

**BOROUGH OF SEA GIRT
BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK CONCESSION STAND
FOR SUMMER SEASON OF 2024 WITH THE OPTION TO RENEW
FOR AN ADDITIONAL TWO SEASONS (2025, 2026, RESPECTIVELY)**

INTRODUCTION:

The Borough of Sea Girt is soliciting bids for the lease of the Borough of Sea Girt Boardwalk Concession Stand located adjacent to the intersection of Beacon Avenue and Ocean Avenue for the summer seasons of 2024, with the Borough retaining the option to renew for up to two (2) separate one-year terms for 2025 (May 1 through September 30, 2025) and 2026 (May 1 through September 20, 2026), respectively. The lease shall include limited kitchen facilities and equipment. The successful bidder shall be required to enter into the lease attached hereto and shall be responsible for the maintenance and care of the premises and equipment.

The concession area includes a small kitchen and is located on the north end of the boardwalk. It can be accessed by stairways from the beach, and by stairs and handicapped ramp from Beacon and Ocean Avenues.

The concession stand shall be open seven days per week no sooner than 6:00 a.m., but at least by 8:30 a.m. of each day and shall remain open to at least 5:00 p.m., but no later than 8:00 p.m., of each day unless permission has been granted by the Borough Administrator or designee to close the concession stand because of inclement weather, or for other good reason, for all or part of any day. Further definitions as to hours of operation are outlined within the Lease. At all times, operation of the concession will be required to be under the supervision of a responsible adult of at least twenty-one (21) years of age.

Bidders shall demonstrate a minimum of two (2) years prior concession stand or equivalent experience. Bidders shall further demonstrate financial stability and the ability to perform under the terms of this contract, and shall provide the necessary financial documents reflecting net assets exceeding liabilities by a minimum of \$20,000.00, and that bankruptcy has not been declared during the past three (3) years.

The Borough of Sea Girt will conduct an optional walk-through inspection of the premises on **Monday, February 26, 2024** at 11:00 a.m. It shall be the sole obligation of the bidder or bidder's representative to inspect and examine the premises being bid upon to ascertain what equipment is available and the condition of same. The Borough of Sea Girt disclaims all responsibility regarding the condition of the premises and the equipment and it shall be the sole obligation of the bidder to ascertain whether or not said premises and equipment are in working order, or, in need of repair. In the event the premises and/or equipment are in need of repair, the cost thereof shall be borne solely by the bidder. **ALL BIDDERS MUST BE FAMILIAR WITH THE BID SPECIFICATIONS AT THE TIME OF THE WALK THROUGH. BIDDERS MUST REVIEW EXHIBIT "A" OF THE PROPOSED LEASE INCLUDED IN THE SPECIFICATIONS PACKAGE TO EVALUATE THE INCLUDED AND EXCLUDED EQUIPMENT.** The Borough shall bear no expense for the repair of said premises or equipment.

SCHEDULES:

The following must be submitted with the bid proposal form:

- 1) Schedule "A" – Checklist
- 2) Schedule “B” – Acknowledgement of Receipt of Addenda
- 3) Schedule “C” - Bid Proposal Form
- 4) Schedule "D" - Completed Bidder's Questionnaire and Financial Statement
- 5) Schedule "E" - Completed and Executed Bid Bond/Consent of Surety (in lieu of certified or cashier's check) *OR* Bid Guarantee (certified funds or bank check – 10% of bid amount
- 6) Schedule "F" - Completed Proposed Menu/Price List
- 7) Schedule "G" - Executed Statement of Ownership/Stockholder Disclosure Certification
- 8) Schedule "H" - Executed Non-Collusion Affidavit
- 9) Business Registration Certificate (BRC)
- 10) Schedule “I” - Required Affirmative Action Compliance Certificate

The following documents are considered submitted with all bids and are binding on the successful bidder:

- 11) Schedule "J" - Mandatory Equal Employment Opportunity Requirements
- 12) Schedule "K" - AMERICANS WITH DISABILITIES ACT OF 1990;
Equal Opportunity for Individuals with Disability

Due not later than April 1, 2024: Certificate of Insurance naming the Borough of Sea Girt as an Additional Insured; policy limits listed within Section IV of the Instructions to Bidders.

EXHIBITS:

- Exhibit A Lease
- Exhibit B Hold Harmless Agreement

DEFINITIONS

"Bid proposal" means all documents, proposal forms, affidavits, certificates, statements required to be submitted by the bidder at the time of the bid opening.

"Bid guarantee" means the bid bond, cashier's check or certified check submitted as part of the bid proposal, payable to the Borough of Sea Girt, ensuring that the successful bidder will enter into a contract.

"Bid specifications" means all documents and attachments including the bid proposal and lease and any and all attachments requesting bid proposal for lease of the Borough of Sea Girt boardwalk concession stand for summer season of 2024, with the Borough's option to renew for two (2) additional seasons (2025, 2026) contained herein.

"Business Registration Certificate" means a current registration certificate issued by the Division of Revenue of the Department of Treasury of the State of New Jersey.

"Contract" means the written lease executed by and between the successful bidder and the Mayor and Council and shall further include the bid proposal, and the bid specifications as defined herein.

"Tenant" means the highest responsible bidder to whom award of the contract shall be made.

INSTRUCTIONS TO BIDDERS

I. SUBMISSION OF BIDS

A. Sealed bids shall be received by the Borough of Sea Girt, hereinafter referred to as "Borough," in accordance with public advertisement as required by law, said notice being incorporated herein by reference and made a part of these specifications in no event later than 11:00 AM on **Wednesday, March 6, 2024**. All bids must be submitted on the Proposal Form furnished by the Borough. Bids submitted on any other forms will not be accepted. Bid documents and specifications are available at the Borough Clerk's Office, 321 Baltimore Blvd, Sea Girt, New Jersey 08750 from 9:00 A.M. - 3:00 P.M., Monday - Friday.

B. Bids shall be addressed to the Borough Clerk, Borough of Sea Girt, 321 Baltimore Blvd, Sea Girt, New Jersey 08750. Each bid must be enclosed in a SEALED ENVELOPE, properly endorsed with the name of the Bidder, with the designation "BID FOR THE BOARDWALK CONCESSION STAND FOR SUMMER SEASON OF 2024". Any envelope that is received that is not properly marked causing it to be opened prior to the bid will be invalidated. Bids may be received before the hour designated, if they are mailed or hand delivered in person. The Borough of Sea Girt will not be responsible for any bid that is sent by mail or other form of carrier which is lost or which arrives after the bid date and time, **Wednesday, March 6, 2024** at 11:00 AM prevailing time

C. It is the bidder's responsibility to ensure that bids are presented to the Borough at the time and at the place designated. If the bid is sent by express mail service, the designation in sub-section B, above, must also appear on the outside of the express mail envelope. Bids received after the designated time and date will be returned unopened.

D. Once bids have been opened, they shall remain firm for a period of sixty (60) calendar days.

E. All prices and amounts must be written in ink or preferably machine-printed. Bids containing any conditions, omissions, unexplained erasures or alterations, items not called for in the bid proposal form, attachment of additive information not required by the specifications, or irregularities of any kind may be rejected by the Borough. Any changes, whiteouts, strikeouts, etc. in the bid must be initialed in ink by the person signing the bid.

F. Each bid proposal form must give the full business address, business phone, fax, e-mail address, the contact person of the bidder, and be signed by an authorized representative as follows:

1) Bids by partnerships must furnish the full name of all partners and must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and designation of the person signing.

2) Bids by corporations must be signed in the legal name of the corporation, followed by the name of the State in which incorporated and must contain the signature and designation of the president, secretary or other person authorized to bind the corporation in the matter.

3) Bids by sole-proprietorship shall be signed by the proprietor.

4) Bids by a limited liability company must furnish the full name of all members and must be signed in the company's name by one of the authorized members of the company followed by the signature and designation of the person signing.

G. Checklist and Mandatory Documents to be Submitted. The failure to submit with the sealed bid a completed checklist (Schedule "A") shall result in the rejection of said bid. Furthermore, failure to submit with the sealed bid any of the documents required by the specifications or the checklist shall result in the rejection of said bid.

H. Bid Proposal Form. The Bid Proposal Form must be completely filled out. Bidders shall bid at no less than the required minimum bid as specified.

II. BID SECURITY REQUIREMENTS

A. BID GUARANTEE

Bidder shall submit with the bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the total amount bid (said amount to be based upon the total bid amount) but not to exceed \$20,000.00, payable unconditionally to the Borough. When submitting a Bid Bond, it shall contain all provisions of Schedule "E" and a Power of Attorney for full amount of Bid Bond from a surety company authorized to do business in the State of New Jersey and acceptable to the Borough. The check or bond of the unsuccessful bidder(s) shall be returned pursuant to *N.J.S.A.40A:11-24(a)*. The check or bond of the bidder to whom the contract is awarded shall be retained until the Lease is executed. Any amounts paid by check shall be applied to the deposit required thereunder and any balance shall be applied to the first rental payment due thereunder. The check or bond of the successful bidder shall be forfeited if the bidder fails to enter into the Lease pursuant to *N.J.S.A.40A:11-21*.

Failure to submit the bid guarantee shall result in rejection of the bid.

III. INTERPRETATION AND ADDENDA

A. The bidder understands and agrees that its bid is submitted on the basis of the specifications prepared by the Borough. The bidder accepts the obligation to become familiar with these specifications.

B. Bidders are expected to examine the specifications and related bid documents with care and observe all their requirements. Ambiguities, errors or omissions noted by bidders should be promptly reported in writing to the Borough's Qualified Purchasing Agent (hereafter "QPA"). Any prospective bidder who wishes to challenge a bid specification shall file such challenges in writing with the Borough QPA no less than three (3) business days prior to the opening of the bids. Challenges filed after that time shall be considered void and having no impact on the contracting unit or the award of a contract pursuant to *N.J.S.A.40A:11-13*. In the event the bidder fails to notify the Borough of such ambiguities, errors or omissions, the bidder shall be bound by the requirements of the specifications and the bidder's submitted bid.

C. No oral interpretation and or clarification of the meaning of the specifications will be made to any bidder. Such request shall be in writing, addressed to the Borough QPA. In order to be given consideration, a written request must be received at least seven (7) business days prior to the date fixed for the opening of the bid for goods and services.

All interpretations, clarifications and any supplemental instructions will be in the form of written addenda to the specifications, and will be distributed to all prospective bidders. All addenda so issued shall become part of the specification and bid documents, and shall be acknowledged by the bidder in the bid. The Borough's interpretations or corrections thereof shall be final.

When issuing addenda, the Borough shall provide required notice prior to the official receipt of bids to any person who has submitted a bid or who has received a bid package pursuant to *N.J.S.A.40A:11-24c.1*.

D. Discrepancies in Bids

1. If the amount shown in words and its equivalent in figures do not agree, the written words shall be binding. "Ditto marks" are not considered writing or printing and shall not be used or considered.

2. In the event there is an error of the summation of the extended totals, the computation by the Borough of the extended totals shall govern.

IV. INSURANCE REQUIREMENTS

A. Worker's Compensation Insurance

Workers Compensation insurance shall be maintained in full force during the life of the contract, covering all employees engaged in performance of the contract pursuant to *N.J.S.A.34:15-12(a)* and *N.J.A.C.12:245-1.6*.

B. General Liability Insurance

General liability insurance of at least \$3,000,000.00 listing the Borough of Sea Girt, its agents, employees as additional insured shall be required as set forth in Section 9 of the Lease attached hereto.

C. Indemnification

Bidder shall defend, indemnify (including attorney's fees and costs of suit) and hold harmless the Borough from all claims, suits or actions, and damages or costs of every name and description to which the Borough may be subjected or put by reason of injury to the person or property of another, or the property of the Borough, resulting from negligent acts or omissions on the part of the successful bidder, the successful bidder's agents, servants or successful bidder(s) in the delivery of goods and services, or in the performance of the work under the contract.

Indemnification and hold harmless provisions are set forth in the Lease and the required Agreement to Defend, Indemnify and Hold Harmless, attached as Exhibit B. If awarded the bid, the successful bidder shall execute and submit same within twenty-one (21) days of the award of the contract by the Borough Council.

V. STATUTORY AND OTHER REQUIREMENTS

The following are mandatory requirements of this bid and contract.

A. MANDATORY AFFIRMATIVE ACTION BID SPECIFICATION REQUIREMENTS

No party may be issued a contract unless it complies with the affirmative action provisions of *N.J.S.A. 10:5-31 et seq.* and *N.J.A.C. 17:27-1 et seq.* The following information summarizes the full, required regulatory text, which is included as Schedule "I" of this bid specification.

- I. The bidder must submit with its bid one of the following:
 - a. A photocopy of their Federal Letter of Affirmative Action Plan Approval; or
 - b. A photocopy of their Certificate of Employee Information Report; or
 - c. A completed Affirmative Action Employee Information Report (AA302)

B. AMERICANS WITH DISABILITIES ACT OF 1990

Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Bidders are required to read the Americans with Disabilities Act language that is included as Schedule "G" of this specification and agree that the provisions of Title II of the Act are made a part of the contract. The successful bidder is obligated to comply with the Act and to hold the Borough harmless from any claims related thereto.

C. STOCKHOLDER DISCLOSURE

N.J.S.A. 52:25-24.2 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any goods and services, unless, prior to the receipt of the bid or accompanying the bid of said corporation or partnership, bidders shall submit a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock of any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. The included Statement of Ownership is attached hereto as Schedule "G", and must be completed and submitted with the bid proposal. This requirement applies to all forms of corporations and partnerships, including, but not limited to, limited partnerships, limited liability companies, limited liability partnerships and Sub-chapter S corporations. Failure to submit a stockholder disclosure document shall result in rejection of the bid.

D. PROOF OF BUSINESS REGISTRATION

N.J.S.A. 52:32-44 requires that each bidder submit proof of current and valid business registration with the bid proposal. Proof of registration shall be a copy of the bidder's Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue. Information on obtaining a BRC is available on the internet at www.nj.gov/njbgs or by phone at (609) 292-1730.

E. NON-COLLUSION AFFIDAVIT

The Affidavit is attached to the specifications as Schedule "H" and shall be properly executed and submitted with the bid proposal.

F. PAY TO PLAY

Business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to *N.J.S.A. 19:44A-20.27* if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

VI. METHOD OF CONTRACT AWARD/MINIMUM BID REQUIREMENTS

- A. The award shall be made to the highest responsible bidder meeting the minimum bid requirements, with at least two (2) years prior concession stand or equivalent experience with demonstrated financial stability, ability to perform, net assets exceeding liabilities by a minimum of \$20,000.00, and that bankruptcy has not been declared during the past three (3) years.
- B. 2024: The minimum bid shall be forty-two thousand, five hundred dollars (\$42,500.00).
- C. At the conclusion of the 2024 season, the Borough Council may, at their option, renew the contract of the successful bidder for up to two additional seasons (2025, 2026) with the annual rent for 2025 and 2026 to be determined at the time of the optional renewal.

VII. CAUSES FOR REJECTING BIDS

Bids may be rejected for any of the following reasons:

- A. All bids pursuant to *N.J.S.A.40A:11-13.2*;
- B. If more than one bid is received from an individual, firm or partnership, corporation or association under the same name;
- C. Multiple bids from an agent representing competing bidders;
- D. The bid is inappropriately unbalanced;
- E. The bidder is determined to possess, pursuant to *N.J.S.A.40A:11-4b*, Prior Negative Experience; or,
- F. If the successful bidder fails to enter into the lease and post a deposit in the amount of 10% of the bid in accordance with Section 3 of the Lease (Exhibit A) within twenty-one (21) days, Sundays and holidays excepted, or as otherwise agreed upon by the parties to the contract. In this case at its option, the Borough may accept the bid of the next highest responsible bidder (*N.J.S.A.40A:11-24b*) and retain any costs, losses or damages resulting from the failure to enter into the Lease.

VIII. LEASE

The successful bidder shall be required to enter into and execute the Lease attached as Exhibit "A". DO NOT SUBMIT A SIGNED COPY OF THE LEASE WITH THE BID PROPOSAL. Bidder hereby acknowledges and represents by its submission of a bid proposal in response to the Notice to Bidders and these specifications that it is familiar with the terms and obligations of the lease and if awarded the bid, shall execute same within twenty-one (21) days of the award of the bid by the Borough Council.

IX. TERMINATION OF CONTRACT

A. If, through any cause, the successful bidder shall fail to fulfill in a timely and proper manner obligations under the contract or if the successful bidder shall violate any of the requirements of the contract, the Borough shall there upon have the right to terminate the contract by giving written notice to the successful bidder of such termination and specifying the effective date of termination. Such termination shall relieve the Borough of any obligation to the successful bidder. In that case, the successful bidder shall vacate the premises within twenty-four (24) hours and remove all belongings, trash and waste.

B. Notwithstanding the above, the successful bidder shall not be relieved of liability to the Borough for damages sustained by the Borough by virtue of any breach of the contract by the successful bidder and the Borough may pursue any damages available to it at law or in equity.

C. The successful bidder agrees to indemnify and hold the Borough harmless from any liability to successful bidder concerning payment for work performed or goods supplied arising out of the lawful termination of the contract by the Borough under this provision.

D. In case of default by the successful bidder, the Borough may seek to re-let the premises and seek damages for any costs or losses incurred by the Borough.

X. OTHER

A. The Lessee shall be required to clean and sanitize the premises as necessary as well as at the conclusion of each day's operation.

SCHEDULE "A"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

CHECKLIST OF REQUIRED DOCUMENTS

DOCUMENT		INITIALS
Schedule A	Checklist	
Schedule B	Acknowledgement of Receipt of Addenda	
Schedule C	Bid Proposal Form	
Schedule D	Bidder's Questionnaire and Financial Statement	
Schedule E	Bid Bond/Consent of Surety <i>OR</i> Bid Guarantee (Certified Funds or Bank Check - 10% of Amount Bid)	
Schedule F	Proposed Menu/Price List	
Schedule G	Ownership Disclosure Statement	
Schedule H	Non-Collusion Affidavit	
Schedule I	Affirmative Action Certification	
	Certificate of Insurance naming the Borough of Sea Girt as an Additional Insured (<i>April 1, 2024</i>)	
	Business Registration Certificate	
Schedule J	Mandatory Equal Employment Opportunity Requirements	
Schedule K	Americans with Disabilities Act of 1990	

Insert initials next to each item included with Bid Proposal.

Applicant's Name

Title

Authorized Signature

Telephone

Print Name

SCHEDULE "B"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

No addenda were received:

Acknowledged for: _____
(Name of Bidder)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____

SCHEDULE "C"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

BID PROPOSAL FORM

The undersigned proposes to furnish and deliver the above goods/services pursuant to the bid specification and made part hereof:

Amount in words

\$ _____
Amount in numbers

Company Name

Federal I.D. # or Social Security #

Address

Signature of Authorized Agent

Type or Print Name

Title: _____

Telephone Number

Date

Fax Number

E-mail address

SCHEDULE "D"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

BIDDER'S QUESTIONNAIRE AND FINANCIAL STATEMENT

1. FINANCIAL ABILITY:

Bidder shall submit most recent profit and loss statement of business operations.

2. EXPERIENCE:

Bidder to provide information and describe:

a) Location of business operations

b) Type of food and beverage operations

c) Years in food and beverage business

d) Sales volumes for each business operation (gross sales for the last full year or season of operation shall be a sufficient response). Bidder shall specify whether they are providing gross sales or sales volumes for each business operation and provide the dates of the season or year of such gross sales specifying whether the gross sales are seasonal or on a year's basis.

3. MANAGER:

Bidder(s) shall submit resume and experience of said person who shall be assigned to manage this facility on a full time basis.

4. BUSINESS INFORMATION:

Bidder(s) shall provide information on the business or corporation bidding on this agreement. Describe how this corporation or business shall provide general supervision over the full time manager. (If the bidder is a corporation, provide a copy of the certificate of incorporation, including registered agent.)

ATTACH SHEETS FURNISHING THE ABOVE INFORMATION AS REQUIRED AND SUBMIT WITH YOUR **BID**.

**SCHEDULE "E" BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK CONCESSION
STAND FOR SUMMER SEASON OF 2024 (OPTION YEARS: 2025, 2026,
RESPECTIVELY)**

BID BOND/CONSENT OF SURETY OR BID GUARANTEE*

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned _____, (hereinafter called the "Principal"); and (insert name of bidder) _____, (hereinafter called "the Surety"), are hereby held and firmly bound unto the Borough of Sea Girt (hereinafter called "the Oblige") in the sum of \$ _____ as liquidated damages for payment of which will and truly be made, hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

The condition of the above obligation is such that whereas the Principal has submitted to the Oblige, a certain bid, attached hereto and hereby made a part hereof, to enter into a lease agreement for the operation of the Sea Girt Boardwalk Concession Stand.

NOW, THEREFORE,

- (a) If said Bid shall be rejected, or in the alternate,

- (b) If said Bid shall be accepted and the Principal shall execute and deliver a Lease in the form of the Lease attached hereto and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall remain in full force and effect, it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the amount of this obligation herein stated.

The Surety for value received, hereby stipulates and agrees that the obligation of said Surety and its bonds shall be in no way impaired or affected by an extension of time within which such Bid may be accepted, and said Surety does hereby waive notice of any such extension.

*10% OF AMOUNT BID, CERTIFIED FUNDS OR BANK CHECK

SCHEDULE "E"
(continued)

**BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK CONCESSION STAND
FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)**

BID BOND/CONSENT OF SURETY OR BID GUARANTEE

IN WITNESS WHEREOF, the parties hereto have duly executed this Bond on this _____ day of _____, 2024.

(Affiant)

(Print name & title of affiant)

(Corporate Seal)

Sworn and Subscribed before me this __ day
of _____, 2024.

(Notary Public)

My Commission expires:

(A corporate acknowledgment and statement of authority to be
attached here by surety company)

SCHEDULE "F"
BOROUGH OF SEA GIRT SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

PROPOSED MENU/PRICE LIST

(Insert or attach proposed menu and price list)

NAME OF BIDDER: _____

SCHEDULE "G"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

STATEMENT OF OWNERSHIP/STOCKHOLDER DISCLOSURE CERTIFICATION

This Statement Shall Be Included with Bid Submission

Name of Business _____

_____ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

_____ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- | | |
|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Corporation |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Subchapter S Corporation | |

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

SCHEDULE "G"

(continued)

**BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026 RESPECTIVELY)**

Subscribed and sworn before me this __ day
of _____, 2024.

(Affiant)

(Notary Public)

(Print name & title of Affiant)

My Commission expires: _____

(Corporate Seal)

SCHEDULE "H"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

AFFIDAVIT OF NON-COLLUSION

The undersigned, being duly sworn according to law, deposes and says:

1. I reside at _____

2. The name of the within applicant is _____

3. I executed the said proposal on behalf of the applicant with full authority to do so.
4. The applicant has not directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive proposal in connection with the contract.
5. All statements contained in the Qualification Statement and Proposal and in this Affidavit are true and correct and were made with the full knowledge that the Borough of Sea Girt, County of Monmouth, its officers and employees, relies upon the truth of the statements therein made in awarding the above-named contract.
6. I further warrant that no person or selling agency has been employed or retained to solicit or service such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees of or bonafide established commercial selling agencies maintained by the applicant.

Sworn and subscribed to before me on this
___ day of _____
_____, 2024.

Signature of Applicant

Signature of Notary

Printed Name of Applicant

Printed Name of Notary

My Commission Expires

Seal

SCHEDULE "I"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

AFFIRMATIVE ACTION CERTIFICATION
P.L. 1975, C. 127 (N.J.A.C. 17:27)

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of P.L.1975, C.127, (N.J.A.C. 17:27). Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Purchasing Agent:

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from the date of the letter);

OR

2. A photocopy of approved Certificate of Employee Information Report.

OR

3. An Affirmative Action Employee Information Report (Form AA302)

OR

4. All successful construction contractors must submit within three days of the signing of the contract an Initial Project Workforce Report (AA201) for any contract award that meets or exceeds the Public Agency bid threshold (available upon request).

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L.1975, C.127.

The following questions must be answered by all applicants:

1. Do you have a federally-approved or sanctioned Affirmative Action Program?
YES _____ NO _____

If yes, please submit a copy of such approval.

2. Do you have a Certificate of Employee Information Report Approval?
YES _____ NO _____

If yes, please submit a copy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of P.L.1975, c.127 and agrees to furnish the required documentation pursuant to the law.

Note: A contractor's proposal must be rejected as non-responsive if a contractor fails to comply with requirements of P.L. 1975, c.127, within the time frame.

Applicant's Name _____ Title _____

Authorized Signature _____ Telephone # _____

Print Name of Authorized Signer _____

SCHEDULE "J"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

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 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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, where applicable, 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*.

SCHEDULE “J”
(continued)
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

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 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES CONTRACTS

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; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at:

http://www.state.nj.us/treasury/contract_com/compliance/

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to *N.J.A.C. 17:27-1.1 et seq.*

SCHEDULE "K"
BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)

AMERICANS WITH DISABILITIES ACT OF 1990

Equal Opportunity For Individuals With Disabilities

The Contractor and the Borough of Sea Girt do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the "ADA") (42 U.S.C. Section 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Borough pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the ADA. In the event that the Contractor, its agents, servants, employees or subcontractors violate or are alleged to have violated the ADA during the performance of this contract, the Contractor shall defend the Borough in any action or administrative proceeding commenced pursuant to this ADA. The Contractor shall indemnify, protect and save harmless the Borough, its agents, servants and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Borough grievance procedure, the Contractor agrees to abide by any decision of the Borough which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Borough or if the Borough incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the Contractor shall satisfy and discharge the same at its own expense.

The Borough shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Borough or any of its agents, servants, and employees, the Borough shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Borough or its representatives.

It is expressly agreed and understood that any approval by the Borough of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the ADA and to defend, indemnify, protect, and save harmless the Borough pursuant to this paragraph.

It is further agreed and understood that the Borough assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the Contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the Contractor's obligations assumed in this agreement, nor shall they be construed to relieve the Contractor from any liability, nor preclude the Borough from taking any other actions available to it under any other provisions of this agreement or otherwise by law.

SCHEDULE "K"

(continued)

**BOROUGH OF SEA GIRT BID SPECIFICATIONS
LEASE OF THE BOROUGH OF SEA GIRT BOARDWALK
CONCESSION STAND FOR SUMMER SEASON OF 2024
(OPTION YEARS: 2025, 2026, RESPECTIVELY)**

AMERICANS WITH DISABILITIES ACT

Equal Opportunity For Individuals With Disabilities

COMPANY / BIDDER'S NAME

AUTHORIZED SIGNATURE

DATE

NAME (PRINT) TITLE