ATTACHMENT 6

REQUIRED FORMS AND COMPLIANCE INCLUDING OWNERSHIP DISCLOSURE FORM

LEASE/ACQUISITION/SALE COMPLIANCE:

This Attachment describes the compliance requirements and includes exhibits containing several forms, instructions and samples. Please note that the terms "Bidder", "Proposer" "Contractor" and "Vendor" are synonymous with "Purchaser", "Buyer" and "Seller".

A. OWNERSHIP DISCLOSURE FORM: MANDATORY WITH OFFER

In the event the bidder is a corporation, partnership or sole proprietorship, the bidder should complete the attached Ownership Disclosure Form.

B. *BUSINESS REGISTRATION- Public Law 2001, chapter 134; Public Law 2004, chapter 57; and Public Law 2009, chapter 315*:

Each entity responding to this *RFQ/P* must be registered with the New Jersey Department of Taxation – Division of Revenue and obtain a *"Business Registration Certificate" ("BRC")*, prior to entering into a contract with the Capital City Redevelopment Corporation ("Authority"). All New Jersey and out-of-State business organizations must obtain a "*BRC",* prior to conducting business with the New Jersey Economic Development Authority. Proposers and any joint venture partners submitting a Offer are strongly encouraged to submit their "*Business Registration Certificate(s*)", as well as the *"Business Registration Certificate*" for any named subcontractors with the offer. The successful Proposer is required to ensure that it, each joint venture partner and all subcontractors possess a valid "*Business Registration Certificate*" throughout the term of the contract and any extensions thereto.

A sample "*Business Registration Certificate"* is attached.

The Authority cannot award a contract unless a valid "*Business Registration Certificate"* is obtained for each entity, as required by law. In the event the Proposer, joint venture partners and / or any named subcontractors are unable to provide evidence of possessing a valid "*Business Registration Certificate*" prior to the award of a contract; the offer may be deemed materially non-responsive.

During the term of the contract and any extensions thereto, and prior to performing any work against said contract, the successful Proposer must obtain and submit to the Authority, proof of a valid "*BRC*" registration for any subcontractor who will perform work against the resulting contract. The Contractor shall maintain and submit to the Authority a list of subcontractors and their current addresses, updated as necessary, during the course of the contract performance. No subcontract shall be entered into with a subcontractor for work under this contract, unless the subcontractor first provides to the Contractor, proof of the subcontractor's valid "*BRC"* registration.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L.2001, c.134 (N.J.S.A. 52:32-44 et al.) or subsection e. or f. of section 92 of P.L.1977, c.110 (N.J.S.A. 5:12-92), or that provides false information of business registration under the requirements of either of those sections, shall be liable for a penalty of $ 25 for each day of violation, not to exceed $ 50,000 for each business registration copy not properly provided under a contract with a contracting agency or under a casino service industry enterprise contract.

As required by law, the Authority cannot award a contract to any Proposer or joint venture partners, which does not possess a valid "*Business Registration Certificate*".

The business registration form (Form NJ-REG) can be found online at

https:www.njportal.com/DOR/BusinessRegistration.

Proposers may go to www.nj.gov/njbgs to register with the Division of Revenue or to obtain a copy of an existing "*Business Registration Certificate"*.

INDIVIDUALS. who may be responding to this *RFQ/P*, or who may perform work against the contract as a subcontractor MUST also possess a valid "*Business Registration Certificate"*. The individual must complete and sign form "*NJ-REG-A"* (Rev 12/06) and submit to the Department of Treasury. Evidence of registration with the Department of Treasury – Client Registration Bureau should be submitted with the bid offer.

The "*NJ-REG-A*" form may be found at the Department of Treasury's website:

http://www.state.nj.us/treasury/revenue/pdforms/rega.pdf

The contractor and any subcontractor / subconsultant providing goods or performing services under this contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "*Sales and Use TaxAct", P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.*) on all their sales of tangible personal property delivered into the State.

Any Bidder, inclusive of any named subcontractors, which does not possess a valid Business Registration at the time of the bid offer submission opening or whose BRC was revoked prior to the submission of the offer should proceed immediately to register its business or seek re-instatement of a revoked BRC. Bidders are cautioned that it may require a significant amount of time to secure the re-instatement of a revoked BRC. The process can require actions by both the Division of Revenue and the Division of Taxation. For this reason, a Bidder's early attention to this requirement is highly recommended. The Bidder and its named subcontractors may register with the Division of Revenue, obtain a copy of an existing BRC or obtain information necessary to seek re-instatement of a revoked BRC online at http://www.state.nj.us/treasury/revenue/busregcert.shtml.

A Bidder otherwise identified by the Division as a responsive and responsible Bidder, inclusive of any named subcontractors, but that was not business registered at the time of submission of its quotation must be so registered and in possession of a valid BRC by a deadline to be specified in writing by the Division. A Bidder who fails to comply with this requirement by the deadline specified by the Division will be deemed ineligible for contract award. Under any circumstance, the Division will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration.

A Bidder receiving a contract award as a result of this procurement and any subcontractors named by that Bidder will be required to maintain a valid business registration with the Division of Revenue for the duration of the executed contract, inclusive of any contract extensions.

C. ***P.L. 2005, c. 51 SPECIAL PROVISIONS – POLITICAL CAMPAIGN CONTRIBUTIONS:***

On March 22, 2005, Acting Governor Codey signed into law *P.L. 2005, c. 51*, amending and supplementing *N.J.S.A. 19:44A-20.1 et seq.* This legislation supersedes *Executive Order 134 (2004) ("EO 134"),* but essentially codified its substantive provisions aimed at safeguarding the integrity of State government procurement by imposing restrictions to insulate that process from political contributions posing the risk of improper influence, purchase of access, or the appearance thereof. As set forth in detail below, a selected entity will be required to respond in a timely fashion to certification and disclosure requirements that will be issued by the Authority. Under *N.J.S.A. 19:44A-20.24*, the terms and conditions set forth in this section are material terms of the contract.

(1) **Definitions.** For purposes of this section, the following shall be defined as follows:

(i) "Contributions" means a contribution reportable by the recipient under the *"New Jersey Campaign Contributions and Expenditures Reporting Act, P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.*), and implementing regulations set forth at *N.J.A.C. 19-25-7 and N.J.A.C. 19:25-10*.1 *et seq.* Currently, contributions in excess of $300.00 during a reporting period are deemed "reportable" under these laws. The provisions *of P.L. 2005, c. 51* **shall apply only to contributions made on or after October 15, 2004.**

(ii) "Business Entity" means any natural or legal person, business corporation, professional services corporation, Limited Liability Company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (I) all principals who own or control more than 10 percent of the profits or assets of a business entity or
10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under *26 U.S.C.A. §527* that is directly or indirectly controlled by the business entity other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing therewith.

(2) **Prohibited Conduct.** The Authority shall not enter into a contract valued at more than $17,500 for goods or services with any Business Entity, if the Business Entity solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for a holder of the public office of Governor, or to any State or county political party committee on or after October 15, 2004.

(3) **Certification and Disclosure Requirements**

- **Requirements for Selected Entity.** The selected entity ***shall receive notification that*** will, among other things, notify the entity that it must submit a "***Two (2) Year Vendor Certification of Political Contributions Disclosure" and "Ownership Disclosure"*** **forms** as provided by the Authority. Instructions for completing the forms are also included. Failure to submit these forms in a timely fashionshall be cause for rejection of the entity.

- **Consultant's Continuing Obligation to Comply with *P.L. 2005, c. 51*.** The selected entity shall be required on a continuing basis to disclose and report to the Authority any contributions made during the contract term by the Business Entity on forms provided by the Authority, at the time it makes the contribution.

(4) **State Treasurer Review.** Prior to the award of the contract, the State Treasurer or his designee shall review the Disclosures submitted by the apparent successful entity, as well as, any other pertinent information concerning the contributions or reports thereof. This review will also take place on a continuing basis during the term of the contract. If the State Treasurer determines that any contribution or action of the contractor constitutes a breach of contract pursuant to this section, or presents a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of this or any future contract.

(5) **Breach of Contract.** It shall be a breach of the terms of the contract for the Business Entity to: (I) make or solicit a contribution in violation of P.L. 2005, c. 51, (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the Business Entity itself would subject that entity tothe restrictions of P.L. 2005, c. 51; (vi) fund contributions made by third parties including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of P.L. 2005, c. 51; or (viii) directly or indirectly through or by any other person or means, do any action which would subject that entity to the restrictions of P.L. 2005, c. 51.

(6) **Contract Provisions.** Political Campaign Contribution provisions will be included in and be a part of thecontract that the selected entity will be required to sign.

D. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN:

Pursuant to N.J.S.A. 52:32-55 *et seq the Proposer should complete, sign and submit the "Disclosure of InvestmentActivities in Iran" form.*

E. DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING BIDDER FORM:

The Proposer should submit the Disclosure of Investigations and Other Actions Involving Bidder Form, with its Offer, to provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five (5) years, including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, currentstatus, and, if applicable, disposition. If a Bidder does not submit the form with the Offer, the Bidder must comply within seven (7) business days of a request by the Authority or the Authority may deem the Offer non- responsive.