

**REQUEST FOR QUALIFICATIONS
AND
REQUEST FOR PROPOSALS
(RFQ/RFP)**

FOR THE

**DEY ROAD REDEVELOPMENT AREA
BLOCK 1304, LOTS 1.02 AND 1.03
52-54 DEY ROAD**

PLAINSBORO TOWNSHIP, NEW JERSEY

DUE DATE: NOVEMBER 20, 2020

Issued by:

PLAINSBORO TOWNSHIP
641 PLAINSBORO ROAD
PLAINSBORO, NEW JERSEY 08536

Redevelopment Counsel
McManimon Scotland & Baumann, LLC
75 Livingston Avenue
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EXHIBIT D LETTER OF INTENT

EXHIBIT E ACKNOWLEDGMENT OF ADDENDA

EXHIBIT F REQUEST FOR QUALIFICATIONS CHECKLIST

EXHIBIT G NON-COLLUSION AFFIDAVIT

EXHIBIT H MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

GLOSSARY

Capitalized terms used herein shall have the meaning assigned to such terms below:

“Agreement” means any contractual arrangement entered into between a Qualified Respondent and the Township with respect to all or a portion of the Redevelopment Area.

“Township” or “Plainsboro” means Plainsboro Township in the County of Middlesex, State of New Jersey.

“County” means the County of Middlesex, New Jersey.

“Day” means a calendar day of twenty-four hours measured from midnight to the next midnight.

“Designated Contact Person” means Lester Varga, AICP/PP, Director of Planning and Zoning, Township of Plainsboro, 641 Plainsboro Road, Plainsboro, New Jersey 08536 DeyRd@PlainsboroNJ.com.

“Issuer” means the Township.

“Open Public Meetings Act” means *N.J.S.A 10:4-6 et seq.*, as may be amended or supplemented from time to time.

“Open Public Records Act” means *N.J.S.A 47:1A-1 et seq.*, as may be amended or supplemented from time to time.

“Project Concept” shall be as described in Section 3.3.6 hereof.

“Project Organization Plan” shall be as described in Section 3.3.7 hereof.

“Project Team” shall be as described in Section 4.1.

“Qualified Respondent” means a Respondent which, in the sole discretion of the Issuer, meets the requirements of this RFQ/RFP.

“Redevelopment Area” means the property commonly known as Block 1304, Lots 1.02 and 1.03 on the tax map of the Plainsboro Township, State of New Jersey.

“Redevelopment Law” means the Local Redevelopment and Housing Law, codified at *N.J.S.A. 40A:12A-1 et seq.*, as same may be amended or supplemented from time to time.

“Redevelopment Plan” means “Dey Road Redevelopment Area Plan” dated August 2020 (adopted October 14, 2020), prepared for the Redevelopment Area, a copy of which is attached hereto as Exhibit A.

“Respondent” means an entity or individual who submits a Response to this RFQ/RFP.

“Response” means a submission to the Issuer prepared in accordance with Section 3 hereof.

“RFQ/RFP” means this Request for Qualifications and Request for Proposals.

“State” means the State of New Jersey.

**SECTION 1
INTRODUCTION AND GENERAL INFORMATION**

1.1 Overview

A. Overview

The Township is issuing this RFQ/RFP to assess the qualifications of developers interested in the acquisition and redevelopment of the Redevelopment Area which is comprised of approximately 20.35 acres situated along the southern side of Dey Road proximate to the intersection of Dey Road and Woodland Drive. The Township is seeking proposals for the development of the Redevelopment Area and for the purchase of the Redevelopment Area from the Township. The Township owns all of the property making up the Redevelopment Area.

As a result of the conditions within the Redevelopment Area, on July 8, 2020, the Township Committee adopted a resolution designating the Redevelopment Area as an “Area in Need of Redevelopment (non-condemnation)” under the Redevelopment Law. The Township intends to utilize the powers granted to it under the Redevelopment Law to encourage and incentivize the revitalization of the Redevelopment Area, including the undertaking of this RFQ/RFP.

B. Redevelopment Area

The Redevelopment Area was designated as a redevelopment area on July 8, 2020. On October 14, 2020, the Township adopted the Redevelopment Plan establishing the standards for any development within the Redevelopment Area with the goal of eliminating or reversing the conditions of blight within the area.

C. Redevelopment Plan Goals

The overall goal of the Redevelopment Plan for the Redevelopment Area is to advance an underutilized area through the creation of a community of alternate housing options for the older segment of the population in order to meet the needs of the surrounding market area. The Township wishes to eliminate impediments and obstacles that impair the sound growth, planning and functioning of this portion of the Township. The goal is to create an attractive and visually appealing environment. In furtherance thereof, the Issuer is seeking Qualified Respondents for consideration in selecting a “redeveloper” (as such term is defined in the Redevelopment Law) for the Redevelopment Area.

The Redevelopment Plan as currently written allows for development of a planned community of age-restricted single-family detached homes, age-restricted semi-attached homes and/or age restricted townhomes, with permitted community-based accessory uses that include, but are not limited to, passive and active recreation, dog runs and a mandatory clubhouse. The Township will consider proposals that offer alternatives to the Redevelopment Plan, recognizing that such a proposal may require an amendment to the Redevelopment Plan pursuant to the process set forth in the Redevelopment Law.

D. Redevelopment Area Conditions

The Respondent to this RFQ/RFP should become familiar with the Redevelopment Area and the Township, and should be prepared to provide a formal response that sets forth a comprehensive strategy for redevelopment of the Redevelopment Areas.

E. Purchase Price

The Township is offering to sell the Redevelopment Area to the successful Respondent. The response to this RFQ/RFP shall include the Respondent's offer to purchase together with proposed terms of sale which shall include, as a minimum, the total price offered, proposed due diligence period and conditions precedent to closing. The purchase price and terms shall be considered a critical component in the selection of the redeveloper.

1.2 RFQ/RFP Documents

Each Respondent should inspect its copy of this RFQ/RFP to ensure that a complete set of the documents (including any Exhibits) is included. If a Respondent discovers that its copy of this RFQ/RFP is incomplete, it should immediately contact the Designated Contact Person. The Issuer will make appropriate and reasonable arrangements with the Respondent to provide any missing items. Each Respondent must prepare its Response using a complete RFQ/RFP, including any addenda issued by the Issuer prior to the date established for submission of all Responses. Neither the Issuer, nor its agents or employees, shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFQ/RFP in preparing or submitting its Response.

1.3 Examination of Documents, Familiarity with the Services Required to be Performed

It is the responsibility of each Respondent before submitting a Response to (a) examine this RFQ/RFP thoroughly; (b) become familiar with and consider all federal, State and local laws, regulations, ordinances, permits, approvals and orders that may affect the cost, performance or furnishing of the services; and (c) notify the Issuer of all conflicts, errors or discrepancies in this RFQ/RFP.

The submission of a Response will constitute a conclusive and binding representation by such Respondents that such Respondent has agreed to, and complied with, every requirement of this RFQ/RFP.

1.4 Pre-Submission Conference

A Pre-Submission Conference with prospective Respondents, including a discussion of the overall Redevelopment Area and this RFQ/RFP, will take place telephonically on November 5, 2020 at 11:30 a.m. Respondents should email DeyRd@PlainsboroNJ.com to advise of the names of all representatives of Respondents planning to attend the Pre-Submission Conference. To access the conference call line, please dial 1 (856) 807-0288 or 1 (856) 807-0289, followed

by the meeting ID: 116 888 6396#. Attendance at the Pre-Submission Conference is strongly suggested for all Respondents, but is not required.

1.5 Evaluation Process

The Issuer intends to evaluate all Responses in accordance with Section 4.1 hereof and may select a Qualified Respondent from among such Responses, however, the Issuer retains the discretion to reject all of the Responses.

1.6 Schedule

November 5, 2020	Pre-Submission Conference Call (11:30 a.m.) For access, dial: 1 (856) 807-0288 or 1 (856) 807-0289, followed by the meeting ID: 116 888 6396#
November 12, 2020	Last Day to submit questions or requests for clarifications
November 20, 2020	Responses Due 11:00 a.m. prevailing time

1.7 Conditions

By responding to this RFQ/RFP, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Response:

- The issuance of this RFQ/RFP is not intended and shall not be construed to commit the Township to execute any Agreement with any Respondent.
- The Issuer reserves the exclusive rights set forth herein, including without limitation those set forth in Section 1.8 hereof.
- Neither the Issuer nor its staff, nor any of its consultants will be liable for any claims nor damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Response or for participating in this RFQ/RFP process.
- All Responses will become the property of the Issuer and will not be returned.
- Information of a confidential or proprietary nature will be kept confidential during and after the procurement process to the extent permitted by law when such information is properly identified by the Respondents in accordance with Section 3.1.4 herein.
- All activities related to the provision of the services as contained herein shall be subject to compliance with all applicable federal, State and local laws, environmental regulations and/or other applicable requirements.

All documentation and information provided by the Issuer in connection with this RFQ/RFP is believed to be accurate and correct, however, the Township makes no guarantees as to the accuracy of the information provided. Respondents are instructed to notify the Issuer (in writing, directed to the Designated Contact Person) of any information provided herein that it believes is not accurate or correct.

1.8 Rights of the Issuer

The Issuer reserves, holds, and may exercise, at its sole discretion, the following rights and options with regard to this RFQ/RFP process:

- To reject, for any reason, any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ/RFP from further consideration for this procurement;
- To eliminate any Respondent who submits incomplete or inadequate responses or is not responsive to this RFQ/RFP;
- To reject all Responses or any non-responsive Responses;
- To supplement, amend, or otherwise modify this RFQ/RFP;
- To waive any technical, or other, nonconformance of the Responses, whether material or otherwise;
- To change or alter the schedule for any events called for in this RFQ/RFP;
- To conduct investigations of any or all of the Respondents and their Responses as the Issuer deems necessary or convenient, to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to the facilities or projects referenced in its Response, and to request additional information to support the information included in any Response;
- To decline to award an Agreement for any reason;
- To abandon this RFQ/RFP process at the Issuer's convenience at any time for any reason;
- To proceed with a Qualified Respondent that, in the Issuer's sole judgment, best serves the interest of the Township;

- To facilitate the negotiation and execution of an Agreement with the Township under applicable law;
- To designate or consult with another agency, group, consultant, individual, or public body to act at any time during the term of this procurement process in its place or on its behalf;
- To award any Agreement subject to final adoption of all necessary authorizations; and/or
- To interview any and all Respondents.

1.9 Submission Date

Responses shall be submitted via email to DeyRd@PlainsboroNJ.com on or before November 20, 2020 at 11:00 a.m., as more fully set forth in Section 3.1.

{END OF SECTION 1}

SECTION 2 THE REDEVELOPMENT AREA

2.1 Plainsboro Township

Plainsboro Township is located in the southwestern portion of Middlesex County within the New York/New Jersey metropolitan area. The Township is a well-established community with a diverse population of 23,000 citizens (2010 census). Residents enjoy an exceptional quality of life with access to public services, numerous community facilities, and local parks. Plainsboro has outstanding access to health care services, a renowned public school system and is situated within New Jersey's "research hub". Pursuant to the 2010 Census, ~34% of the population is over 45 and the median household income is approximately \$108,000.00.

2.2 Access

Site access will be limited to a single boulevard entrance along Dey Road aligned with Woodland Drive.

2.3 Prospective Land Uses

Prospective land uses for the Redevelopment Area are reflected in the Redevelopment Plan. Respondents are encouraged to review the Redevelopment Plan and the proposed uses for the Redevelopment Area. Likewise, Respondents are encouraged to provide responses that can utilize the Redevelopment Area to its greatest potential, even if such development or uses are not consistent with the Redevelopment Plan. If a Response is not consistent with the Redevelopment Plan, the Respondent shall identify the revisions that would be required in said Redevelopment Plan that would serve to further the redevelopment of the Redevelopment Area and the Township as a whole. As part of its Response, Respondent shall submit general information relative to its desired future use of all of the Redevelopment Area. If a proposal is accepted, the Township will consider appropriate comments to the Redevelopment Plan.

2.4 Project Phasing

Respondent should indicate whether its proposed project will be conducted in phases or if Respondent is interested in developing one or more phases but less than the whole of the Redevelopment Area. If phasing is required, Respondent should provide a description of the phasing schedule, including specific dates for the completion of each phase.

2.5 Site Characteristics

The Redevelopment Area is currently vacant.

2.6 Environmental Conditions

THE REDEVELOPMENT AREA IS BEING MADE AVAILABLE FOR PURCHASE AND REDEVELOPMENT “AS IS”, INCLUDING WITH RESPECT TO ANY ENVIRONMENTAL CONDITIONS AT OR AFFECTING THE REDEVELOPMENT AREA, AND THE ISSUER DOES NOT MAKE ANY REPRESENTATIONS, WARRANTIES OR GUARANTEES OF ANY KIND, INCLUDING WARRANTIES OF MARKETABILITY OR FITNESS FOR PARTICULAR USE OF THE REDEVELOPMENT AREA, REGARDING THE CONDITION OF THE REDEVELOPMENT AREA. Without limiting the generality of the preceding paragraph, EACH RESPONDENT SHALL BE RESPONSIBLE FOR UNDERTAKING ITS OWN DUE DILIGENCE WITH RESPECT TO THE ENVIRONMENTAL CONDITIONS OF OR AFFECTING THE REDEVELOPMENT AREA. In no event will the Issuer pay or reimburse the costs associated with such due diligence efforts.

2.7 Redevelopment Plan, Approval Process and Zoning

The Redevelopment Area is located within a municipally-designated “Area in Need of Redevelopment” in accordance with the provisions contained within the Redevelopment Law. This designation permits the Township to undertake a review of the planning and zoning needs for the area. The Redevelopment Plan establishes the use and bulk requirements for the Redevelopment Area. The Redevelopment Plan may be amended to reflect any necessary superseding zoning changes to conform to the applicable use of the Redevelopment Area. Once the Township has identified and designated a redeveloper for the Redevelopment Area, the Township will perform all necessary administrative oversight pursuant to an Agreement. Any amendments to the Redevelopment Plan necessitated by the proposed development of the Redevelopment Area must be considered and adopted by the governing body of the Township.

The redeveloper will be solely responsible for all other approvals concerning the redevelopment of the Redevelopment Area, including those associated with utility service and appropriate environmental remediation. The Township will provide reasonable cooperation to assist the redeveloper in making application and securing such approvals.

2.8 Affordable Housing

There are no requirements to provide an affordable housing component within the redevelopment area.

2.9 Financing and Other Public Incentives

Respondents are encouraged to describe alternative financing methods and to describe their desired approach to financing the development of the Redevelopment Area. The Township may consider a public participation and/or economic incentives if the proposed project so warrants, in the Township’s sole discretion.

{END OF SECTION 2}

**SECTION 3
INSTRUCTIONS FOR PREPARATION AND
SUBMISSION OF RESPONSES**

3.1 General Provisions

In addition to the information submission requirements listed below, the Respondent may submit supplemental information that it feels may be useful in evaluating its Response.

3.1.1 Submission of Responses, Time and Place

Responses shall be submitted to the Township before 11:00 a.m. on November 20, 2020. Responses shall be emailed to DeyRd@PlainsboroNJ.com. To ensure receipt, Respondents are encouraged to send a follow-up email confirming same.

At a future date, Respondents should be prepared to provide the Township with an original and ten (10) copies of the response, in addition to any additional documentation required by the Township and its Purchasing Agent.

NO COPIES OF RESPONSES SHALL BE SENT DIRECTLY TO ANY PROJECT TEAM MEMBER.

At such later date as will be made clear by the Township, one (1) copy of the Response must be clearly marked as the original and must contain the original documents and signatures. The remaining ten (10) copies may be reproductions. Respondents shall number each set of documents sequentially (numbers 1-11, with number 1 being the original) on the upper right hand corner of each cover.

All e-mailed submissions will remain unopened by the Project Team until the time and date established for the Response opening. Any Response or portions thereof that are submitted and received after the specified deadline will be marked “received late” and will be returned to the firm submitting same.

The electronic delivery of the Response on the above date and prior to the time specified herein is solely and strictly the responsibility of the Respondent. The Township shall not, under any circumstances, be responsible for the loss of, delay or non-delivery of any Response sent or delivered, by electronic mail or otherwise, prior to the Response opening.

3.1.2 Questions/Clarifications Request

All communications, questions or clarifications pertaining to this RFQ/RFP should be directed, in writing, to the Designated Contact Person and received no later than November 20, 2020. No communications, questions or clarifications, whether

verbal or written, shall be presented to any member of the project team. During the period provided for the preparation of Responses, the Issuer may issue addenda to this RFQ/RFP. These addenda will be numbered consecutively and will be distributed to each of the firms who have requested in writing to receive a copy of this RFQ/RFP. These addenda will be issued by the Issuer and will constitute a part of this RFQ/RFP. Each Respondent is required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgment in the form set forth in Exhibit E. All responses to this RFQ/RFP shall be prepared with full consideration of the addenda issued prior to the Response submission date.

3.1.3 Cost of Presentation

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

3.1.4 Disclosure of Information in Responses

If the Respondent chooses to include material of a proprietary nature in the Response, the Issuer will keep such material confidential unless required to disclose such information pursuant to applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages. Any sections which contain material of a proprietary nature shall be severable or removable from the Response to assist the Issuer in protecting this information. The Respondent also shall include the following notice in the introduction of the relevant Response:

The data on pages _____ identified by _____ (symbol) and labeled "Proprietary Information", contain information that is a trade secret and/or contains other information which, if disclosed, would cause substantial injury to (Respondent's) competitive position. (Respondent) requests that such data be used only for the evaluation of the Response, and understands that disclosure will be limited only to the extent that the Issuer is required to do so pursuant to applicable law. If an Agreement is awarded to (Respondent), the Issuer will have the right to use or disclose the data as provided in the Agreement executed with the Respondent.

To the extent permitted by law, the Issuer will use commercially reasonable efforts to prevent the unauthorized disclosure of this information in applying the proprietary standard to marked data. However, the Issuer assumes no liability for any loss, damage, or injury that may result from any disclosure or use of marked data or any disclosure of this or other information. Respondent understands that the Issuer is subject

to the dictates of the Open Public Meetings Act, the Open Public Records Act and other applicable laws and acknowledge that a court of competent jurisdiction could order the disclosure of all materials received as Responses hereto.

3.1.5 Response Acceptance or Rejection

The Issuer reserves the right to (a) abandon this RFQ/RFP process, (b) reject any or all Responses and (c) waive any informality or non-conformance in the Response.

3.1.6 Disposal of Responses

All Responses are the property of the Issuer and will not be returned. At the conclusion of the procurement process, the Issuer may dispose of any and all copies of Responses received in whatever manner they deem appropriate. However, prior to such disposal, the Issuer will use commercially reasonable efforts to prevent the unauthorized disclosure of proprietary information, provided same is properly identified in accordance herein. In no event will the Issuer assume liability for any loss, damage or injury that may result from any disclosure or use of marked data.

3.1.7 Withdrawal by Respondent

A Respondent may request withdrawal of its Response prior to the date and time set for the opening of the Responses provided that a written request to withdraw the Response is hand delivered to the Issuer by or on behalf of an accredited representative of the Respondent, or the request is delivered by certified U.S. Mail. The request to withdraw the Response must be received by the Issuer prior to commencement of Response opening. While the Issuer will seek to honor such withdrawal request, the Issuer shall incur no liability for failure to do so.

3.1.8 Negotiations & Termination of Negotiations

The Township reserves the right to engage in negotiations with any Qualified Respondent(s) recommended by the Project Team and reserves the right to terminate negotiations at any time for any reason, including without limitation, if a redevelopment agreement has not been agreed upon within 90 days of the date Project Team makes its recommendation(s).

3.2 Submission Requirements

All Responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. The hard copies of the response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

The Respondent is referred to the following sections hereof, which summarize the documents and information required to be submitted pursuant to this RFQ/RFP.

3.3 Form and Content of Response

3.3.1 Organization

Responses submitted in response to this RFQ/RFP shall consist of the following:

- Section I Executive Summary, Respondent's Statement of Public Disclosure (see Exhibit C hereto), Respondent's Statement of Qualifications and Financial Responsibility (see Exhibit D hereto), Letter of Intent (see Exhibit E hereto), Acknowledgment of Addenda (see Exhibit F hereto) (pursuant to Section 3.3.2). Checklist, (See Exhibit G hereto), Non-Collusion Affidavit (Exhibit H) and Affirmative Action Statement (Exhibit I)
- Section II General Information (pursuant to Section 3.3.3)
- Section III Financial Information (pursuant to Section 3.3.4)
- Section IV Technical Information (pursuant to Section 3.3.5)
- Section V Proposed Redevelopment Plan (pursuant to Section 3.3.6)
- Section VI Administrative Information (pursuant to Section 3.3.7)
- Section VII Supplemental Information (pursuant to Section 3.3.8)

3.3.2 Executive Summary; Letter of Intent; Acknowledgment of Addenda

Section I of the Response shall contain the Respondent's Executive Summary, Respondent's Statement of Public Disclosure, Respondent's Statement of Qualifications and Financial Responsibility, Letter of Intent and Acknowledgment of Addenda (all on Respondent's official letterhead) in the form and content exactly as set forth in Exhibits B, C, D & E herein. The Executive Summary shall include a summary of the key points of the Response including the proposed purchase price for the Redevelopment Area and an articulation of the methods by which the Respondent will further the Goals and Objectives listed in Section 4.1.

3.3.3 General Information Submission Requirements

Section II of the Response shall contain the following information set forth in the following order:

1. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, that will be responsible for participating in this procurement and the project.

2. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the name, address and telephone numbers of each such company.
3. Option (if known at this time) - Does the Respondent intend to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a Response? If so, identify such joint venturer, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs 1 and 2. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.
4. All principal officers of Respondent, and all persons or entities that hold a ten percent (10%) or greater interest in Respondent.
5. All persons or entities that hold a ten percent (10%) or greater interest in an entity identified in paragraphs 2, 3 and 4.
6. In connection with 1 through 5 above, provide:
 - a. A complete identification of all principals or officers of any entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above;
 - b. Provide complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named;
 - c. A complete list of all criminal charges, or civil environmental complaints, brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges.
7. Complete the Respondent's Statement for Public Disclosure exactly as set forth in Exhibit C herein.

3.3.4 Financial Information Submission Requirements

Respondents must provide evidence that the development entity has the financial capacity to implement the proposed development. The Respondent must provide the following information:

- a. A summary of the amount and source of investment capital (debt and equity) anticipated to be available for the successful redevelopment of the Redevelopment Area, including the purchase price of the Redevelopment Area.
- b. A list of three (3) financial references, including a banking reference, noting the names, addresses and telephone numbers.
- c. Financial statements (audited preferred) for the general partner or controlling entity of the development team for the last three (3) years.
- d. Evidence of its ability to secure builder's risk insurance and performance bonding capacity.
- e. Disclosure of any negative information that would be deemed material under generally accepted accounting practices and, in addition thereto, any history of bankruptcy, insolvency, receivership, or similar declaration or status determination with respect to individuals or entities associated with the Respondent or any entity or affiliate thereof or individuals, or entities that are principals of said Respondent.
- f. Specific information on how Respondent's firm has financed major projects. Indicate the source and amount of debt and equity funds Respondent's firm has arranged in the past.

Additionally, the Township is interested in how outside lenders, investors and business prospects may view each development opportunity. Although the Township is not requiring firm, binding financing and/or leasing commitments from outside financial entities (debt & equity) at this time, proposals providing evidence of same will be viewed favorably. The Respondent is also required to complete the Respondent's Statement of Qualifications and Financial Responsibility exactly as set forth in Exhibit D herein.

3.3.5 Technical and Project-Related Information Submission Requirements

Section IV of the Response shall contain Respondent's technical and related experience. Respondents to this RFQ/RFP shall demonstrate their ability to undertake the development of the Redevelopment Area by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Issuer reserves the right to conduct an independent investigation of the Respondent and its subcontractor's technical qualifications by contacting project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications.

3.3.5.1 Summary of Related Projects

The Respondent shall include a description of its prior projects including those in which any person or entity identified in response to Section 3.3.3 was

involved. The portfolio may include visual and descriptive information sufficient to judge the quality and use of the project. For each project, Respondent shall provide the following information:

3.3.5.1(a) Project Development:

- X Specify the scope, cost, time and completion, completion date and sources of funding for all projects.
- X Demonstrate the project's post-construction success in terms of design, use, construction, management, income, employment, tax assessment, and associated expansions or spin-off development.
- X Discuss any unanticipated problems that arose with any of the above issues, as well as discussion of how the firm has addressed them.

3.3.5.1(b) Project Operations:

- X Identify the current ownership and/or property management for each project.
- X Provide contact names, addresses and telephone numbers for each project.
- X List any project defaults in which any of the principals have been a general partner or had a controlling ownership of Respondent during the last ten (10) years.

3.3.5.2 Current or Pending Projects:

Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project, and include a contact name, address, and telephone number for each current client.

3.3.5.3 Project References:

Include three (3) references from public entities for whom the Respondent has developed similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Redevelopment Area. Identify the contact name, organization, type of work provided, and the contact's address and telephone number. The Issuer reserves the right to contact

entities for whom the Respondent has developed a similar project that are not listed by the Respondent as a reference.

3.3.6 Redevelopment Plan

Project Concept

Respondents should review the Redevelopment Plan. The Township encourages proposals that maximize the potential of the Redevelopment Area, even if such proposal is not strictly in accordance with the Redevelopment Plan. Respondents must provide a project description that includes, but is not limited to, the following elements (please be as specific as possible) (collectively, the “**Project Concept**”):

- a. Uses
- b. Square feet and number of structures
- c. Recreation and amenity features
- d. Impervious coverage (building and overall)
- e. Parking
- f. Design scheme (this shall include but not limited to: scale, height, context, access, and parking. This may be presented in the form of plans and sketches)
- g. Phasing Plan, if required
- h. Prospective tenant/occupant profiles
- i. Targeted rent/sales price – per unit and per unit type
- j. Market research, if applicable
- k. Project completion timetable
- l. Green Building/LEED compliance

Include in the description how the Project Concept conforms and responds to or diverges from the Redevelopment Plan principles, goals, and design standards.

Conceptual Site Plan

Submit a preliminary conceptual site plan at a scale of 1:50. This plan should illustrate all elements proposed in the Project Concept. Please provide sufficient information suitable to understand the project layout and design.

Please indicate, at a minimum, the following information: the number of floors, approximate height, building foot prints and setbacks, landscaped and paved areas, sidewalks and recreation areas, square footage; and the location of proposed curb cuts, parking lots, and interior roadways that service the project. Also provide a sufficient overview to illustrate how the project will respond and relate to the surroundings.

Infrastructure

Provide an infrastructure improvement plan necessary for the project implementation which includes:

- a. Description of anticipated infrastructure improvements including stormwater management, buffering and utility connections/extensions
- b. Costs
- c. Phasing
- d. Conformance with improvements as specified in the plan
- e. Funding plan
- f. Any additional improvements necessary in adjacent areas

Financial Plan

Describe the financing plan for the proposed project:

- a. Total project budget
- b. Sources and uses of funds
- c. Terms of financing
- d. Multi-year cash flow statements of project (if a rental) or projected sales price of for sale product
- e. Documentation of the basis of the financial projections
- f. Estimated market value of the total project and phases (if appropriate)
- g. Include all on- and off-site infrastructure improvements supporting all uses to be developed
- h. Estimate of taxes to be paid

3.3.7 Administrative Information Submission Requirements

Section VI of the Response shall include the following information in the following order:

1. Project Organization

A. The Respondent shall submit a Project Organization Plan. The plan should describe, in narrative form and as a chart, the Respondent's proposed organizational structure for this Redevelopment Area. The chart shall display:

- 1) the firms involved, their interrelationships and responsibilities (if known); and
- 2) key management personnel identified by name and firm; and

- 3) resumes of key personnel to be assigned to the Redevelopment Area, including those to be involved in project implementation, are to be provided in the Response.
2. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent or any person or entity identified in response to Section 3.3.3 is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, State, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.
3. A complete list of all criminal charges and civil environmental complaints brought against Respondent or any person or entity identified in response to Section 3.3.3 identified in the foregoing answers and the disposition of all such criminal charges and/or civil environmental complaints, if any.
4. Describe briefly any occasion in which Respondent or any person or entity identified in response to Section 3.3.3, has ever been disqualified, removed or otherwise prevented from participating in, or completing a federal, State, or local governmental project because of a violation of law or a safety regulation.
5. Describe briefly any occasion in which Respondent or any person or entity identified in response to Section 3.3.3 has been in a position of default in a federal, State or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
6. Willingness to provide a Tax Clearance Certificate from the Director of the New Jersey Division of Taxation applied for and received by all Respondents.
7. State whether the Respondent or any person or entity identified in response to Section 3.3.3 now or has been during the past three (3) years delinquent on any tax payments or obligations owed to any taxing jurisdiction.
8. State whether the Respondent, or of any affiliated corporation of the Respondent or said parent corporation, or any of the Respondent's officers or principal members, shareholders or investors, or other interested parties been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years.

9. State whether the Respondent or anyone referred to above as “principals of the Respondent” been indicted for or convicted of any felony within the past ten (10) years.
10. List all threatened and pending claims, litigation and judgments or settlements, including but not limited to government investigations and enforcement actions against Respondent or any person or entity identified in response to Section 3.3.3.
11. State whether the Respondent or any of its officers or principals refused to testify or waive immunity before any state of the federal grand jury relating to any public construction project within the last ten years. If so, provide details.
12. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.3.7 shall be provided regarding each of the respective organizations.

3.3.8 Supplemental Information to be Provided at Respondent’s Option

The Respondent may include in Section VII any other information that it deems relevant or useful for the Issuer to consider in evaluating Respondent’s Response. Respondent should also include any concerns regarding this project or any information or suggestions that the Respondent deems relevant to the Issuer. Some suggested topics for supplemental information include:

- A. ownership issues
- B. potential future uses
- C. potential for additional properties to be included in Redevelopment Area
- D. environmental concerns

3.3.9 Form

The Respondent shall provide the appropriate information required for each Section in accordance with the following content and format requirements.

- A. Each volume and all related information shall be bound as a single document (with the exception of the one (1) unbound copy), unless that is impractical, in which case an Exhibit document accompanying the volume may be submitted.
- B. The Response shall be concise, clear, factual, and complete with a minimum of extraneous material.

C. The Response shall be indexed and sectioned and shall be prefaced with a table of contents.

D. Maps and drawings should be attached.

{END OF SECTION 3}

SECTION 4 EVALUATION AND SELECTION PROCESS

4.1 Evaluation Process

Generally, the Issuer will identify Qualified Respondents giving due regard to past experience, conformance to the goals and objectives articulated in this RFQ/RFP, as well as financial strength and other qualifications and experience which are deemed, at the sole discretion of the Issuer, to be relevant. Goals developed and identified in the redevelopment process include:

- A. Create an opportunity for Plainsboro residents to age-in-place in a well-planned, attractive neighborhood.
- B. Utilize Township owned land for age-restricted residential use while being revenue neutral to the local tax base.
- C. Develop the subject property with a major emphasis on sustainability with environmental and energy considerations as main features.
- D. Allow the current real estate market for age-restricted single family homes and/or multi-family homes drive the density and housing typology while not exceeding the stipulated density of 5.5 dwelling units per gross acre.
- E. Create an opportunity to boost the vitality of the nearby Plainsboro Village Center.
- F. Realize the economic benefit to the Township's fiscal health.
- G. Improve nearby property values through the provision of an attractive and desirable age-restricted community developed in a manner that is compatible and complimentary to surrounding land uses while also enhancing local assets.
- H. Create short-term employment opportunities.

Stipulated objectives include:

- A. Utilization of Township owned land to its highest and best use by developing it in accordance with the goals expressed herein and within the redevelopment plan for the creation of a new neighborhood for the Township's aging population.
- B. Utilization of the redevelopment process to effectuate the remediation of vacant land previously used for agricultural purposes.
- C. Expansion of the vitality of the Plainsboro Village Center through the provision of additional housing opportunities near the recreation center, parks, library, and the Plainsboro Plaza.
- D. Improvement of transportation safety and encouragement of public transportation utilization. New Jersey Transit provides bus service via the #600 route with a stop in close proximity to the redevelopment area. A four-way signalized intersection is envisioned at the intersection of the site's entrance, Woodland Drive and Dey Road (County Route 614).

- E. Promotion of access to community recreation facilities. Residents can enjoy a walk to the Township's Community Park, Township's Recreation Center in the Municipal Complex, and a short ride to the Plainsboro Preserve.
- F. Inclusion of active and passive recreation within the new neighborhood. A walking path encircling the site and leading to a pathway parallel to Dey Road and the provision of a clubhouse are mandatory elements of the plan.

Only those Respondents that are deemed qualified by the Issuer will be considered. The Issuer reserves the right to select or reject a Respondent on any basis it deems appropriate or to waive any item or requirement set forth in this RFQ/RFP.

All responses will first be evaluated to assure that they meet the requirements of this RFQ/RFP. Responses will be evaluated by a Project Team composed of the following individuals:

- Mayor Peter Cantu
- Lester Varga, AICP/PP
- Anthony Cancro, Township Administrator
- Gregory Mayers, Township CFO
- Brian Miller, Township Construction Official
- Andrew Janiw, AICP/PP

Responses will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the goals, nature and scope of the Township's redevelopment efforts in the Redevelopment Area;
- Level of creativity, innovativeness and resourcefulness of the Project Concept;
- Respondent's experience and qualifications with similar projects (redevelopment properties, joint venture or other partnerships, public entities);
- Demonstrated experience in building age-in-place development projects;
- Sustainability considerations of development concept(s);
- Competency and thoroughness evidenced in unit and site plan designs as well as amenities within the Project Concept;
- Economic benefit(s) to the Township;
- Viability of proposed development uses;
- Financial strength and available capital;
- Demonstrated ability to arrange debt and equity financing for projects;
- Ability to provide superior qualified staff and professionals;
- Ability and willingness to proceed in a timely manner;
- Project references.

Overall, a Qualified Respondent to this RFQ/RFP must evidence, either directly or as part of an existing or proposed joint venture, partnership or other organization or firms or through the use of subcontractors, the technical ability, financial strength and the willingness to provide the required performance-related guarantees for the services contemplated in this RFQ/RFP. The Issuer reserves the right in its sole discretion to interview one or more Respondents as to their proposals as part of its evaluation process.

The Issuer may select one or more of the Respondents with whom to undertake negotiations of an Agreement that will set forth the obligations and responsibilities relating to the development of the Redevelopment Area and/or to assist the Issuer in its development of the Redevelopment Area. The issuance of this RFQ/RFP in no way obligates the Issuer to negotiate an Agreement with any of the Respondents. Such negotiations, if conducted, will proceed for a reasonable time acceptable to the Issuer and shall culminate in the execution of an Agreement, termination of such negotiations and the Issuer's selection of another Qualified Respondent for the commencement of negotiations, or the Issuer's abandonment or revision of the selection process contemplated by this RFQ/RFP.

{END OF SECTION 4}

EXHIBIT A
REDEVELOPMENT PLAN

EXHIBIT B

RESPONDENT'S STATEMENT FOR PUBLIC DISCLOSURE

A. RESPONDENT

1.

- a. Name of Respondent:
- b. Address of Respondent:

2. If the Respondent is not an individual doing business under his own name, the Respondent has the status indicated below and is organized or operating under the laws of

-
- ___ A corporation
 - ___ A non-profit or charitable institution or corporation
 - ___ A partnership known as
 - ___ A business association or joint venture known as
 - ___ A federal, state or local government of instrumentality thereof
 - ___ Other (explain)

1. If the Respondent is not an individual, give date of establishment of entity.

2. Names, addresses, title or position (if any), and nature and extent of the interest of the officers and principal members, shareholders and investors of the Respondent, are set forth as follows:

- a. If the Respondent is a corporation, the officers, directors or trustees, and each stockholder owning more than 10 percent or any class of stock.
- b. If the Respondent is a partnership, each partner, whether a general or limited partner, and either the percent of interest or a description of the character and extent of interest. *The developer should be sure to include any prospective partners it is aware of at the time of the submission.*
- c. If the Respondent is a business association or a joint venture, each participant and either the percent of interest or a description of the character and extent of interest.
- d. If the Respondent is some other entity, the officers, the members of the governing body, and each person having an interest of more than 10 percent.

Name, Address and Zip Code

Position Title (if any) and Percent of Interest or Description of Character and Extent of Interest

CERTIFICATION

I, (We) _____

Certify that this Respondent's Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Dated: _____

Dated: _____

Signature

Signature

Signature

Title: _____

Title: _____

Address and Zip Code:

Address and Zip Code:

Notary:

If the Respondent is an individual, this statement should be signed by such individual, if a partnership, by one of the partners; if a corporation or other such entity, by one of its chief officers having knowledge of the facts required by this statement.

EXHIBIT C

**RESPONDENT'S STATEMENT OF QUALIFICATIONS
AND FINANCIAL RESPONSIBILITY**

1. Name, Address and Zip Code of Respondent:

2. Is the Respondent a subsidiary of or affiliated with any other corporation or corporations or any other firms? Yes ____ No ____

If yes, list each such corporation or firm by name and address, specifically its relationship to the Respondent, and identify the officers and directors or trustees common to the Respondent and such other corporation or firms.

3.
 - a. The financial condition of the Respondent, as of _____, is as reflected in the attached financial statement. (Note: Attach to this statement a certified financial statement showing the assets and liabilities, including contingent liabilities, fully itemized in accordance with acceptable accounting standards and based on a proper audit. If the date of the certified financial statement precedes the date of this submission by more than six months, also attach an interim balance sheet not more than sixty (60) days old).
 - b. Name and address of auditor or public accountant who performed the audit on which said financial statement is based.
 - c. If funds for the development of the Project Concept proposed are to be obtained from sources other than the Respondent's own funds, provide a statement of the Respondent's plan for financing the acquisition and development of the land:
4. Sources and amount of cash available to Respondent to meet equity requirements of the proposed undertaking:

a. In Banks:		
	<u>Name, Address and Zip Code of Bank</u>	<u>Amount</u>
		\$
b. By sale of readily saleable assets:		
	<u>Description</u>	<u>Market Value</u>
		\$
		<u>Mortgages or Liens</u>

5. Names and addresses of bank references:

6.
 - a. Has the Respondent or any person or entity identified in Section 3.3 hereto been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?

Yes ____ No ____

If yes, give date, place and under what name.

- b. Has the Respondent or anyone referred to above as “principals of the Respondent” been indicted for or convicted of any felony within the past ten (10) years?

Yes ___ No ___

7.

- a. Undertakings comparable to the proposed redevelopment completed by the Respondent or any of the principals of the Respondent, including identification and a brief description of each project and date of completion:

- b. If the Respondent or any of the principals of the Respondent has ever been an employee, in a supervisory capacity, for a construction contractor or builder on undertakings comparable to the proposed development work, name such employee, name and address of employer, title of position, and brief description of work:

8. If the Respondent or a parent corporation, a subsidiary, an affiliate or a principal of the Respondent is to participate in the development of the land as a construction contract builder:

- a. Name and address of such contractor or builder:

- b. Has such contractor or builder within the last ten (10) years ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract. Yes ___ No ___ If yes, explain:

- c. Total amount of construction or development work performed by such contractor or builder during the last five (5) years:

\$ _____

- d. Construction contracts or developments now being performed by such contractor or builder:

<u>Identification of Contract of Development</u>	<u>Location</u>	<u>Amount</u>	<u>Date to be Completed</u>
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- e. Outstanding construction-contract bids of such contractor or builder:

<u>Awarding Body</u>	<u>Amount</u>	<u>Date Opened</u>
----------------------	---------------	--------------------

\$

9. Does any member of the governing body in the Township or any other appointed official in the Township, have any direct or indirect personal or financial interest in the Respondent or in the development rehabilitation of the property upon the basis of such proposal?

Yes ___ No ___ If yes, explain:

10. Statements and other evidence of the Respondent’s qualifications and financial responsibility (other than the financial statement) are attached hereto and hereby made a part hereof as follows:

EXHIBIT D

LETTER OF INTENT

(Note: To be typed on Respondent's letterhead.

The Issuer shall accept no modifications to the language of the letter).

The undersigned, (Name of Respondent) has submitted the attached Response to the Request for Qualifications/Request for Proposals (the "RFQ/RFP"), issued by Plainsboro Township (the "Issuer"), relative to the development of the the Dey Road Redevelopment Area.

THE RESPONDENT HEREBY STATES:

- I. The attached Response contains accurate, factual and complete information.
- II. The Respondent agrees to participate in good faith in the application process as described in the RFQ/RFP and to adhere to the Issuer's schedule.
- III. The Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Response, or any negotiations which result therefrom shall be borne exclusively by the Respondent.
- IV. The Respondent hereby declares that the only persons participating in this Response as principals are named herein and that no person other than those herein mentioned has any participation in the Response 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 Issuer. The Respondent declares that this Response is made without connection with any other person, firm or parties who has submitted a Response, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
- V. The Respondent acknowledges and agrees that the Issuer may modify, amend, suspend and/or terminate the RFQ/RFP process (in its sole judgment) or may decide not to proceed with development of the Redevelopment Area described in the RFQ/RFP. In either case, neither the Issuer nor any of their officers, agents or representatives shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the application activities described in the RFQ/RFP.
- VI. The Respondent acknowledges that any contract executed with respect to implementation/effectuation of the project described in the RFQ/RFP 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.

VII. The Respondent hereby acknowledges receipt of the RFQ/RFP.

Very truly yours,

(NAME OF RESPONDENT)

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT E

ACKNOWLEDGMENT OF ADDENDA

The Respondent hereby acknowledges receipt of _____ dated
and Addenda Nos. _____ through _____, inclusive.

(NAME OF RESPONDENT)*

By:

Name:

Title:

*If a joint venture, partnership or other formal organization of firms submit this
Response, all such firms shall be listed and each such participant shall execute this
Acknowledgment of Addenda.

EXHIBIT F

REQUEST FOR QUALIFICATIONS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

**Please initial below, indicating that your proposal includes the itemized document.
A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR
REFUSAL.**

INITIAL BELOW

**A. An electronic copy of the submission, with paper copies to be provided upon
notification by the Township**

B. Non-Collusion Affidavit properly notarized.

C. Authorized signatures on all forms.

D. Business Registration Certificate(s).

E. Affirmative Action Statement

Note: N.J.S.A 52:32-44 provides that the Township shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

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

NAME OF PROPOSER:

Person, Firm or Corporation

BY: (NAME)

(TITLE)

EXHIBIT G

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

ss:

I AM

OF THE FIRM OF

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT PLAINSBORO TOWNSHIP 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 ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY

OF _____ 20____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20____

EXHIBIT H

**N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)**

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 or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the 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 or sex.

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

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

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable Township employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable Township employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

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

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

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

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

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

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