

#### PROJECT #ACCVA 11-02



Brochure Distribution Services 2:00 PM Wednesday, July 27, 2011

Theresa Thompson, Purchasing Agent Atlantic City Convention & Visitors Authority 2314 Pacific Avenue Atlantic City, NJ 08401 Phone: 609.449.7113

# NOTICE TO BIDDERS

#### NOTICE TO BIDDERS PROJECT#: ACCVA 11- 02

#### **BROCHURE DISTRIBUTION SERVICES**

The Atlantic City Convention & Visitors Authority is seeking bids for the distribution of brochures in designated areas within New Jersey, Pennsylvania and Delaware.

Copies of the specifications may be obtained from the offices of the Atlantic City Convention & Visitors Authority, 2314 Pacific Avenue, Atlantic City, New Jersey 08401, telephone (609) 449-7113, Monday through Friday between the hours of 9:30 AM and 4:00 PM beginning Wednesday, July 13, 2011. Copies of the bid document may also be downloaded from our website, <u>www.atlanticcitynj.com</u>, click on the **About Us** tab to search Bid Opportunities

All questions regarding the specifications should be submitted in writing (via fax) 609-348-3426 or via e-mail (tthompson@accva.com) by 12:00 noon Wednesday, July 20, 2011.

Sealed bids must be received by **2:00 PM Wednesday, July 27, 2011.** Bids shall be addressed to Theresa Thompson, Purchasing Agent, Atlantic City Convention & Visitors Authority, 2314 Pacific Avenue, Atlantic City, NJ 08401. The Authority accepts no responsibility for timeliness of any mail, delivery, or courier service.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.



#### CHECKLIST

Required by owner	Submission Requirement	Initial each required entry and if required submit the item
X	Stockholder Disclosure Certification	
X	Non-Collusion Affidavit	
Х	Executive Order 134 Disclosure and Certifications	
Х	Proof of New Jersey Business Registration	
X	Mandatory Affirmative Action Language / Compliance	
X	Bid Proposal Form	
X	References	
	Americans with Disabilities Act of 1990 Language	Not applicable to this solicitation
	Bid Guarantee (with Power of Attorney for full amount of Bid Price)	Not applicable to this solicitation
	Consent of Surety (with Power of Attorney for full amount of Bid Price)	Not applicable to this solicitation
	Prevailing Wage	Not applicable to this solicitation
	Public Works Contractor Certificate	Not applicable to this solicitation
	Equipment Certification	Not applicable to this solicitation
	Status of Present Contracts	Not applicable to this solicitation

#### PROJECT #ACCVA 11- 02 BROCHURE DISTRIBUTION

#### **DEADLINE FOR PROPOSALS**

All interested parties shall submit an original and two (2) copies of a written proposal to the Authority by **2:00 PM Wednesday**, **July 27**, **2011**.

All costs incurred in the preparation of proposals shall be wholly borne by each proposer. All supporting documentation and samples submitted with each proposal shall become the property of the Authority.

#### QUESTIONS

All questions shall be submitted in writing via facsimile (609-348-3426), and directed to the attention of Theresa Thompson, Purchasing Agent or via e-mail (tthompson@accva.com) no later than **12:00 noon Wednesday**, **July 20, 2011**. Any questions received after the due date and time will not be considered; any questions submitted to anyone other than the Authority's Purchasing Coordinator will not be considered. Any resulting addendum will be forwarded to all potential contractors. All addenda become a part of the specifications, and any resulting proposal and contract.

#### PROPOSAL PREPARATION

By submitting a proposal, the vendor covenants and agrees that he has satisfied himself, from his own investigation of the conditions to be met, that he fully understands his obligations and that he will not make any claim for or have right to cancellation or relief because of any misunderstanding or lack of information.

The contents of the proposal of the successful vendor will become a part of any contract awarded as a result of the proposal.

• Proposals should be prepared simply and economically, providing a straightforward, concise description of vendor's capabilities to meet and satisfy the requirements of the proposal. Emphasis should be on completeness and clarity of content

#### **CONTENT OF PROPOSALS**

- Include Qualification Statement
- List any known potential conflict(s) of interest
- Include proof of Professional Liability naming The Atlantic City Convention & Visitors Authority as additional insured with a minimum limit of \$1,000,000. The Atlantic City Convention & Visitors Authority shall be held harmless for any activities covered under the scope of this contract.
- Include resume(s), licenses, and/or certifications of key personnel.

- In order to ensure acceptable service, the Authority requires the Contractor to specify a contact person assigned to the Authority's account. Should the contact person change, for any reason, the Authority must be notified in writing.
- Upon contract award, the successful bidder shall submit to the Authority a current copy of Certificate of Employee Information Repost issued by the State of New Jersey pursuant to N.J.A.C. 17:27-1.1 et seq.

#### PROPOSAL INFORMATION

• The Atlantic City Convention & Visitors Authority assumes no responsibility and/or liability for costs incurred by any vendor prior to the issuance of an agreement, contract, or purchase order.

#### SUBMISSION OF PROPOSAL

• Proposals shall be submitted on the form issued with the specifications and should be in strict accordance with the specifications.

#### TERM OF CONTRACT

Two (2) years from Atlantic City Convention & Visitors Authority's Board approval, and signing of contract,

#### CONTRACT TERMINATION

The Authority may terminate the contract at any time for "cause". "Cause" shall include without limitation, breach by Contractor of the provisions of any contract entered into by Contractor and the Authority, the Contractor's failure to perform all services in the manner required under this RFP, or Contractor's otherwise unsatisfactory performance of the required services. In the event that the Authority terminates the Contractor for "cause", the Authority will do so upon ten (10) days prior written notice, or such shorter time period if, in the Authority's discretion is so required. In addition, the Authority may in its sole discretion terminate the contract without cause by giving the Contractor thirty - (30) days prior written notice.

#### **INVOICING**

• Any invoicing resulting from the award of a contract for the specified services are to be forwarded to:

Atlantic City Convention & Visitors Authority Attn: Accounts Payable 2314 Pacific Avenue Atlantic City, NJ 08401

- Invoices must reflect the pricing quoted in the proposed form.
- Failure to accurately submit invoice information may result in delays in processing payments.

#### SPECIAL NOTES TO BIDDERS

#### This form shall be completed. If it is not the bid shall be rejected

#### EXCEPTIONS:

The Bidder shall list the exceptions to these specifications, if any, paragraph by paragraph, in the space provided below. If additional space is needed, please stipulate on your own letterhead, the page and item to which you are making additional exceptions, and attach to your proposal.

#### Check One:

\_\_\_\_\_ No exception taken.

\_\_\_\_ Exception(s) taken, as follows:

#### **SUBCONTRACTORS**

If no Subcontractors are to be used, check the appropriate box. If Subcontractor(s) will be used, check the appropriate box and list Subcontractors to the Proposal, in the space below. If additional space is needed, please complete list on your own letterhead and attach to your proposal.

#### Check One:

\_\_\_\_\_ No subcontractors.

\_\_\_\_ Subcontractor(s), list as follows:

# TERMS AND CONDITIONS

#### TERMS AND CONDITIONS

The following terms and conditions apply to all contract or purchase agreements made with the Atlantic City Convention Center Authority (Authority), unless specifically deleted on the Authority's proposal form.

Bidders are notified by this statement that all terms and conditions shall become a part of any contract(s) or order(s) awarded as a result of this solicitation, whether stated in part, in summary or by reference. In the event a vendor's terms and conditions conflict with the state's, the state's terms and conditions shall prevail.

#### I. STATE LAW REQUIRING MANDATORY COMPLIANCE BY ALL VENDORS

- 1.1. **Corporate Authority** It is required that all corporations be authorized to do business in the state of New Jersey. Corporations incorporated out of the state must file a Certificate of Authority with the Secretary of State, Department of State, State House, Trenton, New Jersey. Refer to N.J.S.A 12A: 13-3 Chapter 13-3.
- 1.2 Anti-Discrimination All parties to any contract with the Atlantic City Convention Center Authority agree not to discriminate in employment and agree to abide by all anti-discrimination law including those contained within N.J.S.A. 10:2-1 through 10:2-4, N.J.S.A. 10:5-31 through 10:5-38, and all rules and regulations issued hereunder.
- 1.3 **Ownership Disclosures** Contract's for any work, goods or services cannot be issued to any firm unless prior to or at the time of bid submission, the firm has disclosed the names and addresses of all of its owners holding 10% or more of the firm's stock or interest. Refer to N.J.S.A. 52:25-24.2 1977 Chapter 33.
- 1.4 **Compliance State Laws** It is agreed and understood that any contracts and/or orders placed as a result of this proposal shall be governed and construed and the rights and obligations of the parties hereto shall be determined in accordance with the laws of the State of New Jersey.

#### II. <u>LIABILITIES</u>

2.1 Liability- Copyright – The vendor shall hold and save the Atlantic City Convention Center Authority, the Atlantic County Improvement Authority, and Spectacor Management Group, Inc., its officers, agents, servants, and employees, harmless from liability of any nature or kind for or on account of the use of any copyrighted or non-copyrighted composition, secret process, patented or non-patented invention, article or appliance furnished or used in the performance of his/her contract.

Liability – Physical – If it becomes necessary for the vendor, either as principle 2.2 or by agency or employee, to enter the premises or property of the state for any reason, the vendor hereby covenants and agrees to take use, provide and make proper, all necessary and sufficient precautions, safeguards and protection against the occurrence of happenings of any accidents, injuries, damages or hurt to any person or property during the progress of work herein covered on the premises or property of the Authority and to be responsible for, and indemnify and save harmless the Atlantic City Convention Center Authority, the Atlantic County Improvement Authority, and Spectacor Management Group, Inc., along with their officers and employees, from the payment of all sums of money by reason of all or any, such accidents, injuries, damages or hurt that may arise or occur during such work, and all fines, penalties and loss incurred for or by reason of violation of any city ordinance, regulation or the laws of the State of New Jersey or the United States while said work is in progress. Contractor shall carry insurance to indemnify the Atlantic City Convention Center Authority, the Atlantic County Improvement Authority, and Spectacor Management Group, Inc., and their officers and employees against any claim for loss, damage or injury to property or persons arising out of the performance by the contractor or his employees and agents of the services covered by the contract and the use, misuse or failure of any equipment used by the contractor or his employees or agents, and shall provide certificates of such insurance to the Authority upon request. Amounts to be in accordance with the attached sample Certificate of Insurance.

#### III. <u>TERMS GOVERNING ALL PROPOSALS WITH THE ATLANTIC CITY</u> <u>CONVENTION CENTER AUTHORITY</u>

3.1 **Subcontracting or Assignment** - The contract may not be subcontracted or assigned by the contractor, in whole or in part, without the written consent of the Authority. Such consent, if granted, shall not relieve the contractor of any of his/her responsibilities under the contract.

In the event that the bidder proposes to subcontract for the services to be performed under the terms of the contract award, he shall state son in his bid and attaché for approval a list of the subcontractors and an itemization of the services to be supplied by the subcontractor.

Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the Authority.

3.2 **Delivery Guarantee** – Deliveries shall be made as such time and in such quantities as ordered in strict accordance with conditions contained within the specifications. Delivery shall be made to the Atlantic City Convention Center Authority by the successful bidder at the places specified by the Purchasing Agent or duly authorized representative, by in no event, before the issuance of a purchase order to the successful bidder under the terms of the contract so awarded.

The vendor shall deliver all material to the Authority in first class condition, and in accordance with good commercial practice.

Items delivered shall be strictly in accordance with the bid specifications.

In the event delivery of goods or services is not made within the number of days stipulated, or within the schedule defined in the specifications, the Authority may be authorized to obtain the equipment, material or service from any available source; the difference in price, if any, to be paid by the contractor failing to meet the commitments. In addition, if the successful bidder fails to complete delivery within the time stated, said successful bidder shall pay the Atlantic City Convention Center Authority, the sum of one hundred dollars (\$100.00) for each day consumed in the completion of the contract awarded hereunder, which may exceed the time allowed for such purpose. Such amounts or sums shall be deemed and taken in all courts to be liquidated damages for nonperformance of the aforesaid contract within the time frame allotted, and not as penalty. The Purchasing Agent of the Atlantic City Convention Center Authority shall determine and certify the amount and sums thus claimed by the Atlantic City Convention Center Authority, as such liquidated damages to the Authority's auditor, who shall deduct and retain the same from the monies due or which shall become due under the contract.

- 3.3 **Authority's Right of Final Bid Acceptance** The Authority reserves the right to reject any and all bids (in accordance with Title 40A: 11-13.2), or to award in whole or in part, if deemed to be in the best interest of the Authority to do so. In the case of tie bids, the Authority shall have the authority to award orders or contracts to the vendor or vendors best meeting all specifications and conditions.
- 3.4 **Bid Acceptance and Rejections** Pursuant to N.J.A.C. Title 17, Chapter 12, Subchapter 2.4 through 2.5, the terms and conditions defined therein relating to informalities in bidding and automatic rejection of bids shall apply to all proposals and bids.
- 3.5 **Maintenance and Records** The contractor shall maintain records for products and/or services delivered against the contract for a period of three (3) years from the date of final payment. Such records shall be made available to the Authority upon request.

#### IV. TERMS RELATING TO PRICE QUOTATION

- 4.1 **Price Fluctuation During Contract** All prices quoted shall be firm and not subject to increase during the period of the contract.
- 4.2 **Delivery Costs** Unless noted otherwise in the specifications, all prices for items in bid proposals are to be submitted F.O.B. Destination. Proposals submitted other than F.O.B. Destination shall not be considered. Regardless of the method of quoting shipments, the vendors shall assume all liability and responsibility for the delivery of merchandise in good condition to the Authority
- 4.3 **Discounts** ,the date the Authority certifies the acceptance of the goods and/or services.

4.4 **Tax Charges** – The Authority is exempt from state sales or use taxes and federal excise taxes. These taxes shall not be included in the vendor's price quotations.

#### V. <u>PAYMENT</u>

5.1 Payment for the specified item or items, furnished, delivered and accepted, shall be made by the Atlantic City Convention Center Authority to the successful bidder within thirty (30) days after submission of an invoice based on the total delivered price, as set forth in this (its, their) proposal, with a properly executed affidavit to the Purchasing Department.

#### VI. PROPOSAL FORM

- 6.1 All proposals must be submitted on the Proposal Form of the Atlantic City Convention Center Authority. The form may be obtained from the office of the Purchasing Agent, or an exact replica as to wording and punctuation. No alterations in the wording of the Proposal Form or interpolations will be permitted and any proposal submitted in disregard of this requirement may be regarded as informal and need not be considered by the Authority in making the award.
- 6.2 Bidder's name and address, name of project and project number must appear on the outside of envelope containing the bid.
- 6.3 The certified or cashier's check, or bid bond, if required by these Instructions to Bidders shall be attached to the outside of the bid envelope. The outside mailing envelope shall bear the same endorsement as required in the base of the bid envelope and may be mailed or delivered to the Purchasing Agent of the Atlantic City Convention Center Authority (Authority), or presented to the Authority at its offices located at 2314 Pacific Avenue, Atlantic City, New Jersey 08401 at the time of calling for said proposals. The Atlantic City Convention Center Authority will not assume responsibility for bids forwarded through the mail if lost in transit at any time before bid opening.
- 6.4 **Preference for Domestic Products** Only products manufactured in the United States, wherever available, shall be used in connection with this undertaking, pursuant to 40A: 11-18 of the revised statutes of the state of New Jersey.
- 6.5 **Brand Names** Brand names and/or description used in this bid proposal are to acquaint bidders with the type of commodity desired and will be used, as a standard by which alternate or competitive materials offered will be judged. Competitive items must be equal to the standards described and be of the same reputation for quality and workmanship. Variations between the materials described and materials offered are to be fully explained by the bidder in an accompanying letter. In the absence of any changes by the bidder, it will be presumed and required, that material described in these specifications be delivered.

## STOCKHOLDER DISCLOSURE CERTIFICATION

#### **Stockholders Information**

#### BIDDER SHALL SIGN, COMPLETE AND SUBMIT THIS FORM WITH PROPOSAL. FAILURE TO DO SO WILL ELIMINATE YOUR PROPOSAL FROM CONSIDERATION.

Chapter 33 of the Public Laws of 1977 (N.J.S.A. 52:25-24.2) provides in pertinent part that no partnership or corporation shall be awarded any state contract for the performance of any work or the furnishing of any materials or supplies unless, prior to the receipt of the bid or accompanying the bid of said partnership or corporation, there is submitted a statement containing the following information.

- 1. If the bidder is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
- 2. If the bidder is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
- 3. If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of stockholders who own 10% or more of the stock of any class of that corporation.

Bidder shall complete ONE of the following statements; check appropriate box and sign below.

Stockholders or Partners owning 10% or more of the company-
 submitting bid

Name:	Name:
Home Address:	Home Address
Name: Home Address	Name:            Home Address
Name:	Name:
Home Address:	Home Address:

No Stockholder or Partner owns 10% or more of the company submitting a bid.

Signature\_\_\_\_\_

Signature

	An individual who operates as a sole proprietor is submitting bid.
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Signature\_\_\_\_\_

# NON-COLLUSION AFFIDAVIT

#### Non-Collusion Affidavit

#### ATTENTION: THIS FORM MUST BE NOTARIZED

#### <u>COMPLETE, SIGN, NOTARIZE AND RETURN THIS FORM WITH YOUR BID</u> <u>PROPOSAL. FAILURE TO DO SO WILL ELIMINATE YOUR PROPOSAL FROM</u> <u>CONSIDERATION.</u>

STATE OF NEW JERSEY:

COUNTY OF:

I, \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_\_ and the State of \_\_\_\_\_\_

of full age, being duly sworn according to law on my oath, depose and say, that:

I am, \_\_\_\_\_\_of the Firm of \_\_\_\_\_\_ (INSERT TITLE) (INSERT NAME OF FIRM)

The Bidder making the Proposal for the herein project, and that I executed the said Proposal with full authority to do so, that said Bidder has not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project, and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Atlantic City Convention Center Authority, Atlantic County Improvement Authority and SMG, Inc., rely upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I warrant that no requirement or commitment was made in reference to any political contribution to any party, person, or elected official and that no undisclosed benefits of any kind were promised to anyone connected with Atlantic City Convention Center Authority, Atlantic County Improvement Authority, SMG, Inc., or any political party in reference hereto.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by Bidder. I further warrant and represent that I have never admitted, acknowledged or been convicted of payment of kickbacks or unlawful gifts to any government official or employee for which conduct the State of New Jersey deems me disqualified from doing business with the Atlantic City Convention Center Authority under such circumstances.

I also understand that the above disqualification does not apply to any vendor who cooperates with the prosecution and give supporting testimony on behalf of the prosecution in the course of a judicial inquiry.

Signature of Affiant (Bidder)

Print or Type Name of Affiant (Bidder)

Sworn to and subscribed before me\_\_\_\_

NOTARY PUBLIC SIGNATURE

This day of 20\_\_\_\_

NOTARY SEAL

My Commission expires\_\_\_\_\_

### **EXECUTIVE ORDER 134**

## DISCLOSURE & CERTIFICATION

### **IMPORTANT NOTICE**

#### NEW "PAY-TO-PLAY" RESTRICTIONS TO TAKE EFFECT NOVEMBER 15, 2008

Governor Jon S. Corzine recently signed Executive Order No. 117, which is designed to enhance New Jersey's efforts to protect the integrity of government contractual decisions and increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

Executive Order No. 117 extends the provisions of Chapter 51 in two ways:

- 1. The definition of "business entity" is revised and expanded so that contributions by the following individuals also are considered contributions attributable to the business entity:
  - Officers of corporations and professional services corporations, with the term "officer" being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1), with the exception of officers of non-profit entities;
  - Partners of general partnerships, limited partnerships, and limited liability partnerships and members of limited liability companies (LLCs), with the term "partner" being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1); and
  - Spouses, civil union partners, and resident children of officers, partners, LLC members and persons owning or controlling 10% or more of a corporation's stock are included within the new definition, except for contributions by spouses, civil union partners, or resident children to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides.
- 2. Reportable contributions (those over \$300.00 in the aggregate) to legislative leadership committees, municipal political party committees, and candidate committees or election funds for Lieutenant Governor are disqualifying contributions in the same manner as reportable contributions to State and county political party committees and candidate committees or election funds for Governor have been disqualifying contributions under Chapter 51.

### *Executive Order No. 117 applies only to contributions made on or after November 15, 2008, and to contracts executed on or after November 15, 2008.*

Updated forms and materials are currently being developed and will be made available on the website as soon as they are available. In the meantime, beginning November 15, 2008, prospective vendors will be required to submit, *in addition to the currently required Chapter 51 and Chapter 271 forms*, the attached Certification of Compliance with Executive Order No. 117.

#### Certification on Behalf of A Company, Partnership or Organization and All Individuals Whose Contributions are Attributable to the Entity Pursuant to Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008) has solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

#### a) Any candidate committee and/or election fund of the Governor;

- b) A State political party committee;
- c) A legislative leadership committee;
- d) A county political party committee; or
- e) A municipal political party committee.

I certify as an officer or authorized representative of the Company or Organization identified below that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

#### Name of Company, Partnership or Organization:

Signed:	
Print Name:	_ Date:

(circle one) (A) The Company, Partnership or Organization is the vendor;

or

(B) the Company, Partnership or Organization is a Principal (more than 10% ownership or control) of the vendor, a Subsidiary controlled by the vendor, or a Political Organization (e.g., PAC) controlled by the vendor.

\*Please note that if the person signing this Certification is not signing on behalf of all individuals whose contributions are attributable to the entity pursuant to Executive Order No. 117 (2008), each of those individuals will be required to submit a separate individual Certification.

#### Individual Certification of Compliance with Executive Order No. 117 (2008)

I hereby certify as follows:

On or after November 15, 2008, I have not solicited or made any reportable contribution of money or pledge of contribution, including in-kind contributions or company or organization contributions, to the following:

#### a) Any candidate committee and/or election fund of the Governor;

- b) A State political party committee;
- c) A legislative leadership committee;
- d) A county political party committee; or
- e) A municipal political party committee.

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

#### INFORMATION AND INSTRUCTIONS For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

#### **Background Information**

On September 22, 2004, then-Governor James E. McGreevey issued Executive Order 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, Executive Order 134 prohibited State departments, agencies and authorities from entering into contracts exceeding \$17,500 with individuals or entities that made certain political contributions. Executive Order 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 ("Chapter 51").

On September 24, 2008, Governor Jon S. Corzine issued Executive Order No. 117 ("E.O. 117"), which is designed to enhance New Jersey's efforts to protect the integrity of procurement decisions and increase the public's confidence in government. The Executive Order builds upon the provisions of Chapter 51.

#### Two-Year Certification Process

Upon approval by the State, the Certification and Disclosure of Political Contributions form (CH51.1R1/21/2009) is valid for a two (2) year period. Thus, if a vendor receives approval on Jan 1, 2009, the certification expiration date would be Dec 31, 2011. Any change in the vendor's ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/EO117 forms to the State Review Unit. **Please note that it is the vendor's responsibility to file new forms with the State should these changes occur.** 

Prior to the awarding of a contract, the agency should first send an e-mail to CD134@treas.state.nj.us to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

#### Instructions for Completing the Forms

**<u>NOTE</u>**: Please refer to the next section, "Useful Definitions for Purposes of Ch. 51 and E.O. 117," for guidance when completing the forms.

#### Part 1: VENDOR INFORMATION

**Business Name** – Enter the full name of the Vendor, including trade name if applicable.

**Business Type --** Select the vendor's business organization from the list provided.

Address, City, State, Zip and Phone Number -- Enter the vendor's street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor's primary email address.

**Vendor FEIN** – Please enter the vendor's Federal Employment Identification Number.

#### INFORMATION AND INSTRUCTIONS For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

#### Part 2: PUBLIC LAW 2005, Chapter 51 / EXECUTIVE ORDER 117 (2008) DUAL CERTIFICATION

Read the following statements and verify that from the period beginning on or after October 15, 2004, no contributions as set forth at subsections 1(a)-(c) have been made by either the vendor or any individual whose contributions are attributable to the vendor pursuant to Executive Order 117 (2008).

**NOTE:** Contributions made prior to November 15, 2008 are applicable to Chapter 51 only.

#### Part 3: DISCLOSURE OF CONTRIBUTIONS MADE

<u>Check the box at top of page 2 if no reportable contributions have been made by the vendor.</u> If the vendor has no contributions to report, this box must be checked.

Name of Recipient Entity – Enter the full name of the recipient entity.

Address of Recipient Entity – Enter the recipient entity's street address.

**Date of Contribution** – Indicate the date of the contribution.

Amount of Contribution – Enter the amount of the reportable contribution.

**Type of Contribution** – Select the type of contribution from the list provided.

**Contributor Name** – Enter the full name of the contributor.

**Relationship of Contributor to the Vendor --** Indicate relationship of the contributor to the vendor, e.g. officer or partner of the company, spouse of officer or partner, resident child of officer or partner, parent company of the vendor, subsidiary of the vendor, etc.

**NOTE**: If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

#### Part 4: CERTIFICATION

Check box A if the person completing the certification and disclosure is doing so on behalf of the vendor and all individuals and/or entities whose contributions are attributable to the vendor.

Check box B if the person completing the certification and disclosure is doing so on behalf of the vendor only.

Check box C if the person completing the certification and disclosure is doing so on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Enter the full name of the person authorized to complete the certification and disclosure, the person's title or position, date and telephone number.

#### INFORMATION AND INSTRUCTIONS For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

#### USEFUL DEFINITIONS FOR THE PURPOSES OF Ch. 51 and E.O. 117

- "Vendor" means the contracting entity.
- "Business Entity" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 <u>U.S.C.A.</u> § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of "business entity," that individual's spouse or civil union partner and any child residing with that person.<sup>1</sup>
- **"Officer"** means a president, vice-president with senior management responsibility, secretary, treasurer, chief executive officer, or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.
- **"Partner"** means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited partnership, sociation, or other such form of business organization.
- "Reportable Contributions" are those contributions, including in-kind contributions, in excess of \$300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.
- "In-kind Contribution" means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.
- "Continuing Political Committee" includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

<sup>&</sup>lt;sup>1</sup> Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.

#### INFORMATION AND INSTRUCTIONS For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

- "Candidate Committee" means a committee established by a candidate pursuant to <u>N.J.S.A.</u> 19:44A-9(a), for the purpose of receiving contributions and making expenditures.
- "State Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-4.
- "County Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-3.
- "Municipal Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-2.
- "Legislative Leadership Committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.
- "Political Party Committee" means:
  - 1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
  - 2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
  - 3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

#### Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to <u>cd134@treas.state.nj.us</u> or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9<sup>th</sup> Floor, Trenton, NJ 08625. Original forms should remain with the Agency and copies should be sent to the Chapter 51 Review Unit.

#### **Questions & Answers**

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or Executive Order 117 (2008) may be submitted electronically through the Division of Purchase and Property website at <a href="http://www.state.nj.us/treasury/purchase/execorder134.htm">http://www.state.nj.us/treasury/purchase/execorder134.htm</a>. Responses to previous questions are posted on the website, as well as additional reference materials and forms.

<u>NOTE</u>: The Chapter 51 Q&A on the website **DOES NOT** address the expanded pay-to-play requirements imposed by Executive Order 117. The Chapter 51 Q&A are only applicable to contributions made prior to November 15, 2008. There is a separate, combined Chapter 51/E.O. 117 Q&A section dealing specifically with issues pertaining to contributions made after November 15, 2008, available at <u>http://www.state.nj.us/treasury/purchase/execorder134.htm#state</u>.

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☐ Check this box if no ı ☐ or individual.	eportable contributio	ns have been	made by the a	bove-named busine	ess entity
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Contributor Name					
Relationship of Contributor to					
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Part 4: Certificat	ion
I certify that, to the	ructions accompanying this form prior to completing this certification on behalf of the above-named business entity. best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements am subject to punishment.
does not change a contributions are ma	this certification will be in effect for two (2) years from the date of approval, provided the ownership status and/or additional contributions are not made. If there are any changes in the ownership of the entity or additional ade, a new full set of documents are required to be completed and submitted. By submitting this Certification and son or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.
(CHECK ONE BOX	A, B or C)
(A) 🗌 l am certify attributable	ing on behalf of the above-named business entity and all individuals and/or entities whose contributions are to the entity pursuant to Executive Order 117 (2008).
(B) 📋 I am certify	ing on behalf of the above-named business entity only.
(C) 🔲 I am certify	ing on behalf of an individual and/or entity whose contributions are attributable to the vendor.
Signed Name	Print Name
Phone Number	Date
Title/Position	
	Agency Submission of Forms
completed Owners Unit, P.O. Box 039,	d submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a hip Disclosure form, either electronically to cd134@treas.state.nj.us, or regular mail at Chapter 51 Review 33 West State Street, 9 <sup>th</sup> Floor, Trenton, NJ 08625. The agency should save the forms locally and keep the e, and submit copies to the Chapter 51 Review Unit.
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### STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

#### NEW JERSEY BUSINESS REGISTRATION

All prospective contractors shall comply with P.L. 2004, c. 57(Chapter 57) requiring all businesses to submit proof of business registration in the state of New Jersey. A copy of the company's Business Registration Certificate, issued by the Department of the Treasury shall be submitted with their proposal.

#### "New Jersey Business Registration Requirements"

The contractor shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to the contractor.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment to the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L. 2001, c.134 (C.52:32-44 et.al.) or subsection e. or f. of section 92 of P.L. 19767, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency."

#### Registering a Business with the New Jersey Department of the Treasury

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. Registration is free and is a one-time action – there are no fees to register. However, you should update your contact and tax eligibility information as needed. Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may be required to have a copy of the "proof of registration certificate" submitted as part of a public bid or prior to issuing a purchase order.

**To register:** Businesses must complete **Form NJ-REG** and submit it to the Division of Revenue. The form can be filed form online or by mailing a paper form to the Division. Online filing is strongly encouraged.

- Register online at <u>www.nj.gov/treasury/revenue/taxreg.htm</u>. Click the "online" link and then select "Register for Tax and Employer Purposes."
- Download the paper form and instructions at www.nj.gov/treasury/revenue/revprnt.htm.
- > Call the Division at 609-292-1730 to have a form mailed to you.
- Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Note: If you operate a corporation, limited partnership, limited liability company or limited liability partnership, before registering, you must obtain legal authority to operate in the State of New Jersey. Generally, this is accomplished by filing an original business certificate with the Division of Revenue, such as a Certificate of Incorporation or Formation. For more information on this subject, visit www.nj.gov/treasury/revenue/filecerts.htm, or call 609-292-9292.

**Registering as an individual:** There is a simplified registration process for individuals doing business with any New Jersey government agency. The form (NJ-REG-A) may be on the back of this form. If not, it can be downloaded from the web at <u>www.nj.gov/treasury/revenue/pdforms/rega.pdf</u>. To obtain a copy by mail, call 609-292-1730, or write to the Division at the Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

**Questions about the registration process?** Call 609-292-1730 or submit by e-mail at <u>www.nj.gov/treasury/revenue/revcontact.html</u>.

#### How do I receive the proof of registration certificate?

New registrants. When completing Form NJ-REG, make sure you answer "Yes" to the contractor/sub-contractor question (Online - Item 17; Paper Form - Item 18). The Division of Revenue will mail the certificate to the mailing address you supply on your registration form.

Previously Registered Businesses. Call 609-292-1730 and select option 3. The Division of Revenue's service agents will take your order and mail you a certificate. Please allow 7 to 10 working days to receive your certificate. Alternately, you may visit the Division's Client Registration Bureau in person and request a certificate. The address is 847 Roebling Avenue, Trenton, NJ 08611. Service desk hours are 8:30am to 4pm, weekdays, excluding holidays.

What information does the proof of registration contain? The certificate displays the following information: Business Name, Trade Name (If Applicable), Tax Payer ID (Usually the Employer Identification Number), Business Address, Contractor Certification Number (State Issued), Certification Issuance Date, Effective Date (Business Start Date Entered on Form NJ-REG).

#### The Following is a "Sample" of the State of New Jersey Business Registration Certificate

#### Sample of a Valid State of New Jersey Business Registration Certificate

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS TAXPAYER NAME: ATLANTIC CITY CONVENTION CENTER AUTHORIT TAXPAYER IDENTIFICATION#: 000-000-000/000 ADDRESS: 2314 BOARDWALK ATLANTIC CITY NJ 08401 EFFECTIVE DATE: 07/01/66		212 - 2000000000000000000000000000000000		ANNOUNCE ON AN	
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		STATE	OF NEW JERSEY		
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FORM-BRC(08-01) This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address		_	Acti Director		

## AFFIRMATIVE ACTION COMPLIANCE NOTICE

#### 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. I7:27-5.2.

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)

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 <u>Subchapter 10 of the Administrative Code at N.J.A.C. 17:27</u>.

#### AFFIRMATIVE ACTION COMPLIANCE NOTICE N.J.S.A. 10:5-31 and N.J.A.C. 17:27

#### GOODS AND SERVICES CONTRACTS (INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

COMPANY:	
SIGNATURE: _	

PRINT NAME:	 	
TITLE:	 	

DATE:	

## SPECIFICATIONS

### Brochure Distribution Services Project #: ACCVA 11- 02

#### BROCHURE DISTRIBUTION SERVICES – SPECIFICATIONS Project #: ACCVA 11- 02

The successful bidder shall distribute brochures to the following locations within New Jersey, Pennsylvania, Delaware and New York City throughout the duration of the contract.

Additionally, the aforementioned distribution shall also include the Atlantic City Restaurant Week brochure, to be distributed during the months of November, December, January and February of each contract year.

#### **Hotel and Visitor Sectors**

**Greater Philadelphia Hotels Central NJ Hotels** Greater Wilmington DE Hotels Southern NJ Hotels **Greater Atlantic City Hotels** Northern NJ Hotels Best of Long Island New York City Hotels Cape May Motels Wildwood Motels Best of Wildwood Cape May County Campgrounds Atlantic County Campgrounds AAA Mailing PA AAA Mailing NJ La Guardia Airport JFK Airport Newark Airport **NW NJ Hotels & Recreation Areas PA** Convention Center Philadelphia Airport (monthly drop)

#### **NJ Welcome Centers**

Northern NJ Thruways Central NJ Thruways Southern NJ Thruways

#### Corporate Sectors

Greater Philadelphia & DE Corporate Southern NJ Corporate Northern NJ Corporate

#### NY Information Centers – NY Thruway

Sloatsburg Information Center New Baltimore Information Center



#### PROPOSAL PAGE

#### BROCHURE DISTRIBUTION SERVICES – SPECIFICATIONS Project #: ACCVA 11- 02

Name of Bidder:

The Atlantic City Convention & Visitors Authority (ACCVA) shall have the brochures delivered to the contractor's location for distribution to the designated sites throughout the contract duration.

This will be a two-year contract, bidders shall provide lump sum pricing for each year.

Price for distribution of brochures within New Jersey, Pennsylvania and Delaware.

Lump Sum Bid (1 <sup>st</sup> year)	\$
Lump Sum Bid (2 <sup>nd</sup> year)	\$
Price for distribution of brochures within the New York Thruway	

 Lump Sum Bid (1<sup>st</sup> year)
 \$\_\_\_\_\_\_

 Lump Sum Bid (2<sup>nd</sup> year)
 \$\_\_\_\_\_\_

	<u> </u>
Signature	Date