



Township of West Milford
Municipal Utilities Authority (MUA)

Passaic County, NJ *aka. is the "Heart of the Highlands"*

RFP FOR THE FOLLOWING:

**OPERATIONS, MAINTENANCE, MONITORING
REPAIR AND REPORTING SERVICES FOR**

**WATER TREATMENT PLANTS, WATER
DISTRIBUTION SYSTEMS, WASTEWATER TREATMENT
AND COLLECTION SYSTEMS**

**West Milford Municipal Utilities Authority
179 Cahill Cross Road Suite 221
West Milford, New Jersey 07480**

GLOSSARY

The following definitions shall apply to and are used in this Request for Proposals:

- "WMMUA" or "Authority"- refers to the West Milford Municipal Utilities Authority.
- "Qualification Statement" - refers to the complete responses to this RFP submitted by the Respondents.
- "RFP" - refers to this Request for Proposals, including any amendments thereof or supplements thereto.
- "Respondent" or "Respondents" – also identified herein as "Vendor" or "Company" refers to the interested firm(s) and individuals that submit a Proposal Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1 Introduction and Purpose.

The West Milford Municipal Utilities Authority (WMMUA) is soliciting proposals from interested persons and/or firms for the provision of operations, maintenance, monitoring repair and reporting services for WMMUA's Public Utilities. This Request for Proposal (RFP) is one of three (3) RFP's that are being solicited by the WMMUA. The first RFP includes requests to operate, maintain, monitor, repair and report for the WMMUA's water treatment plants and water distribution systems. The second RFP includes requests to operate, maintain, monitor, repair and report for the WMMUA's wastewater systems and wastewater collection systems. This, the third RFP is to operate, maintain, monitor, repair and report for both utilities. You may submit proposals for any of the three configurations separately or combined.

The West Milford Municipal Utilities Authority requests that for the wastewater utilities portion of this proposal, be an all-inclusive price for services and an hourly rate for responding to emergencies, or any out of scope work be submitted. Pricing for out of scope/emergency services is for the wastewater utilities only. The water utilities services will have all-inclusive pricing under any scenario.

Through a Request for Proposal process described herein, persons and/or firms interested in assisting the WMMUA with the provision of such services should prepare and submit a Proposal in accordance with the procedure in this RFP. A one year contract may be awarded at the end of this process. The contract term will begin August 1, 2014 and end July 31, 2015.

1.2 Contract Process.

The selection of the licensed operator(s) of the facility (ies) is subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11 et seq. WMMUA has structured a contract process that seeks to obtain the desired results described above, while establishing a process to assure that each person and/or firm is provided an opportunity to submit a Proposal in response to this RFP.

Proposals will be reviewed and evaluated by the WMMUA and/or its advisors. The proposals will be reviewed to determine if the Respondent has met the minimum professional requirements described in this RFP. Under no circumstances will those

reviewing proposals inquire about a job from a Respondent. Based upon the totality of the information contained in a proposal, including information about the reputation and experience of each Respondent, WMMUA will (in its sole judgment) determine which Respondent will be awarded a contract. Each Respondent that meets the requirements of the RFP (in the sole judgment of WMMUA) and may be eligible for a future award of a contract for Operations, Maintenance, Monitoring, Repair and Reporting Services for the WMMUA's Wastewater Treatment Plants, Wastewater Collection Systems, Water Treatment Plants and Water Distribution Systems.

1.3 Conditions Applicable to this RFP.

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

- This document is a Request for Proposals (RFP) and does not constitute a Request for Qualifications (RFQ).
- This RFP does not commit WMMUA to award a contract, however it is likely that a contract will be awarded.
- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent.
- WMMUA reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFP from further consideration for this contract.
- WMMUA reserves the right (in its sole judgment) to reject any proposal that submits incomplete responses to this RFP.
- WMMUA reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All responses shall become the property of WMMUA and will not be returned.
- All responses may be made available to the public at the appropriate time, as determined by WMMUA (in the exercise of its sole discretion) in

accordance with law.

- WMMUA may request Respondents to send representatives to WMMUA for interviews and/or presentations.
- Neither WMMUA, nor its staff, and/or advisors shall be liable for any claims or damages resulting from the solicitation or preparation of this RFP, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a response or for participating in this contract process.

1.4 Rights of West Milford Municipal Utilities Authority

WMMUA reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the contract process in accordance with the provisions of applicable law:

- To determine that any proposal received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP is in the full discretion of the WMMUA.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as WMMUA deems necessary or convenient, to verify the information provided as part of a response and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the contract process described in this RFP (or implied) at any time (at its sole discretion.) If terminated, WMMUA may determine to commence a new contract process or exercise any other rights provided under applicable law without any obligation to the Respondents.

WMMUA shall be under no obligation to complete all or any portion of the contract process described (or implied) in this RFP.

1.5 Addenda or Amendments to RFP.

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

1.6 Cost of Proposal Preparation.

Each proposal and all information required to be submitted pursuant to this RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against WMMUA, its staff or Respondents for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFP, including attendance at any WMMUA meetings including subcommittee meetings.

1.7 Proposal Format.

Responses should cover all information requested in the Submission Requirements section.

Responses which in the judgment of WMMUA fail to meet the requirements of the RFP or which are in any way conditional, incomplete, vague, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

1.8 Pay-to-Play Award

Although this contract process falls under N.J.S.A. 40A:11 et seq, it is still subject to the State's Pay-to-Play law (N.J.S.A. 19:44A et seq.). The successful vendor must comply with this law and sign all associated documents (Business Entity Disclosure Certification, C.271 Political Contribution Disclosure Form and Stockholder Disclosure Certification). It is highly recommended that vendors become familiar with this law prior to submitting a proposal.

1.9 Term

The term of this contract will commence on August 1, 2015 and will end on July 31, 2015.

1.10 Withdrawing Submissions

Submissions forwarded to the WMMUA Administrator and/or her designated representative before the time of opening of submissions may be withdrawn upon written application of the Respondent who shall be required to produce evidence showing that they are or they represent the principal or principals involved in the submission. Submissions may not be withdrawn within twenty four (24) hours of the stipulated time of opening submissions. Once submissions have been opened, they must remain firm for a period of 60 days.

1.11 Time for Award of Contract

The WMMUA shall award the contract or reject all submissions within such time as may be specified in the invitation for submissions, but in no case no more than 60 days, except that the submissions of any Professional Services Entities who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed.

1.12 Modifications of Submissions

Any Respondent may modify its submission by mail, courier or hand delivery at any time prior to the scheduled closing time for receipt of submissions. The WMMUA, prior to the closing time, must receive such communication. The communication should not reveal the submission price but should provide the addition to or subtraction from or other modification so that the WMMUA will not know the final price(s) or term (s) until the sealed submission is opened.

1.13 Contract Compliance and Equal Employment Opportunity in Public Contracts

Professional Services Entities are required to comply with the requirements of the N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

1.14 General Requirements/Information

The Respondent shall guarantee any or all material and services supplied under these specifications. Defective or inferior items shall be replaced at the expense of the Respondent.

NO MINIMUM PAYMENT IS IMPLIED OR GUARANTEED.

SECTION 2

SCOPE OF SERVICES

It is the intent of West Milford Municipal Utilities Authority to solicit proposals from Respondents that have expertise in Operations, Maintenance, Monitoring, Repair and Reporting Services for the West Milford Municipal Utilities Authority's Water Treatment Plants, Water Distribution System and Wastewater Treatment Facilities and Wastewater Collection Systems. Firms and/or persons responding to this RFP must be able to demonstrate that they have the requisite knowledge, training, licenses, experience and continuing capabilities to perform these services. A more detailed description of the service required follows later in this document.

SECTION 3

SUBMISSION REQUIREMENTS

3.1 General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, and administrative qualifications set forth herein and shall incorporate the information requested below.

In addition to the information required as described herein, a Respondent may submit supplemental information with their submission 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.

The Respondent's submission shall include a Cover Letter and attachments including but not limited to a Qualification Statement and all Appendixes and checklist items listed. Failure to submit complete Submission Requirements can result in disqualification of the Respondent. Failure to submit all information

required by each document can also result in rejection of the Respondent's qualification response.

Qualification Submissions must be submitted through the delivery of one original and (4) four hardcopies in letter size. The Respondent shall conform the organization of the submission to the following order and divisional sectioning as set forth in Section 3.2 below.

3.2 Administrative Information Requirements.

The Respondent shall submit a Qualification Statement that provides the following information:

- a. Cover Letter Narrative. The Respondent should provide a narrative that demonstrates the Respondent's overall experience in providing the type of services sought in the RFP. The Respondent should explain the relevance of its past experience in the RFP. The narrative statement should also demonstrate the Respondent's understanding of West Milford Municipal Utilities Authority's needs and goals.
- b. Qualification Statement: The Qualification Statement shall include the following.
 - i. Contact information. The Respondent's name, address, and telephone number, and the name, telephone number and email address of the key contact person.
 - ii. Business Organization. A description of the Respondent's business organization (i.e., corporation, partnership, joint venture, etc.), its ownership and its organizational structure.
 1. Provide the names and business addresses of all Principals of the Respondent submitting the Qualification Statement. For purposes of this RFP, "Principals" means 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.
 2. If a Respondent is a partially owned or a fully-owned

subsidiary of another business organization, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the Respondent submitting a Qualification Statement. Describe the approval process.

3. 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.

iii. Past Experience and Performance.

1. Describe Respondent's past experience and performance relating to the performance of said services similar to those that are the subject of the current contract, and how responsibly the Respondent provided those services.
2. West Milford Municipal Utilities Authority requires that the Respondent demonstrate:
 - (a) Substantial Experience: Employees will be appropriately licensed and experienced in the performance of operating, maintaining, monitoring, repairing and reporting for water treatment plants, water distribution systems, wastewater treatment systems and wastewater collection systems in which the Respondent seeks to be qualified.
 - (b) Demonstrated capability: Demonstrate, in the sole opinion of West Milford Municipal Utilities Authority, that the Respondent has proven experience and capability to complete operations, maintenance, monitoring, repair and reporting services for the West Milford Municipal Utilities Authority's water treatment plants, water distribution systems, wastewater treatment systems and wastewater collection

systems.

3. Management / Resources.

Describe the Respondent's personnel structure, such as its proposed staffing for the service to be procured including but not limited to the designation of the Respondent's Supervising Manager. Any changes to the Respondent's proposed staffing plan must be approved by the WMMUA.

- (a) Required personnel: The Respondent should demonstrate that it employs the appropriate number and types of staff that would be required, to enable the Respondent to successfully perform said services.

4. Technical criteria.

Demonstrate a clear understanding of the scope of work for said services. Describe your technical approach to the WMMUA wastewater and water systems as it pertains to operations and process control, NJDEP compliance, routine and preventive maintenance, monitoring, repair and reporting.

5. Miscellaneous.

- i. Licenses. Confirm appropriate NJDEP and, where applicable, other licenses to perform said services.
- ii. Affirmative Action Compliance. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
- iii. Judgments. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.

- iv. Bankruptcy. 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
 - v. West Milford Municipal Utilities Authority Employees / Appointed Officials. List all immediate relatives of Principal(s) of Respondent who are West Milford Municipal Utilities Authority employees or appointed officials of West Milford Municipal Utilities Authority. 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.
6. West Milford Municipal Utilities Authority requires that the selected Respondent must:
- a. Not be a party to, or otherwise involved in, any pending litigation, investigation, financial foreclosure or other action, or any other procedure that would in any way impair its ability to perform its responsibilities under the anticipated contract;
7. Not be affiliated with, owned by, or otherwise engaged with any other firms that could pose a real or potential conflict of interest with West Milford Municipal Utilities Authority;
8. Not be receiving, either as an organization and/or on the part of its owners, principals, or executives, any financial benefit from the services to be provided to the West Milford Municipal Utilities Authority other than as a direct result of the fees to be paid by West Milford Municipal Utilities Authority under the anticipated Contract;
9. Not be in arrears to West Milford Municipal Utilities

Authority for any taxes, fees, or other obligations;

10. Not be found guilty of, either as an organization and/or on the part of its owned, principals, or executives, any illegal activities that preclude it from establishing contracts with government entities.
11. Resumes. Attach the resumes with of each employee who will be working on this account.
12. Qualification Letter. Attach an executed Qualification Letter (See Appendix A to this RFP).
13. Letter of Intent. Attach an executed Letter of Intent (See Appendix B).
14. Disclosure Statement (N.J.S.A. 40A:9-22.1 et seq.) (See Appendix C).
15. Statement of Ownership (N.J.S.A. 52:25-24.2) (See Appendix D).
16. Mandatory Equal Employment Opportunity Notice Acknowledgment (See Appendix E)
17. Non Collusion Affidavit
18. Insurance Requirement Acknowledgement Form
19. Affidavit of Affirmative Action
20. Proof of NJ Business Registration Certificate (as issued by the State of New Jersey, Department of Treasury, Division of Revenue)
21. Entity Information Form
22. Acknowledgement of Corrections, Additions or Deletions Form.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Proposals.

Respondents must submit an original and four (4) copies of their Proposals to the WMMUA Administrator, identified below.

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

All communications concerning this RFP should be in writing and directed to:

West Milford Municipal Utilities Authority
Attention: Kelly Love, Administrator
179 Cahill Cross Road Suite 221
West Milford, New Jersey 07480
mua@wmmua.org

SECTION 5

EVALUATION

WMMUA's objective in soliciting an RFP is to enable it to select a firm, individual(s) or organization that will provide high quality and cost effective services to the WMMUA. WMMUA will consider Qualification Statements only from firms, individuals or organizations that, in WMMUA's judgment, have demonstrated the capability and willingness to provide high quality services to the WMMUA in the manner described in this RFP.

5.1 Conflicts of Interest.

1. Before reviewing any proposals, each person evaluating proposals shall assess their own affiliations and financial interest and those of their families that relate to their duties as someone evaluating a proposal to ensure they do not have a conflict of interest. For these purposes, a person has a conflict of interest with a proposal if that person or spouse, parent, or child would be in violation of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq. Any person with a conflict of interest related to the evaluation of this RFP shall

not participate in the evaluation process.

2. Proposal Evaluations

Respondents are advised that WMMUA reserves the right to meet with Respondents to discuss details of their proposal and/or to request written clarification or additional details necessary to clearly understand the proposal. All such additional, supplemental or clarifying information may be considered as part of the technical evaluation of qualifications and proposals.

In-person presentations to the WMMUA may be required or may be waived at the discretion of WMMUA. In-person presentations, if necessary, will provide an opportunity for Respondents to clarify or elaborate on its proposal but should not in any way change the Respondent's original proposal. Note: Presentations during the evaluation process shall address only those matters specified by WMMUA. The presentation shall not be used for negotiation of a contract contrary to law.

3. Evaluation Criteria

Criteria for Evaluating Respondents

A. Past experience and performance. Past experience and performance relate to a Respondent's history in performing wastewater treatment, collection system, water treatment and distribution system services similar to those that are the subject of the current contract, and how responsibly the Respondent provided those services, including its adherence to performance deadlines. The following evaluation criteria will also be submitted by each Respondent:

1) Has the Respondent performed the specified services for other governmental units in the past? If yes please list entity (ies) and services performed.

B. Management. Management criteria generally pertain to the Respondent's personnel structure, such as its proposed staffing for the service to be procured and how it conducts its services.

1) Qualifications of Management: The Respondent's

Management will be required to demonstrate verifiable, successful experience in the services that it seeks qualification. The Respondent must provide the names and titles and resumes of all staff that will perform the said service.

2) Technical approach to WMMUA facilities as referenced previously.

C. Price. Please submit your price for this service according to the following schedule. There will be no other additional charges to WMMUA for these services.

(You may copy this chart, fill in your prices and submit with your response):

ANNUAL FEE – ALL INCLUSIVE FOR OPERATIONS OF WATER TREATMENT PLANTS, WATER DISTRIBUTION SYSTEMS, WASTEWATER TREATMENT SYSTEMS AND COLLECTION SYSTEMS (WRITTEN)	IN DOLLARS

HOURLY RATE FOR WASTEWATER TREATMENT SYSTEMS EMERGENCIES OR OUT OF SCOPE (WRITTEN)	IN DOLLARS

The WMMUA will review each Respondent’s submission and determine the successful Respondent, who in the WMMUA’s judgment will provide Operations, Maintenance, Monitoring, Repair and Reporting Services for the WMMUA’s Water Treatment Plants, Water Distribution Systems, Wastewater Treatment Facilities and Wastewater Collection Systems that are in the best interest of the WMMUA.

4. Approval and Award

- A. Once the selection process has been completed, the WMMUA Administrator, Director of Field Operations and/or Subcommittee will recommend which Respondent will be awarded a contract. WMMUA reserves the right to not award a contract to any of the Respondents.
- B. Upon the WMMUA selection of a respondent, if any, for Operations, Maintenance, Monitoring, Repair and Reporting Services for the WMMUA's Water Treatment Facilities, Water Distribution Systems, Wastewater Treatment Facilities and Wastewater Collection Systems, WMMUA will enter into an Agreement in a form approved by WMMUA.
- C. WMMUA reserves the right to cancel the award of a contract before execution if WMMUA deems such cancellation to be in its best interests. In no event will WMMUA have any liability for the cancellation of such award. The Respondent assumes the sole risk and responsibility for expenses incurred prior to WMMUA's execution of the contract.
- D. Within ten (10) working days of a Board Resolution approval of a contract, a Respondent shall properly execute three (3) copies of a contract prepared by WMMUA and deliver the contract to the WMMUA Administrator together with proof of insurance, including but not limited to professional liability insurance, worker's compensation and other documents as may be specified. WMMUA's Chairperson will execute all copies of the contract and will return one (1) executed copy to the Respondent.

Note: The award of a contract may be subject to the Respondent's provision of a Campaign Financial Disclosure Form and compliance with Pay-to-Play provisions in effect at the time that the contract is award. **SEE SECTION 1.8** herein above.

CHECKLIST

SUBMISSION DATE: No later than May 22, 2014 at 10:00 a.m. prevailing time.

The following items, as indicated below (X), shall be provided with the receipt of sealed submissions:

Letter of Qualification (Appendix A)

Letter of Intent (Appendix B)

Disclosure Statement (Appendix C)

Statement of Ownership (Appendix D)

Mandatory Equal Employment Opportunity Notice Acknowledgement

Non-Collusion Affidavit

Insurance Requirement Acknowledgement Form

Affidavit of Affirmative Action

Proof of NJ Business Registration Certificate (as issued by the State of New Jersey, Department of Treasury, Division of Revenue)

Entity Information Form

Acknowledgement of Corrections, Additions, or Deletions Form

Reminder:

Please submit one (1) original and four (4) additional copies of the sealed submission.

APPENDIX A

LETTER OF QUALIFICATION

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

[Insert date]

Dear WMMUA Administrator:

The undersigned *has/have* reviewed *my/our* Qualification Statement submitted in response to the Request for Proposal (RFP) issued by West Milford Municipal Utilities Authority ("WMMUA"), in connection with WMMUA's need for Operations Service for the WMMUA's Water Treatment Plants, Water Distribution Systems and Wastewater Treatment Plants and wastewater collection systems.

I/We affirm that the contents of *my/our* Qualification Statement (which Qualification Statement is incorporated herein by reference) is 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. If a joint venture, appropriate officers of each company shall sign.)

(Signature)

(Typed Name and Title)

*(Type Name of Firm)**

Dated: _____

*** *If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.***

APPENDIX B

LETTER OF INTENT

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

[Insert date]

Dear WMMUA Administrator:

The undersigned, as Respondent, *has (have)* submitted the attached Qualification Statement in response to a Request for Proposal (RFP), issued by West Milford Municipal Utilities Authority ("WMMUA"), in connection with WMMUA's need for Operation Services for the WMMUA's Water Treatment Plants, Water Distribution Systems and Wastewater Treatment Plants and Wastewater Collection Systems.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. *(Name of Respondent)* *agrees/agrees* to participate in good faith in the contract process as described in the RFP and to adhere to WMMUA's contract 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 proposal prepared and submitted in response to the RFP, or any negotiation which results from this RFP 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 WMMUA.

5. *(Name of Respondent)* declares that this Qualification Statement is made without connection with any other person, firm or parties who has 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.

6. *(Name of Respondent)* acknowledge and agrees that WMMUA may modify, amend, suspend and/or terminate the contract process (in its sole judgment). In any case, WMMUA shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the contract activities described in this RFP.

7. *(Name of Respondent)* acknowledges that any contract executed with respect to the provision of *operate, maintain, repair and reporting services for the West Milford Municipal Utilities Authority* 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 space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature)

(Typed Name and Title)

*(Type Name of Firm)**

Dated: _____

*** *If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.***

APPENDIX C

DISCLOSURE STATEMENT

N.J.S.A. 40A:9-22.1 et seq.

(Must be completed for Response to be accepted.)

The attention of Respondents is drawn to the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits a WMMUA Officer 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 duties in the public interest.

In furtherance thereof, every Respondent must disclose below, being a WMMUA Officer or employee or whether an immediate family member is a WMMUA Officer or employee. If the Respondent 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 Respondent or a member of the Respondent's immediate family, or anyone having an interest in the Respondent's business organization including their immediate family members, an officer or employee of WMMUA?

NO _____ **YES** _____

If yes, provide the name of the individual and identify the position held, below, and notify, in writing, to the WMMUA Administrator, 179 Cahill Cross Road, Suite 221 West Milford NJ 07480 (Attach copy of 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.

Name of Respondent: _____

Authorized Signature: _____

Title: _____

Date: _____

APPENDIX D

STATEMENT OF OWNERSHIP

N.J.S.A. 52:25-24-2

(Must be completed for Response to RFP to be accepted.)

P.L. 1977, c. 33, §1, N.J.S.A. 52:25-24.2, became effective on March 8, 1977. It requires corporate and partnership Respondents for contracts with WMMUA to submit a statement setting forth the following:

1. The names and addresses of all stockholders of a corporate Respondent who own 10% or more of its stock.
2. The names and addresses of all partners of a partnership Respondent who owns 10% or more of its partnership interests.
3. If one or more such stockholders or partners are itself a corporation or partnership, the names and addresses of all stockholders holding 10% or more of that latter corporation's stock, or the names and addresses of all partners holding a 10% or more interest in latter partnership.

In addition, WMMUA, in the event that a Respondent is a limited liability company, requires that the Respondent must submit a statement setting forth the following:

- A. The names and addresses of all members owning a 10% or greater interest therein and, if any member of the limited liability company is a corporation or a partnership or a limited liability company.
- B. The names and addresses of the stockholders or partners or members holding a 10% or greater interest in such corporation, partnership or limited liability company.

The statement of such names and addresses must be submitted accompany the Response.

No Respondent will be qualified if there is a failure to comply with the requirements set forth above.

LIST HERE (OR ATTACH) THE NAMES AND ADDRESSES REQUIRED, AS DISCUSSED ABOVE.

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

The undersigned acknowledges that it is mandatory that Respondents submit the required information with the response to the RFP. This information will not be accepted after the receipt of the responses. Failure to submit a disclosure statement, which conforms to the requirements of N.J.S.A. 52:25-24.2 will result in rejection of the response.

NAME OF RESPONDENT: _____

AUTHORIZED SIGNATURE: _____

TITLE: _____

DATE: _____

APPENDIX E

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY AFFIDAVIT

P.L. 1975, C. 127 (NJAC 17:27-3.5) NJSA 10:5-31 et seq.
MANDATORY AFFIRMATIVE ACTION LANGUAGE

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

1. During the performance of this contract, the contractor agrees as follows:
 - A. 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 all 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;
 - B. 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;

- C. 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.
- D. 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 Disability Act.
- E. The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with NJAC 17:27-5.2.
- F. 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.
- G. 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.
- H. 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 web site at 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 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 Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at NJAC 17:27.**

 COMPANY NAME

 OFFICER SIGNATURE

 OFFICER PRINTED SIGNATURE

 PHONE NUMBER

WEST MILFORD MUNICIPAL UTILITIES AUTHORITY

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :
: SS.

COUNTY OF _____ :

_____ of the _____, in the County of _____ and the State of

New Jersey, of full age, being duly sworn according to law on my oath depose and say that:

I am _____ (title) of the firm of _____

the Respondent making the submission for the above named Service, and that I executed the said submission with full authority to do so; that said Respondent has not, directly or indirectly, entered into any agreements, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with the above named Service; and that all statements contained in said submission and in this affidavit are true and correct, and made with full knowledge that the WMMUA relies upon the truth of the statements contained in said submission and in the statements contained in this affidavit in awarding the contract for said Service.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except *bona fide* employees or *bona fide* establish, commercial or selling agencies maintained by:

Name of Respondent

Signature

Print name / title of Professional

Subscribed and sworn to before me this _____ day
of _____, 2014

Notary Public, State of New Jersey

My commission expires _____

**WEST MILFORD MUNICIPAL UTILITIES AUTHORITY
INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT FORM**

Certificate(s) of Insurance shall be filed with the WMMUA Office upon award of contract by the WMMUA.

The minimum amount of insurance to be carried by the Respondent shall be as follows:

PROFESSIONAL LIABILITY INSURANCE

Limits shall be a minimum of \$2,000,000.00 for each claim and \$2,000,000.00 aggregate each policy period.

Acknowledgement of Insurance Requirement:

(Signature)

(Date)

Print name / title

PROOF OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

N.J.S.A. 52:32-44 requires that each bidder submit proof of New Jersey Business Registration with its bid proposal. All business organizations that do business with a local contracting agency (i.e. WMMUA) are required to be registered with the State of New Jersey, Department of Treasury, Division of Revenue, and provide proof of that registration to the contracting agency at the time any submission is received. "Business Organization" means an individual, partnership, association, joint stock company, trust, corporation or other legal business entity or successor thereof.

The law provides that: A copy of the Business Registration Certificate issued by the NJ Department of Treasury, Division of Revenue shall be provided at the time any submission is received; *failure to do so is a fatal defect that cannot be cured.* This law covers construction as well as non-construction submissions.

Further information may be obtained by visiting the following web site at the State of New Jersey: www.nj.gov/treasury/revenue/busregcert.htm

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:

- 1) The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- 2) Prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none were used;
- 3) During the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates, that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency.

WEST MILFORD MUNICIPAL UTILITIES AUTHORITY

ENTITY INFORMATION FORM

If the Respondent is an INDIVIDUAL, sign name and give the following information:

Name: _____

Address: _____

Telephone No.: _____

Social Security No.: _____

Fax No.: _____

E-Mail: _____

If individual has a TRADE NAME, give such trade name:

Trading As: _____

Telephone No.: _____



If the Respondent is a PARTNERSHIP or LIMITED LIABILITY COMPANY, give the following information:

Name of Partners/Members _____

Firm Name: _____

Address: _____

Telephone No.: _____

Federal I.D. No.: _____

Fax No.: _____

E-Mail: _____

Signature of authorized agent: _____

If the Respondent is INCORPORATED, give the following information:

State under whose laws incorporated:

Location of principal office:

Telephone No.: _____

Federal I.D. No.: _____

Fax No.: _____

E-Mail: _____

Name of agent in charge of said office upon whom notice may be legally served:

Telephone No.: _____

Name of Corporation: _____

Signature:

By: _____

Title:

Address:

ACKNOWLEDGMENT OF CORRECTIONS, ADDITIONS AND DELETIONS FORM

I, _____

of the firm of _____

Hereby acknowledges that any corrections, additions and/or deletions have been initialed and dated in this Submission Package.

(Signature)

(Type or print name of Affiant and Title)

(Date)

GENERAL REQUIRMENTS FOR OPERATIONS, MAINTENANCE, MONITORING REPAIR AND REPORTING SERVICES FOR THE AUTHORITY'S WATER TREATMENT PLANTS, WATER DISTRIBUTION SYSTEMS, WASTEWATER TREATMENT PLANTS AND WASTEWATER COLLECTION SYSTEMS

Following is a list of general requirements for the above referenced service. Please be reminded that this list is not a complete definition of the service that needs to be performed, but your services will be, unless otherwise identified. It is assumed that there may be additional requirements that are not listed and West Milford Municipal Utilities Authority will not pay additional fees for requirements not listed below. This list is for descriptive purposes only. Nevertheless, the successful vendor must adhere to what is described herein. This description is for operations, maintenance, monitoring, repair and reporting services that will be performed according to New Jersey Department Environmental Protection Agency and all other regulatory agency guidelines. Your firm's pricing schedule will be all-inclusive for providing complete and acceptable Operations, Maintenance, Monitoring, Repair and Reporting Services for the WMMUA's Water Treatment Plants, Water Distribution Systems, Wastewater Treatment Plants and Collection Systems, excluding emergency services and/or out of scope work for which a separate rate for the wastewater utilities is being requested. The Respondent agrees there will be no surcharges or additional fees as a result of an increase in wastewater flow.

1. Program Definitions:

The successful vendor or individual agrees to perform complete licensed Operations, Maintenance, Monitoring, Repair and Reporting Services for the West Milford Municipal Utilities Authority's Water Treatment Plants, Water Distribution Systems, Wastewater Treatment Plants and Collection Systems at the direction of West Milford Municipal Utilities Authority. Services performed must be acceptable to the West Milford Municipal Utilities Authority and comply with NJDEP as well as the Environmental Protection Agency guidelines and all other regulatory agency guidelines at all times. Federal and all other regulatory agency guidelines must also be complied with at all times.

2. Scope of Services for Water Treatment Plants and Distribution Systems:

Services will cover the WMMUA's water treatment plants and distribution systems. It is required that vendors make themselves familiar with these facilities prior to submitting a proposal. A mandatory site walk of each facility will be scheduled for 04/07/2014 in order to assist Respondents in accomplishing that task, with a follow up date of 4/11/2014. The WMMUA owns and operators several water treatment facilities serving the following areas:

<u>Location</u>	<u># Treatment Facilities</u>	<u># of Wells</u>
Birch Hill	2	4
Greenbrook	3	3
Parkway	1	1
Awosting	2	4
Crescent	2	2
Olde Milford	6	6
Highview	2	2
Bald Eagle	2	2
Greenwood Lake (seasonal)	1	1

The following services will be required, at minimum:

- a. NJDEP Class T-2 licensed operator for the Water Treatment Plants will be provided along with appropriately T-2 licensed backup operators. A W-2 license will be required for the distribution systems. In the event additional licenses are required prior to or after a contract award, it will be the responsibility of the successful vendor to obtain these licenses, at no additional cost to the WMMUA.
- b. Represent the WMMUA in all meetings with the NJDEP and/or other regulatory agencies when necessary as determined by the WMMUA. Meetings with other agencies or the public (if requested) will be required. This will include any and all compliance inspections from the NJDEP, or other regulatory agencies, as necessary.
- c. Attendance at regularly scheduled WMMUA monthly business meetings, including presentation of monthly progress reports. Attendance at workshop and special meetings may be required when necessary as determined by the WMMUA.
- d. 24 hours per day 7 days a week service and availability is required, including weekends and holidays at no additional cost. On-site attendance by a licensed operator(s) and sufficient staff to adequately perform the requested services as required to maintain NJDEP compliance. Daily readings must be maintained. Immediate response to off-hour emergencies by a licensed operator (weekend and holidays included) is also required (at no additional cost to the WMMUA).
- e. In the event the licensed operator(s) is absent and unavailable to fulfill his duties, a backup licensed T-2 operator, as per NJDEP regulations will assume the duties of the licensed operator. (At no additional cost to the

WMMUA). This directive pertains to water treatment facilities as well as the distribution systems.

- f. For the **WATER TREATMENT FACILITIES** the routine activities include, but are not limited to, the following:
 - i. The Respondent will coordinate any major facility repairs with the Director of Field Operations, Administrator or any WMMUA sub contractors as shall be directed with on-site supervision of such repairs.
 - ii. Regular and routine inspection of all water facilities with reports provided to the WMMUA.
 - iii. Daily operations, routine / preventive maintenance, monitoring and repair of all equipment and facilities. Perform all necessary and/or recommended mechanical, electrical, and chemical adjustments / repairs needed to ensure compliant and optimum system operations.
 - iv. Coordination with the WMMUA contracted laboratory for all required testing of the water supply system for regulatory and investigatory purposes.
 - v. Compilation of routine and preventive maintenance work, reporting parameters, lab testing and analysis and operation parameters into a database format.
 - vi. Preparation and submission to the WMMUA (and/or any regulatory agency) of water treatment monitoring reports for the water system including online and paper reporting. This will include the following:
 - 1. Monthly treatment plant operating report.
 - 2. Monthly bacterial report.
 - 3. Water utilization report.
 - 4. Water diversion report.
 - 5. Any and all additional reports as may be required by WMMUA or any other regulatory agency not listed herein.
 - vii. Assistance with the preparation of the operating budgets for the system
 - viii. Assist the WMMUA staff and engineer with updating maps, maintenance manuals, SOPs, asset management system, and any other necessary documents.

- ix. Label process piping, pumps and valves in all water plants
- x. Communicate and meet with the NJDEP and any other regulatory agency, as required for regulatory compliance and as directed by the WMMUA.
- xi. Submit monthly water treatment and distribution system status reports to the WMMUA. Reports shall be provided in a format established by the WMMUA.