

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

REQUEST FOR PROPOSALS

**Open Access to Medications for Opioid Use Disorder in  
Homeless Shelters**

September 23, 2022

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Division of Mental Health and Addiction Services

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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 Mental Health and Addiction Services (DMHAS) to increase access to buprenorphine and other ancillary services for individuals with a substance use disorder (SUD) through current programming available at homeless shelters that are licensed by **New Jersey Department of Community Affairs' Bureau of Rooming and Boarding House Standards and outlined in state regulation NJAC 5:15**. These providers will develop the capacity to provide medication and support services for individuals who reside or drop in at homeless shelters. The intent of the program is to provide low threshold medication services to individuals with a SUD who present in these settings.<sup>1</sup>

The successful bidder to this RFP will initiate medication for SUD and maintain the individual on that medication or transition the individual to a community provider, including, but not limited to: an Office Based Addictions Treatment (OBAT) provider or licensed treatment provider that can administer buprenorphine and other medications for SUD, as well as deliver the appropriate level of counseling, or other appropriate support service. There will be no gaps in medication, caused by the provider or providers, for individuals served in this program. It is expected that providers will use funds for all of the following: (1) identify and designate a Champion within the homeless shelter who will lead the shelter's efforts to provide medication for SUD; (2) initiate same-day medications; (3) contract or employ staff with the credentials to prescribe medications; (4) contract or employ case/care managers, and peers, to connect and engage patients in treatment and social services and to assist patients with care transitions; (5) create a welcoming and non-stigmatizing atmosphere for individuals seeking medications; (6) provide naloxone as an overdose prevention medication, (7) connect individuals to an affiliated Federally Qualified Health Center (FQHC) for the treatment of physical and mental health concerns and chronic pain; and (8) implement harm reductions strategies and interventions to address SUDs, primarily opioid use disorder (OUD) and alcohol use disorder (AUD).

New Jersey has designated two Centers of Excellence (COE) in the treatment of SUDs, one at Rowan University/Cooper Medical School in Camden, New Jersey and another located at Rutgers University Medical School in Newark, NJ. The COEs offer free training, mentoring and telephonic assistance to prescribers or individuals who are becoming certified to offer medications that treat individuals with a SUD. These services will be available to assist the successful bidder.

This RFP is funded through the Substance Abuse and Mental Health Services Administration (SAMHSA) Substance Abuse Prevention and Treatment (SAPT) Block Grant. Total annualized funding for this RFP is \$2,975,000 subject to federal appropriations. DMHAS anticipates making up to seven (7) awards of up to \$425,000 each.

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<sup>1</sup> Low threshold medication services create access to care by removing traditional barriers such as requirements for abstinence or ongoing counseling, to individuals who are at high risk.

The successful bidder will ensure that the services provided ensure diversity, inclusion, equity, and cultural and linguistic competence to the target population. The successful bidder will continually assess and utilize demographic data of participants' catchment area in its development and delivery of programming, evaluation, and program outcomes to ensure it is relevant to the population served. Additionally, the successful bidder will analyze data to implement strategies to increase program participation.

Bidders applying for more than one (1) county/region must submit separate proposals for each county/region.

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

The following summarizes the RFP schedule:

September 23, 2022	Notice of Funding Availability
September 30, 2022	Questions on RFP are due no later than 4:00 p.m. EST
October 21, 2022	Deadline for receipt of proposals - no later than 4:00 p.m. EST
November 18, 2022	Preliminary award announcement
November 28, 2022	Appeal deadline - no later than 4:00 p.m. EST
December 5, 2022	Final award announcement
December 27, 2022	Anticipated contract start date

## **II. Background and Population to be Served**

Recent data of suspected drug-related deaths indicates that New Jersey has decreased the number of overdose deaths between 2018 and 2019, but these suspected drug related deaths have increased in 2020. Overdose deaths continue to be a statewide public health problem that impacts too many lives. Studies of the treatment trajectories of people with a suspected OUD demonstrate that many of those at the highest risk for opioid overdose do not enter or sustain treatment in typical OUD programs. This includes people who are homeless, attend Harm Reduction Centers (HRCs), have been discharged from emergency departments, released from jails/prisons, or are experiencing distress in other settings.

Individuals experiencing homelessness commonly have several co-occurring disorders and also suffer from chronic pain, which is a huge added stressor and barrier to care for individuals already coping with multiple hardships associated with being unsheltered. The Hope Home study, a study that looked at chronic pain in 350 unsheltered individuals, showed that chronic pain was associated with higher instances of mental health issues, like anxiety, depression, and post-traumatic stress disorder, arthritis, and

SUD diagnoses.<sup>2</sup> A major obstacle in addressing chronic pain for this population is access to services, especially primary care and SUD/mental health treatment.<sup>3</sup> Since chronic pain, along with mental health issues, are frequently co-morbid conditions with SUD diagnoses as noted in the studies cited here, both should be addressed via affiliation with and referral to an FQHC provider and/or other community partners.

In 2019, there were 98,628 admissions to SUD treatment in New Jersey. Of those, 47,672 were people whose primary drug of choice was heroin or any opioid and 30,651 whose primary substance of choice was alcohol. The use of medications to treat SUD is an evidence-based practice that increases the likelihood that individuals can embark on recovery from these disorders.<sup>4</sup> The goal of this program is to increase access to these crucial medications and decrease barriers to care and same-day service.

Data from pilot programs in other states indicates that people who are facing instability in their lives, such as homelessness, will seek treatment more readily when services are brought to them rather than having them go to the treatment provider. A pilot program in California treated individuals experiencing homelessness with low-threshold buprenorphine by sending teams of a doctor, a nurse care manager, and an outreach worker directly to homeless encampments.<sup>5</sup> This small scale program was able to successfully engage 21 individuals. Another pilot in San Francisco was able to successfully engage 95 individuals over a course of a year, with 77 percent of individuals following up after induction to medication.<sup>6</sup> These programs show that individuals experiencing homelessness can be effectively treated with buprenorphine and this type of treatment increases their positive outcomes in of the areas of housing, access to treatment, and overall stability.

Another factor that can improve outcomes for individuals experiencing homelessness is implementation of harm reduction strategies. It is not always possible for unsheltered individuals with an SUD diagnosis to focus on recovery due to dealing with a multitude of other issues that take precedence due to their situations, and implementing harm reduction may be a way to address this and improve positive outcomes. Approaches like the HaRT-A<sup>7</sup>, a harm reduction strategy for AUD involving several sessions with a

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<sup>2</sup> John C. Landefeld, MDa, Christine Miaskowski, RN, PhD, FAANb, Lina Tieu, MPHa, Claudia Ponath, MAa, Christopher T. Lee, MD, MPH, MSca, David Guzman, MSPHa, and Margot Kushel, MDa Characteristics and Factors Associated with Pain in Older Homeless Individuals: Results from the HOPE HOME Study

<sup>3</sup> Cyndi Gilmer and Kristy Buccieri Homeless Patients Associate Clinician Bias With Suboptimal Care for Mental Illness, Addictions, and Chronic Pain

<sup>4</sup> Substance Abuse and Mental Health Services Administration. Downloaded 1/14/20. <https://www.samhsa.gov/medication-assisted-treatment/treatment>

<sup>5</sup> Colin Buzza, M.D., M.P.H. Andrea Elser, B.A. Jeffrey Seal, M.D. A Mobile Buprenorphine Treatment Program for Homeless Patients With Opioid Use Disorder

<sup>6</sup> Barry Zevin, M.D., SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH STREET MEDICINE TEAM + WHOLE PERSON CARE Low Barrier Buprenorphine Pilot Program

<sup>7</sup> Collins, S. E., Clifasefi, S. L., Nelson, L. A., Stanton, J., Goldstein, S. C., Taylor, E.M., . . . Jackson, T.R. (2019). Randomized controlled trial of harm reduction treatment for alcohol (HaRT-A) for people experiencing homelessness and alcohol use disorder. *International Journal of Drug Policy*, 67, 24-33. doi: <https://doi.org/10.1016/j.drugpo.2019.01.002>

therapist, and auxiliary services targeting a decrease in drinking and an improved quality of life rather than abstinence, as well as HAMS<sup>8</sup>, a peer-run program with a similar philosophy, are both examples of harm reduction interventions that can benefit this population until barriers are addressed and abstinence is achieved.

### **Population to be served:**

The Open Access in Homeless shelters initiative will offer buprenorphine to consumers who are appropriate for immediate initiation of medication for an SUD. Any individual who presents at a homeless shelter who is: at least 18 years of age, meets the DSM-5 criteria for an OUD or AUD, and has no known allergy/hypersensitivity to buprenorphine or naloxone will be provided access to medication at that visit or the next available time when both the consumer is present at the shelter and the prescriber is available. The successful bidder will follow that patient and maintain ongoing medication or will transition the patient to a community provider. The successful bidder will have affiliations with primary care providers to address physical health needs and will implement evidence based harm reduction or other interventions to promote the consumer's recovery and wellbeing. Through this service, there will be no gaps in access to medication, from the provider, between the services provided by the team at the shelter and other treatment providers.

The successful bidder will treat walk-in individuals who present at the shelter that day and will not require an appointment. Patients will be seen by the prescriber the same-day that they present.

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

To be eligible for consideration for this RFP, the bidder must satisfy the following requirements:

- The bidder must be a homeless shelter with a commitment to providing medication and support to individuals with an SUD;
- The bidder must be a non-profit or governmental entity;
- For a bidder that has a contract with DMHAS in place when this RFP is issued, that bidder must have all outstanding Plans of Correction for deficiencies submitted to DMHAS 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 DMHAS' sole discretion, to be insolvent or to present insolvency within the twelve (12) months after bid submission, DMHAS will deem the proposal ineligible for contract award;
- The bidder must not appear on the State of New Jersey Consolidated Debarment Report at <http://www.nj.gov/treasury/revenue/debarment/debarsearch.shtml> or be

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<sup>8</sup> <https://hams.cc/>

suspended or debarred by any other State or Federal entity from receiving funds;  
and

- The bidder shall not employ a member of the Board of Directors as an employee or in a consultant capacity.

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

The successful bidder will implement the following objectives:

- Assign a Champion who is dedicated to implementing this initiative and will lead the agency's initiative.
- Provide or arrange full services of the program and same-day access to buprenorphine and other appropriate medications to individuals as they present when the prescriber is present and facilitate access to the prescriber via telehealth when possible.
- Provide a welcoming and respectful environment for program participants.
- Assess consumers for SUD and appropriate treatment services to determine that the clinical criteria for prescribing medication are met.
- Provide or arrange immediate access to buprenorphine or other appropriate medications for treatment of OUD, and medications to address alcohol use disorder, by a qualified prescriber.
- If methadone is determined to be the best course of treatment, a referral to an OTP shall be made.
- Provide consumer education on the use and risks of medications being prescribed.
- Provide or arrange ongoing treatment with medication to consumers who continue to receive services from the shelter and as long as they continue to present for care/or until the individual is connected to a treatment provider who will continue medication management.
- Provide or arrange assertive care coordination to patients to assist in transition to an OTP, OBAT provider, SUD provider or other medical provider, if necessary, for ongoing medication maintenance and counseling services, when appropriate, including follow up to ensure that the connection has been made.
- Maintain patient on medication until a referral has been successfully completed such that there is no gap in medication for patients receiving care through the bidders' center.
- Provide follow-up to consumers to ensure continuity of care.

- Work collaboratively with the community to develop and maintain referral sources that can be used to sustain consumer treatment. This includes affiliations with OBATs, COEs, OTPs and other community providers.
- Provide patient education on the use of naloxone and assist with access to naloxone to prevent death from overdose.
- Provide harm reduction kits and education on harm reduction for both OUD and AUD.
- Provide adequate transportation support including but not limited to bus passes or taxi service for consumers to assist them with connecting with SUD treatment outside of the shelter. Shelter should transport consumers to appointments if shelter has transportation available for this purpose.
- Bill Medicaid and any other payor source for billable services for qualifying consumers when appropriate and allowable.
- Be willing to work with other DMHAS initiatives as applicable and specifically those that can provide care to those served by this program.
- Attend monthly meetings with DMHAS to discuss contract adherence, data collection, etc. and/or participate in any Learning Academies developed by DMHAS.
- Develop Affiliation Agreements with the area SUD and MH treatment providers.
- Implement Harm Reduction strategies for OUD and AUD.
- Report all admissions and discharges in DMHAS-approved electronic reporting system.
- The successful bidder is required to comply with the DMHAS' program evaluation by responding to all data requests from DMHAS and its third-party evaluator.
- Additional data elements will be identified (required) after award. The successful bidder will ensure that all data elements reflect the effectiveness of activities related to diversity, inclusion, equity, and cultural/linguistic competence.
- Bidders are required to ensure all data reported are accurate and timely.
- Contract or employ DATA 2000 waived prescriber(s) who are trained in a protocol that guides SUD patients through induction of medication to stabilization, when applicable.



- Contract or employ bachelor's level care management to assist consumers to appropriate services and provide facilitated referrals. Care management services must be assertive and include, at minimum, outreach to consumers in the community, accompanying consumers to appointments if necessary, and following up with both the provider and the individual after each contact with an outside provider. Care management services shall also include screening for and referral to mental health services/co-occurring services.
- Contract or employ peer services to provide motivational and support services. Peer services may include assistance in assuring the consumers served are engaging in continued care or other needed supports. This assistance should be assertive and include accompanying individuals to appointments at other provider agencies if necessary, outreach to consumers in the community, and extensive follow up. Peer must complete the 3-day Ethics Training.
- Deliver or arrange services through telehealth, if necessary, when performed in compliance with federal and state regulations.
- Market the program to the community through outreach by staff, specifically to individuals who are homeless with SUD or co-occurring disorders, their families and supporters.
- Work collaboratively with DMHAS to collect data and outcomes for program assessment.
- Affiliate with an FQHC to ensure consumers' mental health, physical health, and issues of chronic pain, etc. are addressed.
- Provide language access to individuals who communicate in American Sign Language or foreign languages through language translation and interpretation services.
- Provide culturally appropriate interventions to reach diverse populations.

### **Budget:**

DMHAS will make funding available for a maximum of seven (7) awards through this RFP. Maximum award amount will be \$425,000 for one year, renewable based on availability of funding and other factors such as contract performance. Funds can be used to provide:

- Services for the uninsured and underinsured
- Care coordination staff and/or peer support staff
- Hiring/contracting with prescribers
- Training, to include training for prescribers to obtain their DATA 2000 waiver and/or become knowledgeable and educated to treat OUD

- Costs of medication for the uninsured or underinsured
- Telehealth capability/capacity
- Marketing of the shelter's open access services
- Naloxone kits
- Bus passes for consumers to connect with outside SUD services
- One-time expenses to implement the program. These can include, costs of hiring, telehealth equipment, computers needed to report into NJSAMS, training and other needs as approved by DMHAS.
- Translation and interpreting

## **V. General Contracting Information**

Bidders must meet the terms and conditions of the Department of Human Services (DHS) contracting rules and regulations as set forth in the Standard Language Document, the Contract Reimbursement Manual, and the Contract Policy and Information Manual. These documents are available on the website at <https://www.nj.gov/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).

Budgets should be reasonable and reflect the scope of responsibilities in order to accomplish the goals of this project.

All bidders will be notified in writing of the State's intent to award a contract.

The contract awarded as a result of this RFP may be renewable for one (1) year at DMHAS' sole discretion and with the agreement of the awardee. 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.

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

Should the provision of services be delayed through no fault of the provider, funding continuation will be considered on a case-by-case basis dependent upon the circumstances creating the delay. In no case shall the DMHAS continue funding when service commencement commitments are not met, and in no case shall funding be provided for a period of non-service provision in excess of three (3) months. In the event that the timeframe will be longer than three (3) months, DMHAS must be notified so the circumstances resulting in the anticipated delay may be reviewed and addressed.

Should services not be rendered, funds provided pursuant to this agreement shall be returned to DMHAS.

The bidder must comply with all rules and regulations for any DMHAS program element of service proposed by the bidder. Additionally, please take note of Community Mental Health Services Regulations, N.J.A.C. 10:37, which apply to all contracted mental health services. These regulations can be accessed at <http://www.nj.gov/humanservices/providers/rulefees/regs/>.

## **VI. Written Intent to Apply and Contact for Further Information**

Bidders must email [SUD.upload@dhs.nj.gov](mailto:SUD.upload@dhs.nj.gov) no later than 4:00 p.m. EST on October 14, 2022 indicating their agency's intent to submit a proposal for the Open Access to Medications for OUD in Homeless Shelters. It is required that the bidder email their notice of intent to submit a proposal no later than the October 14, 2022 deadline. If a bidder's notice to intent to submit a proposal is received after the deadline their agency is not eligible to submit a proposal for consideration. Submitting a notice of intent to apply does not obligate an agency to apply.

Any questions regarding this RFP should be directed via email to [SUD.upload@dhs.nj.gov](mailto:SUD.upload@dhs.nj.gov) no later than 4:00 p.m. EST on September 30, 2022. All questions and responses will be compiled and emailed to all those who submit a question and/or provide a notice of intent to apply. Bidders are guided to rely upon the information in this RFP and the responses to questions that were submitted by email to develop their proposals. Specific guidance, however, will not be provided to individual bidders at any time.

## **VII. Required Proposal Content**

All bidders must submit a written narrative proposal that addresses the following topics, adheres to all instructions and includes required supporting documentation noted below:

### **Funding Proposal Cover Sheet (RFP Attachment A)**

#### **Bidder's Organization, History and Experience (8 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 and current licenses.
2. Describe your interest and commitment to serving individuals with SUD.
3. Attach a one-page copy of the agency's organization chart showing the specific location of the proposed project and its link in the organization.
4. Demonstrate the organization's commitment to cultural competency and diversity, including competency in treating individuals with SUD. (Law against Discrimination, N.J.S.A.10:5-1et seq.).

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 DMHAS' sole discretion.

**Statement of Need: (7 points)**

1. Using data describe the need in the community for SUD treatment services.
2. Using data describe the need at your facility for SUD treatment services.

**Project Description (35 points)**

In this section, the bidder is to provide an overview of how the services detailed in the *Contract Scope of Work* will be implemented and the timeframes involved, specifically addressing the following:

1. Describe your service hours and the highest need times. How will Low Threshold services be available when the clients are most often available?
2. How will the homeless shelter incorporate same-day access to buprenorphine for treatment of SUD by a qualified prescriber into current work flows?
3. How will the homeless shelter incorporate access to naloxone by a qualified prescriber into current work flows?
4. How will the homeless shelter develop ongoing relationships with referral sources?
5. Describe the number of patients per day that the homeless shelter can serve and how you will assure that these individuals will have same-day access to medication services.
6. Describe how the homeless shelter will handle client flow and current services to accommodate the addition of the Low Threshold service.
7. Describe how the homeless shelter will provide patient education.
8. Describe the assertive case, management services, and how these services will assist clients to transition to an OTP, OBAT, SUD provider or other medical provider, when appropriate.
9. Describe the assertive peer services including but not limited to, how the services will be used to motivate clients to participate in the SUD services, and how you will assist clients to transition to an OTP, OBAT, SUD provider or other medical provider, when appropriate.
10. Describe how the homeless shelter will maintain patients on medication until a referral has been successfully completed.
11. Describe how the homeless shelter will address patients who present for medications on an inconsistent basis
12. Describe how the homeless shelter will assess for and address issues of diversion.
13. Describe how the homeless shelter will provide patient education on the use of medications including naloxone and fentanyl test strips,
14. Describe what harm reduction strategies and interventions will be implemented and how will these address OUD and AUD in the homeless population.

15. If the homeless shelter does not have a DATA 2000 waived prescriber(s) describe plans for training current personnel or hiring/contracting with new personnel.
16. Describe if and how the homeless shelter will incorporate telehealth services into the service array.
17. If the homeless shelter plans to utilize any evidence-based practices, please describe these and indicate how they will be incorporated into the program.
18. Describe how the homeless shelter will overcome barriers to patient involvement, for example transportation.
19. Describe staffing and coverage for the proposed hours of operation.
20. Describe current affiliations with community providers with which care can be coordinated and identify the organizations and providers that the homeless shelter will engage with in this initiative.
21. Describe how the homeless shelter will address chronic pain, physical health, and mental health via an affiliation with a local FQHC provider.
22. Describe how the homeless shelter will market the program to the community, such that people with SUD, their families and supporters become aware of the bidder's MAT services.
23. Describe the agency's ability to provider services in a culturally competent manner and the capacity to serve individuals whose preferred or primary language is not English.
24. Attach a cultural competency plan as an addendum and discuss in the narrative how the plan will be updated and reviewed regularly.

The successful bidder will include evidence of their commitment to equity and reduction of disparities in access, quality, and treatment outcomes of marginalized populations. This includes a diversity, inclusion, equity, cultural/linguistic competence plan as outlined in the National CLAS standards. The plan should include information about the following domains: workforce diversity (data informed recruitment), workforce inclusion, reducing disparities in access quality, and outcomes in the target population, and soliciting input for diverse community stakeholders and organizations. Additionally, the bidder will use available demographic data from agency and target population catchment area (race/ethnicity/gender/sexual/orientation/language) to shape decisions pertaining to services, agency policies, recruitment, and hiring of staff.

Providers and their system partners will work together to identify and combat barriers that may impede the target population from seeking and accessing services. Obstacles to services may include misinformation and lack of knowledge regarding the target populations' race, ethnicity, sexual orientation, substance use, socioeconomic status, generational considerations, and language, etc.

The successful bidder will:

- Collaborate with system partners to ensure coordination, equity, and inclusion of care.
- Deliver services in a culturally competent manner that exemplify National CLAS Standards.

- Ensure services meet the language access needs of individuals served by this project (e.g., limited English proficiency, Deaf/ASL, Braille, limited reading skills).
- Coordinate and lead efforts to reduce disparities in access, quality, and program outcomes.

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

Homeless Shelters must determine staff structure to satisfy the requirements in the *Contract Scope of Work*. Bidders should describe the proposed staffing structure and identify how many staff members will be hired to meet the needs of the initiative.

1. Describe qualifications and current role of the project Champion, include what role that person plays at the agency, why they were chosen as a Champion and how many hours a week they will spend on this program.
2. Provide a description of how the homeless shelter's Champion will have access to agency leadership.
3. Provide details of prescribing staff to be hired, include hours/staffing schedule, number of hours per prescriber, and credentials of prescriber. Details should include currently on-board or to-be-hired staff, with details of the recruitment effort. Identify bilingual staff, if applicable.
4. Provide description of case manager and peer staff including hours/staffing schedule, number of hours per staff person. Details should include currently on-board or to-be-hired staff, with details of the recruitment effort. Identify bilingual staff, if applicable.
5. Provide copies of job descriptions and resumes as an appendix – limited to two (2) pages each – for all proposed staff.

The successful bidder will describe their efforts to ensure workforce diversity and inclusion in the recruiting, hiring, and retention of staff who are from or have had experience working with target population and other identified individuals served in this initiative. Additionally, the grantee will ensure that there is a training strategy related to diversity, inclusion, cultural competence, and the reduction of disparities in access, quality, and outcomes for the target population. The trainings will include education about implicit bias, diversity, recruitment, creating inclusive work environments, and providing languages access services.

### **Data Collection/Evaluation (10 Points)**

The successful bidder will be required to comply with the DMHAS' program evaluation by responding to data requests from DMHAS and its third-party evaluator, participating in the data collection system to be developed for this initiative, facilitating completion of consumer satisfaction questionnaires and any other monitoring activities.

1. Include a statement of commitment to collaborate with DMHAS on data collection, including NJSAMS (an abbreviated module).
2. Identify staff who will be assigned to data collection and reporting. Include their title and experience and number of hours per week assigned to the data and reporting.
3. Describe how data collection will be incorporated in your agency's work flow.

### **Facilities, Logistics, Equipment (5 points)**

1. A description of the plan for adequate space specific for this initiative.
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 homeless shelter's Americans with Disabilities Act (ADA) accessibility to its facilities and/or offices for individuals with disabilities.
4. A description of the location(s) in which the initiative will be held. Please provide information about accessibility, safety, access to public transportation, etc.

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

DMHAS will consider the cost efficiency of the proposed budget as it relates to all of the requirements in the *Contract Scope of Work*. In addition to the required budget forms, you must provide budget notes.

All costs associated with the completion of the initiative must be delineated, and the budget notes must clearly articulate budget items including a description of miscellaneous expenses and other costs.

1. A detailed budget using the Annex B Excel template is required. The Excel budget template will be emailed to those who submit timely a written intent to apply. The Annex B Excel template must be uploaded as an Excel file onto the file transfer protocol site described in VIII. Submission of Proposal Requirements. Failure to submit the budget as an Excel file may result in a deduction of points. The standard budget categories for expenses include: A. Personnel, B. Consultants and Professionals, C. Medication for SUD & Supplies, D. Facility Costs, E. Specific Assistance to Patients, and F. Other. Supporting schedules for Revenue and General and Administrative Costs Allocation are also required. The budget must include two (2) separate, labeled sections:
  - a. Section 1 – Full annualized operating costs to satisfy the requirements in the *Contract Scope of Work* detailed in the RFP and revenues; (which by formula will be included in total award) and
  - b. Section 2 - Proposed one-time costs up to \$100,000 of total budget.
2. Budget notes detailing and explaining the proposed budget methodology, medication for SUD, 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 medication for opioid use disorder and alcohol use disorder presented in its proposal. Failure to provide adequate information on MAT could result in lower ranking of the proposal. Budget notes, to the extent possible, should be displayed on the Excel template itself.
3. The name and address of each organization – other than third-party payers – providing support and/or money to help fund the initiative for which the proposal is being submitted.
4. For all proposed personnel, the template should identify the staff position titles and staff names for current staff (only if being allocated to this initiative) and total hours per workweek.
5. Identify the number of hours per consultant and subcontractee.

6. Staff fringe benefit expenses, which may be presented as a percentage factor of total salary costs, should be consistent with the bidder's current fringe benefit package.
7. If applicable, General & Administrative (G&A) expenses, otherwise known as indirect or overhead costs, should be included if attributable and allocable to the proposed initiative. Since administrative costs for existing DMHAS programs reallocated to a new program do not require new DMHAS resources, a bidder that currently contracts with DMHAS should limit its G&A expense projection to "new" G&A only by showing the full amount of G&A as an expense and the off-set savings from other programs' G&A in the revenue section.
8. Written assurance that if the homeless shelter receives an award pursuant to this RFP, it will pursue all available sources of revenue and support upon award and in future contracts.

### **Attachments/Appendices**

The enumerated items of Required Attachments #1 through #7 and Appendices #1 through #8 must be included with the bidder's proposal.

**Please note that if Required Attachments #1 through #4 are not submitted and complete, the proposal will not be considered. Required Attachments #5 through #7 below are also required with the proposal unless the bidder has a current contract with DMHAS and these documents are current and on file with DMHAS.**

The collective of Required Attachments #1 through #5 and Appendices #1 through #8, is limited to a total of 50 pages. Audits (Required Attachments #6 and #7) do not count towards the appendices' 50-page limit. Appendix information exceeding 50 pages will not be reviewed.

### **Required Attachments**

1. Department of Human Services Statement of Assurances (RFP Attachment C);
2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (RFP Attachment D);
3. [Disclosure of Investment in Iran](#)<sup>9</sup>;
4. Statement of [Bidder/Vendor Ownership Disclosure](#)<sup>10</sup>;
5. 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;
6. Audited financial statements and Single Audits (A133), prepared for the two (2) most recent fiscal years; and
7. 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

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<sup>9</sup> [www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)

<sup>10</sup> [www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)



the current fiscal year through the most recent quarter ended prior to submission of the bid.

### **Appendices**

1. Copy of documentation of the [bidder's charitable registration status](#)<sup>11</sup>;
2. Bidder mission statement;
3. Organizational chart;
4. Job descriptions of key personnel;
5. Resumes of proposed personnel if on staff, limited to two (2) pages each;
6. List of the board of directors, officers and terms;
7. Original and/or copies of letters of commitment/support; and
8. Cultural Competency Plan.

### **VIII. Submission of Proposal Requirements**

DMHAS 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 be no more than 10 pages, be single-spaced with one (1") inch margins, normal character spacing that is not condensed, and not be in smaller than twelve (12) point Arial, Courier New or Times New Roman font. For example, if the bidder's narrative starts on page 3 and ends on page 13 it is 11 pages long, not 10 pages. DMHAS 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. EST on October 21, 2022. The bidder must submit its proposal (including proposal narrative, budget, budget notes, and appendices) electronically using the DHS secure file transfer protocol (SFTP) site. Additionally, bidders must request login credentials for this RFP by emailing [SUD.upload@dhs.nj.gov](mailto:SUD.upload@dhs.nj.gov) no later than 4:00 p.m. EST on October 14, 2022, in order to receive unique login credentials for the Open Access to Medications for OUD in Homeless Shelters RFP to upload your proposal to the SFTP site. Email requests for login credentials must include the title of this RFP, individual's first name, last name, email address and name of agency/provider.

Proposals must be uploaded to the DHS SFTP site, <https://securexfer.dhs.state.nj.us/login> using your unique login credentials.

### **IX. Review of Proposals**

There will be a review process for responsive proposals. DMHAS will convene a review committee of public employees to conduct a review of each responsive proposal.

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.

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<sup>11</sup> [www.njconsumeraffairs.gov/charities](http://www.njconsumeraffairs.gov/charities)

DMHAS 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 review committee's averaged score for the proposal's narrative and budget sections combined with the fiscal viability score.

In addition, if a bidder is determined, in DMHAS' sole discretion, to be insolvent or to present insolvency within the twelve (12) months after bid submission, DMHAS 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 all bidder finalists to review existing program(s) and/or invite all bidder finalists for interview. The bidder is advised that the contract award may be conditional upon final contract and budget negotiation.

DMHAS reserves the right to reject any and all proposals when circumstances indicate that it is in its best interest to do so. DMHAS' 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 Policy Circular P1.04 (<https://www.nj.gov/humanservices/olra/contracting/policy/>).

DMHAS will notify all bidders of contract awards, contingent upon the satisfactory final negotiation of a contract, by November 18, 2022.

## **X. Appeal of Award Decisions**

All appeals must be made in writing and be received by DMHAS at the address below no later than 4:00 p.m. EST on November 28, 2022. The written appeal must clearly set forth the basis for the appeal.

Appeal correspondence should be addressed to:

Valerie L. Mielke, Assistant Commissioner  
Department of Human Services  
Division of Mental Health and Addiction Services  
PO Box 362  
Hamilton, NJ 08625-0362  
Fax: 609-341-2302

Or via email: [Helen.Staton@dhs.nj.gov](mailto:Helen.Staton@dhs.nj.gov)

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

DMHAS will review all appeals and render a final decision by December 5, 2022. Contract award(s) will not be considered final until all timely filed appeals have been reviewed and final decisions rendered.

## **XI. 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/DMHAS.

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.njportal.com/DOR/annualreports/>);
3. A list of all current contracts and grants as well as those for which the bidder has applied 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 Mental Health and Addiction Services, PO Box 362, Trenton, NJ 08625-0362 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. Current State of New Jersey Business Registration;

19. Procurement Policy;
20. 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.);
21. All subcontracts or consultant agreements, related to the DHS contract, signed and dated by both parties;
22. Business Associate Agreement (BAA) for Health Insurance Portability Accountability Act of 1996 compliance, if applicable, signed and dated;
23. Updated single audit report (A133) or certified statements, if differs from one submitted with proposal;
24. Business Registration (online inquiry to obtain copy at <https://www.njportal.com/DOR/businessrecords/>; for an entity doing business with the State for the first time, it may register at <http://www.nj.gov/treasury/revenue>);
25. Source Disclosure (EO129) ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)); and
26. Chapter 51 Pay-to-Play Certification ([www.nj.gov/treasury/purchase/forms.shtml](http://www.nj.gov/treasury/purchase/forms.shtml)).

## **XII. Attachments**

Attachment A – Proposal Cover Sheet

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

Attachment C – Statement of Assurances

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

Attachment E – Mandatory Equal Employment Opportunity Language

**Attachment A – Proposal Cover Sheet**

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

**STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES**  
Division of Mental Health and Addiction Services  
Proposal Cover Sheet

Name of RFP: **Open Access to Medications for OUD in Homeless Shelters** \_\_\_\_\_

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

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

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

DUNS Number: \_\_\_\_\_

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

Chief Executive Officer Name and Title: \_\_\_\_\_

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

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

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

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

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

Total number of unduplicated individuals 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** In order to contract with the State of New Jersey, all providers applying for contracts, or responding to Request for Proposals (RFPs), *MUST* be pre-registered with the online eProcurement system known as NJSTART. You may register your organization by proceeding to the following web site: <https://www.nj.gov/treasury/purchase/vendor.shtml>. Or via telephone: (609) 341-3500.

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 C.F.R. 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 C.F.R. 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 C.F.R. 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 P.L. 1975 c. 127 (N.J.A.C. 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 C.F.R. 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.

\_\_\_\_\_  
Applicant Organization

\_\_\_\_\_  
Signature: CEO or equivalent

\_\_\_\_\_  
Date

\_\_\_\_\_  
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 an Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This certification is required by the regulations implementing Executive order 12549, Debarment and Suspension, 29 C.F.R. 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 C.F.R. 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 C.F.R. 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 C.F.R. 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 E - 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, 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. 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, 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**