



STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES

**REQUEST FOR PROPOSALS**

**TO SUPPORT THE DEVELOPMENT OF HOMES FOR PEOPLE WITH INTELLECTUAL  
AND/OR DEVELOPMENTAL DISABILITIES TRANSITIONING FROM NURSING  
FACILITIES AND OTHER QUALIFIED INSTITUTIONS**

**February 7, 2024**

Jonathan Seifried, Assistant Commissioner  
Division of Developmental Disabilities

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## I. Purpose and Intent

This Request for Proposals (RFP) is issued by the New Jersey Department of Human Services (DHS), Division of Developmental Disabilities (DDD or Division) for the provision of capital and non-capital funds to offset costs incurred in the acquisition, development and renovation of licensed settings (Ex. group homes) that serve newly placed individuals who are transitioning from nursing facilities. Other qualified institutions will be considered on a case by case basis.

As the Division continues to develop housing to expand the network of home and community-based services (HCBS) throughout New Jersey, there is a need to create specialized residential opportunities to meet the needs of New Jersey residents with Intellectual and/or Developmental Disabilities who are transitioning from nursing homes.

Expanding the State's capacity to support people who are transitioning from nursing facilities will enhance the community infrastructure and provide more opportunities for people to be supported in their community.

The following summarizes the **anticipated** RFP schedule:

February 7, 2024	Notice of Funding Availability
February 22, 2024	Close of Question & Answer Period
May 1, 2024	Submission Deadline
TBD	Preliminary Notification of Award
TBD	Appeal Deadline
TBD	Notification of Final Award

## II. Background and Population to be Served

DDD has funded services for state residents with intellectual and developmental disabilities since 1959. DDD was created in response to the need for better and more effective services for state residents with developmental disabilities. Advocates for those services included many parents and other family members who wanted community-based alternatives to the institutional care that had been their only option for many decades.

Currently, DDD is responsible for overseeing a statewide system of home and community based services and supports for about 25,500 eligible adults with intellectual and developmental disabilities. Most DDD-eligible individuals live in the community, either with family or in a community residence such as a group home, supervised apartment, or in a Community Care Residence. Approximately 1,050 individuals are served in one of five (5) developmental centers administered by DDD.

DDD assures the opportunity for individuals with intellectual and developmental disabilities to receive quality services and supports, participate meaningfully in their communities, and exercise their right to make choices.

Through this initiative, the DDD will work with community providers to expand New Jersey's Home and Community Based Services to support people who are leaving nursing facilities and other qualified institutional settings.

### **III. Who Can Apply?**

To be eligible for consideration, bidders must satisfy the following requirements at the time of application:

- The bidder must be a non-profit, for-profit, or governmental entity;
- The bidder must be licensed by the DHS Office of Program Integrity and Accountability, Office of Licensing (OOL);
- The bidder must not have had a moratorium on admissions in the last three calendar years.
- The bidder must have not received a one star *Overall Score* per the [DHS Risk Management System](#) during any single reporting period in the last three calendar years.
- The bidder must not have had 10% or more provisional licenses during more than one single reporting period per the [DHS Risk Management System](#) in the last three calendar years.
- Bidders must have all outstanding Plans of Correction (PoC) for deficiencies submitted to the Division and/or OOL (as appropriate) for approval prior to submission;
- The bidder must be fiscally viable based upon an assessment of the bidder's audited financial statements. If a bidder is determined, in the Division's sole discretion, to be insolvent or to present insolvency within the twelve (12) months after bid submission, the Division will deem the proposal ineligible for this RFP;
- The bidder must not appear on the State of New Jersey Consolidated Debarment Report at <https://www.state.nj.us/treasury/debarred/debarsearch.htm> or be suspended or debarred by any other State or Federal entity from receiving funds.
- Pursuant to DHS Contract Policy and Information Manual Policy Circular 8.05, the bidder shall not have a conflict, or the appearance of a conflict, between the private interests and the official responsibilities of a person in a position of trust. Persons in a position of trust include Provider Agency staff members, officers and Governing Board Members. A bidder must have written Conflict of Interest policies and procedures that satisfy the requirements of P8.05, thereby ensuring that paid Board members do not participate in transactions except as expressly provided in the P8.05 circular; and
- Pursuant to N.J.S.A. 52:32-44, a for-profit bidder and each proposed subcontractor must have a valid Business Registration Certificate on file with the

Division of Revenue. This statutory requirement does not apply to nonprofit organizations, private colleges and universities, or state and municipal agencies.

#### **IV. Contract Scope of Work**

The Division is soliciting proposals from service providers who are able to leverage funding from a variety of sources to develop provider managed homes to support people with intellectual and/or developmental disabilities who are leaving nursing facilities. These homes will support New Jersey residents who may have complex needs to reside in community settings. Residents may have medical and/or behavioral needs. The successful bidder will create an appropriate program to successfully support target residents in a community setting.

The Division will provide up to \$6 million of state funding for this initiative.

Through this RFP, newly developed or existing provider managed single family community homes will be awarded funding to support the expansion of provider managed home and community based residential services. Funding allocations of \$60,000 per bed (total funding per site shall not exceed \$240,000) is to be used for any combination of the below (no additional capital and/or non-capital funding will be provided by DHS):

- Capital funding for fire suppression systems, accessibility modifications, acquisition costs, renovation costs, or innovative site enhancements that support independence and are needed to prepare the home for occupancy by a person(s) leaving a nursing facility.
  - Sites may be newly acquired single family homes or existing homes that require modifications to support the target population.
  - Homes may serve one to four individuals, each with their own bedroom.
  - Settings of up to five or six individuals, each with their own bedroom, shall be considered on a case-by-case basis when it is established by the bidder that it is in the best interest of the target population to be of this size. This includes residents leaving nursing homes who require the use of a ventilator and on-site support of specialists, including but not limited to respiratory therapists. If a bidder is requesting to develop a home with a capacity of five or six, it is expected that the bidder shall have diversity in their service portfolio and not operate large numbers of this size program as its primary service model. Total funding per site shall not exceed \$240,000 even if a capacity of five or six is granted.
  
- Non-capital startup funding for:
  - An accessible vehicle (up to \$70,000)
  - Furnishings (up to \$3,000 per bed)
  - Staff training and development costs (not to exceed 5% of the proposed operating budget).

In order to qualify for this funding, homes must be licensed settings, each resident must have their own bedroom, and be persons who are moving from nursing facilities or other qualified institutions (i.e. psychiatric hospitals and developmental centers). Bidders are directed to consider the three-minute fire evacuation requirement per N.J.A.C. 10:44A and the likelihood that eligible persons will need assistance with evacuation in their planning.

Capital and non-capital funding awarded through this request for proposals must be used for the development of housing for the target population.

Proposals for homes with a capacity that is less than four will be considered, but the maximum funding is \$60,000 per bed.

The Division will allocate funding to the service provider subject to the following conditions:

- Funding is to offset the costs incurred directly by providers in developing provider managed settings licensed under N.J.A.C. 10:44A, as well as for accelerated principal payment related to the financing of such costs. This funding includes the cost of a fire suppression system in the allocation.
- Homes eligible for funding must support residents who are moving from nursing facilities. Other qualified institutions (i.e., psychiatric hospitals and developmental centers) will be considered on a case by case basis. Reimbursement for services associated with target individuals will be through the fee-for-service systems using the established fee schedule associated with the tier of the individual. It is the responsibility of the service provider to ensure that operating funding from the Division in excess of assigned fee-for-service rates is not needed for the provision of services.
- Both existing sites and new sites are eligible for consideration.
  - A new site is defined as a home or buildable lot that has not yet been purchased by a provider or by a housing entity/developer affiliated with a provider; or a home that is not licensed by DHS but is already owned and requires capital investment to meet licensing standards.
  - An existing site is a currently licensed home in good standing that would otherwise be unable to serve an individual moving into it from a nursing home without this funding. The site will require accessibility modifications and/or site enhancements to support new resident(s) moving from nursing facilities or other qualified institutions. Site enhancements may include innovative property modifications that support accessibility and independence.
- Individuals moving into the homes are eligible for Division services, are enrolled on the Community Care Program (CCP) and have selected to live in the setting.
- Capital funding will be secured by the Division's standard capital agreement and promissory note, as well as a mortgage reflective of the Division's position in the financing structure.

- Reimbursement is subject to the availability of state appropriations.
- Funding will not be released to a community provider unless the individuals leaving a qualified institution and the provider have agreed to placement, the provider is able to serve all persons in accordance with licensing standards, and the provider has secured 100% of the financing required to fund the entire project. The funding conditions must be met no later than December 31, 2024. No requests for extensions will be considered.

All capital requirements must be met to qualify for payment, including obtaining comparable bids prior to initiating work, and compliance with capital requirements.

No funding match is required, however, bidders are required to identify all other sources of funding for each project, both in-kind and monetary, that will be used to fund the entire project cost. Bidders may not fund any costs incurred for the planning or preparing of a proposal in response to this RFP from current DHS/DDD contracts.

Bidders may apply for allocations for up to four separate homes through this RFP. As applicable, bidders applying for more than one (1) allocation may submit a single request that identifies multiple target sites.

The total number of allocations awarded will be determined based on the overall proposal score and the availability of funds. In the event that there are more qualifying proposals than funds available, awards will be allocated to the highest scoring submissions.

Bidders may not use more than one type of DHS capital funding per project/address. Should alternate capital funding become available, bidders may not apply for additional DHS capital funding for the same property.

Bidders must adhere to all applicable State and Federal cost principles. Budgets should be reasonable and reflect the scope of responsibilities in order to accomplish the goals of this project.

## **V. General Contracting Information**

Bidders must meet the terms and conditions of DHS contracting rules and regulations as set forth in the Standard Language Document (SLD), the Contract Reimbursement Manual (CRM), and the Contract Policy and Information Manual (CPIM). These documents are available on the DHS website at: <https://www.state.nj.us/humanservices/olra/contracting/policy/>

Bidders are required to comply with the Affirmative Action Requirements of Public Law 1975, c. 124 (N.J.A.C. 17:27) and the requirements of the Americans with Disabilities Act of 1991 (P.L. 101-336).

All bidders will be notified in writing of the State's intent to award a contract. All proposals are considered public information and will be made available for a defined period after announcement of the contract award and prior to final award, as well as through the State Open Public Records Act process at the conclusion of the RFP process.

Funds may only be used to support services that are specific to this award; hence, this funding may not be used to supplant or duplicate existing funding streams. Actual funding levels will depend on the availability of funds and satisfactory performance.

Contract commitments will be negotiated based upon representations made in response to the RFP. Failure to deliver commitments may result in termination of the contract.

In accordance with DHS Policy P1.12 available on the web at <https://www.state.nj.us/humanservices/olra/assets/documents/CPIManual.pdf> programs awarded pursuant to this RFP will be separately clustered until the Division determines, in its sole discretion, that the program is stable in terms of service provision, expenditures, and applicable revenue generation.

## **VI. Required Proposal Content**

All Proposal submissions will be evaluated based on the elements indicated below. The proposal must not exceed 20 pages (not inclusive of appendices and required attachments.) All Proposals must include responses that clearly correspond to each category as delineated below.

**Funding Proposal Cover Sheet:** (See Attachment A)

### **Bidder's Organization, History, and Experience: (10 points)**

Provide a brief and concise summary of the bidder's background and experience in implementing this or related types of services and explain how the bidder is qualified to fulfill the obligations of the RFP. The written narrative should:

1. Describe the agency's history, mission, purpose, current licenses and modalities, and record of accomplishments. Explain the services provided to the target population and the number of years' experience working with the target population;
2. Describe the bidder's background and experience in implementing programs similar to those described in the project scope;
3. Describe why the bidder is the most appropriate and best qualified to implement this program in the target service area;
4. Summarize the bidder's administrative and organizational capacity to establish and implement sound administrative practices and successfully carry out the proposed program;
5. Describe the bidder's current status and history relative to debarment by any State, Federal or local government agency. If there is debarment activity, it must



be explained with supporting documentation as an appendix to the bidder's proposal;

6. Provide a description of all active litigation in which the bidder is involved, including pending litigation of which the bidder has received notice. Failure to disclose active or pending litigation may result in the agency being ineligible for contract award at the Division's sole discretion;
7. Include a description of the bidder's ability to provide culturally competent services;
8. Describe the bidder's plan to bring the initiative to a conclusion at the end of the contract;
9. Describe the bidder's current status and compliance with contract commitments in regard to programmatic performance and level of service, if applicable.
10. Describe the bidder's history with transitioning people from nursing facilities and/or other qualified institutions.

### **Project Description: (30 points)**

In this section, the bidder is to provide an overview of how the services detailed in the scope of work will be implemented and the timeframes involved, specifically addressing the areas listed below.

1. A proposed monthly timeline of activities for engagement and enrollment of the target population.
2. It is expected that person centered practices will be utilized from the beginning stages of the project through completion. Describe the strategies to utilize person centered practices when engaging the individuals who will live in the home.
3. The bidder's willingness to support individuals who are leaving nursing facilities or other qualified institutions.
4. The plan to address person centered support needs, including applicable behavioral support needs.
5. The bidder's plan to support profiles of individuals who have acute medical support needs.
6. The bidder's plan around how they will include family members, supporters, and those important to residents when planning for, and ultimately delivering, services that will be provided both in the setting and in the community.
7. Description of how the proposed support services will integrate the following principles into service delivery, as evidenced by specific program considerations:
  - a. Promotion of wellness and recovery;
  - b. Trauma-informed care;
  - c. Creation of a safe and healthy, home-like environment; and
  - d. Demonstration of best practices.
8. Describe how the setting will be compliant with the home and community based services (HCBS) settings regulation including how residents will be supported to have full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

9. The provider agency's linkages with appropriate not-for-profit agencies or service providers in the community in which the proposed program will be located or readily accessible through public transportation, and who could serve as resources for and/or provide off-site services.
10. If the bidder intends to utilize funds to enhance an existing home, describe the specific site changes including physical plant and services that will be provided to meet the needs of the new residents.

### **Outcome(s) and Evaluations(s): (15 points)**

Provide the following information related to the projected outcomes associated with the proposal as well any evaluation method that will be utilized to measure successes and/or setbacks associated with this project:

1. The bidder's detailed plan and approach to measure ongoing individual satisfaction.
2. The bidder's measurement of the achievement of identified goals and objectives.
3. Description of all tools to be used in the evaluation.
4. Details about any outside entity planned to conduct evaluations. Details should include, but are not limited to: the entity's name, contact information, and a description of the evaluator's credentials and experience conducting program evaluation.
5. Tools and activities the bidder will implement to ensure fidelity to the evidence-based practice.

### **Staffing: (15 points)**

Bidders should describe the proposed staffing structure and identify how many staff will be hired to meet the needs of the program.

1. Describe the composition and skill set of the proposed program team including staff qualifications, credentials and professional licensure.
2. Provide details of the Full Time Equivalent (FTE) staffing required to satisfy the contract scope of work. Describe proposed staff qualifications, including professional license and related experience. Details should include currently on-board or to be hired staff, with details of the recruitment effort. Identify bilingual staff. Include discussion of plan to address call outs and employee leave time.
3. Provide copies of job descriptions or resumes as an appendix – limited to two (2) pages each – for all proposed staff.
4. Provide a proposed program description and staffing grid for the program.
5. Identify the number of work hours per week that constitute each FTE. If applicable, define the Part Time Equivalent (PTE) work hours. If there are positions that are shared, describe the number of hours allocated to this program.
6. Description of the proposed organizational structure, including the submission of an organizational chart as an appendix to the bidder's proposal.
7. The bidder's hiring policies, including background and credential checks, as well as handling of prior criminal convictions.
8. The approach for supervision and training of staff.

9. A list of the bidder's board members and current term, including each member's professional licensure and organizational affiliation(s). The bidder's proposal must identify each board member who is also an employee of the bidder or an affiliate of the bidder. The proposal shall indicate if the Board of Directors vote on contract-related matters.
10. A list of names of consultants the bidder intends to utilize for the contract resulting from this RFP, including each consultant's professional licensure and organizational affiliation(s). Each consultant must be further described as to whether they are also a board member and, if so, whether they are a voting member. The bidder must identify all reimbursement the consultant received as a board member over the last twelve (12) months.

### **Facilities/Equipment: (10 points)**

The bidder should detail its facilities where normal business operations will be performed and identify equipment and other logistical issues including at a minimum:

1. A description of the proposed home and the prospective program location;
2. A description of the manner in which tangible assets, i.e., computers, phones, other special service equipment, etc., will be acquired and allocated.
3. A description of the bidder's Americans with Disabilities Act (ADA) accessibility to its facilities and/or offices for individuals with disabilities.
4. Description of how the bidder intends to utilize funds to enhance the home including the specific renovations or site enhancements that are planned.
5. Describe how the setting will be physically accessible to the individuals who live in the home, how the site will accommodate visitors, and how the setting will ensure that the residents have privacy including lockable doors and freedom to decorate or furnish the unit.

### **Budget: (20 points)**

The Division will consider the cost efficiency of the proposed budget as it relates to the scope of work. Therefore, bidders must clearly indicate how this funding will be used to meet the program goals and/or requirements. In addition to the required Budget forms, bidders are asked to provide budget notes.

1. The budget should be reasonable and reflect the scope of responsibilities required to accomplish the goals of this project. All costs associated with the completion of the project must be delineated and the budget notes must clearly articulate the details of all proposed budget items including a description of miscellaneous expenses and other costs.
2. Budget notes that detail and explain the proposed budget methodology and estimates and assumptions made for expenses and the calculations/computations to support the proposed budget. The State's proposal reviewers need to fully understand the bidder's budget projections from the information presented in its proposal. Failure to provide adequate information could result in lower ranking of the proposal. Budget Notes, to the extent possible, should be displayed.

3. The name and address of each organization providing support and/or money to help fund the program for which the proposal is being submitted.
4. The timeline for completion of the project. The timeline should be specific and include dates and project deliverables.
5. In addition to the operating budget, the bidder should clearly describe all capital and non-capital funding that is requested for this project.

### **Attachments/Appendices**

The enumerated items of Required Attachments #1 through #12 and Appendices #1 through #12 must be included with the bidder's proposal.

**Please note that if Required Attachments #1 through #6 and/or #10 are not submitted and complete, the proposal will not be considered. Required Attachments #8 through #10 below are also required with the proposal unless the bidder has a current contract with DDD and these documents are current and on file with DDD.**

The collective of Required Attachments and Appendices is limited to a total of 50 pages. Audits and interim financial statements (Required Attachments #9 and #10) do not count towards the appendices' 50-page limit. Appendix information exceeding 50 pages will not be reviewed.

### **Required Attachments**

1. Proposal Cover Sheet (Attachment A);
2. Department of Human Services Statement of Assurances (RFP Attachment C);
3. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (RFP Attachment D);
4. [Disclosure of Investment in Iran](#)<sup>1</sup>;
5. Statement of [Bidder/Vendor Ownership Disclosure](#)<sup>2</sup>;
6. Attestation of Program Requirements (RFP Attachment G)
7. Attestations of Contract Requirements (RFP Attachment H)
8. Pursuant to Policy Circular P.11, a description of all pending and in-process audits identifying the requestor, the firm's name and telephone number, and the type and scope of the audit;
9. Audited financial statements and Single Audits (A133), prepared for the two (2) most recent fiscal years;
10. All interim financial statements prepared since the end of the bidder's most recent fiscal year. If interim financial statements have not already been prepared, provide interim financial statements (balance sheet, income statement and cash flows) for the current fiscal year through the most recent quarter ended prior to submission of the bid; and
11. Department of Human Services Commitment to Defend and Indemnify Form (Attachment F);

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<sup>1</sup> [www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)

<sup>2</sup> [www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)

## 12. Budget Proposal Form (RFP Attachment E).

### **Required Appendices**

1. Copy of documentation of the [bidder's charitable registration status](#)<sup>3</sup>;
2. Bidder mission statement;
3. Organizational chart;
4. Job descriptions of key personnel;
5. Resumes of proposed personnel if currently on staff, limited to two (2) pages each;
6. Proposed program description and staffing grid;
7. A description of all pending and in-process audits identifying the requestor, the firm's name and telephone number, and the type and scope of the audit;
8. List the board of directors, officers, and terms;
9. Copy of documentation of the bidder's charitable registration status;
10. Original and/or copies of letters of commitment/support;
11. Disclosure of Investment in Iran ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)); and
12. Statement of Bidder/Vendor Ownership Disclosure ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)).

## **VII. Submission of Proposal Requirements**

### **A. Format and Submission Requirements**

The Division assumes no responsibility and bears no liability for costs incurred by the bidder in the preparation and submittal of a proposal in response to this RFP. The narrative portion of the proposal should not exceed 20 pages, be single-spaced with one (1") inch margins, and no smaller than twelve (12) point Arial, Courier or Times New Roman font. For example, if the bidder's narrative starts on page 3 and ends on page 23 it is 21 pages, not 20 pages. The Division will not consider any information submitted beyond the page limit for RFP evaluation purposes.

The budget notes and appendix items do not count towards the narrative page limit. Proposals must be submitted no later than 4:00 p.m. ET on the submission deadline date noted in this RFP. All bidders are required to submit one (1) original and five (5) copies of the proposal narrative, budget and appendices (six [6] total proposal packages) to the following address:

For U.S. Postal Service delivery:

Amy Scartocci, Housing Director  
Department of Human Services  
Division of Developmental Disabilities  
PO Box 726

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<sup>3</sup> [www.njconsumeraffairs.gov/charities](http://www.njconsumeraffairs.gov/charities)

Trenton, NJ 08625-0726

OR

For private delivery vendor such as UPS or FedEx:

Amy Scartocci, Housing Director  
Department of Human Services  
Division of Developmental Disabilities  
222 South Warren Street  
Trenton, NJ 08625

The bidder may mail or hand-deliver its proposal, however, the Division is not responsible for items mailed but not received by the due date. Note that U.S. Postal Service two-day priority mail delivery to the post office box listed above may result in the bidder's proposal not arriving timely and, therefore, being deemed ineligible for RFP evaluation. The bidder will not be notified that its proposal has been received. The State will not accept facsimile transmission of proposals.

B. Confidentiality/Commitment to Defend and Indemnify

Pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., or the common law right to know, proposals can be released to the public in accordance with N.J.A.C. 17:12-1.2(b) and (c).

Bidder should submit a completed and signed Commitment to Defend and Indemnify Form (Attachment F) with the proposal. In the event that Bidder does not submit the Commitment to Defend and Indemnify Form with the proposal, DHS reserves the right to request that the Bidder submit the form after proposal submission.

After the opening of the proposals, all information submitted by a Bidder in response to a Bid Solicitation is considered public information notwithstanding any disclaimers to the contrary submitted by a Bidder. Proprietary, financial, security and confidential information may be exempt from public disclosure by OPRA and/or the common law when the Bidder has a good faith, legal/factual basis for such assertion.

As part of its proposal, a Bidder may request that portions of the proposal be exempt from public disclosure under OPRA and/or the common law. Bidder must provide a detailed statement clearly identifying those sections of the proposal that it claims are exempt from production, and the legal and factual basis that supports said exemption(s) as a matter of law. DHS will not honor any attempts by a Bidder to designate its price sheet, price list/catalog, and/or the entire proposal as proprietary and/or confidential, and/or to claim copyright protection for its entire proposal. If DHS does not agree with a Bidder's designation of proprietary and/or confidential information, DHS will use commercially reasonable efforts to advise the Bidder. Copyright law does not prohibit access to a record which is otherwise available under OPRA.

DHS reserves the right to make the determination as to what to disclose in response to an OPRA request. Any information that DHS determines to be exempt from disclosure under OPRA will be redacted.

In the event of any challenge to the Bidder's assertion of confidentiality that is contrary to the DHS' determination of confidentiality, the Bidder shall be solely responsible for defending its designation, but in doing so, all costs and expenses associated therewith shall be the responsibility of the Bidder. DHS assumes no such responsibility or liability.

In order not to delay consideration of the proposal or DHS' response to a request for documents, DHS requires that Bidder respond to any request regarding confidentiality markings within the timeframe designated in DHS' correspondence regarding confidentiality. If no response is received by the designated date and time, DHS will be permitted to release a copy of the proposal with DHS making the determination regarding what may be proprietary or confidential.

### **VIII. Review of Proposals**

Technical assistance regarding this RFP will be provided via the DHS web site. Potential applicants are encouraged to submit questions to the Division at [DDD.RFP@dhs.nj.gov](mailto:DDD.RFP@dhs.nj.gov) no later than 4:00 P.M. ET on February 22, 2024. All questions and responses will be posted on the DHS website.

There will be a review process for all timely submitted proposals. The Division will convene a review committee of public employees to conduct a review of each proposal accepted for review.

The bidder must obtain a minimum score of 70 points out of 100 points for the proposal narrative and budget sections in order to be considered eligible for funding. In the event no bidder obtains the required minimum scores, DDD shall have discretion to award the contract to the highest scoring bidder.

The Division will award up to 20 points for fiscal viability, using a standardized scoring rubric based on the audit, which will be added to the average score given to the proposal from the review committee. Thus, the maximum points any proposal can receive is 120 points which includes the combined score from the proposal narrative and budget as well as fiscal viability.

In addition, if a bidder is determined, in the Division's sole discretion, to be insolvent or to present insolvency within the twelve (12) months after bid submission, the Division will deem the proposal ineligible for contract award.

Contract award recommendations will be based on such factors as the proposal scope, quality and appropriateness, bidder history and experience, as well as budget reasonableness. The review committee will look for evidence of cultural competence in

each section of the narrative. The review committee may choose to visit a bidder's existing program(s), invite a bidder for interview, and/or review any programmatic or fiscal documents in the possession of the Division. The bidder is advised that the contract award may be conditional upon final contract and budget negotiation.

The Division reserves the right to reject any and all proposals when circumstances indicate that it is in its best interest to do so. The Division's best interests in this context include, but are not limited to: loss of funding; inability of the bidder(s) to provide adequate services; an indication of misrepresentation of information and/or non-compliance with State and federal laws and regulations, existing DHS contracts, and procedures set forth in DHS Policy Circular P1.04 <http://www.state.nj.us/humanservices/olra/ocpm/resources/manuals/>

The Division will notify all bidders of contract awards, contingent upon the satisfactory final negotiation of a contract, by the final allocation date above.

### **IX. Appeal of Award Decisions**

An appeal of any award decision may be made only by a respondent to this RFP. All appeals must be made in writing and be received by the Division at the address below no later than 4:00 p.m. ET on the appeal date noted in this RFP. The written appeal must clearly set forth the basis for the appeal.

Appeal correspondence should be addressed to:

Jonathan Seifried, Assistant Commissioner  
Department of Human Services  
Division of Developmental Disabilities  
PO Box 726  
Trenton, NJ 08625-0726

Or via email: [DDD-CO.LAPO@dhs.nj.gov](mailto:DDD-CO.LAPO@dhs.nj.gov)

Please note that all costs incurred in connection with appeals of Division decisions are considered unallowable cost for the purpose of Division contract funding.

The Division will review all appeals and render a final decision. Contract award(s) will not be considered final until all timely filed appeals have been reviewed and final decisions rendered.

An appeal based on the determination may be filed in writing to the Assistant Commissioner within seven calendar days following receipt of the notification. An appeal of the selection process shall be heard only if it is alleged that the Division has violated a statutory or regulatory provision in the awarding of the contract. An appeal will not be heard based upon a challenge to the evaluation of a proposal.



## X. Post Award Required Documentation

Upon final contract award announcement, the successful bidder(s) must be prepared to submit (if not already on file), one (1) original signed document for those requiring a signature or copy of the following documentation (unless noted otherwise) in order to process the contract in a timely manner, as well as any other contract documents required by DHS/Division.

1. Most recent IRS Form 990/IRS Form 1120, and Pension Form 5500 (if applicable) (submit two [2] copies);
2. Copy of the Annual Report-Charitable Organization (for information visit: <https://www.state.nj.us/treasury/revenue/>);
3. A list of all current contracts and grants as well as those for which the bidder has applied for from any Federal, state, local government or private agency during the contract term proposed herein, including awarding agency name, amount, period of performance, and purpose of the contract/grant, as well as a contact name for each award and the phone number;
4. Proof of insurance naming the State of New Jersey, Department of Human Services, Division of Developmental Disabilities, 726, Trenton, NJ 08625-0726 as an additional insured;
5. Board Resolution identifying the authorized staff and signatories for contract actions on behalf of the bidder;
6. Current Agency By-laws;
7. Current Personnel Manual or Employee Handbook;
8. Copy of Lease or Mortgage;
9. Certificate of Incorporation;
10. Co-occurring policies and procedures;
11. Policies regarding the use of medications, if applicable;
12. Policies regarding Recovery Support, specifically peer support services;
13. Conflict of Interest Policy;
14. Affirmative Action Policy;
15. Affirmative Action Certificate of Employee Information Report, newly completed AA 302 form, or a copy of Federal Letter of Approval verifying operation under a federally approved or sanctioned Affirmative Action program. (AA Certificate must be submitted within 60 days of submitting completed AA302 form to Office of Contract Compliance);
16. A copy of all applicable licenses;
17. Local Certificates of Occupancy;
18. Master lease agreements, evidence of all State (non-Division), federal and local housing subsidies and resources.
19. Current State of New Jersey Business Registration;
20. Procurement Policy;
21. Current equipment inventory of items purchased with DHS funds (Note: the inventory shall include: a description of the item [make, model], a State identifying number or code, original date of purchase, purchase price, date of receipt, location at the Provider Agency, person(s) assigned to the equipment, etc.);

22. All subcontracts or consultant agreements, related to the DHS contract, signed and dated by both parties;
23. Business Associate Agreement (BAA) for Health Insurance Portability Accountability Act of 1996 compliance, if applicable, signed and dated;
24. Updated single audit report (A133) or certified statements, if differs from one submitted with proposal;
25. Business Registration (online inquiry to obtain copy at [https://www1.state.nj.us/TYTR\\_BRC/jsp/BRCLoginJsp.jsp](https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp); for an entity doing business with the State for the first time, it may register at <https://www.nj.gov/treasury/revenue>);
26. Source Disclosure (EO129) ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)); and
27. Chapter 51 Pay-to-Play Certification ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)).

## **XI. Attachments**

- Attachment A – Proposal Cover Sheet
- Attachment B – Addendum to RFP for Social Service Training and Contracts
- Attachment C – Statement of Assurances
- Attachment D – Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
- Attachment E – Budget Proposal Form
- Attachment F – Commitment to Defend and Indemnify Form
- Attachment G – Mandatory Equal Employment Opportunity Language

**Attachment A – Proposal Cover Sheet**

\_\_\_\_\_ Date Received

**STATE OF NEW JERSEY**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Developmental Disabilities  
Proposal Cover Sheet

Name of RFP \_\_\_\_\_

Incorporated Name of Bidder: \_\_\_\_\_

Type: Public \_\_\_\_\_ Profit \_\_\_\_\_ Non-Profit \_\_\_\_\_ Hospital-Based \_\_\_\_\_

Federal ID Number: \_\_\_\_\_ Charities Reg. Number (if applicable) \_\_\_\_\_

Address of Bidder: \_\_\_\_\_

Contact Person Name and Title: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Total dollar amount requested: \_\_\_\_\_ Fiscal Year End: \_\_\_\_\_

Funding Period: From \_\_\_\_\_ to \_\_\_\_\_

Total number of unduplicated consumers to be served: \_\_\_\_\_

County in which services are to be provided: \_\_\_\_\_

Brief description of services by program name and level of service to be provided:

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

Authorization: Chief Executive Officer (printed name): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Attachment B – Addendum to RFP for Social Service and Training Contracts**

### **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 that 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 that 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.

## Attachment C – Statement of Assurances

### 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 that 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 based on 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 based on 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. The applicant will have signed certifications on file 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.

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Applicant Organization

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Signature: CEO or equivalent

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Date

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Typed Name and Title

6/97

**Attachment D - Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions**

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 a 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.

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Name and Title of Authorized Representative

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Signature

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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 whom 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 Non-Procurement 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 debarments

**Attachment E**

**BUDGET PROPOSAL FORM**

*LOS of Program*

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<b>PROGRAM TYPE</b>	<u>Group Home</u>
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**BUDGET SUMMARY**

A. Personnel		
B. Consultants & Professional Fees		
C. Materials & Supplies		
D. Facility Costs		
E. Specific Assistance to Clients		
F. Other		
<hr/>		
<b>SUBTOTAL</b>		-
G. General & Admin. Allocation	-	
H. Total Operating Costs		
I. Equipment (Schedule 6)		
<hr/>		
<b>J. TOTAL COST</b>		-
K. (Less) Revenue (Schedule 2)		
L. Net Cost		-
M. Profit		
<hr/>		
<b>N. REIMBURSABLE CEILING</b>		-
O. Units of Service		
P. Unit Cost	#DIV/0!	

**BUDGET DETAIL - PERSONNEL**

<u>A. Personnel (Annex A/PD)</u>	<b>Position</b>	<b>Rate/Hour</b>	<b>Hours/Week</b>	
	<b>#</b>			
<hr/>				
<b>TOTAL STAFFING COSTS</b>				<b>0</b>
<b>TOTAL STAFFING HOURS (not including sub hours)</b>				<b>0</b>
Nursing/Behaviorist/Clinical				
Nursing/Behaviorist/Clinical				
Nursing/Behaviorist/Clinical				
Nursing/Behaviorist/Clinical				
Nursing/Behaviorist/Clinical				
Nursing/Behaviorist/Clinical				-
<b>TOTAL SALARY &amp; WAGES</b>				-
Federal - FICA, SS, Medicare, Unemployment Ins.		7.00%		-
State - SDI/SUI, Unemployment Ins.		3.00%		-

Worker's Compensation	5.00%	-
Health Ins.	12.00%	-
Pension/Life Ins.	2.00%	-
<b>TOTAL FRINGE BENEFITS</b>	<b>29.00%</b>	-

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**TOTAL PERSONNEL SERVICES** -

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**BUDGET DETAIL - NON-PERSONNEL**

**B. Consultants & Professional**

**Fees**

Accounting/Audit/Payroll

Nursing and/or Behaviorist

IT/MIS Support

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**TOTAL CONSULTANTS & PROFESSIONAL FEES** -

**C. Materials & Supplies**

Program Supplies

Office Supplies

Food - Client

Food - Staff

---

**TOTAL MATERIALS & SUPPLIES** -

**D. Facility Costs**

Rent/Mortgage Interest

Depreciation/Use Allowance

Maintenance/Repair

Utilities

Communication

Insurance

Taxes/In Lieu of Taxes

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**TOTAL FACILITY COSTS** -

**E. Specific Assistance to Clients**

Clothing/Personal Items

Leisure

---

**TOTAL SPECIFIC ASSISTANCE TO CLIENTS** -

**F. Other**

Travel/Transportation

Meetings/Conferences/Training

Staff Physical/Background Checks

Professional Insurances

---

**TOTAL OTHER** -

**ONE-TIME START UP**                      *Vehicle*                      *Furniture*  
*Cost*    *Cost*    *Cost*

A. Personnel

B. Consultants & Professional Fees

C. Materials & Supplies (Furniture)

D. Facility Costs			
E. Specific Assistance to Clients			
F. Other (15% Start-Up)			-
<b><i>SUBTOTAL</i></b>			-
G. General & Admin. Allocation			
H. Total Operating Costs			-
I. Equipment (Vehicle)		<i>3 bids</i>	
<b><i>J. TOTAL COST</i></b>			-
K. (Less) Revenue (Schedule 2)			
L. Net Cost			-
M. Profit			
<b><i>N. REIMBURSABLE CEILING</i></b>			-

**STAFF SCHEDULES**

***LOS 4***

<b>GH</b>					
Day	Shift (8 hrs)	# of staff	hours/day	days/week	hours/week
M-F	Day				0
M-F	Evening				0
M-F	Overnight				0
S&S	Day				0
S&S	Evening				0
S&S	Overnight				0
<b>Total Hours/Week</b>					<b>0</b>

## Attachment F – Commitment to Defend and Indemnify Form

### Department of Human Services Commitment to Defend and Indemnify Form

I, \_\_\_\_\_, on behalf of \_\_\_\_\_ (“Entity”) agree that the Entity will defend, and cooperate in the defense of, any action against the State of New Jersey (“State”) or the New Jersey Department of Human Services (“DHS”) arising from, or related to, the non-disclosure, due to the Entity’s request, of documents submitted to the State of New Jersey and DHS, and relating to the Request for Proposals to Support the Development of Homes for People with Intellectual and/or Developmental Disabilities Transitioning from Nursing Facilities and Other Qualified Institutions (“RFP”), which may become the subject of a request for government records under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (“OPRA”). The Entity agrees to indemnify and hold harmless the State and DHS against any judgments, costs, or attorney’s fees assessed against the State of New Jersey or DHS in connection with any action arising from, or related to, the non-disclosure, due to the Entity’s request, of documents submitted to the State and DHS, and relating to the RFP, which may become the subject of a request for government records under OPRA.

The Entity makes the foregoing agreement with the understanding that the State and DHS may immediately disclose any documents withheld without further notice if the Entity ceases to cooperate in the defense of any action against the State arising from or related to the above-described non-disclosure due to the Entity’s request.

I further certify that I am legally authorized to make this commitment and thus commit the Entity to said defense.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Entity Represented

\_\_\_\_\_  
Date

## **Attachment G - Mandatory Equal Employment Opportunity Language**

### **MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)**

**N.J.A.C. 17:27**

### **GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affection-al 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, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

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

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act. The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, col-or, national origin, ancestry, marital status, affectional or

sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

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

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

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; or

Employee Information Report Form AA-302 (electronically provided by the Division through the Division's website at: [http://www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.