

# **BOROUGH OF WOODLAND PARK REQUEST FOR QUALIFICATIONS MUNICIPAL COURT PUBLIC DEFENDER**

**Date Issued:** December 9, 2024

**Return Date & Time:** December 30, 2024 no later than 2:00 p.m.

**Return To:** Sandra Olivola, Municipal Clerk  
Borough of Woodland Park  
Room 205  
5 Brophy Lane  
Woodland Park, NJ 07424

## **REQUEST FOR QUALIFICATIONS FOR THE POSITION OF MUNICIPAL COURT PUBLIC DEFENDER FOR THE BOROUGH OF WOODLAND PARK FOR THE TIME PERIOD JANUARY 1, 2025 THROUGH DECEMBER 31, 2025**

### **SECTION 1**

#### **INTRODUCTION AND GENERAL INFORMATION**

##### **1.1. Introduction and Purpose.**

The Borough is soliciting Qualification Statements from interested persons and/or firms for the provision of Municipal Court Public Defender for 2024 to provide professional services to the Borough for all cases over which the court has jurisdiction. Through this Request for Qualifications process described herein, persons and/or firms interested in providing Professional Services to the Borough must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Borough will review Qualification Statements only from those firms who submit a Qualification Statement that includes all the information required to be included as described herein (in the sole judgment of the Borough). The Borough intends to qualify individual(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the Professional Services for which they are submitting a Qualification Statement, and (b) will agree to work under the compensation terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of the Borough.

##### **1.2. Procurement Process and Schedule.**

The selection of Qualified Respondents is not subject to the bidding provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the “New Jersey Local Unit Pay-to-Play Law,” N.J.S.A. 19:44A-20.4 et seq. The Borough has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 5 of this RFQ, which will be applied in the same manner to each Qualification Statement received. Respondents agree to, at all times,

abide by all requirements of New Jersey law, including, but not limited to the aforementioned “New Jersey Local Unit Pay-to-Play Law,” as well as any and all relevant Executive Orders, and the New Jersey Election Law Enforcement Commission disclosure requirements.

Qualification Statements will be reviewed and evaluated by the Borough, its legal and/or financial advisors (collectively, the “Review Team”). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Under no circumstances will a member of the Review Team review responses to an RFQ for a job for which they or their firm submitted a Qualification Statement. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Borough will (in its sole judgment) determine which Respondents are qualified (from professional, administrative and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Borough) will be designated as a Qualified Respondent and considered during the evaluation process for the award of a contract for the Professional Services for which they have submitted a Qualification Statement(s).

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Borough reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Borough’s Designated Contact Person, in writing:

**Designated Contact Person:**

Sandra Olivola, RMC  
Municipal Clerk  
Office of the Municipal Clerk  
5 Brophy Lane  
Woodland Park, New Jersey 07424  
(973) 345-8100 x201

**Qualification Statements must be submitted to, and be received by, the Borough via regular mail, overnight or express mail in sealed envelopes by 2:00 p.m. prevailing time on Monday, December 30, 2024. The Qualification Statements will be publicly opened in the Office of the Municipal Clerk on that date and time. Qualification Statements will not be accepted by facsimile transmission or e-mail.**

**Respondents must print their names on the outside of the sealed envelope, together with the words:**

**“Request for Qualifications for the following Professional Services: [Identify each of the services for which a response is being provided].”**

Subsequent to issuance of this RFQ, the Borough (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Borough.

**TABLE 1**

**ANTICIPATED PROCUREMENT SCHEDULE**

<b>ACTIVITY</b>	<b>DATE</b>
1. Issuance of Request for Qualifications	December 9, 2024
2. Receipt of Qualification Statements	December 30, 2024
3. Public Opening of Qualification Statements	December 30, 2024
4. Completion of Borough Review of Qualification Statements	January 3, 2025
5. Award of Professional Services Contracts	January 8, 2025 Reorganization Meeting

**Section 1.3. Conditions Applicable to RFQ.**

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute a Request for Qualifications (“RFQ”).
- This RFQ does not commit the Borough to issue an RFQ.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- All Qualification Statements shall become the property of the Borough and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with applicable law.
- The Borough may request Respondents to send representatives to the Borough for interviews.
- Any and all Qualification Statements not received by the Borough by 2:00 p.m. prevailing time on Monday, December 30, 2024 will not be accepted and will be returned unopened.
- Neither the Borough, nor its staff, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Request for Qualifications, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

#### **Section 1.4. Rights of Borough.**

The Borough reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To reject for any reason any and all Qualification Statements and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- To reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Borough deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Borough shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

#### **1.5 Addenda or Amendments to RFQ.**

During the period provided for the preparation of responses to the RFQ, the Borough may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Borough and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the Qualification Statement submission date.

## **1.6 Cost of Qualification Statement Preparation.**

Each Qualification Statement and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Borough, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

## **1.7 Qualification Statement Format.**

Qualification Statements should cover all information requested herein, including answer to all Questions required to be answered in this RFQ.

**Respondents may submit responses for more than one (1) of the Professional Services covered by this RFQ. The Borough, in its discretion and in accordance with applicable law, reserves the right to (i) decline to award any contract, (ii) award only (1) contract, or (iii) award more than one (1) contract, to a Respondent who submits a Qualification Statement for more than one (1) of the Professional Services covered by this RFQ.**

Qualification Statements that, in the sole judgment of the Borough, fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

## **SECTION 2**

### **SCOPE OF SERVICES**

It is the intent of the Borough to solicit Qualification Statements from Respondents who have expertise in the provision of the Professional Service of Municipal Court Public Defender for the Scope of Services listed below. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform the Professional Service.

#### **Scope of Services**

The Municipal Court Public Defender (and other qualified individuals/firms, if any) shall perform the following minimum duties as well as those prescribed by applicable law:

The Borough Public Defender shall defend criminal and quasi-criminal business before the Municipal Court of the Borough of Woodland Park in those cases in which his or her services are awarded to a defendant after review by the Municipal Court Judge of an application for such legal services.” Further responsibilities are as follows: The responsibilities of the Municipal Court Public Defender and the Municipal Court, as they relate to the appointment of a Municipal Court Public Defender, shall be controlled by the provisions of N.J.S.A. 2B:12-28 et seq..

- A. Attending all scheduled court appearances. In the event of vacation or illness Public Defender is responsible for arranging coverage by another qualified attorney.
- B. Acting as counsel available to all appointed defendants at all scheduled hearings on scheduled court days. In addition, the Public Defender will have to make appearances at other times noticed by the Court.
- C. Consulting with defendants prior to pretrial hearings.
- D. Preparing for trial to ensure that the defendant receives adequate representation. Preparation for trial shall include but is not limited to: interviewing witnesses identified by the Borough Prosecutor, interviewing witnesses identified by the defendant, reviewing of police reports and evidence, researching relevant legal issues, preparing a witness list on behalf of the defendant, and consulting with the defendant.

### **Minimum Qualifications and Response Requirements**

In order for an individual's or firm's proposal to be considered by the Mayor and Council, interested parties submitting proposals in response to this solicitation must meet the following:

#### **A. Minimum Qualifications:**

1. Experience generally in the proposer's profession, including years spent practicing law in any capacity in the municipal courts of the State of New Jersey and exposure to issues likely to be of assistance in properly serving as the Woodland Park Public Defender," which shall include but not be limited to: Municipal Court Experience, Prosecutorial Experience and/or experience as a Public Defender.;
2. That the attorney or law firm has sufficient knowledge of the Woodland Park ordinances and other municipal and state law in which he/she shall be prosecuting;
3. The ability of the proposer to attend all sessions of the Woodland Park Municipal Court or those as directed by the Municipal Court Judge;
4. That the attorney who is submitting the response to this proposal, is licensed and in good standing with the Bar Association of the State of New Jersey;
5. The attorney or firm submitting the response to this proposal carries professional liability insurance in an amount of at least \$1,000,000.00 with a carrier that has AAA rating by Best Insurance Digest;
6. That the attorney or law firm submitting this proposal has not represented within the past three years and does not represent any adverse parties and claims whether administrative, civil, criminal, or otherwise, against the Borough of Woodland Park.

B. Minimum Requirements for Vendor Responses:

Interested parties wishing to provide a proposal in response to the Borough of Woodland Park's solicitation shall provide the following minimum information in its proposal, which proposal must be submitted at the location and within the time constraint set forth on page 1 of this document.

1. Full name and business address of entity or person submitting the proposal;
2. List of all individuals who, if selected, will provide services to the Borough of Woodland Park, along with a summary of the post high school education and licenses held by each such person;
3. Number of years each attorney in the law firm submitting this proposal has provided representation to municipal entities as a Municipal Court Public Defender or practice law in any capacity in the municipal courts of the State of New Jersey;
4. A description of the services that will be provided to the Borough of Woodland Park, in addition to those set forth in Section II above;
5. A copy or description of the professional liability insurance policy maintained by the attorney or law firm for the proposed calendar year;
6. A statement and listing of professional service fees that the attorney or law firm would charge the Borough of Woodland Park, if the attorney or law firm were selected to be the Municipal Court Public Defender for the Borough of Woodland Park;
7. A statement that the applicant complies with N.J.S.A 10:5-1, et. seq., (Law Against Discrimination) and P.L.1975, c. 127 (Affirmative Action Law of the State of New Jersey);
8. The name and addresses of references of government agencies for which the applicant has provided as a Municipal Court Public Defender or practice law in any capacity in the municipal courts of the State of New Jersey which shall include but not be limited to: Municipal Court Experience, Prosecutorial Experience and/or experience as a Public Defender.
9. A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years; and
10. The applicant shall provide the Borough of Woodland Park with an original and two (2) copies of its proposal.

**SECTION 3**

**SUBMISSION REQUIREMENTS**

**Section 3.1 General Requirements.**

**In addition to the professional qualifications stated in Section 2**, the Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3, and shall incorporate the information requested below.

In addition to the information by this Request for Qualifications, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

### **Section 3.2 Administrative Information Requirements.**

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. Name, address and telephone number of the firm submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
  - (a) Provide the names and business addresses of all Principals of the firm submitting the Qualification Statement. For purposes of this RFQ, “Principals” mean persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, “Principals” shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.
  - (b) If a firm is a partially-owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
  - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
  - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
5. An executed Letter of Intent (See Appendix B).
6. The number of years your organization has been in business under the present name.

7. The number of years the business organization has been under the current management.
8. Any judgments, claims or suits within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
9. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
10. Confirm appropriate federal and state licenses to perform Scope of Services for the Professional Services for which Respondent is responding. Submit a copy of the Respondent's Business Registration Certificate.
11. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

### **Section 3.3 Professional Information Requirements.**

#### **RESPONDENT MUST SUBMIT THE INFORMATION CONTAINED IN THIS SECTION 3.3 FOR EACH OF THE PROFESSIONAL SERVICES FOR WHICH RESPONDENT IS SUBMITTING A RESPONSE.**

Respondent shall submit a description of its overall experience in providing the type of Professional Services for which Respondent is submitting a response. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

1. Description of Respondent's experience with respect to the Professional Services for which Respondent is submitting a response.
2. Name, address and contact information of references.
3. Explanation of perceived relevance of Respondent's experience to the Professional Services and Scope of Services under the RFQ.
4. Describe the Professional Services that Respondent would perform directly.
5. Describe those portions of the Professional Services, if any, that are sub-contracted. Identify all subcontractors the Respondent anticipates using in connection with this Scope of Services.
6. Does the Respondent normally employ union or non-union employees?
7. Résumés of key employees.
8. A narrative statement of the Respondent's understanding of the Borough's needs and goals with respect to the Professional Services for which Respondent is submitting a response.

## SECTION 4

### INSTRUCTIONS TO RESPONDENTS

#### 4.1 **Submission of Qualification Statements.**

Respondents must submit an original and one (2) copies of their Qualification Statement to the Designated Contact Person:

Sandra Olivola, RMC  
Municipal Clerk  
Office of the Municipal Clerk  
5 Brophy Lane  
Woodland Park, New Jersey 07424

Qualification Statements must be received via mail or drop off to the Municipal Clerk's Office by no later than 2:00 p.m. (prevailing time) on December 30, 2024. Qualification Statements forwarded by facsimile or e-mail **will not** be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be contained in one PDF document and signed and acknowledged by the Respondent.

## SECTION 5

### EVALUATION

The Borough's objective in soliciting Qualification Statements is to enable it to select an individual or firm or organization that will provide high quality and cost-effective services to the citizens of the Borough. The Borough will consider Qualification Statements only from individuals, firms or organizations that, in the Borough's sole judgment, have demonstrated the capability and willingness to provide high quality Services to the citizens of the Borough in the manner described in this RFQ.

Qualification Statements will be evaluated by the Borough to determine the most advantageous to the Borough and its citizens, all relevant factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Borough and of the subject matter and Scope of Services for Professional Services for which a response is being submitted;
3. Availability to accommodate required meetings of the Borough; and
4. Other factors demonstrated to be in the best interest of the Borough.

All awards are and shall be subject to the availability of funds for the professional services in the Temporary and/or Final Budgets.

**APPENDIX A**

**LETTER OF QUALIFICATION**

**(Note: To be typed on Respondent's Letterhead.  
No modifications may be made to this letter)**

[insert date]

Sandra Olivola, RMC  
Office of the Municipal Clerk  
5 Brophy Lane  
Woodland Park, New Jersey 07424

Dear Mrs. Olivola:

The undersigned has reviewed our Qualification Statement being submitted, in response to the Request for Qualifications issued by the Borough of Woodland Park (“Borough”), dated December 9, 2024, for the following Professional Services:

Public Defender

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. This Letter of Qualification must be signed by an officer of Respondent empowered to sign and commit the Respondent. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: \_\_\_\_\_

## APPENDIX B

### LETTER OF INTENT

**(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)**

[insert date]

Sandra Olivola, RMC  
Office of the Municipal Clerk  
5 Brophy Lane  
Woodland Park, New Jersey 07424

Dear Mrs. Olivola:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement, in response to a Request for Qualifications (“RFQ”), issued by the Borough of Woodland Park (“Borough”), dated December 9, 2024, for the following Professional Services:

Public Defender

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough's procurement schedule.
3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any Qualification Statement prepared and submitted in response to the RFQ, or any negotiation that results therefrom, shall be borne exclusively by the Respondent.
4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Borough. (Name of Respondent) declares that this Qualification Statement is made without connection with any other persons, firms or parties who have submitted a Qualification Statement, except as expressly set forth below, and that it has been prepared and has been submitted in good faith and without collusion or fraud.
5. (Name of Respondent) acknowledges (acknowledge) and agrees (agree) that the Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.
6. (Name of Respondent) acknowledges (acknowledge) that any contract executed with respect to the provision of the Professional Services for which it has submitted a response

must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the spaces provided below. This Letter of Qualification must be signed by an officer of Respondent empowered to sign and commit the Respondent. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: \_\_\_\_\_

**REQUEST FOR PROPOSAL CHECKLIST**

**THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL. PLEASE INITIAL BELOW, INDICATING THAT YOUR PROPOSAL INCLUDES THE ITEMIZED DOCUMENTS. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS MAY BE REJECTED.**

<b>ITEM</b>	<b>INITIALS</b>
Executed Disclosure Statement (form provided)	
Executed Non-Collusion Affidavit (form provided)	
Executed Affirmative Action Compliance Notice (form provided)	
Executed Owner's Disclosure Statement (form provided)	
Iran Disclosure Certificate (form provided)	
Executed Hold Harmless Agreement (form provided)	
Executed Americans with Disabilities Act of 1990 Language (form provided)	
Equal Employment Opportunity Compliance Goods, General Services and Professional Services (form provided)	
Executed Vendor's Information (form provided)	
Executed Proposer's Affidavit (form provided)	
Political Disclosure Form (form provided)	
New Jersey Business Registration Certificate	
Original and two (2) copies of completed package	

**THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS.**

Person, Firm or Corporation submitting Proposal: \_\_\_\_\_

Authorized Agent Name and Title: \_\_\_\_\_

Authorized Signature and Date: \_\_\_\_\_

## DISCLOSURE STATEMENT

The attention of prospective proposer is drawn to the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits a Borough of Woodland Park or employee or member of his/her immediate family from having an interest in a business organization or engaging in any business transaction, or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest.

In furtherance thereof, every proposer must disclose below, being a Borough of Woodland Park Officer or employee or whether an immediate family member is a Borough of Woodland Park Officer or employee. If the proposer is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members.

Please answer the following:

Is the proposer or a member of the proposer's immediate family, or anyone having an interest in the proposer's business organization including their immediate family members, an officer or employee of the Borough of Woodland Park?

NO \_\_\_\_\_ YES \_\_\_\_\_

S\ \_\_\_\_\_

\* President, Vice President or Signature of  
Authorized Representative

\_\_\_\_\_

Print Name

\_\_\_\_\_

Title

If yes, provide the name of the individual and identify the position held, below, and notify in writing, prior to the proposal opening date, to the Borough Administrator, Borough of Woodland Park, 5 Brophy Lane, Woodland Park, New Jersey 07424. (Kindly attach a copy of the correspondence to this form).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: All terms used herein are to be construed in accordance with their meaning under the Local Government Ethics Law, cited above.

**\* FAILURE TO SIGN THIS AFFIDAVIT BY A DULY AUTHORIZED COMPANY OFFICIAL WILL RESULT IN REJECTION OF THIS PROPOSAL.**

**NON-COLLUSION AFFIDAVIT**

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 \_\_\_\_\_ the  
(Title) (Company Name)  
proposer making this Proposal for the above named project, and that I executed the said Proposal with full authority to do so; that said proposer has not, directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive action in connection with the above named project and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey, County of Passaic, and the Borough of Woodland Park relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I fully warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by \_\_\_\_\_.  
(Company Name)

S/ \_\_\_\_\_  
\* President, Vice President or  
Signature of Authorized Representative

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**\* FAILURE TO SIGN THIS AFFIDAVIT BY A DULY AUTHORIZED COMPANY OFFICIAL WILL RESULT IN REJECTION OF THIS PROPOSAL.**

**AFFIRMATIVE ACTION REQUIREMENTS**

BIDDERS ARE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27

**REQUIRED AFFIRMATIVE ACTION EVIDENCE**

PROCUREMENT & SERVICE CONTRACT (which are not subject to a Federally approved or sanctioned affirmative action program). All successful vendors must submit within ten calendar (10) days of the notice of intent to award (Memorandum of Agreement) or the signing of the contract, whichever is sooner, one of the following:

1. A PHOTO COPY OF THEIR FEDERAL LETTER OF AFFIRMATIVE ACTION PLAN APPROVAL.  
OR
2. A PHOTO COPY OF THEIR CERTIFICATE OF EMPLOYEE INFORMATION REPORT.  
OR
3. A COMPLETED AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT (AA302). FORM IS INCLUDED IN THIS PACKAGE, LAST PAGE.

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

THE AFFIRMATIVE ACTION AFFIDAVIT FOR VENDORS HAVING LESS THAN FIFTY (50) EMPLOYEES IS NO LONGER ACCEPTABLE.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et. seq. and agrees to furnish the required forms of evidence.

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

COMPANY NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**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:	

**Part B Continued** – If necessary, continue entering the identifying information related to the individuals, partnerships and/or any form of corporation owning a 10% or greater interest in the bidder/proposer. If the owner of 10% or more is:

- An individual, insert only the person’s name under Name of Individual and their home address.
  - Any other entity, insert the entity’s name and business address. For any parent entity that is publicly traded, “interest” includes beneficial interest; see also Part C.

If any 10% or more owner, including if the bidder has a direct or indirect parent entity at any level of ownership who owns more than 10%, that owner must also be listed. When done, execute the Certification in Part D on Page 1.

Name of Individual	Home or Business Name	Address

**Part C Continued:** Publicly Traded Parent Company Disclosure. If necessary, continue entering here if compliance is being met by document submission or provide the website link to the documents, and including the relevant page numbers. When done, execute the Certification in Part D on Page 1.

Title of Attached Document or Weblink Page	Page #

**State of New Jersey  
Division of Purchase and Property  
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

**Solicitation Number:** \_\_\_\_\_ **Bidder/Offeror:** \_\_\_\_\_

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract 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 Department of the 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, s/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.

**I certify, pursuant to Public Law 2012, c. 25, that the person or entity listed above for which I am authorized to bid/renew:**

- is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran, **AND**
- is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

**In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in part 2 below to the Division of Purchase and Property under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.**

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

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

**EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.**

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

**ADD AN ADDITIONAL ACTIVITIES ENTRY**

**Certification:** I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

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

**BOROUGH OF WOODLAND PARK**  
**WOODLAND PARK, NEW JERSEY**

**HOLD HARMLESS AGREEMENT**

BETWEEN: The Borough of Woodland Park  
5 Brophy Lane  
Woodland Park, New Jersey 07424

AND

\_\_\_\_\_  
Contractor's Name

\_\_\_\_\_  
Address – not a post office box

\_\_\_\_\_  
Telephone Number; Fax Number; & e-mail address

It is understood and agreed the Contractor is:

1. An independent Contractor and not an employee of the Borough of Woodland Park
2. The Contractor agrees to indemnify and hold harmless the Borough of Woodland Park, the Woodland Park Mayor and Council, and all of its officers, agents and employees of and from any and all liability for damages for injury to person and property, including death, and against and from all suits and actions and all costs, damages and charges of whatsoever kind and nature, including attorneys' fees to which the Borough of Woodland Park may be put for, or on account of, any injury or alleged injury to person, including death, or property, resulting from the performance of the Contractor's operations under this contract, or by or in consequence of any neglect or omission of the part of the Contractor in the performance of operations under this contract, whether such operations, or the absence thereof, be by the Contractor or anyone directly or indirectly employed by the Contractor.
3. The Contractor shall hold the Borough of Woodland Park harmless for damages to the Contractor's equipment utilized during the term of this contract.

S/ \_\_\_\_\_

President, Vice President or Signature of Authorized Representative

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**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 SERVICE AND GENERAL SERVICE CONTRACTS**

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will 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.

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 Public Contracts Equal Employment Opportunity Compliance 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

**VENDOR INFORMATION**

In order to assure that all future correspondence is directed to the correct address, assure proper ordering, expedite future payments, and in accord with I.R.S. regulations, the following information must be provided with this bid.

Name of Business: \_\_\_\_\_  
(Print)

Name of Contact Person: \_\_\_\_\_  
(Print)

Correspondence Address (including zip code):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purchase Order Address (including zip code):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Payment Address (including zip code):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number (including area code): (    )

Fax Number (including area code): (    )

E-Mail Address:

Employer I.D. # or S.S. #:

**BIDDER'S AFFIDAVIT**

**THIS AFFIDAVIT IS PART OF THE PROPOSAL**

State of \_\_\_\_\_

County of \_\_\_\_\_

I, \_\_\_\_\_,  
(Print Name)

certify that I am the \_\_\_\_\_  
(Title)

of the business entity submitting this bid/proposal; that I have completed and signed all of the required documents; that I am duly authorized to sign the bid/proposal on behalf of the business entity; and that all of the declarations and statements contained in the bid/proposal document are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Bidder)

\_\_\_\_\_  
(Date)

NOTARY:

Subscribed and sworn to before me

at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

\_\_\_\_\_  
(Notary Public)

Commission Expires: \_\_\_\_\_

**ASSEMBLY BILL NO. 3130  
STATE OF NEW JERSEY  
211<sup>TH</sup> LEGISLATURE  
INTRODUCED JUNE 21, 2004  
SECTION 1 OF P.L. 2001, C.134 (C.52:32-44)**

Effective September 1, 2004, a copy of the Business Registration Certificate (BRC) issued by the New Jersey State Department of Treasury must be provided at the time the bid is submitted; failure to do so is a fatal defect that cannot be cured.

To obtain a Business Registration Certificate, contact the New Jersey Division of Revenue at 1-609-292-1730, or register online: [www.state.nj.us/treasury/revenue/busregcert.htm](http://www.state.nj.us/treasury/revenue/busregcert.htm)

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

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

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

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

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

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

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

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

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

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

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

1 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. “Required Pursuant To N.J.S.A. 19:44A-20.26

**This form or its permitted facsimile must be submitted to the local unit  
no later than 10 days prior to the award of the contract.**

**Part I – Vendor Information**

Vendor Name:			
Address:			
City:		State:	Zip:

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 \$300 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)



N.J.S.A. 19:44A-20.26

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

County:

County Committee Member  
{County Executive}

County Clerk  
Surrogate

Sheriff

Municipalities (Mayor and members of governing body, regardless of title):

## **DOCUMENT OWNERSHIP**

This document was prepared by the Borough of Woodland Park (owner) and is provided solely to any vendor who has presented a written request for a copy of said document in order to participate in the proposal process. This document is not to be reproduced for distribution to other vendors regardless whether the vendor intends to charge, or not to charge, for said copy. Copies of this document are made available from the owner and there is no other agent authorized to distribute same.

The owner shall retain all of its rights and interest in any and all documents and property both hard copy and digital furnished by the owner to the contractor for the purpose of assisting the contractor in the performance of this contract. All such items shall be returned immediately to the owner at the expiration or termination of the contract or completion of any related services, pursuant thereto, whichever comes first. None of the documents and/or property shall, without the written consent of the owner, be disclosed to others or used by the contractor or permitted by the contractor to be used by their parties at any time except in the performance of the resulting contract.

Ownership of all data, materials and documentation originated and prepared for the owner pursuant to this contract shall belong exclusively to the owner. All data, reports, computerized information, programs and materials related to this project shall be delivered to and become the property of the owner upon completion of the project. The contractor shall not have the right to use, sell, or disclose any part or total of the interim or final work products, or make available to third parties, without the prior written consent of the owner.