed research-based practices that characterize principles of high-dosage tutoring. In 2021, the National Bureau of Economic Research released a working paper and meta-analysis of almost 100 recent studies of tutoring in literacy and mathematics. Together, these study findings (among many others), suggest that high quality tutoring programs consistently produced large improvements in learning outcomes for students, with measurable gains greater than other academic interventions. Most notably, these studies synthesize and propose several common criteria that can be used by LEAs as they evaluate vendors to consider for tutoring support for students.

Key findings include the following:

- **Staffing:** Programs led by appropriately qualified teachers or paraprofessionals with pedagogical content knowledge are generally more effective than those that used nonprofessional/volunteer or parent tutors. However, it is important to note adequate training and ongoing support are essential for all tutoring programs to be effective, irrespective of the background of the tutor.
- **Curriculum:** Programs based on high-quality instructional materials (inclusive of formative assessments) tightly aligned with the adopted curriculum reinforces and supports classroom instruction. Tutors and teachers can have more focused conversations if tutoring and classroom curricula and assessments are tightly aligned.
- **Data:** Programs that use diagnostic assessments to tailor instruction for individual students (or small groups) are most effective. Regular use of data and ongoing assessments throughout the program lead to a more precise intervention and stronger outcomes.

- **Frequency:** Programs that are delivered in high dosage (three or more sessions per week) or intensive, week-long sessions yield the best outcomes. Lower frequency/dosage and less intense interventions do not yield the same positive effects on student growth.
- **Schedule:** Programs conducted during the school day tend to result in greater learning gains than those held after school or during the summer. Targeted support received closer to the time of aligned instruction is most beneficial for students.
- **Size:** Programs are most effective when serving only a few students at a time. While a one-to-one ratio is optimal, tutors may be able to effectively serve up to three or four students at once. Beyond four students, instruction becomes less personalized and requires higher tutor skill to maintain efficacy.
- **Consistency:** Programs that ensure students have a consistent tutor over time allow for positive tutor-student relationships to develop and will lead to tutors being most responsive to specific needs of the student. In addition, informed matching of tutors to students can help tutors adopt specific strategies that best serve students from diverse backgrounds and students with specific learning needs.

**Project Period**

The High Impact Tutoring Grant Services will commence on or about February 1, 2024, and continue for the duration of the legally permissible use period as defined by the New Jersey Department of Education or until such Grant funds are fully expended, whichever occurs first.

D. **PROPOSAL**

**The proposal shall include the following items:**

**A. Transmittal Letter**

A transmittal letter shall be submitted with the sealed RFP that identifies the person submitting the proposal and includes a commitment to provide services required by the Somerset Hills Board of Education.

The letter of transmittal is to be addressed and mailed to:

Jinnee DeMarco, Business Administrator  
 Somerset Hills Board of Education  
 25 Olcott Ave  
 Bernardsville, NJ 07924

All proposals are to be submitted in a sealed envelope labeled “**RFP-High Impact Tutoring Grant Services**” and delivered to the Office of the Business Administrator no later than **Thursday, January 11, 2024 at 11:00 AM**. Submissions received after the date and time specified will be returned unopened. All proposals shall remain firm for a period of sixty (60) days after the date specified for receipt of proposals.

**B. Proposal Elements**

1) **Background Questions**

- a) Briefly describe your organization, in no more than 2-5 sentences.

- b) Are you applying as a consortium of multiple organizations working together? If yes, the questions below should be filled out for all organizations in the consortium.
- c) List organization’s website.
- d) Describe organization type (non-profit, for-profit, etc.)
- e) How long has the organization been tutoring students?
- f) How many students has the organization tutored in a typical year?
- g) How many tutors does the organization currently employ?
- h) How will the organization recruit and train its new and existing tutoring to support the New Jersey High Impact Tutoring program?
- i) Where in New Jersey does the organization currently operate?
- j) Will the tutoring be virtual, in-person, or both? In-person tutoring is preferred, but virtual vendors may apply as well.

**2) Capability, Capacity, and Qualifications of the Vendor**

- a) Please describe evidence of your organization’s prior successes in tutor recruitment, training, and/or instructional materials for tutoring.
- b) Explain how the organization has provided programs that meet the high-impact tutoring criteria described in Appendix A.
- c) Describe any program evaluations that demonstrate a positive impact on student achievement. Concrete, specific, and quantitative metrics are strongly preferred over qualitative descriptions. Independent research studies demonstrating effectiveness are particularly valuable.
- d) Include 1-2 supporting artifacts that demonstrate your organization’s ability to effectively provide tutoring services to LEAs. You must include evidence of success for all the services for which you are applying.
- e) List all other state or local education agencies that you have partnered with in the past five years to provide similar services in a table similar to the one below. If any of those state or local education agencies terminated their contracts with your organization early, please explain.

LEA or SEA Name	Years of contract	Services offered (recruitment, training, and/or instructional materials)	Brief Description	Terminated early? Yes/No (If yes, please explain)

- f) List a minimum of three (3) relevant client references, including client names, addresses, contact names with emails and phone numbers, dates of service, and type(s) of service(s) provided.
- g) Provide a statement of the approximate number of students and number of schools your organization can responsibly support, and how they would be served by your proposed team. Include the locations (specific New Jersey counties) that are able to be served by your organization.
- h) If working as a consortium of organizations, provide evidence of prior collaboration or existing MOUs between consortium entities.

3) **Work Plan**

- a) Describe your team’s proposed approach for carrying out the objectives and requirements of tutoring services outlined above as clearly, specifically, and completely as possible.
- b) Describe the program design, project activities, materials, and other products, services, and reports to be generated during the program(s) and relate them to the stated purposes.
- c) Please fill out a table similar to the one below, indicating the grade spans and subjects for which tutoring services will be offered:

Content	Grades	Offering tutor recruitment?	Offering tutor training?	Offering instructional materials?

- d) Briefly describe how your tutoring will be accessible to multilingual learners (English Language Learners) and students with disabilities.
- e) Explain in detail the plans to ensure the appropriate oversight of the tutoring experiences offered, either virtually or in-person, during the school day and/or before/after school, or on weekends. Policies differ across delivery methods, so supervision policies must explicitly address the different scenarios (i.e., if tutoring occurs during the school day or on school grounds, a certified teacher is needed, or parent supervision must be ensured if the session is conducted either remotely or in person at a location other than the school, etc.).

4) **Approach/Methodology**

- a) Describe how your organization decided upon the work plan outlined above. Explain how your organization’s approach to tutoring services is aligned to research-backed national best practices.
- b) Provide a statement of how many cohorts of schools and students your organization can responsibly support, and how they would be served by your proposed team.
- c) Describe any approaches to recruit tutors with particularly useful skillsets, such as fluency in languages other than English or experience serving students with disabilities. Note: Responding organizations with the ability to supply a higher

number of tutors will be given preference over organizations supplying a smaller number of tutors.

- d) Identify the tutor types that would be recruited and provided to LEAs: college students, teacher candidates; current or retired teachers; paraprofessionals; community member; and others (list).
- e) Describe your organization's training schedule for tutors, including total hours of training, content areas covered, method of delivery (synchronous vs. asynchronous; virtual vs. in-person training), and alignment to the principles of high-impact tutoring.
- f) Explain how your organization will serve the region or service areas identified in your application.
- g) Describe how your tutoring curriculum is NJSLS-based, high-quality, and how the proposed delivery approach is aligned with research-based instructional strategies for the given content area. Describe how data is used to make realtime shifts in individual supports.
- h) If applicable, identify if a curriculum-integrated online platform will be used to deliver services. If so, please describe it, its functionality, and how it supports student learning.

5) **Fee Proposal**

- a) Develop an overall budget. Include any breakouts by number of students served, hours of service, or cohort models that may be useful for LEAs to understand (e.g., costs per student for instruction of 3 x 45-minute periods per week for 10 weeks, etc.)
- b) Identify specific fixed and variable costs:
  - i) Hourly rate per instructor;
  - ii) Materials costs;
  - iii) Tutor management and support costs;
  - iv) LEA relationship management costs;
  - v) Reporting and analytic costs; and
  - vi) Operations costs, materials costs, etc.
- c) If there are price discounts for different usage levels (i.e., due to economies of scale), please describe them.

**Award of Contract and Evaluation**

A decision on whether the contract will be awarded and to whom it will be awarded shall be made within sixty (60) days from the date proposals are opened. The contract, if awarded, shall be awarded to the respondent who submits the most advantageous proposal based on price, the qualifications of the Professional and other factors considered. The evaluation will consider, among other factors:

1. **Technical Criteria:**

- a. Proposed methodology:
  - i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
  - ii. Is the vendor's proposal complete and responsive to the specific RFP requirements?
  - iii. Has the past performance of the vendor's proposed methodology been documented?
  - iv. Does the vendor's proposal use innovative technology and techniques?

- b. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?

2. **Management Criteria:**

- a. Project management:
  - i. How well does the proposed scheduling timeline meet the contracting unit's needs?
  - ii. Is there a project management plan?
  - iii. Can the vendor meet the contracting unit's needs for services as described in the RFP?
- b. History and experience in performing the work:
  - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
  - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
  - iii. Does the vendor document industry or program experience?
  - iv. Does the vendor have a record of moral integrity?
- c. Availability of personnel, facilities, equipment and other resources:
  - i. To what extent does the vendor rely on in-house resources vs. contracted resources?
  - ii. Are the availability of in-house and contracted resources documented?
- d. Qualification and experience of personnel:
  - i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
  - ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
  - iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

3. **Cost Criteria:**

- a. Cost of goods to be provided or services to be performed:
  - i. Relative cost: How does the cost compare to other similarly scored proposals?
  - ii. Full explanation: Is the price and its component charges, fees, etc. adequately explained or documented?
- b. Assurances of performance:
  - i. If required, are suitable bonds, warranties, or guarantees provided?
  - ii. Does the proposal include quality control and assurance programs?
- c. Vendor's financial stability and strength:
  - i. Does the vendor have sufficient financial resources to meet its obligations?

Service Providers may be requested to make a formal presentation to the Board, and the Board may, at its discretion, conduct interviews with potential service providers prior to making a formal award.

### **Termination**

Either party may terminate the contract by providing thirty (30) days' written notice to the other party. Written notice shall be sent by certified mail; return receipt requested.

### **References**

Provide a list of the boards of education for which you have provided effective tutoring services within the last three (3) years. Include the name of the entity, the name and telephone number of a contact person, and the name of the partner that is assigned to that district.

### **Laws**

The Professional shall comply with all applicable laws, statutes, regulations, and ordinances and any order issued by any governmental entity. The laws of the State of New Jersey shall govern this contract.

### **Law Against Discrimination**

During performance of this contract, the Professional and his/her sub-consultants agree to comply with P.L. 1975, c.127, "Law Against Discrimination" in accordance with provisions described in Exhibit "A" attached hereto. The mandatory language of N.J.A.C. 17:27-1.1 et seq. promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time is attached hereto made a part hereof and incorporated herein by reference. The contract with the Professional may be rescinded if the Professional fails to submit proof of compliance with the regulations set forth in N.J.A.C. 17:27. The regulations are available online at [http://www.state.nj.us/treasury/contract\\_compliance/pdf/njac1727ac.pdf](http://www.state.nj.us/treasury/contract_compliance/pdf/njac1727ac.pdf) or will be provided to you upon request.

### **Indemnification**

The Professional shall indemnify and hold the Board harmless for any and all claims, injuries, and damages, including the reimbursement of reasonable attorneys' fees and the cost of litigation that may occur due to the provision of tutoring services to the Board.

### **Insurance**

The Professional agrees to obtain and maintain for the entire term of this Agreement the following insurance coverage:

- Workers' Compensation – In compliance with the Workers' Compensation Law of the State of New Jersey.
- Professional Liability – claims made based coverage of \$1,000,000/\$3,000,000.
- Errors and Omissions – A minimum limit of liability of \$1,000,000.00 per incident.
- Any other insurance as deemed necessary by the Board of Education.

Failure by the Professional to supply such shall result in default.

The insurance companies for the above coverage must be licensed by the State of New Jersey and acceptable to the Board. The Professional shall not take any action to cancel any of the insurance required under the agreement without the approval of the Board. The maintenance of insurance under this section shall not relieve the Professional of any liability greater than the insurance coverage.

All policies must incorporate a provision requiring the giving of notice to the Owner by certified mail, return receipt requested, at least thirty (30) days prior to the cancellation or non-renewal of any insurance policy required herein.

### **Stockholder or Partnership Disclosure Statement**

Pursuant to N.J.S.A. 52:25-24.2, all forms of corporations and partnerships including limited partnerships, limited liability corporations, limited liability partnerships and subchapter S corporations shall submit a statement with its bid which sets forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock or of all individual partners in the partnership who own a 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 that corporation's stock or the individual partners owning 10% or greater interest in that partnership shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder and individual partner exceeding the 10% ownership criteria has been listed.

Any Professional whose stockholders or partners own less than ten percent (10%) of the stock shall certify such fact to the Board.

A form affidavit is included as part of the RFP documents.

### **Non-Collusion Affidavit**

Each Professional must execute and submit as part of the proposal a "Non-Collusion Affidavit" that at a minimum shall attest that:

- A. The Professional has not entered into any agreement or participated in any collusion with any other person, corporate entity or government entity, or competitive bidding either alone or with any other person, corporate entity or government entity in connection with the above-named project;
- B. All statements made in the proposal are true and correct and made with the full knowledge that the Board of Education relies upon the truth of those statements in awarding the contract; and
- C. No person or business is employed to solicit or secure the contract in exchange for a commission, percentage brokerage agreement or contingency fee.

A form affidavit of non-collusion is included as part of the RFP documents and must be completed by the respondent.

### **Disclosure of Investment in Iran**

Pursuant to N.J.S.A. 18A:18A-49.4, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this law, she/he 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.

### **Annual Political Contributions Disclosure**

Pursuant to N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271, s.3), the firm may be required to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission. It is the firm's

responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

Pursuant to N.J.A.C. 6A:23A-6-3 (a1-4), please note the following:

A. Pursuant to N.J.A.C. 6A:23A-6.3 (a2) Reportable Contributions:

No board of education will vote upon or award any contract in the amount of \$17,500 or greater to any business entity which has made a contribution reportable by the recipient under P.L.1973, c.83 (codified at N.J.S.A. 19:44A-1 et. seq.) to a member of the board of education during the preceding one year period.

B. Pursuant to N.J.A.C 6A:23A-6.3 (a2,3) contributions during term of contract:

Contributions reportable by the recipient under P.L. 1973, c.83 (codified at N.J.S.A. 19:44A-1 et. seq.) to any member of the school board from any business entity doing business with the school district are prohibited during the term of the contract.

When a business entity referred in 4.1(e) is a natural person, contribution by that person's spouse or child that resides therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

C. Pursuant to N.J.A.C. 6A:23A-6.3 (a4) Political Contribution Disclosure Form:

All firms shall submit with their proposal a completed and signed Chapter 271 Political Contribution Disclosure Form. The Chapter 271 form will be reviewed by the District to determine whether the firm is in compliance with the law.

**Business Registration Certificate**

Pursuant to N.J.S.A. 52:32-44, firms are required to submit a Business Registration Certificate issued by the New Jersey Department of Treasury, Division of Revenue at least ten (10) days prior to the award of the contract. N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

- A. No contract with a subcontractor shall be entered into until the subcontractor provides a copy of a valid business registration certificate to the contractor. The contractor shall provide copies of a current Business Registration Certificate for each subcontractor immediately upon entering into each subcontract. The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers). Subcontractors must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect such proofs of business registration and maintain them on file;
- B. The contractor shall maintain and submit a current, updated list of subcontractors and their current Business Registration Certificate as a continuing obligation under this contract. Before

final payment on the contract is made by the Board, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

- C. For the term of this contract, the contractor and each of its affiliates and each subcontractor and supplier and each of its affiliates as defined in N.J.S.A. 52:32-44(g) (3) shall collect and remit and shall notify all subcontractors and their affiliates that they 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, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A contractor, subcontractor or supplier that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq., or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency. The contractor shall indemnify and hold harmless the Board from and against any and all fines, taxes, penalties, interest, claims, losses, costs and expenses of any kind arising out of or resulting from or in connection with the contractor's failure to comply with N.J.S.A. 52:32-44 as amended from time to time.

## **CHECKLIST**

The forms, as noted below, must be properly completed and submitted with the proposal. Failure to provide any item(s) noted below may cause disqualification of the proposal in accordance with the law.

- Transmittal Letter
- All Proposal Elements, including Fee Proposal
- References
- Affirmative Action - (attached)
- Stockholder or Partnership Disclosure Statement (attached)
- Affidavit of Non-Collusion (attached)
- Disclosure of Investment Activities in Iran (attached)
- Political Contribution Disclosure Form (attached)
- Business Registration Certificate

## **EXHIBIT A**

### **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 SERVICES AND GENERAL SERVICE CONTRACTS**

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act. 17.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

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

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information

Report Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at: [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & 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 & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to **N.J.A.C. 17:27-1.1 et seq.**

**The failure to submit such appropriate evidence will result in rescission of the contract**

**AFFIRMATIVE ACTION QUESTIONNAIRE AND CERTIFICATION  
FOR COMPLIANCE WITH AFFIRMATIVE ACTION REGULATIONS**

1. DO YOU HAVE FEDERAL APPROVAL? Yes \_\_\_\_\_ No \_\_\_\_\_

This means a letter from a Federal Agency stating the firm's name and address as having submitted their Affirmative Action Plan and their plans being approved. If yes, please submit a copy.

2. DO YOU HAVE A STATE CERTIFICATE OF EMPLOYEE INFORMATION REPORT APPROVAL? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please submit a copy of this certificate.

3. IF YOU DO NOT HAVE EITHER OF THE ABOVE, PLEASE SUBMIT A COPY OF AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT (AA302). This form can be electronically provided by the Division and distributed to the public agency through the Division's website: [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance) I certify that our firm has never before applied for a Certificate of Employee Information Report in accordance with the rules promulgated by the State 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 a copy of the Employee Information Report (AA-302) to the Division of Public Contracts Equal Employment Opportunity Compliance, Department of Treasury, P.O. Box 209, Trenton, NJ 08625.

\_\_\_\_\_ being duly sworn, according to law, deposes and says that he is a duly authorized representative of the firm,

\_\_\_\_\_. I hereby certify that I am aware of the equal employment opportunity and affirmative action in public contracting requirements set forth in N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq. and that the firm is in compliance with the requirements therein. I hereby agree that the firm shall make good faith efforts to provide equal employment opportunity for minorities and women. I am aware that the failure to make good faith efforts to provide equal employment opportunity for minorities and women may result in fines/penalties, suspension/debarment, a determination to lower the firm's aggregate rating or such other action as provided by law. I certify that the above information is correct to the best of my knowledge.

SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_

DATE \_\_\_\_\_

TITLE \_\_\_\_\_

**STATEMENT OF OWNERSHIP DISCLOSURE**  
**N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)**

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: \_\_\_\_\_

Organization Address: \_\_\_\_\_

**Part I Check the box that represents the type of business organization:**

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)
- Limited Liability Company (LLC)
- Partnership     Limited Partnership     Limited Liability Partnership (LLP)
- Other (be specific): \_\_\_\_\_

**Part II**

- The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

**(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

**Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. Attach additional sheets if more space is needed.

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

**Please list** the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above.** The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the *<name of contracting unit>* is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with *<type of contracting unit>* to notify the *<type of contracting unit>* in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the *<type of contracting unit>* to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

**AFFIDAVIT OF NONCOLLUSION**

STATE OF \_\_\_\_\_)

ss:

COUNTY OF \_\_\_\_\_)

I, \_\_\_\_\_, residing in the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, of full age, being duly sworn according to law on my oath depose and say:

I am \_\_\_\_\_ of the firm of \_\_\_\_\_, the firm responding to the RFP. I executed the response to the RFP with full authority to do so. The firm has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive contracting in connection with the above named request for proposals. All statements contained in the response to the RFP and in this affidavit are true and correct, and made with the full knowledge that the Somerset Hills Board of Education will rely upon the truth of the statements contained in the response to the RFP and in this affidavit in awarding the contract.

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.

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public of \_\_\_\_\_  
My Commission expires \_\_\_/\_\_\_/20\_\_.

## DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

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 must complete the certification below to attest, under penalty of perjury that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c.25 ("Chapter 25 List"). The Chapter 25 list may be found at the following address: <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>.

Firms must review this list prior to completing the below certification. In the event the Board determines that the firm has submitted a false certification, it shall report same to the New Jersey Attorney General and retains the right to file an action seeking the greater of One Million Dollars (\$1,000,000) or twice the contract price.

Please check one of the following boxes:

- I certify, pursuant to Public Law 2012, c. 25, that neither the firm listed below nor any of the firm's parents, subsidiaries, or affiliates is listed on the New Jersey Department of Treasury's 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 its behalf. I will skip Part 2 and sign and complete the certification below.

OR

- I am unable to certify as above because the firm and/or one or more of its parents, subsidiaries, or affiliates is listed on the 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. Failure to provide same will result in the Bid being deemed non-responsive and appropriate penalties or fines may be assessed.

### 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 Bidder, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the below.

PROVIDE INFORMATION RELATIVE TO THE ABOVE. PLEASE PROVIDE THOROUGH ANSWERS AND USE ADDITIONAL PAGES IF NECESSARY.

Name: \_\_\_\_\_

Relationship to Firm: \_\_\_\_\_

Description of Activities: \_\_\_\_\_

Duration of Engagement: \_\_\_\_\_

Anticipated Completion Date: \_\_\_\_\_

Firm 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 below-referenced person or entity. I acknowledge that the Board 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 contracts with the Board to notify the Board 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 Board and that the Board at its option may declare contract(s) resulting from this certification void and unenforceable.

Full Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Firm: \_\_\_\_\_

Subscribed and sworn to before  
me this \_\_\_\_\_ day \_\_\_\_\_ of, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of \_\_\_\_\_  
My Commission expires \_\_\_/\_\_\_/20\_\_\_

**POLITICAL CONTRIBUTION DISCLOSURE AFFIDAVIT**

STATE OF \_\_\_\_\_ )

ss:

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, residing in the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_, of full age, being duly sworn according to law on my oath depose and say:

I am \_\_\_\_\_ of the firm of \_\_\_\_\_, the firm making the proposal for these services. I am aware that:

- A. Pursuant to N.J.A.C. 6A:23A-6.3, no business entity which has made a reportable contribution (as defined in N.J.S.A. 19:44A-1 et seq.) to a member of the Board during the preceding one (1) year shall be awarded a contract in excess of \$17,500.
- B. Any business entity doing business with the District is precluded from making any reportable contributions to any member of the Board during the term of the Contract.
- C. When a business entity is a natural person, a contribution by that person’s spouse or child that resides therewith shall be deemed to be a contribution by the business entity. Where a business entity is other than a natural person, a contribution by the person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.
- D. A political contribution disclosure (hereinafter referred to as “PCD”) form is required to be submitted for all contracts greater than \$17,500. No contract award shall be made unless the completed PCD is submitted to the Board office with the proposal. Failure to submit the PCD shall result in the rejection of the proposal. A Sample Form is included as part of the bidding documents and must be completed by the bidder.

I aver that no reportable contributions have been made by the Firm in violation of the provisions set forth in N.J.A.C. 6A:23A-6.3. The Firm shall submit a completed PCD form to the Board office with its proposal.

SIGNATURE ON THE FOLLOWING PAGE

Sworn to and subscribed  
to this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
(Title)

My Commission expires \_\_/\_\_/\_\_\_\_

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

I hereby certify as follows:

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

- A. Any candidate committee and/or election fund of the Governor;
- B. A State political party committee;
- C. A legislative leadership committee;
- D. A county political party committee; or
- E. A municipal political party committee.

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

Name of Company, Partnership or Organization:

\_\_\_\_\_

Signed: \_\_\_\_\_ Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Circle One of the Following Which Applies:**

A. The Company, Partnership or Organization is the Vendor;

or

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

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

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

I hereby certify as follows:

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

- A. Any candidate committee and/or election fund of the Governor;
- B. A State political party committee;
- C. A legislative leadership committee;
- D. A county political party committee; or
- E. A municipal political party committee.

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

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

## **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. 19:44A20.26(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.

<sup>1</sup> 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.

**C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM**  
**Required Pursuant to N.J.S.A. 19:44A-20.26**

**This form or its permitted facsimile must be submitted to the Board with the proposal**

**Part I – Vendor Information**

<b>Firm Name:</b>			
<b>Address:</b>			
<b>City:</b>		<b>State:</b>	<b>Zip:</b>

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**Part II – Contribution Disclosure**

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$200 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

Check here if the information is continued on subsequent page(s).

