Excluded New Jerseyans Fund Program

Scope of Work and Request for Quotation (RFQ)

**Purpose**

Funding is available to eligible service providers to review and process applications for the $40 million Excluded New Jerseyans Fund (ENJF) Program implemented by the State of New Jersey Department of Human Services (DHS). The funding will be available to eligible service providers able to support the implementation of the ENJF Program by processing submitted applications including reviewing applications and required documentation, verifying that applicants meet program eligibility, and making eligibility determinations based on program criteria.

DHS is seeking one or more providers with experience in rapidly setting up infrastructure and capacity to manage the application review process of social service assistance programs with specific eligibility criteria. Providers will use the ENJF application portal to access applications submitted to eligibility processing, the applications will be reviewed in the order they are received and based on the capacity listed by providers in their submissions, subject to final contract and budget negotiations. Providers will engage in trainings for eligibility processing, including ongoing program guidance and support from DHS.

**Background**

The ENJF will provide a one-time direct cash assistance to New Jersey residents over the age of 18 who were excluded from federal COVID relief programs including pandemic unemployment assistance and federal stimulus checks. Eligible households must also have an annual income at or below $55,000 and be able to demonstrate that they were ineligible for federal COVID relief and suffered an economic hardship due to COVID-19.

DHS has established an online application for eligible households to submit an application and upload required documents. The application is 8 pages including 4 pages with instructions and certifications. The applications are submitted into a web-based portal, which eligibility workers will have access to in order to process applications assigned to them. Awarded providers will receive training, including program eligibility criteria and review procedures to determine eligibility, as well as training on the web-based portal they will use to access applications and supporting documents.

Providers will review supporting documents and verify that applicant meets the eligibility requirements. The portal will provide automated notifications to applicants as their application moves through the review process. DHS anticipate that an application may take around 45 minutes to review and process. Providers are expected to make an eligibility determination on completed applications within 10 business days. Pending and inactive applications lacking all necessary documents will expire in 10 days.

**Scope of Work**

Providers will be responsible for:

* Processing applications received through an online portal hosted by DHS.
* Reviewing supporting documentation to determine eligibility using guidance and eligibility review tools created by DHS.
* Following up with applicants by phone, e-mail or in-person to obtain any additional materials for incomplete applications if additional information is needed, and updating application review portal with any relevant updates. Providers are required to make at least three contact attempts to collect missing documents or other information required to process the application.
* Making eligibility determinations in a timely manner to ensure funds are distributed equitably and on-time.
* Following eligibility criteria and program requirements of the ENJF. Providing information as needed to the State’s Integrity Monitor to support periodic sampling of each provider’s eligibility determination accuracy, confirming compliance with Federal Covid Relief Funding guidelines outlined by Integrity Monitor during trainings.
* Providing information and status updates to applicants seeking information about their applications.
* Assisting individuals needing help to submit their online applications over the phone or in-person.

**Requirements**

Providers should demonstrate that they have the capacity to perform the tasks in the Scope of Work to determine eligibility on applications received before December 31, 2021, and the ability to process a minimum of 1,000 applications during the term of this contract.

Providers should have the technological resources needed to access the application portal to review applications assigned to them including web access, e-mail, and equipment.

Providers should have the telephonic capacity to assist with applications over the phone.

There is a strong preference for providers able to assist applicants in languages other than English. Providers should list language capacity within their agency.

Providers should be available to begin work immediately and end on December 31, 2021.

To be eligible for consideration providers must satisfy the following requirements:

* The provider may be a non-profit or for-profit entity or governmental entity;
* The provider must be in good standing with DHS if it has an existing grant or contract in place. If applicable, the Provider must have all outstanding Plans of Correction for deficiencies submitted to DHS for approval prior to submission.
* The provider must be fiscally viable based upon an assessment of the provider's audited financial statements. If a provider is determined, in DHS’ sole discretion, to be insolvent or to present insolvency within the twelve (12) months after bid submission, DHS will deem the proposal ineligible for contract award.
* The provider must not appear on the State of New Jersey Consolidated Debarment Report at http://www.state.nj.us/treasury/revenue/debarment/debarsearch.shtml or be suspended or debarred by any other State or Federal entity from receiving funds; and
* The provider shall not employ a member of its Board of Directors in a consultant capacity.

**General Contracting Information and Appendices**

Providers must comply with the State’s terms and conditions as set forth in the State of New Jersey Standard Terms and Conditions and the Waivered Contracts Supplement. These documents are available on the Department of the Treasury website at:

<https://www.state.nj.us/treasury/purchase/forms.shtml> (Vendor DPA and Waiver Forms)

All contract awards will be contingent on successful Providers signing the documents referenced above.

Providers 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 providers will be notified in writing of DHS’ intent to award contract(s). Responses are considered public information and can be made available for a defined period after announcement of the contract awards and prior to final award, as well as through the State Open Public Records Act process at the conclusion of the process.

All providers should be aware of the requirements for posting of winning proposals and contract documents set forth in Executive Order 166 as detailed in Attachment F.

Successful providers shall maintain all documentation related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request.

Should service provision be delayed through no fault of the successful provider, funding continuation will be considered on a case-by-case basis. Should services not be rendered, any funds that have been provided pursuant to this request shall be returned to DHS.

All Providers are advised that the contract award may be conditional upon final contract and budget negotiation.

**Proposal Submission Requirements**

The following items must be included as appendices with the provider's proposal submission. **Please note that if items 6-9 are not submitted, the submission will not be considered**. Item 9 below is required regardless of whether providers have been the previous recipient of a grant or contract.

1. 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, if applicable;
2. List of the board of directors, officers and terms;
3. Copy of documentation of the provider’s charitable registration status if applicable;
4. Disclosure of Investment in Iran ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml));
5. Current State of New Jersey Business Registration. Bidders can obtain a copy at 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 http://www.nj.gov/treasury/revenue);
6. Department of Human Services Statement of Assurances (Attachment D);
7. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (Attachment E);
8. Statement of Bidder/Vendor Ownership Disclosure (www.nj.gov/treasury/purchase/forms.shtml);
9. Most recent single audit report (A133) or certified financial statements prepared by a certified independent accountant.
10. Any other audits performed in the last two (2) years (submit only two [2] copies).

**Funding**

Providers will receive monthly payments based on the number of non-duplicate program applications completed through the eligibility process during the preceding month.

Interested providers must submit the following:

**Funding Proposal Cover Sheet** (Attachment A) All interested providers must submit a written response that addresses organization’s role in the ENJF program; overview of organization’s work, programs, and initiatives; profile of experience with similar eligibility based programs; short narrative; and capacity to implement this program in no more than 5-6 pages.

**Specific Proposal Requirements** *–* note this may be submitted in narrative or outline format. Proposals will be evaluated based on price and other factors, using the point values noted below.

* Program Implementation Experience (30 points)
	+ Overview of social service programs that the organization has implemented previously, including size of these programs, number of applicants served, type of benefits provided, and target community noting any experience serving vulnerable communities.
* Capacity and Staffing (30 points)
	+ Demonstrate capacity to review applications and supporting documents, noting an estimate number of applications the organization can complete in the time allocated with the resources available.
	+ Providers must outline how they will be able to assist potential applicants who lack digital access and need language support.
	+ Number of staff that will be dedicated to this contract and any other additional resources that the provider has available for this contract.
	+ Summary of technological and telephonic resources available to accomplish the Scope of Work..
* Costs (40 points)
	+ Providers must submit their proposed fees expressed as a per-application cost, which includes all administrative costs, equipment and supplies, staffing, support, and service provision costs associated with this contract Payments under this contract will be based solely on the number of non-duplicate applications that are fully reviewed, completed, and deemed as either eligible or ineligible within the portal.

***Allowable Costs***

No funds from the ENJF grants may be used for lobbying activities as defined in accordance with guidance issued by the New Jersey Election Law Enforcement Commission at: <https://www.elec.nj.gov/forcandidates/gaa_forms.htm>.

**Submission Requirements**

ATTACHMENT B includes an application form that is also available as a Word document. All submissions must include the following combined as a single PDF:

a. Completed Application Form; and

b. All materials contained in the list of Appendices in this RFQ.

The completed application form using the Appendices outlined in this RFQ should be combined into a single PDF document. Providers should email the combined single PDF document to Daniel.Prupis@dhs.nj.gov no later than **11:59 pm EST** **Friday, November 12, 2021.**

## **Attachment A – Proposal Cover Sheet**

**STATE OF NEW JEREY**

**DEPARTMENT OF HUMAN SERVICES**

**Proposal Cover Sheet**

**Project Title:**

**Incorporated Name of Bidder:**

**Eligibility Type (check to confirm eligibility):**

\_\_\_\_\_\_ Non-profit bidder with IRS approved 501(c)(3) status that can coordinate and implement social service programs including benefits programs that require eligibility screening and benefits allocations in large volume, as well as able to provide direct services and/or community outreach and education within the community, and/or have a regional or statewide presence within target population that could benefit from the ENJF These may include faith-based organizations, nonprofit organizations that provide wrap-around resources and support for families, etc.;

**Federal ID Number:** **Charities Reg. Number (if applicable)**

**DUNS Number**:

**Address of Bidder**:

**Website of Bidder: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Bidder Organization Profile** - State mission and briefly describe areas of expertise and focus:

**Chief Executive Officer Name and Title**:

**Phone No.:** **Email Address:**

**Contact Person Name and Title:**

**Phone No.:** **Email Address:**

**Vendor fee per application:** \_\_\_\_\_\_\_\_\_\_\_\_

**Total number of applications organization can review for eligibility processing:** \_\_\_\_\_\_\_\_\_.

**Brief description of organizational capacity and interest in the ENJF program:**

**Authorization: Chief Executive Officer** (printed name):

**Signature:** **Date:**

##

**Attachment B – Application Template**

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

**Application Template**

All providers must submit a written response that addresses the following topics, adheres to all instructions, and includes supporting documentation as noted below:

**INTRODUCTION AND CONTEXT**

1. Please provide a brief summary description your organizations’ potential role in participating in the ENJF initiative. Include overview of organizational work, programs, and initiatives. *(1-2 paragraphs)*

2.

**PROPOSAL NARRATIVE** *(1 -2 pages)* - Address the following questions:

1. What is your experience working with the communities that may benefit from the ENJF?

2. Have you implemented social service programs that required eligibility screening and supporting documents review? If so, how many clients were served.

3. Have you provided accurate information to ethnically diverse communities on public programs or initiatives? If so, how many people were reached by your efforts.

4. What is your customer service experience? Including serving clients over the phone, in person, and/or remotely?

5. How is your organization prepared to take on this project and scale up as needed for a short period of time? Please note any specific structural capacity that exists to take on this initiative, including resources for applicant support.

**STAFFING PLAN** *(2-3 paragraphs)*

1. Briefly describe staffing capacity and plan to meet the needs of this initiative in a short period of time.

2. Please provide brief list of key members and their language access and/or cultural competency experience.

3. Note any projections for additional temporary staff for this project.

**Attachment C – Addendum to RFQ 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, "successful bidder" 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 successful bidder 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 successful bidder 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 successful bidder shall be reported in writing forthwith by the provider agency to the Attorney General and the Executive Commission on Ethical Standards.

No successful bidder 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 successful bidder 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 successful bidder 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 successful bidder 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 successful bidder 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 successful bidders 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 D – 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 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 successful bidder 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: CEO or equivalent

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

Date Typed Name and Title

**Attachment E - 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.

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

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 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 debarment.

**Attachment F**

Notice of Executive Order 166 Requirement for Posting of Winning Proposal

and Contract Documents

Principal State departments, agencies and independent State authorities must include the following notice in any solicitation:

Pursuant to Executive Order No. 166, signed by Governor Murphy on July 17, 2020, the Office of the State Comptroller (“OSC”) is required to make all approved State contracts for the allocation and expenditure of COVID-19 Recovery Funds available to the public by posting such contracts on an appropriate State website. Such contracts will be posted on the New Jersey transparency website developed by the Governor’s Disaster Recovery Office (GDRO Transparency Website).

The contract resulting from this RFP is subject to the requirements of Executive Order No. 166. Accordingly, the OSC will post a copy of the contract, including the RFP, the winning bidder’s proposal and other related contract documents for the above contract on the GDRO Transparency website.

In submitting its proposal, a bidder/proposer may designate specific information as not subject to disclosure. However, such bidder must have a good faith legal or factual basis to assert that such designated portions of its proposal: (i) are proprietary and confidential financial or commercial information or trade secrets; or (ii) must not be disclosed to protect the personal privacy of an identified individual. The location in the proposal of any such designation should be clearly stated in a cover letter, and a redacted copy of the proposal should be provided. A Bidder’s/Proposer’s failure to designate such information as confidential in submitting a bid/proposal shall result in waiver of such claim.

The State deserves the right to make the determination regarding what is proprietary or confidential and will advise the winning bidder/proposer accordingly. The State will not honor any attempt by a winning bidder/proposer to designate its entire proposal as proprietary or confidential and will not honor a claim of copyright protection for an entire proposal. In the event of any challenge to the winning bidder’s/proposer’s assertion of confidentiality with which the State does not concur, the bidder /proposer shall be solely responsible for defending its designation.

**Attachment G**

**EXHIBIT A**

**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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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. l7:27-5.2.

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

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

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division’s website at [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 Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27**