

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

SUBJECT: Request for Proposal

EFFECTIVE: This policy circular is effective November 16, 1998 with its adoption in the *New Jersey Register* and shall be implemented immediately.

PROMULGATED: November 16, 1998

SUPERSEDES: Policy Circular P1.04, promulgated December 15, 1997.

The purpose of this circular is to establish procedures in accordance with N.J.A.C. 10:3-3, Request for Proposal, when making a request for proposal (RFP).

I. SCOPE

This policy circular applies to all Departmental Components, the County Human Services Advisory Councils (CHSACs) and Designated Entities when Departmental Components choose to issue an RFP, and to all groups or entities responding to the Department's RFPs for Contracts for the provision of third-party social services or training. The RFP process shall not be required for renewal or expansion of Department purchase of service contracts, unless the Departmental Component determines to do so. This policy is promulgated to provide a consistent approach to contracts which do not fall within the parameters of the Bidding Law, N.J.S.A. 52:34-6 et seq., and as a supplement to the Publication of Grants, N.J.S.A. 52:14-34.4,5,6.

II. DEFINITIONS

In addition to defined terms included in the Glossary of the Manual, the following terms, when capitalized, shall have the meanings as stated:

Applicant means the person, agency or entity responding to an RFP.

County Human Services Advisory Councils (CHSACs) means councils appointed by the government of each county to review county-level human service activities and to serve as the primary vehicle for local public input into New Jersey Department of Human Services' decision making. The activities of the County Human Services Advisory Councils include, but are not limited to, the issuance, review and comment on human service proposals; preparation of allocation plans; review of existing purchase of service contracts; and coordination and consolidation of the local human services delivery systems.

Designated Entity means that group or county board which has been given the authority by the Department of Human Services to solicit human service proposals for review and comment and recommended acceptance for third-party social service Contracts. Although the RFP is handled by a group other than the Departmental Component, the Contract is signed and finalized by the Departmental Component.

Minority means a person who is:

African-American, having origins in any of the black racial groups in Africa;

Hispanic, having Spanish culture, with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

Asian-American, having origins in and of the original peoples of the Far East, Southeast Asia, Indian sub-continent, Hawaii, or the Pacific Islands; or

American Indian or Alaskan native (Native American), having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliations or community recognition.

Minority Agency means a business or organization, profit or non-profit, which is:

A sole proprietorship, partnership, or joint venture in which at least 51% of the ownership interest is held by minorities and the policy-making, management and daily business operations are controlled by one or more of the minorities who own it; or

A corporation or other business entity authorized under the laws of the United States whereby 51% of the stockholders, board of directors, ownership or management of daily business operations is controlled by one or more minorities.

III. PROCEDURES

The Departmental Component and the CHSACs/Designated Entity shall follow the procedures set forth in this circular when requesting proposals for the provision of third-party social service or training Contracts.

A. Request for Proposal

1. The Departmental Component or the CHSAC/Designated Entity shall issue a public announcement of the availability of funds for the purchase of services in accordance with N.J.S.A. 52:14-34.4, 34.5, 34.6. The announcement shall be made in a manner to permit reasonable competition among eligible Provider Agencies.
 - a. The Departmental Component shall publish the announcement in:
 - 1) the *New Jersey Register*, and
 - 2) publications directed toward Minority populations.
 - b. The Departmental Component may choose a second notification regarding the RFP announcement as follows:
 - 1) mail the announcement to all known potential Applicants, including those that may provide similar, but not the specific service requested, minority organizations, and culturally diverse and sensitive groups;
 - 2) publish notices in newspapers of general distribution; or
 - 3) upload the notice of the RFP on the Human Services On Line (HSOL) Web Page on the internet to allow access to the information by computer.
2. The Departmental Components may choose to have bidders' conferences. Technical information regarding the RFP may be disseminated at such a meeting.
3. The CHSACs/Designated Entities, at minimum, shall use the standards set forth in this policy when they are delegated the responsibility to solicit proposals for the Department. The Department will be a signatory to the contract in this instance. In all other instances, the Departmental Component shall notify the CHSAC/Designated Entity of the RFP, if appropriate.
4. The proposal process shall be completed within 120 days of publication, inclusive of all the informal review processes. See section III.K. below for exceptions.

5. Within 3 business days after a potential Applicant has requested a proposal package, the Departmental Component or the CHSAC/Designated Entity shall forward a proposal package to or may be picked up by those prospective Applicants responding to the public announcement. In addition, when the CHSAC/Designated Entity has been delegated the responsibility to solicit proposals on behalf of the Department, all appropriate Department procedures, as set forth in this policy circular, and county procedures, as appropriate, must be followed. The proposal package shall contain, at minimum, the following information and requirements:
 - a. the amount of funds available, the source of funds, the purpose, scope, and goals of the programs and services solicited, and any specific conditions, requirements, and/or constraints such as spending caps or Match requirements;
 - b. all requirements which must be fulfilled for the proposal to be evaluated;
 - c. the type of Provider Agencies eligible to submit a proposal for consideration;
 - d. a request for a list of the board of directors and officers of the Applicant agency;
 - e. the address/number to which the proposal is to be sent, the submission deadline (time and date) after which no applications will be accepted, time frames for review of the proposal and awarding of Contracts, and the target date for implementation;
 - f. the name and address of a contact person who can provide technical assistance;
 - g. funding proposal evaluation criteria as delineated in Section III.D. below;
 - h. a disclaimer stating the following: "The Department reserves the right to reject any and all proposals when circumstances indicate that it is in its best interest to do so. The Department's best interests in this context, include, but are not limited to, loss of funding, inability of the Applicant to provide adequate services, indication of misrepresentation of information and/or non-compliance with State and federal laws and regulations, any existing

Department Contracts, and procedures set forth in this policy circular";

- i. The following statements:
 - 1) It is anticipated that the resulting contract will contain approximately _____ dollars in funding;
 - 2) Needed for the privatization of State service/program only:
 - a) in accordance with guidelines established by the New Jersey Executive Commission on Ethical Standards, be advised that Department employees or former employees are eligible to submit proposals to this RFP; and
 - b) These services were previously State operated. Therefore, if awarded this contract, your provider agency may be responsible to maintain, administer and dispose of public records previously maintained by the State of New Jersey as defined by N.J.S.A. 47:3-16 and must agree to do so under the terms of the contract.
- j. the appropriate information, forms and a list of required supporting documents as included in Section III.D. below;
- k. a copy of Executive Order No. 189 (1988) regarding conflict of interest, Attachment A;
- l. a list of depository libraries throughout the State (see Information Memorandum P89-1) where Applicants may review the Department's Contract Reimbursement Manual and Contract Policy and Information Manual prior to responding to the RFP;
- m. the terms and conditions which must be met to comply with specific funding requirements and Department contracting rules and regulations, such as the Standard Language Document, the Department's Contract Reimbursement Manual and Contract Policy and Information Manual; and
- n. the Statement of Assurances and the requirement that it must be properly signed by the Chief

Executive Officer or equivalent and returned with the application package. See Appendix B.

- o. statement explaining the informal review process and that requests for reviews to the -
 - 1) Departmental Component must be completed within the time frame specified in the RFP or within 30 Days after receipt of the CHSAC/Designated Entity recommendation, and
 - 2) CHSAC/Designated Entity must be completed within the 90-Day CHSAC process time period and prior to the recommendations being sent to the Departmental Component.

B. Sole Source Services

Where there is none or only one response to the RFP, after specifications of the RFP have been cited and all criteria of this policy have been met, documentation of any and all efforts to obtain multiple responses shall be kept in the Department RFP file. Documentation shall also be retained of every contact made by the Departmental Component or CHSAC/Designated Entity to find a Provider Agency to fulfill the required services.

C. Internal Controls for Proposals

- 1. The Departmental Component or CHSAC/Designated Entity shall maintain all correspondence to and from the Departmental Component or CHSAC/Designated Entity, whichever is applicable, in a file retained in the individual program RFP records.
- 2. Correspondence shall be kept in a file by a staff person different from the staff personnel who are on the review panel and participating in the review and selection process.
- 3. The following information, at minimum, shall be maintained by the responsible unit:
 - a. name of the program;
 - b. submission deadline date;
 - c. date the completed proposal is received from the Applicant;

- d. name of the Department or CHSAC/Designated Entity staff person receiving the proposal for review and selection;
 - e. decision of the review panel in awarding the Contract; and
 - f. date the decision letter notifying the Applicant of acceptance or rejection was sent.
4. All proposal packages are to be sent to Applicants via first class mail, hand delivered or picked up in person, as decided by the Departmental Component, to ensure timely receipt by the Applicant.
 5. Proposal packages from Applicants are to be date and time stamped upon receipt.
 6. All decision letters concerning acceptance and rejection shall have the same date and shall be mailed via first class mail on that day.
 7. When a CHSAC/Designated Entity is handling the RFP process, all documentation shall be forwarded to the Departmental Component responsible for finalizing the Contract for final approval and retention.
 8. The Departmental Component shall communicate to the CHSAC/Designated Entity the outcome of any Departmental Component informal review on an CHSAC/Designated Entity RFP and forward a copy of the final award letter.
 9. When the RFP is for the privatization of DHS services/programs, the Departmental Components must ensure that:
 - a. Department employees intending to bid on a privatization Contract notify the New Jersey Executive Commission on Ethical Standards (Commission) in writing, with a copy to Departmental Component management, as soon as possible and before the application deadline.
 - b. the Departmental Component director or other designated operations officer shall submit an affidavit to the Commission, stating that the named employee(s) had no substantial involvement in any of the following:
 - 1) the decision to privatize the service/program or the on-going privatization process,

- 2) the preparation of the RFP, and
 - 3) the evaluation of the bids;
 - c. the Privatization Participation Documentation Form, Attachment C, is completed, thus identifying all persons involved with the privatization project and those eligible to respond to the RFP;
 - d. the Departmental Component shall maintain records identifying all individuals involved in the privatization process, including but not limited to, the employee's letter to the Executive Commission on Ethical Standards, the affidavit, and a list of all persons working on the privatization project;
 - e. when the situation warrents, a blind review may be appropriate.
- D. Funding proposal program summary and evaluation data; list of required information

The funding proposal requirements shall apply to all proposals submitted to a Departmental Component or CHSAC/Designated Entity. Each proposal submitted to a Departmental Component or CHSAC/Designated Entity shall contain the following:

- 1. the funding proposal cover sheet, which shall include at minimum:
 - a. incorporated name of the Agency,
 - b. Agency type (i.e., profit, non-profit, hospital-based, public)
 - c. federal ID,
 - d. Charities Registration number (if applicable),
 - e. address,
 - f. contact person - name, title, phone number, fax number and E-mail address (if applicable),
 - g. total dollar amount requested,
 - h. fiscal year end, and,
 - i. an authorization signature of the Chief Executive Officer to submit the proposal.

2. a brief statement on the Applicant's mission and goals - history, purpose, goals and objectives.
3. as requested by the Departmental Component, a need justification - a description of the basis for concluding that each of the proposed service(s) is needed in the community and the factors that make the Applicant the most capable of providing the service(s), which may include:
 - a. nature of the problem;
 - b. existing services;
 - c. current statistics;
 - d. current studies that have been conducted, either within the community or state-wide, relevant to the services being requested in the proposal;
 - e. Applicant's capability to provide the same or similar services as those existing in the community and/or the Applicant's capability to provide a new type of service not currently available in the community; and
 - f. target population and characteristics.
4. geographic areas to be serviced.
5. specific information regarding -
 - a. the service goals and objectives including a description of what is to be gained by the clients or the provision of the service, and
 - b. the manner in which service outcome objectives will be measured.
6. if the client population to be served requires limited English speaking and/or bicultural services, describe how access to the program, the program itself, outreach, and referral are culturally relevant and linguistically appropriate for the population to be served, including the client and family.
7. an indication of those services that will require a subcontract for provision of the services requested including a list of the subcontracts by Provider Agency, if known.
8. a program approach, including the following -

based on the parameters set forth in the RFP, an overview of the total service package including a description of how the services will be implemented and the time frames involved. The narrative shall address client population and geographic areas served; and for each component of the program package, the following information shall be provided as indicated:

- a. a description of the service activities or methods that will be employed to achieve the service objective;
 - b. a description of how the agency will oversee the operation, the procedures utilized for monitoring the performance of the service activities, and how it will measure and evaluate the quality of service;
 - c. as needed, a definition of each service component to be provided, including the purpose and goal of each;
 - d. if applicable, an indication of the number, skills and qualifications of the staff that will perform the above service activities, as well as the use of any volunteers. A table of organization for administration and personnel position titles, and job descriptions for each position shall be included;
 - e. if there are fees, a description of fees for service, sliding fee schedules and waivers of fees; and
 - f. as appropriate, a description of client data to be recorded, the use of this data by the Applicant, the means of maintaining confidentiality of client records and data, and the retention schedule of client records and schedule for destruction.
9. information on the accessibility of services, when specified by the Departmental Component, such as -
- a. the hours and days that each service will be available to clients, including how emergencies are handled; for example, closings, client crisis, after-hours contacts;
 - b. a list and description of the location(s) where each service will be provided to clients

- (including in-home services, if that is an option);
- c. a description of transportation options for clients in obtaining each service; and
 - d. a description of handicapped accessibility accommodations.
10. as needed, the eligibility requirements and referral processes, such as -
- a. a description of the priorities for accepting clients into the program and the procedures to be followed to ensure that all clients meet the eligibility requirements for admission;
 - b. an explanation of intake procedures;
 - c. an explanation of referral mechanisms and processes (formal and informal) and community outreach procedures. Describe the accommodations made for non-English speaking individuals; and
 - d. as appropriate, termination procedures, including a list of the various reasons for termination, a description of the termination procedures (client- and program-initiated), the appeals process, and follow-up services; as well as how non-English speaking persons are accommodated in this process, shall be included.
11. dependent upon the service requested, an indication of the level of service anticipated throughout the contract period; for example, the number of clients to be served, number of meals served, round trips for transportation, hours.
12. when requested by the Departmental Component in the RFP, information on service coordination, specify ancillary agencies that will be frequently utilized in combination with the service being proposed for funding, including any already existing relationships and agencies which will be referral sources for these services, including how formal coordination and referral agreements will be accomplished. A commitment letter and/or an affiliation agreement should also be requested.
13. when requested by the Departmental Component in the RFP, information on current programs managed by the Applicant and the funding sources;

14. a completed budget proposal, Annex B, B-2 or a budget appropriate to the service(s) being requested and a statement indicating the anticipated startup costs for the service;
15. a signed debarment certification statement (Attachment D) that the applicant is not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from federally funded contracts.

In addition, if awarded the Contract, the Applicant must have a signed copy of Attachment D on file for all subcontracted funds.

16. a checklist shall be maintained by the responsible unit or the review panel chairperson regarding receipt of the following information. This information need only be reviewed by the responsible unit or the chairperson for receipt and completeness and then maintained in the RFP file. A copy of the checklist may be distributed to the review panel to assure them the proposal is complete.
 - a. a copy of the Applicant's present organizational chart;
 - b. a copy of the most recent organization-wide audit report;
 - c. a copy of the Applicant's code of ethics and/or conflict of interest policy;
 - d. a list of the board of directors, officers and terms of office of each;
 - e. documentation of the Applicant's charitable registration status;
 - f. a copy of the Applicant's certificate of incorporation;
 - g. original and/or copies of letters of commitment from the collaborators; and
 - h. a list of the name(s) and address(es) of those entities providing support and/or money to help fund the program for which the proposal is being made.

E. Composition of the review panel

1. The unit responsible for RFP coordination shall convene a review panel of at least three persons to assess, rate and rank proposals to recommend an Applicant for funding. The panel shall be broadly representative and culturally diverse. In no case shall any panel convene absent representation of one minority, including that of the CHSAC or the Designated Entity. The responsible unit shall present an objective process to the review panel for the purpose of rating the proposals.
2. A panel member must disqualify himself or herself from the panel when he or she has any interest, financial or otherwise, direct or indirect, in the results of the panel's evaluations (see Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq.)
3. The panel should consist of a diverse group of people having expertise in areas such as contracting, finance, and programs/services. Members may include DHS regional and county representatives, community representatives and clients/consumers; or an allocations review panel under the auspices of the CHSAC/Designated Entity.
4. The rating system to be used in evaluating criteria, such as numeric, will generally be determined by the responsible unit.
5. Recommendations of the panel are regarded as confidential until the awards are publicly announced.

F. Evaluation of the proposal

1. All meetings of the review panel shall have documentation, including a summary of the results of the meeting.
2. The evaluation of Applicants' proposals shall be in writing using a pre-established evaluation form that explains the rating system used for the evaluation.
3. Proposals shall be evaluated by a review panel to ensure satisfactory documentation, capability, clarity, reasonableness and consistency with the needs and requirements of the RFP.

G. Evaluation of the Applicant

The Applicant shall be evaluated to determine the following, an on-site evaluation may be conducted by the Departmental Component or CHSAC/Designated Entity, if deemed necessary. The CHSAC/Designated Entity shall evaluate the Applicant on

only those factors with which they are familiar or about which they have accurate information. The Departmental Component is responsible for evaluation of all information presented by the Applicant as specified in the RFP. The following should be included in the presentation:

1. ability to comply with all terms and conditions of the Standard Language Document and its associated annexes and the Department's Contract Reimbursement Manual and Contract Policy and Information Manual;
2. prior history in the delivery of the same or similar services;
3. qualifications of staff;
4. adequacy of facilities;
5. ability to manage the fiscal aspects of the Contract, including a satisfactory past history (a pre-award survey may be necessary prior to the signing of the Contract);
6. ability of the program and management initiatives to ensure accountability of the staff, for example, supervision and training of staff, planned levels of service, and contingency plans to ensure attainment of objectives;
7. evidence of ability (including satisfactory past performance and evaluation) to provide the proposed services to the target population, including limited English proficient and bicultural populations;
8. evidence of the existence of adequate resources, facilities, and equipment to operate the proposed program;
9. review of required documents; and
10. opinions of references or other agencies that contract with the Applicant.

H. Notification of Decision

1. Upon determining which proposals are most responsive and advantageous to the needs of the clients to be served or services to be rendered, costs and other factors considered, the Departmental Component shall notify all Applicants in writing of its selection within the time frames specified in the request for proposal, not to exceed 90 Days from publication in the

New Jersey Register. The informal review process must be completed in a time frame appropriate to the Departmental Component's policies which are referenced in the RFP, and the total RFP process may not exceed 120 days from publication in the *New Jersey Register*.

2. Acceptance letters shall indicate that:
 - a. the award is contingent on Contract negotiation and that if, anytime before or during the Contract negotiations, it is found that the Applicant awarded the Contract is incapable of providing the necessary services or has misrepresented any material fact or its ability to handle the funding or provide the solicited services, the award may be rescinded. The rescission shall be made in writing, specifying why the award has been withdrawn.
 - b. the Contract is not binding until funding has been verified and the Department's Standard Language Document and the Contract confirmation letter are signed by both parties.

I. Retention of Documentation

Awarded Contracts, signed originals, all support materials and the record copy shall be retained by the Departmental Component for 3 years after the termination of the Contract and 4 years thereafter at the records center prior to destruction. Unsuccessful proposals shall be retained for 3 years by the Departmental Component and then may be destroyed. The materials to be retained include the RFP, the Applicant's proposals, all evaluation sheets, documentation from review panel meetings, all privatization documentation, and any other documentation which details why the agency was selected or not selected.

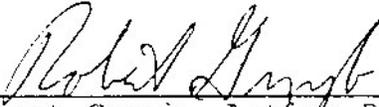
J. Contract Negotiations

At the time an award is made to the Applicant, negotiations shall proceed with the process of preparing and submitting a formal Contract proposal package to the Department in accordance with Department of Human Services Policy Circular P1.01, Contract Proposal. The initial proposal as modified and agreed to by both parties may serve as the initial Annex A, program description (see the Contract Reimbursement Manual and Contract Policy and Information Manual) for the Contract.

K. Exceptions to Procedures

1. The 120 day limitation may be adjusted accordingly by the Departmental Component if:
 - a. the announcement of the availability of funds limits the Department to less than 90 Days for allocation, obligation, and/or expenditure of funds, or
 - b. the process requires an extension because of the services being requested or unforeseen circumstances.
2. When there is an emergent danger and/or risk to the health and welfare of clients as a result of strict adherence to this policy circular, an exemption from the full RFP process may be granted and signed by the person in charge of the Departmental Component.

Issued by:



Robert Grzyb, Acting Director
Office of Accounting and Finance
Department of Human Services

**STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES**

**ADDENDUM TO REQUEST FOR PROPOSAL
FOR SOCIAL SERVICE AND TRAINING CONTRACTS**

Executive Order No. 189 establishes the expected standard of responsibility for all parties that enter into a contract with the State of New Jersey. All such parties must meet a standard of responsibility which assures the State and its citizens that such parties will compete and perform honestly in their dealings with the State and avoid conflicts of interest.

As used in this document "provider agency" or "provider" means any person, firm, corporation, or other entity or representative or employee thereof which offers or proposes to provide goods or services to or performs any contract for the Department of Human Services.

In compliance with Paragraph 3 of Executive Order No. 189, no provider agency shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e, in the Department of the Treasury or any other agency with which such provider agency transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any provider agency shall be reported in writing forthwith by the provider agency to the Attorney General and the Executive Commission on Ethical Standards.

No provider agency may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such provider agency to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

No provider agency shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

No provider agency shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the provider agency or any other person.

The provisions cited above shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with provider agencies under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate.

**Department of Human Services
Statement of Assurances**

As the duly authorized Chief Executive Officer/Administrator, I am aware that submission to the Department of Human Services of the accompanying application constitutes the creation of a public document and as such may be made available upon request at the completion of the RFP process. This may include the application, budget, and list of applicants (bidder's list). In addition, I certify that the applicant:

- Has legal authority to apply for the funds made available under the requirements of the RFP, and has the institutional, managerial and financial capacity (including funds sufficient to pay the non Federal/State share of project costs, as appropriate) to ensure proper planning, management and completion of the project described in this application.
- Will give the New Jersey Department of Human Services, or its authorized representatives, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with Generally Accepted Accounting Principles (GAAP). Will give proper notice to the independent auditor that DHS will rely upon the fiscal year end audit report to demonstrate compliance with the terms of the contract.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. This means that the applicant did not have any involvement in the preparation of the RFP, including development of specifications, requirements, statement of works, or the evaluation of the RFP applications/bids.
- Will comply with all federal and State statutes and regulations relating to non-discrimination. These include but are not limited to: 1.) Title VI of the Civil Rights Act of 1964 (P.L. 88-352;34 CFR Part 100) which prohibits discrimination on the basis of race, color or national origin; 2.) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794; 34 CFR Part 104), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et. seq.; 3.) Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.; 45 CFR part 90), which prohibits discrimination on the basis of age; 4.) P.L. 2975, Chapter 127, of the State of New Jersey (N.J.S.A. 10:5-31 et. seq.) and associated executive orders pertaining to affirmative action and non-discrimination on public contracts; 5.) federal Equal Employment Opportunities Act; and 6.) Affirmative Action Requirements of PL 1975 c. 127 (NJAC 17:27).
- Will comply with all applicable federal and State laws and regulations.
- Will comply with the Davis-Bacon Act, 40 U.S.C. 276a-276a-5 (29 CFR 5.5) and the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.27 et. seq. and all regulations pertaining thereto.
- Is in compliance, for all contracts in excess of \$100,000, with the Byrd Anti-Lobbying amendment, incorporated at Title 31 U.S.C. 1352. This certification extends to all lower tier subcontracts as well.
- Has included a statement of explanation regarding any and all involvement in any litigation, criminal or civil.
- Has signed the certification in compliance with federal Executive Orders 12549 and 12689 and State Executive Order 34 and is not presently debarred, proposed for debarment, declared ineligible, or voluntarily excluded. Will have on file signed certifications for all subcontracted funds.
- Understands that this provider agency is an independent, private employer with all the rights and obligations of such, and is not a political subdivision of the Department of Human Services.
- Understands that unresolved monies owed the Department and/or the State of New Jersey may preclude the receipt of this award.

Applicant Organization

Signature: Chief Executive Officer or Equivalent

Date

Typed Name and Title

Privatization Participation Documentation Form

Departmental Component: _____ Section/Unit: _____

Program/Service: _____ Privatization Decision Date: _____

List all Persons:	Involved in the Decision to Privatize	Involved in the Preparation of the RFP	Involved in the Evaluation of the Bids	For Whom an Affidavit was submitted to the Ethical Commission
Name: Position:				

Prepared by: _____
(PRINT)

Date: _____

Title: _____

Telephone #: _____

READ THE ATTACHED INSTRUCTIONS BEFORE SIGNING THIS CERTIFICATION.
THE INSTRUCTIONS ARE AN INTEGRAL PART OF THE CERTIFICATION.

Certification Regarding Debarment, Suspension, Ineligibility and
Voluntary Exclusion
Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by an Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

This certification is required by the regulations implementing Executive order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510

Certification Regarding Debarment, Suspension, Ineligibility and
Voluntary Exclusion
Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of facts upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled

"Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.