# The Board of Education of the Township of Montgomery School District
## County of Somerset, New Jersey
## *Bid for Lease Purchase Financing, Opening: 1:00 P.M., November 12, 2026*

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*The Board of Education of the Township of Montgomery School District in the County of Somerset, New Jersey, is soliciting bids for an equipment lease purchase financing. This will be a lease purchase financing of essential use equipment, specifically two (2) 54 passenger and four (4) 39 passenger school buses. The price of equipment will be established via cooperative pricing or competitive bidding award.*

*This Bid will open at 1:00 p.m., Thursday, November 12, 2026, at the Administration's offices, 1014 Route 601, Skillman, New Jersey 08558.*

This is a request for bid to lease purchase finance essential use equipment. The **total principal** amount of this lease purchase financing is $1,069,007.50. Costs of issuance may be included in funded amount. The term of the transaction is five years with annual payments. The first payment is fixed at $214,000, due upon delivery and acceptance on or about December I, 2026. This will be followed by the remaining four annual payments commencing August 1, 2027. Anticipated closing will be on or about December 1, 2026, with funding upon delivery and acceptance of all equipment.

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**Financial Information for: The Board of Education of the Township of Montgomery School District in the County of Somerset, New Jersey**

**ACFR 2025**: https://www.nj.gov/education/finance/fp/acfr/search/25/3320.pdf
**ACFR 2024:** https://www.nj.gov/education/finance/fp/acfr/search/24/3320.pdf
**ACFR 2023:** https://www.nj.gov/education/finance/fp/acfr/search/23/3320.pdf

**User Friendly Budget***: https://www.mtsd.k12.nj.us/our-district/board-of-education/budget*

**Terms:**
The Repayment term for the principal amount of $1,069,007.50, will be five years. Funding is anticipated on acceptance, on or about, December 1, 2026. The repayment will be five annual payments. The first payment is fixed at $214,000, due upon delivery and acceptance. This will be followed by the remaining four equal annual payments commencing August 1, 2027.

**NO Escrow:**
~~This transaction is anticipated to fund to an interest bearing escrow account. The escrow account must be with a NJ GUDPA approved financial institution. The Board requests that there be no charge for disbursements made to vendors at delivery and acceptance. Please disclose your cost for escrow on the response form. If there is no charge for the Escrow, please state that. If a respondent allows the Board to choose their own Escrow Agent, there will be a $1,750 charge included as an estimated cost. The estimated cost will be included as "additional charges" in determining Award.~~

**Basis for Award**:
The determination of award of this bid will be made based upon the lowest interest rate bid. Any and all additional charges, including the charges for escrow if applicable, shall be disclosed on the Bid Response Form. Charges must be listed as a not to exceed dollar amount. The not to exceed dollar amount will be computed in the analysis to determine the bidder offering. Failure to disclose additional charges with the bid will eliminate a bidder's ability to request additional charges.

If there is a tie in the yield the secondary criteria will be the length of interest rate hold, followed by the lowest purchase option prepayment penalty. The award will be made to the Respondent whose Bid yields the lowest effective interest rate to the Board. Questions or clarifications may be directed in writing to either the financial advisor or the Board's business administrator up to three (3) days prior to the date for submission of Bids.

**Disclosure of "Rate Buy Downs":**
*Bidders must show actual rate. Discounts from manufacturers are discouraged and must be disclosed. If discounts to the funders are used to "buy down" the interest rate bid the bidder agrees to pass like amount of discount to lessee. The actual interest rate verification will be based upon the amount funded without the impact of the buy down.*

***The Board of Education of the Township of Montgomery School District***
***Sample* 5 year *Lease Purchase Repayment Schedule***:

This amortization schedule is prepared on "T-Value", set up using a 30/360 year.
Compound Period: Annual
Nominal Annual Rate: 4.1% estimated

CASH FLOW DATA

| | Event | Date | Amount | Number | Period | End Date |
|---|---|---|---|---|---|---|
| 1 | Loan | 12/01/2026 | 1,069,007.50 | 1 | | |
| 2 | Payment | 12/01/2026 | 214,000.00 | 1 | | |
| 3 | Payment | 08/01/2027 | 233,079.28 | 4 | Annual | 08/01/2030 |

AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year

| | Date | Payment | Interest | Principal | Balance |
|---|---|---|---|---|---|
| Loan | 12/01/2026 | | | | 1,069,007.50 |
| 1 | 12/01/2026 | 214,000.00 | 0.00 | 214,000.00 | 855,007.50 |
| 2027 Totals | | 214,000.00 | 0.00 | 214,000.00 | |
| 2 | 08/01/2027 | 233,079.28 | 23,662.33 | 209,416.95 | 645,590.55 |
| 2028 Totals | | 233,079.28 | 23,662.33 | 209,416.95 | |
| 3 | 08/01/2028 | 233,079.28 | 26,469.21 | 206,610.07 | 438,980.48 |
| 2029 Totals | | 233,079.28 | 26,469.21 | 206,610.07 | |
| 4 | 08/01/2029 | 233,079.28 | 17,998.20 | 215,081.08 | 223,899.40 |
| 2030 Totals | | 233,079.28 | 17,998.20 | 215,081.08 | |
| 5 | 08/01/2030 | 233,079.28 | 9,179.88 | 223,899.40 | 0.00 |
| 2031 Totals | | 233,079.28 | 9,179.88 | 223,899.40 | |
| Grand Totals | | 1,146,317.12 | 77,309.62 | 1,069,007.50 | |

This bid must allow for any associated costs to the Board of the equipment and of the bid to be included in the amount financed.

***Bank Qualified***:
The Montgomery Township School District Board of Education is a Type II school district. The district does not intend to issue in excess of ten million dollars in aggregate tax exempt debt this calendar year. Interest income from this lease purchase will be considered ***"bank qualified."*** This transaction may be assigned by the lessor.

***Documentation:***
Documentation for this transaction supplied by the successful Respondent must be acceptable to The Board of Education of the Township of Montgomery School District and their counsel. Note that changes in credit condition may not trigger a default. Remedies on default may not include acceleration. There may be an adjustment to the rate for an event of taxability only when it results from a breach of the School District's covenants based upon current law.

***Assignment:***
The lease purchase agreement may only be assigned at the time of closing if the assignee is disclosed at the time of bid opening with the name, address, tax ID number and mandatory documentation required for a bid submission. Assignment subsequent to closing and funding will be permitted only if required mandatory documentation is furnished prior to any subsequent assignment.

***Location of Bid Opening***:

The official opening will be held on Thursday, November 12, 2026, at 1:00 p.m. at the Administrative offices,

1014 Route 601, Skillman, NJ 08558. *It is the responsibility of the Respondent to ensure that the Bid is in the hands of the Business Administrator before 1:00 PM on November 12, 2026. E-mailed or faxed Bids will not be accepted at the official Bid opening.*

***Please return original Bids to The Board of Education of the Township of Montgomery School District office at the below address:**

**Montgomery Township Board of Education**
**Administration Building**
1014 Route 601.
Skillman, NJ 08558
Attn: Andrew Italiano, SBA/BS
aitaliano@mtsd.us
Ph. **(**609) 466-7617

Please Label all Bids: "**Lease Purchase Bid Enclosed**"

The bid opening process will begin on the above date and time. No bids shall be received after the time designated in the advertisement.

The Board of Education of the Township of Montgomery School District reserves the right to reject any and all Bids and to waive any irregularities in the bid process.

***Financial Advisor***:
Hunterdon County Educational Services Commission (HCESC) is acting as financial advisor to the Board. Please direct questions to the Financial Advisor. *Please email a copy of your Bid submission within one hour after the bid opening (*per above) to:*
HCESC
Dennis R. Balodis, Financial Services Manager
37 Hoffman's Crossing Road
Califon, New Jersey 07830
(908) 572-7715
DBalodis@HunterdonESC.org

**Rate Hold**

Due to the current state of uncertainty in the financial markets, we have suspended the use of an index. We ask that respondents furnish a rate hold of for a minimum of 30 days to sixty days from the date of the Bid opening Please state on the Response form how many days your institution is willing to lock the proposed interest rate. Delay in closing brought about solely by the Respondent to this RFB will automatically extend the number of days the rate will be held to the number of days the delay was experienced.

As part of your bid, please supply us with the following:

1. Name, telephone number, physical and e-mail addresses of bidder.
   The Board reserves the right to review and approve all terms and conditions relating to the Lease/Purchase Agreement and any other related documents

2. The Board reserves the right to review and approve all terms and conditions relating to the Lease/Purchase Agreement and any other related documents.

3. The Respondent will supply an amortization schedule for the requested amount, set to their proposed interest rate, as set forth in the example on page one of this Bid. Please include Principal Balance, Interest Amount, and Principal Amount. Please disclose your prepayment Purchase Option for each payment to the financing. This should have the name address and phone number of the lessor and be signed as original.

4. All final lease documents of the successful Respondent must comply with relevant New Jersey laws and regulations including N.J.S.A. 18A:18A-42, N.J.A.C. 5:34-3 and others as deemed applicable.

5. Any information concerning your firm or your ability to meet the needs of the Board that may be pertinent.

6. Any additional costs in connection with this financing shall be disclosed by the Respondent. These costs will be factored in to the board's evaluation of the proposal.

7. Any and all requested documentation shall be attached to the "**Bid Proposal Form.**" Failure to complete all Bid documents will subject the Respondent to disqualification.

8. The Respondent must possess a New Jersey Business Registration Certificate ("BRC") at the time of Bid and the BRC must be received by the Board prior to award of Bid.

9. Successful Respondent must submit a Federal Affirmative Action Certificate or New Jersey Affirmative Action Employee Information Report within ten days of award of Bid.

**The information set forth herein on this Bid and accompanying downloadable documents have been obtained from sources which are believed to be reliable but it is not guaranteed as to accuracy or completeness and is not to be construed as a representation by the Hunterdon County Educational Services Commission. Prospective Respondents and ultimate purchasers must be satisfied that they have access to, and have made a complete investigation of the facts and circumstances relating to the transaction including the nature and purpose of the transaction, the nature of the purchasers' risks in purchasing the transaction and the purchaser's rights and remedies in the event of default.**

ATTACHMENTS: Forms provided that must be returned with Bid.
(Please Note disclosure form now required. Hyperlink is below.)

- Bid Proposal Form
- Affirmative Action Questionnaire
- Non Collusion Affidavit
- Stockholders' Disclosure/ Ownership Declaration
- Contractor/Vendor Questionnaire and Certification
- Acknowledgement of Addenda
- Chapter 271 – Political Contribution Disclosure Form
- Amortization Schedule (Please supply in accordance with RFB)
- Russia-Belarus and Iran Combined **Please download pdf from HCESC LP Current Bids**

*Please check your Bid package for these forms!
Please note that the NJ Business Registration Certificate and Affirmative Action Evidence must be submitted prior to award.

# The Board of Education of the Township of Montgomery School District

**County of Somerset, New Jersey**

***Bid for Lease Purchase Financing*** ***Bid Opening: 1:00 P.M., November 12, 2026***

***BID PROPOSAL FORM**

Name of Respondent: _____

Address: _____

_____

_____

Contact: _____

Phone: _____ Fax #: _____

E-mail: _____

**INTEREST RATE BID:**.....**.**_____%

**B. Number of Days the interest rate will be held for……**_____

**C. Purchase Option Rate** (number of basis points below interest rate Bid or expressed as a percentage above the outstanding principal balance.) ..... _____%

**D. Additional Costs.** If there are any additional costs associated with this closing, then please place an 'X' in the space provided and include a detailed list and total amount on an attached sheet……..☐

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Proposal submitted by:_____
Authorized Signature

_____
Printed Name

Title: _____

Date: _____

****(All Bids must be submitted on this form to be considered responsive, failure to do so will be grounds for Bid rejection. Proposal letters need not be included or substituted for this form.)***

## ***AFFIRMATIVE ACTION QUESTIONNAIRE***

**The Board of Education of the Township of Montgomery School District**
**Lease Purchase Bid**

**Bid Date: November 12, 2026**

This form is to be completed and returned with the Bid. However, we will accept in lieu of this Questionnaire, Affirmative Action Evidence stapled to this page.

1. Our company has a federal Affirmative Action Plan approval. ☐ Yes ☐ No

***If yes,*** please attach a copy of the plan to this questionnaire.

2. Our company has a N.J. State Certificate of Employee Information Report ☐ Yes ☐ No

***If yes,*** please attach a copy of the certificate to this questionnaire.

3. If you answered ***"NO"*** to both questions No. 1 and 2, you must apply for an affirmative action Employee Information Report – Form AA302.

Please visit the New Jersey Department of Treasury website for the Division of Public Contracts Equal Employment Opportunity Compliance:

***www.state.nj.us/treasury/contract compliance/***

- Click on "Employee Information Report
- Complete and submit the form with the appropriate payment to:

Department of Treasury
Division of Public Contracts/EEO Compliance
P.O. Box 209
Trenton, NJ 08625-0002

All fees for this application are to be paid directly to the State of New Jersey. A copy shall be submitted to us within seven (7) days of the notice of the intent to award the contract or the signing of the contract.

I certify that the above information is correct to the best of my knowledge.

Name: _____

Signature _____

Title _____ Date _____

Name of Company_____

Address _____

City, State, Zip _____

**NON-COLLUSION AFFIDAVIT**

## Lease Purchase Bid

Re: The Board of Education of the Township of Montgomery School District
Lease Purchase Bid

STATE OF _____ Bid Date: Thursday November 12, 2026
:ss:

COUNTY OF_____

I, _____ of the City of _____

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

I am_____ of the firm of _____
*Position in Company*
and the Respondent making the Proposal for the above names contract, and that I executed the said Proposal with full authority so to do; that I have not, directly or indirectly, entered into any agreement, participated in any collusion, discussed any or all parts of this proposal with any potential Respondents, or otherwise taken any action in restraint of free, competitive Bidding in connection with the above named Bid, and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Board 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 Bid.

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 of bona fide established commercial or selling agencies maintained by

_____
(Print Name of Contractor/Vendor)

Subscribed and sworn to: _____
(**SIGNATURE OF CONTRACTOR/VENDOR**)

before me this _____ day of _____, _____.
Month Year

_____ _____
**NOTARY PUBLIC SIGNATURE** Print Name of Notary Public

My commission expires _____ _____, _____. - Seal –
Month Day Year

**STOCKHOLDER/PARTNERSHIP DISCLOSURE AND STATEMENT OF OWNERSHIP**

# Lease Purchase Bid

Re: Bid Proposal for the Board of Education of the Township of Montgomery School District

Bid Date: **Thursday, November 12, 2026**

Please check one type of Ownership, complete the form, and execute where provided.

| | | | |
|---|---|---|---|
| ☐ | Corporation-- | ☐ | Limited Partnership-- |
| ☐ | Partnership-- | ☐ | Limited Liability Corp.-- |
| ☐ | Sole Proprietorship-- | ☐ | Limited Liability Partnership-- |
| ☐ | Sub Chapter S Corp.-- | ☐ | Other- _____ |

No corporation "or partnership" shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any material or supplies, the cost of which is to be paid with or out of any public funds, by the State or any county, municipality or school district, or any subsidiary or agency of the State, or by an authority, board or commission which exercises governmental functions, unless prior to the receipt of the Bid or accompanying the Bid of said corporation or said partnership, there is submitted a statement setting forth the names and all individual partners in the partnership who own a 10% or greater interest therein, as the case may be." If one or more such stockholder "or partner" is itself a corporation "or partnership", the stockholder holding 10% or more of that corporation "or partnership" the individual partners owning 10% or greater interest in that partnership, as the case may be, 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 established in this act, has been listed.

**IT IS MANDATORY THAT THIS FORM BE COMPLETED AND SUBMITTED WITH BID.** In the event that there are no persons who own ten percent or more of the stock or ownership of the Respondent, then such fact should be certified below as part of this disclosure.

Name of Company _____

Address _____

City, State, Zip _____

***List of Owners with Ten Percent (10%) or More Interest***

| Owner's Name | Home Address | Title/Office Held | Percent (%) of Partnership Shares Owned |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

*NOTE*: If you need more space than that provided above, please use an extra sheet for furnishing the above required information for any remaining persons or entities.

***Signature*** _____ ***Date*** _____

***(Form continued on next page)*** ➔➔➔

**STOCKHOLDER/PARTNERSHIP DISCLOSURE AND STATEMENT OF OWNERSHIP (con't)**

If your firm is not a corporation and/or partnership, please explain below how your firm is organized and include a list of the various principals.

Our firm, _____ , is organized

_____

_____

Names of Principals Title

_____

_____

_____

_____

_____

Use additional paper if needed. Check here ☐ if additional sheets are attached.

***Name of Company*** _____

***Address*** _____

***City, State, Zip*** _____

**Authorized Agent** _____ **Title** _____

_____

## SIGNATURE OF AUTHORIZED AGENT

## ***Contractor/Vendor Questionnaire/Certification***

**The Board of Education of the Township of Montgomery School District Lease Purchase Bid**

Bid Date: **Thursday November 12, 2026**

Name of Company _____

Street Address _____ PO Box _____

City, State, Zip _____

Business Phone Number (____)_____ Ext. _____

Emergency Phone Number (_____)_____

FAX No. (____)_____ E-Mail _____

## Vendor Certification

Direct/Indirect Interests

I declare and certify that no member of The Board of Education of the Township of Montgomery School District, nor any officer or employee or person whose salary is payable in whole or in part by said Board or their immediate family members are directly or indirectly interested in this Bid or in the supplies, materials, equipment, work or services to which it relates, or in any portion of profits thereof. If a situation so exists where a Board member, employee, officer of the board has an interest in the Bid, etc., then please attach a letter of explanation to this document, duly signed by the president of the firm or company.

Gifts; Gratuities; Compensation

I declare and certify that no person from my firm, business, corporation, association or partnership offered or paid any fee, commission or compensation, or offered any gift, gratuity or other thing of value to any school official, board member or employee of The Board of Education of the Township of Montgomery School District.

Vendor Contributions

I declare and certify that I fully understand N.J.A.C. 6A:23A-6.3(a1-4) concerning vendor contributions to school board members.

I certify that I am not an official or employee of The Board of Education of the Township of Montgomery School District.

I further certify that I understand that it is a crime in the second degree in New Jersey to knowingly make a material representation that is false in connection with the negotiation, award or performance of a government contract.

_____

President or Authorized Agent

_____

**Signature**

## ***Acknowledgement of Addenda***

Bid Date: Thursday, November 12, 2026

The Respondent acknowledges receipt of the hereinafter enumerated Addenda which have been issued during period of Quoting and agrees that said Addenda shall become a part of this contract. The Respondent shall list below the numbers and issuing dates of the Addenda.

| ADDENDA NO. | ISSUING DATES |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

☐ No Addenda Received

Name of Company _____

Address _____ P.O. Box _____

City, State, Zip Code _____

Name of Authorized Representative _____

Signature _____ Date _____

**The Board of Education of the Township of Montgomery School District**
**Administrative Offices**
1014 Route 601
Skillman, New Jersey 08558
**Chapter 271**
**Political Contribution Disclosure Form**
**(Contracts that Exceed $17,500.00)**
**Ref. N.J.S.A. 52:34-25**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____(Business Entity) has made the following **reportable** political contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26 during the twelve (12) months preceding this award of contract:

**Reportable Contributions**

| Date of Contribution | Amount of Contribution | Name of Recipient Elected Official/ Committee/Candidate | Name of Contributor |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

The Business Entity may attach additional pages if needed.

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☐ **No Reportable Contributions** (Please check (✓) if applicable.)

I certify that _____(Business Entity) made no reportable contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26.

**Certification**

I certify, that the information provided above is in full compliance with Public Law 2005—Chapter 271.

Name of Authorized Agent _____

Signature _____ Title _____

Business Entity_____

## Lease Purchase Bid
## The Board of Education of the Township of Montgomery School District

**P.L. 2005, c.271**

(Unofficial version, Assembly Committee Substitute to A-3013, First Reprint*)

**AN ACT** authorizing units of local government to impose limits on political contributions by contractors and supplementing Title 40A of the New Jersey Statutes and Title 19 of the Revised Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

***40A:11-51*** 1. a. A county, municipality, independent authority, board of education, or fire district is hereby authorized to establish by ordinance, resolution or regulation, as may be appropriate, measures limiting the awarding of public contracts therefrom to business entities that have made a contribution pursuant to P.L.1973, c.83 (C.19:44A-l et seq.) and limiting the contributions that the holders of a contract can make during the term of a contract, notwithstanding the provisions and parameters of sections 1 through 12 of P.L.2004, c.19 (C. 19:44A-20.2 et al.) and section 22 of P.L.1973, c.83 (C.19:44A-22).

b. The provisions of P.L.2004, c.19 shall not be construed to supersede or preempt any ordinance, resolution or regulation of a unit of local government that limits political contributions by business entities performing or seeking to perform government contracts. Any ordinance, resolution or regulation in effect on the effective date of P.L.2004, c.19 shall remain in effect and those adopted after that effective date shall be valid and enforceable.

c. An ordinance, resolution or regulation adopted or promulgated as provided in this section shall be filed with the Secretary of State.

***52:34-25*** 2. a. Not later than 10 days prior to entering into any contract having an anticipated value in excess of $17,500, except for a contract that is required by law to be publicly advertised for Bids, a State agency, county, municipality, independent authority, board of education, or fire district shall require any business entity Quoting thereon or negotiating therefore, to submit along with its Bid or price quote, a list of political contributions as set forth in this subsection that are reportable by the recipient pursuant to the provisions of P.L.1973, c.83 (C.19:44A-l et seq.) and that were made by the business entity during the preceding 12 month period, along with the date and amount of each contribution and the name of the recipient of each contribution. A business entity contracting with a State agency shall disclose contributions to any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or any continuing political committee. A business entity contracting with a county, municipality, independent authority, other than an independent authority that is a State agency, board of education, or fire district shall disclose contributions to: any State, county, or municipal committee of a political party; any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elective office of that public entity, 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, or any continuing political committee.

The provisions of this section shall not apply to a contract when a public emergency requires the immediate delivery of goods or services.

b. When a 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. 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. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

c. As used in this section:

"business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the 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, as appropriate; and

"State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch, and any independent State authority, commission, instrumentality or agency.

d. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

***19:44A-20.13*** 3. a. Any business entity making a contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind to a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or to a political party committee, legislative leadership committee, political committee or continuing political committee, which has received in any calendar year $50,000 or more in the aggregate through agreements or contracts with a public entity, shall file an annual disclosure statement with the New Jersey Election Law Enforcement Commission, established pursuant to section 5 of P.L.1973, c.83 (C.19:44A-5), setting forth all such contributions made by the business entity during the 12 months prior to the reporting deadline.

b. The commission shall prescribe forms and procedures for the reporting required in subsection a. of this section which shall include, but not be limited to:

(1) the name and mailing address of the business entity making the contribution, and the amount contributed during the 12 months prior to the reporting deadline;

(2) the name of the candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee receiving the contribution; and

(3) the amount of money the business entity received from the public entity through contract or agreement, the dates, and information identifying each contract or agreement and describing the goods, services or equipment provided or property sold.

c. The commission shall maintain a list of such reports for public inspection both at its office and through its Internet site.

d. When a 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. 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. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity, or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

As used in this section:

"business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; and

"interest" means the 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, as appropriate.

e. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

4. This act shall take effect immediately.

* Note: Bold italicized statutory references of new sections are anticipated and not final as of the time this document was prepared. Statutory compilations of N.J.S.A. 18A:18A-51 is anticipated to show a reference to N.J.S.A. 40A:11-51 and to N.J.S.A. 52:34-25.

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

The contractor and The Board of Education of the Township of Montgomery School District (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

**Attachment 2**

**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 et seq.**

**GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES CONTRACTS**

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will 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, affection-al 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, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprentice-ship. 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.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. l7:27-5.2.

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, col-or, 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; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: 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.

Acknowledged:

Vendor Name: _____

By: _____

Date: _____

For further information: http://www.state.nj.us/treasury/contract_compliance/pdf/pa.pdf

# Appendix C

To download the AA302 form click this link: http://www.state.nj.us/treasury/contract_compliance/pdf/aa302.pdf

Form AA302
Rev. 11/11

## STATE OF NEW JERSEY

**Division of Purchase & Property**
**Contract Compliance Audit Unit**
**EEO Monitoring Program**

## EMPLOYEE INFORMATION REPORT

**IMPORTANT**-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED $150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11. For Instructions on completing the form, go to: http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf

### SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY

2. TYPE OF BUSINESS
☐ 1. MFG ☐ 2. SERVICE ☐ 3. WHOLESALE
☐ 4. RETAIL ☐ 5. OTHER

3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY

4. COMPANY NAME

5. STREET CITY COUNTY STATE ZIP CODE

6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE) CITY STATE ZIP CODE

7. CHECK ONE: IS THE COMPANY: ☐ SINGLE-ESTABLISHMENT EMPLOYER ☐ MULTI-ESTABLISHMENT EMPLOYER

8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ

9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT

10. PUBLIC AGENCY AWARDING CONTRACT CITY COUNTY STATE ZIP CODE

| Official Use Only | DATE RECEIVED | INAUG DATE | ASSIGNED CERTIFICATION NUMBER |
|---|---|---|---|
| | | | |

### SECTION B - EMPLOYMENT DATA

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. *DO NOT SUBMIT AN EEO-1 REPORT.*

| JOB CATEGORIES | ALL EMPLOYEES | | | PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | ********** MALE ********** | | | | | ********** FEMALE ********** | | | | | |
| | COL. 1 TOTAL (Cols.2 &3) | COL. 2 MALE | COL. 3 FEMALE | BLACK | HISPANIC | AMER. INDIAN | ASIAN | NON MIN. | BLACK | HISPANIC | AMER. INDIAN | ASIAN | NON MIN. |
| Officials/ Managers | | | | | | | | | | | | | | |
| Professionals | | | | | | | | | | | | | | |
| Technicians | | | | | | | | | | | | | | |
| Sales Workers | | | | | | | | | | | | | | |
| Office & Clerical | | | | | | | | | | | | | | |
| Craftworkers (Skilled) | | | | | | | | | | | | | | |
| Operatives (Semi-skilled) | | | | | | | | | | | | | | |
| Laborers (Unskilled) | | | | | | | | | | | | | | |
| Service Workers | | | | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | | | | |
| Total employment From previous Report (if any) | | | | | | | | | | | | | | |
| Temporary & Part-Time Employees | The data below shall NOT be included in the figures for the appropriate categories above. | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED?
☐ 1. Visual Survey ☐ 2. Employment Record ☐ 3. Other (Specify)

13. DATES OF PAYROLL PERIOD USED
From: To:

14. IS THIS THE FIRST Employee Information Report Submitted?
1. YES ☐ 2. NO ☐

15. IF NO, DATE LAST REPORT SUBMITTED
MO. DAY YEAR

### SECTION C - SIGNATURE AND IDENTIFICATION

16. NAME OF PERSON COMPLETING FORM (Print or Type) SIGNATURE TITLE DATE MO DAY YEAR

17. ADDRESS NO. & STREET CITY COUNTY STATE ZIP CODE PHONE (AREA CODE, NO.,EXTENSION)
- -

# INSTRUCTIONS FOR COMPLETING THE EMPLOYEE INFORMATION REPORT (FORM AA302)

**IMPORTANT:** READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. PRINT OR TYPE ALL INFORMATION. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM **AND TO SUBMIT THE REQUIRED $150.00 NON-REFUNDABLE FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE**. **IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM UNLESS YOUR ARE RENEWING A CERTIFICATE THAT IS DUE FOR EXPIRATION. DO NOT COMPLETE THIS FORM FOR CONSTRUCTION CONTRACT AWARDS.**

**ITEM 1** - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

**ITEM 2** - Check the box appropriate to your TYPE OF BUSINESS. If you are engaged in more than one type of business check the predominate one. If you are a manufacturer deriving more than 50% of your receipts from your own retail outlets, check "Retail".

**ITEM 3** - Enter the total "number" of employees in the entire company, including part-time employees. This number shall include all facilities in the entire firm or corporation.

**ITEM 4** - Enter the name by which the company is identified. If there is more than one company name, enter the predominate one.

**ITEM 5** - Enter the physical location of the company. Include City, County, State and Zip Code.

**ITEM 6** - Enter the name of any parent or affiliated company including the City, County, State and Zip Code. If there is none, so indicate by entering "None" or N/A.

**ITEM 7** - Check the box appropriate to your type of company establishment. "Single-establishment Employer" shall include an employer whose business is conducted at only one physical location. "Multi-establishment Employer" shall include an employer whose business is conducted at more than one location.

**ITEM 8** - If "Multi-establishment" was entered in item 8, enter the number of establishments within the State of New Jersey.

**ITEM 9** - Enter the total number of employees at the establishment being awarded the contract.

**ITEM 10** - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code. This is not applicable if you are renewing a current Certificate.

**ITEM 11** - Enter the appropriate figures on all lines and in all columns. THIS SHALL ONLY INCLUDE EMPLOYMENT DATA FROM THE FACILITY THAT IS BEING AWARDED THE CONTRACT. DO NOT list the same employee in more than one job category. **DO NOT attach an EEO-1 Report**.

**Racial/Ethnic Groups will be defined:**
**Black:** Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.
**Hispanic:** Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.
**American Indian or Alaskan Native:** Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
**Asian or Pacific Islander:** Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands and Samoa.
**Non-Minority:** Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

**ITEM 12** - Check the appropriate box. If the race or ethnic group information was not obtained by 1 or 2, specify by what other means this was done in 3.

**ITEM 13** - Enter the dates of the payroll period used to prepare the employment data presented in Item 12.

**ITEM 14** - If this is the first time an Employee Information Report has been submitted for this company, check block "Yes".

**ITEM 15** - If the answer to Item 15 is "No", enter the date when the last Employee Information Report was submitted by this company.

**ITEM 16** - Print or type the name of the person completing the form. Include the signature, title and date.

**ITEM 17** - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

**TYPE OR PRINT IN SHARP BALL POINT PEN**

THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDING THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY **WITH A CHECK IN THE AMOUNT OF $150.00 PAYABLE TO THE TREASURER, STATE OF NEW JERSEY(FEE IS NON-REFUNDABLE)** TO:

**NJ Department of the Treasury**
**Division of Public Contracts Equal Employment Opportunity Compliance**
**P.O. Box 206**
**Trenton, New Jersey 08625-0206 Telephone No. (609) 292-5473**

TO All Respondents:

## REMINDER!

Did you sign all of the Bid documents?

All Bid documents returned to the Board shall be signed with original signatures. Please try to use **blue ink.**

The Board will not accept facsimile or rubber stamp signatures.

Failure to sign all Bid documents may be cause for disqualification and rejection of the Bid.

Please e-mail a copy of your submission within one hour after the time of Bid opening to: DBalodis@HunterdonEsc.org .