



SOLID WASTE AND RECYCLABLES COLLECTION BID

**BOROUGH OF EAST NEWARK
34 SHERMAN AVENUE
EAST NEWARK, NEW JERSEY 07029**

Date of Bid Opening
**TUESDAY, JANUARY 11, 2022
11:00AM**

Mayor DINA M. GRILO

Council President HANS PETER LUCAS

JESSICA DIAZ	HANS PETER LUCAS
ROSE M. EVARISTO	CHRISTOPHER REIS
KENNETH J. GRAHAM	JEANNE ZINCAVAGE

Borough Counsel: JOHN M. JOHNSON, Esquire

**Borough Clerk and Qualified Purchasing Agent:
KEVIN D. HARRIS, Esquire, RMC/MMC/QPA**

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

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LEGAL NOTICE

**ADVERTISEMENT FOR BIDS BOROUGH OF EAST NEWARK HUDSON COUNTY,
NEW JERSEY**

Sealed Bids will be received by the Borough of East Newark – 34 Sherman Avenue, East Newark, New Jersey 07029 on Tuesday, January 11, 2022 at 11:00 A.M., prevailing time, and then publicly opened and read aloud for:

**COLLECTION AND DISPOSAL OF SOLID WASTE and RECYCLABLE
MATERIALS**

All bids must be received at the time and date specified. No bids will be accepted after said hour.

Specifications and bid proposal forms may be obtained at the Borough Clerk’s Office, Borough Hall, 34 Sherman Avenue, East Newark, New Jersey, between the hours of 8:00 A.M. and 4:30 P.M. daily, except Saturdays, Sundays and Holidays, or may be downloaded from the municipal website, www.boroughofeastnewark.com. Bids or proposals shall be made on the forms provided.

A certified check or cashier’s check made payable to the order of the Borough of East Newark, or a duly executed bid bond in the amount of 10% of each bid, but in no case in excess of \$20,000.00 must be deposited by the bidder.

Bidders must comply with the following New Jersey State Statutes:

P.L. 1975, Chapter 127 (Affirmative Action Program) – N.J.A.C 17:27
P.L. 1975 Chapter 127 (Mandatory Equal Employment)
N.J.S.A 10.5-31 et seq
N.J.A.C. 17:37

P.L. 1975, Chapter 33 (Statement of Ownership) N.J.S.A.
40A: 11-18 (American Goods & Products used where possible)

Bid proposals must be placed in sealed envelopes addressed to the Borough of East Newark, 34 Sherman Avenue, East Newark, NJ and marked clearly on the outside of the envelope, lower left-hand corner:

“COLLECTION AND DISPOSAL OF SOLID WASTE AND
RECYCLABLE MATERIALS”

The Borough reserves the right to reject any and all bids or to waive any minor informalities or irregularities in the proposal received and to accept the bid which is in the best interest of the Borough.

Kevin D. Harris
Borough Clerk and Qualified Purchasing Agent

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1. INSTRUCTIONS TO BIDDER

1.1 THE BID

The Borough of East Newark is soliciting responsive bid proposals from responsible solid waste collectors interested in providing solid waste collection and disposal services and recycling collection and disposal services for a period of up to five years to commence on March 1, 2022, in accordance with the terms of these Bid Specifications and N.J.A.C. 7:26H-6 seq. As further specified in section 5 of the bid document, it is the intention of the Borough to secure pricing for two separate options for garbage collection (three year and five year options for three times per week for solid waste collection). It is further our intention to secure pricing for two separate options for recycling collection (paper and comingled collected twice per week in alternating weeks, and comingled collection bi-weekly).

1.2 CHANGES TO THE BID SPECIFICATIONS

Notice of revisions or addenda to advertisements or bid documents relating to bids will, no later than seven days, Saturdays, Sundays and Holidays excepted, prior to the date for acceptance of bids, be published in The Jersey Journal and the Star Ledger.

1.3 BID OPENING

All bid proposals will be publicly opened and read by the Borough Clerk/Qualified Purchasing Agent in the East Newark Municipal Building Council Chambers, 34 Sherman Avenue, 2nd floor, East Newark on Tuesday, January 11, 2022 at 11:00 A.M. Bids must be delivered by hand or by mail to the Borough Clerk/Qualified Purchasing Agent no later than 11:00 A.M. All bid proposals will be date and time stamped upon receipt. Bidder is solely responsible for the timely delivery of the bid proposal and no bids shall be considered which are presented after the public call for receiving bids.

1.4 DOCUMENTS TO BE SUBMITTED

Every bidder shall submit the following documents at the time and date specified in the public notice to prospective bidders:

1. Certified photo-copies of bidder's certificate of public convenience and necessity and an approval letter issued in conformance with N.J.S.A. 13:1E126.
2. Questionnaire setting forth experience and qualifications.

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3. Bid Guarantee in the form of a bid bond, certified check or cashier's check in the amount of 10% of the total amount of the bid proposal, not to exceed \$20,000; payable to the Borough of East Newark.
4. Non-Collusion affidavit.
5. Statement of ownership.
6. Consent of Surety
7. Bid Proposal.
8. Certificate of Insurance
9. Bid Addenda Form
10. Disclosure of Investment Activities in Iran form
11. Signed Proposal Pages.

PROOF OF BUSINESS REGISTRATION - N.J.S.A. 52:32-44 requires that each bidder (contractor) shall possess a BRC at the time of bid opening and submit proof of business registration by the time of contract award. 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. N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:

- 1) The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- 2) Prior to receipt of final payment from a contracting agency, a contractor must submit to the contacting agency an accurate list of all subcontractors or attest that none was used;
- 3) During the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-1730.

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2. DEFINITIONS

“Addendum” or “addenda” shall mean additional contract specification provisions issued in writing by the Qualified Purchasing Agent prior to the receipt of bids.

“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 contracting unit, ensuring that the successful bidder will enter into a contract.

“Bid Specifications” means all documents requesting bid proposals for municipal solid waste and recyclable materials collection services contained herein.

“Borough Superintendent” means the Superintendent of the Department of Public Works of the Borough of East Newark.

“Certificate of Insurance” means a document showing that an insurance policy has been written and includes a statement of the coverage of the policy.

“Collection Site” means the location of waste containers on collection day.

“Collection Source” means a generator of designated collected solid waste to who service will be provided under the contract.

“Consent of Surety,” means a “(promissory note)” “contract” guaranteeing that if the contract is awarded, the surety will provide a performance bond.

“Contract” means the written agreement executed by and between the successful bidder and the governing body and shall include the bid proposal, and the bid specifications.

“Contract Administrator” is the Qualified Purchasing Agent who is authorized by the contracting unit to procure and administer contracts for solid waste collection services.

“Contracting Unit” means the Borough of East Newark.

“Contractor” means the lowest responsive and responsible bidder to whom award of the contract shall be made.

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“Designated collected recyclable material,” means those materials including, but not limited to, those materials set forth in the Borough’s Recycling Ordinance, East Newark Chapter 23, and which would otherwise become municipal solid waste which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products, including the following categories and other such items as may be determined by the Borough Council or their designee during the terms of the contract: mixed paper, newsprint, corrugated cardboard, co-mingled glass, aluminum, tin and plastics, bulky rigid plastics, shrink wrap, white goods and other metals, and yard waste/vegetative waste.

“Designated collected solid waste” means solid waste types as defined:

Waste #10: Municipal (household, commercial and institutional) waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments and institutional waste material originated in schools and public buildings.

Waste #13: Bulky Waste: large items of waste material, such as furniture.

Designated collected solid waste shall not consist of recyclable materials, hazardous waste or solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such waste to swine on their own farms. Solid waste such as broken concrete, rocks, sod, dirt and building materials will not be designated as solid waste by the contractor.

“Disposal Facility” means those sites designated in the Hudson County Improvement Authority for use by the Borough of East Newark or such other facility as the Borough may designate or the Borough and the successful bidder agree upon in the future.

“Governing Body” means the governing body of the municipality, when the contract or agreement is to be entered into by, or on behalf of a, municipality or further defined at N.J.A.C. 40A: 11-2.

“Holiday” means a regularly scheduled collection day on which the authorized Disposal Facilities are closed. See section 5.4B.

“Legal Newspaper” means *The Jersey Journal*. As required by law, the Borough of East Newark will also advertise in the *Star Ledger*, a state-wide circulated newspaper.

“Proposal Forms” mean those forms that must be used by all bidders to set forth the prices for services to be provided under the contract.

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“Service Area” means the Borough of East Newark, Hudson County, New Jersey.

“Surety” means a company that is duly certified to do business in the State of New Jersey and that is qualified to issue bonds in the amount and of the type and character required by these specifications.

3. BID SUBMISSION REQUIREMENTS

3.1 BID PROPOSAL

- A. Each document in the bid proposal must be properly completed in accordance with N.J.A.C. 7:26H-6.5. No bidder shall submit the requested information on any form other than those provided in these bid specifications.
- B. Bid Proposals shall be hand delivered or mailed in a sealed envelope, and the name and address of the bidder and the name of the bid as set forth in the Public Advertisement for Bids must be written clearly on the outside of the sealed envelope. No bid proposal will be accepted past the date and time specified by the Borough of East Newark in the advertisement for bids.
- C. Each bidder shall sign, where applicable, all bid submissions as follows:
 - 1. For a corporation, by a principal executive officer;
 - 2. For a partnership or sole proprietorship by a general partner or the proprietor respectively; or
 - 3. A duly authorized representative if:
 - a. The authorization is made in writing by a person described in Sections 1 and 2 above; and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the business.
- D. The bid proposal contains option bids. The Borough Council may, at its discretion, award the contract to the bidder whose aggregate bid price for the chosen option, or any combination of options is the lowest responsible bidder; provided, however, the Borough Council shall not award the contract based on the bid price for separate options.
- E. Any Bid Proposal that does not comply with the requirements of the bid specifications and N.J.A.C. 7:26H-6.1 et seq., shall be rejected as nonresponsive.

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3.2 **BID GUARANTEE**

A Bid Guarantee in the form of a Bid Bond, Cashier's Check or Certified Check, made payable to the Borough of East Newark in the amount of 10% of the highest aggregate five-year bid submitted, not to exceed twenty thousand dollars (\$20,000) must accompany each Bid Proposal. In the event that the bidder to whom the Contract is awarded fails to enter into the Contract in the manner and within the time required, the award to the bidder shall be rescinded and the bid guaranty shall become the property of the Borough of East Newark.

3.3 **EXCEPTIONS TO THE BID SPECIFICATIONS**

Any conditions, limitations, provisions, amendments, or other changes attached or added by the bidder to any of the provisions of these Bid Specifications or any changes made by the bidder on the Proposal Forms shall result in the rejection of the Bid Proposal by the Borough of East Newark.

3.4 **"OR EQUAL" SUBSTITUTIONS**

Whenever the Work Specifications identify a brand name, trade name or a manufacturer's name, this designation is used for classification or descriptive purposes only, and the bidder may substitute an equal product, subject to the approval of Borough of East Newark. The Borough of East Newark shall be the sole determiner of whether a substitution is in fact an equal product.

3.5 **COMPLIANCE**

The bidder shall be familiar with and comply with all applicable local, state and federal laws and regulations in the submission of the Bid Proposal and, if the bidder is awarded the contract, the performance of the contract.

3.6 **CONFLICT OF INTEREST AND NON-COLLUSION**

Each bidder must execute and submit as part of the Bid Proposal a "Non-Collusion Affidavit" which at a minimum shall attest that:

- A. The bidder has not entered into any agreement or participated in any collusion with any other person, corporate entity or government entity, or competitive bidding either alone or with any other person, corporate entity or government entity in connection with the above named project;
- B. All statements made in the bid proposal are true and correct and made with the full knowledge that the contracting unit relies upon the truth of those statements in awarding the contract; and

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- C. No person or business is employed to solicit or secure the contract in exchange for a commission, percentage brokerage agreement or contingency fee unless such person possesses a Certificate of Public Convenience and Necessity and a License issued pursuant to N.J.A.C. 7:26-16 et seq.

3.7 **NO ASSIGNMENT OF BID**

The bidder may not assign, sell, transfer or otherwise dispose of the Bid or any portion thereof or any right or interest therein. This section is not intended to limit the ability of the successful bidder to assign or otherwise dispose of its duties and obligations under the contract provided that the Borough of East Newark agrees to the assignment or other disposition. No such assignment or disposition shall become effective without the written approval of the New Jersey Department of Environmental Protection.

4. **AWARD OF CONTRACT**

4.1 **GENERALLY**

- A. The Borough of East Newark shall award the contract or reject all bids within the time specified in the invitation to bid, but in no case more than 60 days, except that the bids of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed. All bidders will be notified of the Borough of East Newark's decision, in writing, by certified mail.
- B. The Borough of East Newark reserves the right to reject any bid not prepared and submitted in accordance with the provisions hereof, and to reject any or all bids. In the event that the Borough of East Newark rejects all bids, the Borough of East Newark shall publish a notice of re-bid no later than ten days Saturdays, Sundays and holidays excepted, prior to the date for acceptance of bids.
- C. The contract will be awarded to the bidder whose aggregate bid price for the selected option or options is the lowest responsive and responsible bid.

4.2 **NOTICE OF AWARD AND EXECUTION OF CONTRACT**

Within fourteen calendar days of the award of the contract, the Borough of East Newark shall notify the successful bidder in writing, at the address set forth in the Bid Proposal and such notice shall specify the place and time for delivery of the executed contract, the performance bond, the vehicle dedication affidavit and the appropriate affirmative action documentation. Failure to deliver the aforementioned documents as specified in the notice of award shall be cause for the Borough of East Newark to declare the contractor non-responsive and to award the contract to the next lowest bidder.

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If awarded a contract, your company/firm shall be required to comply with the requirements of P.L. 1975, c.127 (N.J.A.C. 17:27).

4.3 RESPONSIBLE BIDDER

The Borough of East Newark shall determine whether a bidder is “responsible” in accordance with N.J.S.A. 40A:11-6.1 and N.J.A.C. 7:26H-6.8. The Bid Proposal of any bidder that is deemed not to be “responsible” shall be rejected.

4.4 PERFORMANCE BOND

- A. For the life of the contract, the successful bidder shall provide a performance bond issued by a Surety in an amount equal to no more than 100% of the annual value of the contract. The successful bidder shall provide said performance bond, which shall be provided prior to or concurrent with the delivery of the executed contract. The performance bond for each succeeding year shall be delivered to the Borough of East Newark with proof of full payment of the premium one hundred twenty (120) days prior to the expiration of the current bond.
- B. Failure to deliver a performance bond for any year of a multi-year contract as specified in section A above will constitute a breach of contract upon the expiration of the current bond. Notwithstanding termination pursuant to this section, the contractor is obligated to fully perform through the date of termination of the contract and damages shall be assessed in an amount to the costs incurred by the Borough of East Newark in re-bidding the contract and performing the work until a new contract is awarded.

4.5 AFFIRMATIVE ACTION REQUIREMENTS

- A. If awarded a contract, the successful bidder will be required to comply with the requirements of N.J.S.A. 17:27 et seq. and N.J.A.C. 17:27 et. seq.
- B. Within seven days after receipt of notification of the Borough of East Newark’s intent to award any contract, the contractor must submit one of the following to the contracting unit:
 - 1. If the Contractor has a federal affirmative action plan approval which consists of a valid letter from the Office of Federal Contract Compliance Programs, the Contractor should submit a photo copy of its letter of approval.
 - 2. If the Contractor has a certificate of employee information report, the Contractor shall submit a photocopy of the certificate.

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3. If the Contractor has none of the above, the contracting unit shall provide the Contractor with a (A.A.302) affirmative action employee information report.
- C. If the Contractor does not submit the affirmative action document within the required time period; the Borough of East Newark may extend the deadline by a maximum of the fourteen calendar days. Failure to submit the affirmative action document by the fourteenth calendar day shall be cause for the Borough of East Newark to declare the Contractor to be non-responsive and to award the contract to the next lowest bidder.

4.6 **VEHICLE DEDICATION AFFIDAVIT**

The Contractor shall execute and submit, at the time and place specified in the award notice, a vehicle dedication affidavit which at a minimum shall attest that: The successful bidder will dedicate a fixed number of reasonably new vehicles, free of mechanical problems, reasonably calculated to meet the requirements of these bid specifications; or to the extent that dedication of a fixed number of vehicles is not feasible the Contractor shall covenant that the Borough of East Newark will only be accountable for its proportional share of the waste contained in the collection vehicle and shall be assessed charges based only on its share of the waste at the time of disposal. The Borough shall have the right to institute measures, such as vehicle inspection procedures, to ensure that the Borough pays only for the disposal of its waste.

4.7 **ERRORS IN PRICE CALCULATION**

Any discrepancy between a numerical price and a price written in words shall be resolved in favor of the price as written in words. Any discrepancy between the unit price multiplied by the quantity and a corresponding total price figure set forth in the Proposal Form(s) shall be resolved in favor of a total price reached by multiplying the unit price by the quantity. The corrected total shall be used to determine the award of the contract. After all Bid Proposals have been read, the bids will be tabulated and adjusted, if necessary, in accordance with this paragraph. If any mathematical corrections must be made on any bid proposal, then the Borough of East Newark may not award a contract until all tabulations are complete.

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5. WORK SPECIFICATIONS

5.1 GENERAL

The Contractor shall provide collection, removal and disposal of designated solid waste and recyclables from within the territorial and geographical boundaries of the Borough of East Newark to the extent and on the days and times as set forth in this section.

5.2 SOLID WASTE COLLECTION A. Work Under this Contract

The work to be performed under this contract shall include the collection, removal and disposal of all garbage, trash, and bulky waste from all residential and municipal and school property, within the Borough of East Newark. Bidders must submit proposals for each of the following options:

Option #1: 3 Year Option - 3 days per week (Monday, Wednesday and Saturday)

Option #2: 5 Year Option - 3 days per week (Monday, Wednesday and Saturday)

The Contractor shall work with the Borough to schedule the days that households are provided the service. There is no regularly scheduled collection on Saturdays or Sundays. There are approximately 384 properties for collection. Any new units will be added to the collection route at no additional cost to the Borough.

Prospective bidders are reminded that the Borough maintains a separate contract for the collection and disposal of recyclable material and that at the direction of the Borough, the successful bidder may be directed not to collect garbage suspected of containing recyclables.

B. Routes of Collection

As part of his bid, the Contractor is required to perform collection throughout the Borough on the assigned collection dates and according to a map showing the Borough's limits.

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C. Points of Collection

All material to be collected curbside shall be placed by the occupant in suitable receptacles at the curb-line of the Public Street. Where there is no curb, the material shall be placed at the property line. Where sidewalks immediately about the curb, the materials shall be placed behind the sidewalk. Where a question exists, the Contractor shall use their best judgment to make a determination as to where the receptacle is placed.

Upon emptying receptacles, the Contractor shall return them to the appropriate location and place them upright with the lids appropriately secured.

If any public street is closed for repair, the Contractor shall notify the Borough Clerk's Office, who will make provisions for access no later than 5:00 p.m. If notification is received after noon, the area may be picked up on the following day with no penalty assessed.

D. Preparation of Wastes for Collection

All garbage and trash shall be thoroughly drained of all water and placed in a suitable receptacle.

E. Municipal Property The Contractor shall collect waste from the following designated locations in accordance with the collection schedule. Containers are to be provided at these locations for no additional charge.

Location of Hopper	Amount	Size	Purpose
Public Works Garage – DPW	1	8 cubic yard-w/lid	Garbage
East Newark Public School Davis Street	1	8 cubic yard-w/lid	Garbage

F. Sewer Basins

All sewer basins shall be thoroughly emptied and cleaned quarterly (four times) every year, namely, in the months of April and October. Contractor shall provide the Contract Administrator with a schedule for cleaning of the sewer basins and notify the Borough, in writing, one week prior to the date set for cleaning. All refuse taken from the sewer basins shall be emptied in water tight vehicles and promptly disposed of. Any refuse taken from said sewers shall in no event be dumped on the streets of the Borough of East Newark.

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G. Bid Pricing and Evaluation

Bids shall be submitted on the basis of the bidder's costs incurred for collection and transportation to a transfer station included in the Hudson County Solid Waste Management Plan. The Borough currently uses Doremus Avenue Recycling and Transfer, Inc 540 Doremus Avenue, Newark, New Jersey 07105.

Bids shall be evaluated on the basis of the cost for collection, plus any options that the Borough may accept.

Cost proposals to perform each option as described in these specifications shall be submitted for the periods:

March 1, 2022 – December 31, 2022
January 1, 2023 – December 31, 2023
January 1, 2024 – December 31, 2024
January 1, 2025 – December 31, 2025
January 1, 2026 – December 31, 2026

The Borough has requested year to year pricing and it reserves the right to choose any amount of years for the contract term that it deems to be in its best interest.

5.3. RECYCLING COLLECTION

It is the intent of these specifications that the Borough will enter into a separate component of this contract for the curbside collection of the following recyclable materials: paper, metal (includes aluminum and steel), glass (clear, brown and green) plastics (currently #1, #2 and #5 but may include #1-#7, uncoded plastics, bulky rigid plastics and shrink wrap during the term of the agreement), white goods and other metals, grass, leaves, yard waste and brush.

The Contractor acknowledges that this recycling component is separate and apart from the Solid Waste component of the contract and will take effect upon the expiration of the current contract on December 2021 and will run concurrent with the solid waste contract. The pricing of the two components of the contract are not contingent or in any way conditioned on each other. Separate contracts may be awarded.

The Borough of East Newark reserves the right to add recyclable materials throughout the period of the contract awarded by the Borough Council, when and in the judgement of the Borough, recyclable markets become available and with the concurrence of the contractor.

The contractor shall pick-up the specified recyclable materials at curbside for single-family homes and multi-family dwellings, Borough buildings, and public Elementary School which consist of approximately 759 units. Any new units will be added to the collection route at no additional cost to the Borough.

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The contractor will not be required to collect recyclables, which are not either: separated pursuant to the specifications, contaminated with miscellaneous garbage, or materials other than those specified above. The contractor shall tag each container contaminated with nonrecyclable material with a non-compliance notice and shall leave the material at curbside. The contractor will leave the material at curbside and advise the Borough Administrative Assistant where material has been left, and the reason.

Yard Waste Collection - Collection from curbside of each household of grass clippings, leaves, brush and vegetation will take place once per week, on a schedule to be determined with the Contractor. Brush shall be bundled in length no longer than four feet or placed in a suitable garbage can or other container and shall weigh no more than 50 pounds. Grass clippings and leaves shall be placed in four feet tall biodegradable bags or open containers.

All materials such as grass clippings, brush and vegetation shall be collected between 6:00 A.M. and 12:00 P.M. prevailing time.

A. Curbside Collection

Yard waste will be collected as specified above. The contractor shall collect, remove and dispose of all other recyclable materials in accordance with option accepted by the Governing Body.

The work to be performed under this contract shall include the collection, removal and disposal of all recyclable materials, single stream from all residential, municipal and school property, including condominiums, within the Borough of East Newark. Bidders must submit proposals for each of the following options:

OPTION #1:

Option 1 shall be for the collection, removal and disposal of comingled recyclable materials for a period of three (3) years with two (2) one (1) year extensions not to exceed five (5) years, concurrent with solid waste contract.

The following materials shall be collected on two (2) days a week as noted.

Recycling will be collected twice a week on Tuesday and Thursday.

OPTION #2:

Option 2 shall be for the collection, removal and disposal of comingled recyclable materials for a period of three (3) years with two (2) one (1) year extensions not to exceed five (5) years concurrent with solid waste contract.

The following materials shall be collected on two (2) days every two weeks as noted.

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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Recycling will be collected twice every two weeks on Tuesday and Thursday.

OPTION #3:

Option 3 shall be for the collection, removal and disposal of comingled recyclable materials for a period of not to exceed five (5) years concurrent with solid waste contract.

The following materials shall be collected on two (2) days a week as noted.

Recycling will be collected twice a week on Tuesday and Thursday.

OPTION #4:

Option 4 shall be for the collection, removal and disposal of comingled recyclable materials for a period of not to exceed five (5) years concurrent with solid waste contract.

The following materials shall be collected on two (2) days every two weeks as noted.

Each homeowner shall place an unlimited number of receptacles or rigid reusable containers made out of plastic or metal for pickup in accordance with the collection date schedule to be established. Residents may also use paper bags or tie their paper in stacks not exceeding 12 inches in height. The Borough will be responsible for notifying homeowners about the collection dates and other program details. The Borough and the Contractor through a mutual agreement shall establish the routes.

The hours of collection shall be from 6:00 A.M. to 12:00 P.M. as specified by the Borough. Curbside collection shall be completed in designated areas on the specified collection date(s).

B. Marketing of Recyclables Collected

The Borough is requesting bids with the contractor collecting the recyclables and transporting them to an authorized vendor under contract with the Borough. The Borough would receive any revenues from the sale of these materials. The recycling contractor shall supply the Borough with original copies of the weight receipts for the materials recycled for the purpose of applying for the State Tonnage Grant Program.

During the term of the agreement, if there are costs charged by the market for disposal of the recyclable material, the Borough will insure payment providing the Borough has selected the market and not the contractor.

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C. Bid Pricing and Evaluation

Bids shall be submitted on the basis of the bidder's costs incurred for the collection and transportation to the Borough's Recyclables Marketer, which may be within a 30 mile radius of the Borough.

Bids shall be evaluated on the basis of the cost for collection, plus any options that the Borough may accept. Cost proposals to perform each option as described in these specifications shall be submitted for the periods:

March 1, 2022 – December 31, 2022

January 1, 2023 – December 31, 2023

January 1, 2024 – December 31, 2024

January 1, 2025 – December 31, 2025

January 1, 2026 – December 31, 2026

The Borough has requested year to year pricing and it reserves the right to choose any amount of years for the contract term that it deems to be in its best interest.

5.4 COLLECTION SCHEDULE

A. All solid waste collection services, as described in these specifications, shall be performed on all designated days between 6:00 A.M. and 12:00 P.M. The specific days of collection for each district shall be determined in conjunction with the Contractor.

1. Days of Collection

Option #1: 3 Year Option - 3 days per week (Monday, Wednesday and Saturday)

Option #2: 5 Year Option - 3 days per week (Monday, Wednesday and Saturday)

2. Hours of Collection

Collections shall start no earlier than 6:00 A.M. and shall be continuous until all routes have been completed. Completion time shall be no later than 12:00 P.M. These hours may be extended by one half hour each in the morning and evening in the event of unusual delays, emergencies or breakdown subject to notification of the Borough Superintendent of Public Works.

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- B. The following legal holidays are exempted from the waste collection schedule:
1. January 1 (New Year's Day)
 2. Memorial Day (Last Monday in May)
 3. July 4 - Independence Day
 4. Labor Day (First Monday in September)
 5. Thanksgiving (Fourth Thursday in November)
 6. December 25 - Christmas Day

When garbage and trash collection and yard waste collection is exempted due to a holiday, the following shall result:

1. Collection shall be the following day.

- C. All recycling services, as described in these specifications, shall be performed continuously throughout the year according to the frequency as set forth in section 5.3 of these specifications for each private residence. In the event collection is exempted due to a holiday, collections shall be made the following day.

5.5 **DISPOSAL**

- A. All solid waste collected within the Borough of East Newark shall be disposed of in accordance with the Hudson County Solid Waste Management Plan. For the term of this contract, all waste collected pursuant to the terms of the contract shall be disposed of at a transfer station authorized to do business under the Hudson County Waste Management Plan.
- B. The Borough of East Newark reserves the right to designate another disposal facility (or, if applicable, disposal facilities) in accordance with the Hudson Solid Waste Management Plan and/or any waste flow orders or in the event that the designated Disposal Facility, or if applicable, Disposal Facilities) is unable to accept waste. The Borough of East Newark will assume all additional cost or benefits that are associated with such designation.
- C. Point of Disposal - all waste materials collected under this contract shall be disposed of at a site approved by the New Jersey Department of Environmental Protection and in accordance with Hudson County District Solid Waste Management Plan.

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Work under this contract shall be performed in accordance with the laws of the State of New Jersey, which control and direct the flow and disposal of solid waste. If during the term of the contract, the Hudson County Solid Waste Plan and/or any New Jersey Department of Environmental Protection solid waste inter-district flow order is amended such that it requires disposal of waste materials at a facility other than that used by the bidder at the commencement of the contract period, the bidder is required to comply with such modified plan or order. Price adjustment in the contract will only be considered for a change in the tipping fee or new or increased taxes.

5.6 **VEHICLES AND EQUIPMENT**

- A. All vehicles shall be registered with, and conform to the requirements of the New Jersey Department of Environmental Protection, in accordance with N.J.A.C. 7:26-3.1 et seq.
- B. All collection trucks shall be compaction types, completely enclosed and water tight. Subject to the prior approval of the Contract Administrator, the Contractor may employ equipment other than compaction type vehicles on streets whose width precludes the use of such vehicles. The Contractor shall specify whether the vehicles are side front or rear loading.
- C. All vehicles shall be maintained in good working order and shall be constructed, used and maintained so as to reduce unnecessary noise, spillage and odor. The Contract Administrator shall have the right to inspect all vehicles, at any time, during the term of this contract and the Contractor shall comply with all reasonable requests relative to the maintenance and repair of said vehicles and other equipment used in the execution of the Contract.
- D. The Contract Administrator may order any of the contractor's vehicles used in performance of the contract out of service if the vehicle is not maintained in accordance with the requirements of these Work Specifications. In such event, the Contractor shall replace such vehicle, at its sole cost and expense, with a conforming vehicle satisfactory to the Contract Administrator.

Equipment Requirements for Recycling Collection - The Contractor is required to provide the following equipment as minimums for collection, removal and disposal of solid waste materials under this contract.

- 1. All vehicles shall be registered with, and conform to the requirements of the New Jersey Department of Environmental Protection, in accordance with N.J.A.C. 7:26-3.1 et seq.
- 2. All collection trucks shall be compaction types, completely enclosed and water tight. Subject to the prior approval of the Contract Administrator, the Contractor

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may employ equipment other than compaction type vehicles on streets whose width precludes the use of such vehicles. The Contractor shall specify whether the vehicles are side, front, top or rear loading.

3. All vehicles shall be maintained in good working order and shall be constructed, used and maintained so as to reduce unnecessary noise, spillage and odor. The Contract Administrator shall have the right to inspect all vehicles, and any time, during the term of this contract, and the Contractor shall comply with all reasonable requests relative to the maintenance and repair of said vehicles and other equipment used in the execution of the Contract. All vehicles shall be equipped with a broom and shovel.
4. The Contract Administrator may order any of the Contractor's vehicles used in performance of the contract out of service if the vehicle is not maintained in accordance with the requirements of the Contract Documents. In such event, the Contractor shall replace such vehicles, at its sole cost and expense, with a conforming vehicle satisfactory to the Contract Administrator.

5.7 **NAMES ON VEHICLES**

The name, address and service phone number of the Contractor shall be placed clearly and distinctly on both sides of all vehicles used in connection with the collection services.

5.8 **TELEPHONE FACILITIES AND EQUIPMENT**

- A. The Contractor must provide and maintain an office within reasonable proximity of the Borough of East Newark with sufficient telephone lines and email capabilities to receive complaints or inquiries. The contractor shall ensure that phone service is activated prior to the commencement of service.
- B. Telephone service shall be maintained on all collection days, between the hours of 7:00 A.M. and 5:00 P.M. The Borough of East Newark shall list the Contractor's telephone number in the Telephone directory along with other listings for the Borough of East Newark.

5.9 **FAILURE TO COLLECT**

The Contractor shall report to the Contract Administrator, at least one (1) hour of the start of the Collection Day, all cases in which severe weather conditions preclude collection. In the event of severe weather, the Contractor shall collect solid waste no later than the next day. In those cases where collection is scheduled on a one collection per week basis, that collection will be made as soon as possible, but in no event later than the next scheduled day. In cases where collection starts but the entire route is not completed, the contractor must

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return and complete the route the following day. Further, the contractor must notify the Borough in situations where they are not able to complete their route for the day.

Inclement Weather - In the event of inclement weather such as severe snows or hurricanes which preclude pickup from one district on two successive collection days, the Borough Superintendent may direct the Contractor to modify his schedule to best serve the needs of the Borough of East Newark.

5.10 **COMPLAINTS**

- A. The Contractor shall promptly attend to all complaints of customers and all notices, directives and orders of the Contract Administrator, within twenty-four (24) hours of the receipt of same. The Contractor shall be required to maintain a log of all complaints received and the action taken to remedy the complaints. The Complaint log shall be available for inspection by the Borough of East Newark.
- B. The Contractor shall submit a copy of all complaints received and the action taken to the Borough of East Newark on a monthly basis.
- C. In order to resolve potential collection problems as quickly as possible, the Contractor shall be required to contact the DPW office before its vehicles leave town for the day in order to receive information on any missed stops or other problems. Notwithstanding section A above, all locations that were missed and for which the contractor was made aware before it left the Borough shall be collected that same day.

5.11 **SOLICITATION OF GRATUITIES**

The Contractor shall ensure that no agent or employee shall solicit or receive gratuities of any kind for any of the work or services provided in connection with the contract. The Contractor shall be subject to the penalties contained in Section 5.18 for non-compliance with this section.

5.12 **INVOICE AND PAYMENT PROCEDURE**

- A. The Contractor shall submit all invoices for collection and/or disposal services in accordance with the requirements of this section. Within 30 days after the end of each calendar month during the term of the contract during which the Contractor provided services as provided in these Bid Specifications, the Contractor will submit an invoice to the Borough of East Newark for the preceding calendar month (the "Billing Month").

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- B. The Borough of East Newark shall pay all invoices within 60 days of receipt. The Borough of East Newark will not be obligated to pay a defective invoice until the Contractor cures the defect. The Borough of East Newark shall have 60 days from the date of receipt of the corrected invoice to make payment.

- C. Invoices shall specify the number and type of vehicle used for collection in the contracting unit, the loads per truck, and the number of cubic yards and tonnage of the material disposed of each day during the billing month. The tonnage for which the Borough of East Newark shall be charged shall be the difference between the weight of the vehicle upon entering the disposal facility and the tare weight of the vehicle.

- D. The Contractor shall submit an invoice setting forth the costs (including all taxes and surcharges) of disposal billed by or paid to the Disposal Facility. Where the Contractor has paid the costs of disposal, the Borough of East Newark shall reimburse the Contractor for the actual quantity of waste disposed of based on the monthly submission of certified receipts from the Disposal Facility. The invoices shall specify the number and type of vehicle used for collection in the governing body; the number of cubic yards and the tonnage of the material disposed of each day during the billing month; and monthly receipts issued by the disposal facility showing:
 - 1. The amount of the invoice;
 - 2. The origin of the waste;
 - 3. The truck license plate number
 - 4. The total quantity and weight of the waste; and
 - 5. The authorized tipping rate plus all taxes and surcharges

- E. Where the Borough of East Newark will pay the costs of disposal, the disposal facility shall bill the Borough of East Newark directly for all costs (including taxes and surcharges).

5.13 COMPETENCE OF EMPLOYEES

The Contractor's employees must be competent in their work, and if any person employed shall appear incompetent or disorderly, the Borough of East Newark shall notify the contractor and specify how the employee is incompetent or disorderly and the contractor shall take steps to correct and remedy the situation, including disciplinary action if necessary. Any employee who drives or will drive a vehicle in the course of the employee's employment pursuant to the contract must possess a valid New Jersey driver's license for the type of vehicle operated.

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5.14 SUPERVISION OF EMPLOYEES

The Contractor shall employ a Superintendent or Foreman who shall have full authority to act for the Contractor. The Contractor shall notify the Contract Administrator, in writing, that a Supervisor has been appointed. Such notification shall be given prior to beginning performance of the contract. The Contractor shall promptly notify the Contract Administrator, in writing, of any changes.

5.15 INSURANCE REQUIREMENTS

The Contractor shall take out and maintain in full force and effect at all times during the life of this Contract insurance in conformance with the requirements of N.J.A.C. 7:26H-6.19. The insurance policy shall name the Borough of East Newark as an Additional Named insured indemnifying the Borough of East Newark with respect to the contractor's actions pursuant to the Contract.

The Contractor shall maintain during the life of the contract, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the municipality. The Contractor shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the municipality prior to commencement of work.

A. Policy and Limit Guidelines as follows:

1. Workers Compensation insurance in accordance with laws of the State of New Jersey and other states where work is being performed. The Contractor shall also have and maintain Employers Liability Insurance as well as USL&H and Jones Act coverage where applicable.
2. Commercial General Liability insurance coverage, written on an occurrence basis, and must not be altered by any endorsements limiting coverage. Limits of liability shall not be less than the following:

\$2,000,000	General Aggregate per location/per job
\$2,000,000	Products/Completed Operations
\$1,000,000	Personal Injury and Advertising Injury Limit
\$1,000,000	Each Occurrence Combined Single Limit for Bodily Injury and Property Damage

The coverage shall include:

- a) Premises/Operations
- b) Independent Contractors
- c) Contractual liability covering liability assumed under the

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Indemnification provision contained in this Agreement and deleting any third-party beneficiary exclusion

- d) Broad form property damage liability including completed operations.
 - e) Personal injury coverage, including coverage for liability Arising from false arrest, malicious prosecution, willful detention, libel, slander, defamation of character, invasion of privacy and wrongful egress or entry.
 - f) Products and completed operations for a period of two (2) Years from substantial completion
 - g) Limited Pollution Cleanup at a limit of \$100,000.
3. Comprehensive Automobile Liability Insurance covering the use of all owned, non-owned, hired or leased automobiles with limits of liability not less than \$1,000,000 combined single limit for bodily injury and property damage. Coverage should include uninsured and underinsured motorist at limits no less than the minimum statutory limits.
4. Umbrella Liability Insurance Policy written on an occurrence basis with a minimum combined single limit of “\$5,000,000” as “Follow Form” excess of the Contractor’s Employer’s Liability, Commercial General Liability and Comprehensive Automobile Liability Insurance Policies required herein. Coverage to include on site limited pollution.

B. Additional Requirements as follows:

- 1. Certified copies of all insurance policies provided above or certificates thereof satisfactory to the Borough of East Newark shall be furnished forthwith. Each such policy or certificate shall contain a provision that it is not subject to change, cancellation or non-renewal unless 30 days prior written notice via certified mail/return receipt shall have been given to the Borough of East Newark by the Contractor’s Insurer. These must be received 30 days prior to commencement of work.
- 2. The Contractor agrees that it will defend, indemnify and save harmless the Borough of East Newark, its officers, agents and employees from and all liability, suits, actions, and demands and all damages, costs or fees on account of injuries to persons or property, including accidental death, arising out of or in connection with the work, or by reason of the operations under this agreement.
- 3. All insurance purchased and maintained by the Contractor shall designate the Borough of East Newark, their officers, officials, agents, employees, consultants as additional insureds.

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4. Except as modified by the Borough of East Newark in writing, the insurance requirements herein shall also apply to Subcontractors and to the Subcontractors and the Contractor will be responsible for supervision of the filing of certified copies of the insurance policies and/or insurance certificates prior to any Subcontractor commencing work.
5. All insurance coverage evidenced by the Contractor in accordance with this contract shall be from A.M. Best's rated A-X or better Insurance Company licensed to do business in the State of New Jersey.
6. All proof of insurance submitted to the municipality shall clearly set forth all exclusions and deductible clauses. The Borough of East Newark will allow certain deductible clauses, which are not considered excessive, overly broad, or harmful to the interest of the Borough of East Newark. Standard exclusions will be allowed of any additional exclusion. This will be at the discretion of the Borough of East Newark. Regardless of the allowance of exclusions or deductions by the Borough of East Newark, the Contractor shall be responsible for the deductible limit of this policy and all exclusions consistent with the risks he assumes under this contract and is imposed by law.

In the event that the Contractor provides evidence of insurance in the form of Certificates of Insurance, valid for a period of during which the Contractor is required by the terms of this contract to maintain insurance, said certificates are acceptable, but the Contractor shall be obligated to renew its insurance policies as necessary and to provide new certificates of insurance so that the Borough of East Newark is continuously in possession of evidence of the Contractor's insurance in accordance with the foregoing provisions.

In the event the Contractor fails or refuses to renew its insurance policy, or the policy is canceled, terminated or modified so that the insurance does not meet the requirements of this subsection, the Borough of East Newark may refuse to make payment of any further moneys due under this contract or refuse to make payment of moneys due or coming due to above. Alternately, the Borough of East Newark may default the Contractor and direct the surety to complete the project. During any period when the required insurance is not in effect, the Borough of East Newark may suspend performance of the contract. If the contract is so suspended, additional compensation or extension of time is not due on account thereof.

5.16 CERTIFICATES

Upon notification by the Borough of East Newark, the lowest responsible bidder shall supply to the Contract Administrator, within five days of notification, a certificate of insurance as proof that the insurance policies required by these specifications are in full force and effect.

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5.17 INDEMNIFICATION

The Contractor shall indemnify and hold harmless the Borough of East Newark from and against all claims, damages, losses, and expenses including all reasonable expenses incurred by the Borough of East Newark on any of the aforesaid claims that may result or arise directly or indirectly, from or by reason of the performance of the contract or from any act or omission by the Contractor, its agents, servants, employees or subcontractors and that results in any loss of life or property or in any injury or damage to persons or property.

5.18 VIOLATIONS OF CONTRACT REQUIREMENTS

It is understood that the orderly and proper collection of garbage, trash, paper and rubbish, recycling and other solid waste materials as defined herein, is a matter of serious and vital concern to the Borough because of the effect which the same may have upon the health and welfare of its residents. Occasional and minor violations may occur during the course of the performance of the contract. Since it is difficult to calculate the actual damage to the citizens of East Newark for failure to comply with the contract requirements, the following stipulated penalties and damages may be invoked on behalf of the Borough by the Borough Superintendent, whose determination and certification of the same shall be final. The Qualified Purchasing Agent shall notify the Contractor of all violations. If the violation is not corrected promptly, the Borough Superintendent may invoke damages and make an appropriate deduction from the next payment due the Contractor in accordance with the following violation schedule:

1. Failure of a truck and crew to operate and finish a regular route - \$500.00 per day.
2. Failure to collect garbage and trash properly in place - \$75.00 per location.
3. Using or maintaining trucks in a leaking or unsanitary condition - \$100.00 per offense.
4. Damaging or carrying away permanent receptacles - repair or replace with equal quality receptacles within five (5) working days.
5. Failure to clean up any materials spilled from or draining off equipment - \$75.00 per offense.
6. Failure to return receptacles to the proper position - \$10.00 per offense.
7. Failure to clean up spillage at an individual property - \$25.00 per offense.

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8. Failure to promptly repair damaged public facilities after notice and adequate time to repair - up to \$100.00 a day as determined by the Superintendent.
9. Failure to prohibit the solicitation and / or receiving of any kind of gratuities by contractor's agent or employees - \$1,000 per offense, per employee.
10. For trucks beginning their collection routes within the Borough containing waste not generated from within the Borough, in violation of Section 4.6 of these specifications. - \$1,000 per offense.
11. Collection of designated recyclable materials as solid waste - \$1,000 per offense.

5.19 **CONTRACTOR OBLIGATED TO INDEPENDENTLY DETERMINE THE BASIS FOR ITS BID**

The Borough of East Newark has furnished information and good faith estimates of empirical and other data as is reflected in attachment 2. In the event there is any error or inaccuracy, the contractor shall not be entitled to claim an extra or additional compensation based on any error or inaccuracy. The Contractor is obligated to independently review and verify or undertake whatever analysis it deems appropriate in formulating its bid proposal.

5.20 **EMPLOYEE WAGE REPORTING**

The contractor and any subcontractor thereof engaged under a contract pursuant to this specification is subject to and shall comply with the provisions of N.J.S.A. 34:11-68 with respect to record keeping of all individuals engaged in the collection or transportation of solid waste or recyclable material, excluding recycled or reclaimed asphalt or concrete, collected under this contract as follows:

1. The contractor shall keep an accurate record showing the name, the actual hourly rate of wages paid to, and the actual daily, overtime and weekly hours worked by, each individual engaged in the collection and transportation work done under the contract, and any other records deemed necessary by the commissioner for the enforcement of wage payments. In addition the records shall be preserved for two years from the date of payment. The record shall be open at all reasonable hours to the inspection of the Borough of East Newark, any other party to the contract, and the commissioner.
2. The contractor or subcontractor shall submit a certified payroll record showing only the name, the actual hourly rate of wages paid to, and the actual daily, overtime and weekly hours worked by each individual engaged in the collection and transportation work done under the contract, in a form satisfactory to the commissioner and to the Borough of East Newark for each payroll period not more than 10 days after the payment of wages. Reporting under this section may be

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fulfilled by using the N.J. Department of Labor and Workforce Development's "[Payroll Certification for Public Works Project](#)" and completing columns 1-5 for each covered employee. The certification shall be submitted to: Clerk's Office, 34 Sherman Avenue, East Newark, NJ 07029.

By entering into a contract, the contractor acknowledges the provisions of N.J.S.A. 34:11-58 with regard to the authority of the Commissioner of the Department of Labor and Workforce Development to investigate the contractor or subcontractor's wages and any penalties that may result from failure to comply.

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6. BIDDING DOCUMENTS

6.1 BIDDING DOCUMENTS CHECKLIST

The following is a checklist of items, which must be submitted by all interested parties with their bid proposal:

- 6.2 Certified check, Cashier's check, or duly executed bid bond. _____
- 6.3. Certificate of Surety _____
- 6.4 Mandatory Equal Employment Opportunity Language _____
- 6.5 Procurement and Service Contracts Language "A" _____
- 6.6 Non-Collusion Affidavit _____
- 6.7 Statement of Ownership _____
- 6.8 Bidder's Experience and Qualifications _____
- 6.9 Completed Questionnaire _____
- 6.10 Certified photo-copies of bidder's certificate of public convenience and necessity and an approval letter issued in conformance with N.J.S.A. 13:1E-126 _____
- 6.11 Bid Addenda Form _____
- 6.12 Disclosure of Investment Activities in Iran Form _____
- 6.13 Bidder's Proposal Certification _____
- 6.14 Proposal Sheets _____

Should any of the aforesaid items not be included with your bid proposal, please so indicate on this page and identify the reason for omitting such information on the space below:

Name of Firm or Individual	Title
Signature	Date

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IMPORTANT: THIS FORM MUST BE SUBMITTED BY THE BIDDER

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6.2 CERTIFIED CHECK, CASHIERS CHECK, OR DULY EXECUTED BID BOND

A certified check or cashier's check made payable to the order of the Borough of East Newark, or a duly executed bid bond in the amount of 10% of each bid, but in no case in excess of \$20,000.00 must be deposited by the bidder.

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6.3 CERTIFICATE OF SURETY/CONSENT OF SURETY

FORM "A" (Surety Company)

KNOW ALL MEN BY THESE PRESENT:

New Jersey Statutory Form N.J.S.A. 2A:44 - 147

THAT WE, the undersigned,

and _____, as Surety, _____ are hereby held and firmly bound unto the BOROUGH OF EAST NEWARK, in the penal sum of _____ dollars, for payment of which well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed this _____ day of _____, 2021

The condition of the above obligation is such that WHEREAS, the above named Principal did, on the _____ day of _____, 2021 enter into a contract with the BOROUGH OF EAST NEWARK to

which said contract is made a part of this the bond the same as though set forth herein;

NOW, if the said Principal shall well and faithfully do and perform the things agreed by Principal to be done and performed accordingly to the terms of said contract, and shall pay all lawful claims of subcontractors, materialmen, laborers, persons, firms or corporation for labor performed or materials, provisions, provender or other supplies or teams, fuels, oils, implements or machinery furnished, used or consumed in the carrying forward, performing or completing of said contract, we agreeing and assenting that this understanding shall be for the benefit of any subcontractor, materialman, laborer, person, firm or corporation having a just claim, as well as for the obligee herein; then this obligation shall be void; otherwise the same 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 penal amount of this obligation as herein stated.

The said Surety hereby stipulates and agrees than no modification, omissions or additions in or to the terms of the said contract or in or to the plans or specifications therefor shall in any way affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, THE Principal and Surety have hereunto set their hand and seals, or caused this Instrument to be signed by their proper corporate officers and have affixed their proper corporate seals, on the date shown below.

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DATE

Signed, sealed and delivered in the
presence of

PRINCIPAL

ATTEST:

By: _____

Dated: _____

SURETY

Signed, sealed and delivered in the presence
of

ATTEST: _____

By: _____

If PRINCIPAL is an individual, complete the following acknowledgment:

STATE OF _____) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on _____, 2021, before me, the
subscriber, A Notary Public of the State of _____ personally
appeared _____ who, I am satisfied,
_____ the person named in and who executed the within
instrument, and thereupon _____ acknowledged that
_____ signed, sealed and delivered the same as
_____ act and deed, for the uses and purposes therein expressed.

Notary Public Of _____ My Commission Expires _____

If PRINCIPAL is a corporation, complete the following acknowledgment:

STATE OF _____) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on _____, 2021 before me, the
subscriber, a Notary Public of the State of _____ personally appeared
_____, who, being by me duly sworn on his/her oath,
disposes and makes proof to my satisfaction that he/she is the Secretary of
_____, the Corporation named in the within Corporation;
that the execution, as well as the making of this Instrument, has been duly authorized by a

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

proper resolution of the Board of Directors of the said Corporation; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said _____ President as and for the voluntary act and deed of said Corporation, in presence of deponent, who thereupon subscribed his/her name thereto as attesting witness.

Sworn and subscribed to before me _____ the date aforesaid.

A Notary Public of _____ My Commission Expires _____

If SURETY is an individual, complete the following acknowledgment:

STATE OF _____) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on _____, 2021 before me, the subscriber, A Notary Public of the State of _____ personally appeared _____ who, I am satisfied, _____ the person named in and who executed the within instrument, and thereupon acknowledged that he/she signed, sealed and delivered the same as _____ act and deed, for the uses and purposes therein expressed.

If SURETY is a corporation, complete the following acknowledgment:

STATE OF _____) ss:
COUNTY OF _____)

BE IT REMEMBERED, that on _____, 2021 before me, the subscriber, a Notary Public of the State of _____ personally appeared _____, who, being by me duly sworn on his/her oath, Secretary of _____, the Corporation named in the within Instrument; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Corporation; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said President as and for the voluntary act and deed of said Corporation, in presence of deponent, who thereto as attesting witness.

Sworn and subscribed to me before me the date aforesaid _____.

A Notary Public of _____ My Commission Expires _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.4 **MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**
(N.J.S.A. 10.5-31 ET SEQ)
(N.J.A.C. 17:27)

GOODS, SERVICES AND PROFESSIONAL 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, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action 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 considerations for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation;

The Contractor or Subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act 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 the regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The Contractor or Subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time.

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The Contractor or Subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, 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 statues and court decisions of the State of New Jersey and as established by applicable Federal Law and applicable Federal Court Decisions.

The Contractor and its Subcontractors shall furnish such reports or other documents to the Affirmative Action Office 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 required by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

Name of Firm or Individual

Title

Signature

Date

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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6.5 PROCUREMENT AND SERVICE CONTRACTS LANGUAGE "A"

In the event that you or your firm is awarded this contract, our office upon award will send the necessary forms. These should be submitted within seven (7) working days of notification. (Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq., codified at N.J.A.C. 17:27-1.1 et seq.)

1. Does this contract have the potential of having a dollar value of \$17,500.00 or better?
 Yes (If yes, complete #2)
 No (If no, no further documentation is required)

2. Does your company have a Federal Affirmative Action Plan Approval Letter?
 Yes (If yes submit a Photostat copy)
 No (If no, complete "A" below)
 - A. Does your company have a Certificate of Employee Information Report?
 Yes (If yes, submit a Photostat copy)
 No (If no, complete "B" below)

 - B. If you do not have either of the above-mentioned documents, an Affirmative Action Employee Information Report form (AA-302) will be returned to you for your completion.

3. Each contract over \$17,500.00 must also contain Language "A" .

4. Are you a minority owned business? Yes No

All successful vendors must submit one of the following forms of evidence:

1. Letter of Federal Approval
2. Certificate of Employee Information Report
3. Employee Information Report Form AA302

I certify that the above information is correct to the best of my knowledge.

Name: _____ Title: _____

Signature: _____ Date: _____

Contractor: Please complete and sign this form and return it with your contract or Bid Proposal.

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AND RECYCLABLE MATERIALS COLLECTION SERVICE**

AN EQUAL OPPORTUNITY EMPLOYER

Special Note: This questionnaire must be completed, signed and returned with your bid.

6.6 NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OF _____

I, _____ of the Municipality of _____
County of _____ and the State of _____
_____ being of full age and being duly sworn according to law on my oath
depose and say that:

I am _____

Of the firm of _____

the bidder making the Proposal for the above named project; that I executed the said Proposal with full authority so to do; 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; that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge; that the State of New Jersey and Owner relies upon the truth of the statements contained in said Proposal and in this affidavit in awarding the contract for the said project.

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

_____(N.J.S.A. 52:34-15)

Subscribed and sworn to _____

Before me this day of _____, 2021.

NOTARY PUBLIC OF

My Commission Expires _____20__

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AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.7 STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type) Limited Liability Company (LLC)
- Partnership Limited Partnership Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

- The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above.** The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the Borough of East Newark is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Borough of East Newark to notify the Borough in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the Borough of East Newark to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

IMPORTANT: THIS FORM MUST BE SUBMITTED BY THE BIDDER

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.8 STATEMENT OF BIDDER'S QUALIFICATIONS, EXPERIENCE AND FINANCIAL ABILITY

AFFIDAVIT

STATE OF NEW JERSEY)

COUNTY OF _____) SS: (PROJECT NAME)

I, _____,

Of the _____

And being duly sworn, I depose and say:

1. All of the answers set forth in the Questionnaire are true and each question is answered on the basis of my personal knowledge.
2. All of the answers given in the Questionnaire are given by me for the express purpose of inducing the Borough of East Newark to award to _____
the contract for solid waste collection (and recycling) services in the event said bidder is the lowest responsible bidder on the basis of the bid proposal which is submitted herewith.
3. I understand and agree that the Borough of East Newark will rely upon the information provided in the Questionnaire in determining the lowest, responsible bidder to be awarded the contract.
4. I also understand and agree that the Borough of East Newark may reject the bid proposal in the event that the answer to any of the foregoing questions is false.
5. I do hereby authorize the Borough of East Newark, or any duly authorized representative thereof, to inquire about or to investigate the answer to any question provided in the Questionnaire, and I further authorize any person or organization that has knowledge of the facts supplied in such statement to furnish the Borough of East Newark with any information necessary to verify the answers given.

Name of Firm or Individual

Title

Signature

Date

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

Subscribed and sworn to before me this _____ Day of _____ 2021

NOTARY PUBLIC OF

My Commission Expires _____ 20__

Note: A partnership must give firm name and signature of all partners. A corporation must give full corporate name and signature of official, and the corporate seal affixed.

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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6.9 QUESTIONNAIRE

This questionnaire must be filled out and submitted with as part of the Bid Proposal for solid waste collection and disposal for the Borough of East Newark. Failure to complete this form or to provide any of the information required herein shall result in rejection of the Bid Proposal.

Answers should be typewritten or printed neatly in black or blue ink. Answers must be legible. Any answer that is illegible or unreadable will be considered incomplete. If additional space is required, the bidder shall add additional sheets and identify clearly the question being answered.

1. How many years has the bidder been in business as a contractor under your present name?

2. List any other names under which the bidder, its partners or officers has conducted business in the past five years.

3. Has the bidder failed to perform any contract awarded to it by the Borough of East Newark under its current or any past name in the past five years? If the answer is “yes”, state when, where and why. A complete explanation is required.

Yes _____ No _____

4. Has any officer or partner of the bidder’s business ever failed to perform any contract that was awarded to him/her as an individual by the Borough of East Newark in the past five years? If the answer is “Yes”, state when, where and why. A complete explanation is required.

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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Yes _____ No _____

5. List all public entity contracts which the bidder or its partners is now performing or for which contracts have been signed, but work not begun. Give the name of the municipality or owner, the amount of the contract and the number of years the contract covers.

6. List the government solid waste collection and disposal services contract that the bidder has completed within the last five years. Give detailed answers to questions below relating to this subject.

- a. Name of contracting unit;

- b. Approximate population of contracting unit;

- c. Term of contract from/to;

- d. How were materials collected?

- e. Give location of disposal site or sites and methods used in the disposal of solid waste;

- f. Name and telephone number of Contract Administrator or some other official in charge of collection and disposal.

7. State all equipment owned by and/or available to the bidder for use in collection of the waste described in the work specifications. Include the make of each vehicle, the year of manufacture, the capacity, years or service, present condition and the type and size of the truck bodies.

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

8. Where can this equipment described above be inspected?

9. Identify all equipment that is not presently owned or leased by the bidder that will be necessary to perform the services in accordance with the work specifications.

10. Describe how you will obtain such equipment if you are awarded the contract. If such equipment is to be leased, provide the name, address and phone number of the lessor. If the equipment is to be purchased, provide the name, address and phone number of the seller.

11. If the equipment to be leased or purchased is not located at the address(s) given above in answer 9, identify where the equipment can be inspected.

12. List the name and address of three credit or bank references.

13. Supply the most recent annual Report, as required to be filed with the Department of Environmental Protection, and the financial statement or balance sheet of the bidder, certified by a certified public accountant.

14. A complete list of shareholders owning 10% or more of the stock of the bidder is annexed if it is a corporation. If bidder is a partnership, a complete list of the partners is annexed. If a sole proprietorship, the name and address of the owner is annexed.

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

Name of Firm or Individual

Title

Signature

Date

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.10 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY/ A-901
APPROVAL LETTER

Name: _____

Complete Address: _____

Telephone Number: _____

Certificate Number

Date: _____

**ATTACH AN ORIGINAL COPY OF CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TOGETHER WITH AN ORIGINAL
COPY OF A-901 APPROVAL LETTER.**

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.11 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: _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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IMPORTANT: THIS FORM MUST BE SUBMITTED BY THE BIDDER

**6.12 State of New Jersey – Division of Purchase and Property / Borough of East Newark, NJ
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Bid Name: _____

Bid Due Date: _____

Bidder: _____

PART 1: CERTIFICATION
BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that NEITHER the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of the Treasury Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division’s website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf> Bidders **must** review this list prior to completing the below certification. If the New Jersey Director of the Division of Purchase and Property finds a person or entity to be in violation of law, he/she shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK THE APPROPRIATE BOX:

- I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder’s parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury’s list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 (“Chapter 25 List”). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification below: OR**

- I am unable to certify as above because the bidder and/or one of more of its parents, subsidiaries, or affiliates is listed on the Department’s Chapter 25 list. **I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below.**

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED ADDITIONAL ROOM, ADD ADDITIONAL PAGES.

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey and the Borough of East Newark are relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State of New Jersey and the Borough to notify the State of New Jersey and the Borough in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and/or the Borough of East Newark and that the State and/or the Borough at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ **Signature:** _____

Title: _____ **Date:** _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.13 BIDDER'S PROPOSAL SOLID WASTE AND RECYCLING

Proposal for Solid Waste and Recycling collection beginning _____.

BOROUGH OF EAST NEWARK

I or we _____

Of _____

(COMPLETE ADDRESS)

(CITY, STATE, ZIP)

Hereby agree to provide complete performance in accordance with the Contract and Specifications for the Prices listed on the Proposal Sheets.

Signature

Affix Seal if a
Corporation.

Title

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

6.14 PROPOSAL SHEETS (1 of 6)

SOLID WASTE COLLECTION OPTION 1 (3 Year Option)

COLLECTION – 3 DAYS PER WEEK (MONDAY, WEDNESDAY AND SATURDAY)

The Borough requests cost proposals to perform Solid Waste Collection, Option 1 as described in Section 5 in strict accordance with the work specifications

March 1, 2022 – December 31, 2022: (in numbers) \$ _____

(in words) _____

January 1, 2023 – December 31, 2023: (in numbers) \$ _____

(in words) _____

January 1, 2024 – December 31, 2024: (in numbers) \$ _____

(in words) _____

January 1, 2025 – December 31, 2025: (in numbers) \$ _____

(in words) _____

January 1, 2026 – December 31, 2026: (in numbers) \$ _____

(in words) _____

Company: _____

Address: _____

City / State / Zip Code _____

Representative (print name): _____

Signature: _____

Title: _____

Telephone: _____ Fax: _____

Date _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

PROPOSAL SHEETS (2 of 6)

SOLID WASTE COLLECTION OPTION 2 (5 Year Option)

COLLECTION – 3 DAYS PER WEEK (MONDAY, WEDNESDAY AND SATURDAY)

The Borough requests cost proposals to perform Solid Waste Collection, Option 2 as described in Section 5 in strict accordance with the work specifications

March 1, 2022 – December 31, 2022: (in numbers) \$ _____

(in words) _____

January 1, 2023 – December 31, 2023: (in numbers) \$ _____

(in words) _____

January 1, 2024 – December 31, 2024: (in numbers) \$ _____

(in words) _____

January 1, 2025 – December 31, 2025: (in numbers) \$ _____

(in words) _____

January 1, 2026 – December 31, 2026: (in numbers) \$ _____

(in words) _____

Company: _____

Address: _____

City / State / Zip Code _____

Representative (print name): _____

Signature: _____

Title: _____

Telephone: _____

Fax: _____

Date: _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
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PROPOSAL SHEETS (3 of 6)

RECYCLING COLLECTION OPTION 1

Option 1 shall be for the collection, removal and disposal of comingled recyclable materials for a period of three (3) years with two (2) one (1) year extensions not to exceed five (5) years, concurrent with solid waste contract.

The following materials shall be collected on two (2) days a week as noted.

Recycling will be collected twice a week on Tuesday and Thursday.

The Borough requests cost proposals to perform Recycling Collection, Option 1 as described in Section 5 in strict accordance with the work specifications

March 1, 2022 – December 31, 2022: (in numbers) \$ _____

(in words) _____

January 1, 2023 – December 31, 2023: (in numbers) \$ _____

(in words) _____

January 1, 2024 – December 31, 2024: (in numbers) \$ _____

(in words) _____

January 1, 2025 – December 31, 2025: (in numbers) \$ _____

(in words) _____

January 1, 2026 – December 31, 2026: (in numbers) \$ _____

(in words) _____

Company: _____

Address: _____

City / State / Zip Code _____

Representative (print name): _____

Signature: _____

Title: _____

Telephone: _____ Fax: _____

Date: _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

PROPOSAL SHEETS (4 of 6)

RECYCLING COLLECTION OPTION 2

Option 2 shall be for the collection, removal and disposal of comingled recyclable materials for a period of three (3) years with two (2) one (1) year extensions not to exceed five (5) years concurrent with solid waste contract.

The following materials shall be collected two (2) days every two weeks as noted.

Recycling will be collected twice every two weeks on Tuesday and Thursday.

The Borough requests cost proposals to perform Recycling Collection, Option 2 as described in Section 5 in strict accordance with the work specifications

March 1, 2022 – December 31, 2012: (in numbers) \$ _____

(in words) _____

January 1, 2023 – December 31, 2023: (in numbers) \$ _____

(in words) _____

January 1, 2024 – December 31, 2024: (in numbers) \$ _____

(in words) _____

January 1, 2025 – December 31, 2025: (in numbers) \$ _____

(in words) _____

January 1, 2026 – December 31, 2026: (in numbers) \$ _____

(in words) _____

Company: _____

Address: _____

City / State / Zip Code _____

Representative (print name): _____

Signature: _____

Title: _____

Telephone: _____ Fax: _____

Date: _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

PROPOSAL SHEETS (5 of 6)

RECYCLING COLLECTION OPTION 3

Option 3 shall be for the collection, removal and disposal of comingled recyclable materials for a period of not to exceed five (5) years concurrent with solid waste contract.

The following materials shall be collected two (2) days every two weeks as noted.

The Borough requests cost proposals to perform Recycling Collection, Option 3 as described in Section 5 in strict accordance with the work specifications

March 1, 2022 – December 31, 2022: (in numbers) \$ _____

(in words) _____

January 1, 2023 – December 31, 2023: (in numbers) \$ _____

(in words) _____

January 1, 2024 – December 31, 2024: (in numbers) \$ _____

(in words) _____

January 1, 2025 – December 31, 2025: (in numbers) \$ _____

(in words) _____

January 1, 2026 – December 31, 2026: (in numbers) \$ _____

(in words) _____

Company: _____

Address: _____

City / State / Zip Code _____

Representative (print name): _____

Signature: _____

Title: _____

Telephone: _____ Fax: _____

Date: _____

**UNIFORM BID SPECIFICATIONS SOLID WASTE
AND RECYCLABLE MATERIALS COLLECTION SERVICE**

PROPOSAL SHEETS (6 of 6)

RECYCLING COLLECTION OPTION 4

Option 4 shall be for the collection, removal and disposal of comingled recyclable materials for a period of not to exceed five (5) years concurrent with solid waste contract.

The following materials shall be collected two (2) days a week as noted.

Recycling will be collected once a week on Tuesday and Thursday.

The Borough requests cost proposals to perform Recycling Collection, Option 4 as described in Section 5 in strict accordance with the work specifications

March 1, 2022 – December 31, 2022: (in numbers) \$ _____

(in words) _____

January 1, 2023 – December 31, 2023: (in numbers) \$ _____

(in words) _____

January 1, 2024 – December 31, 2024: (in numbers) \$ _____

(in words) _____

January 1, 2025 – December 31, 2025: (in numbers) \$ _____

(in words) _____

January 1, 2026 – December 31, 2026: (in numbers) \$ _____

(in words) _____

Company: _____

Address: _____

City / State / Zip Code _____

Representative (print name): _____

Signature: _____

Title: _____

Telephone: _____ Fax: _____

Date: _____

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7. **CONTRACT DOCUMENTS**

7.1 **CONTRACT**

SOLID WASTE COLLECTION AND RECYCLING COLLECTION

THIS CONTRACT, made this ___ day of _____2022, between the BOROUGH OF EAST NEWARK, a municipal corporation created and existing under the laws of the State of New Jersey hereinafter referred to as the "Borough" and _____hereinafter referred to as the "Contractor":

W I T N E S S E T H:

WHEREAS, the governing body of the Borough has deemed it more advantageous to contract with an independent contractor for the collection and disposal of solid waste from the Borough than to provide for such work with its own employees and equipment; and,

WHEREAS, the governing body of the Borough has, before the making of this Contract, adopted specifications for the doing of such work in a sanitary and proper manner.

NOW, THEREFORE, the Borough and the Contractor, intending to be legally bound and in consideration of the promises contained herein agree as follows:

1. The term of this Contract is for the period commencing March 1, 2022 and terminating _____ all dates inclusive.
2. The Contractor will provide curbside solid waste/recycling collection for residential and municipal properties, commercial properties and churches within the Borough as set forth in the Specifications annexed hereto and made a part of this contract.
3. The Borough will pay the Contractor the total sum of _____ Dollars, for the performance of this Contract at the prices set forth in the Bid Proposal of the Contractor, annexed hereto and made a part hereof, for the work actually performed. The Contractor shall be paid by the Borough in equal monthly installments by the 30th day of the month following the month in which such services have been rendered, upon the submission and approval of properly signed vouchers.
4. The Contractor shall provide solid waste collection/recycling service in the Borough on the days of the week and along the districts as provided for in the bid specifications. The days of collection shall be changed if necessary, by the Borough in order to provide more efficient, sanitary and effective service to the residents of the Borough. The Borough Council may, upon application of the Contractor, and if good cause shall

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appear therefore, permit collections to be commenced and carried out during times other than hereinabove set forth.

5. The Contractor will furnish all of the materials and perform all of the work as described in the Specifications and Contract Documents, and the following shall be deemed a part of this Contract:
 - a. Advertisement
 - b. Instructions to Bidders
 - c. Specifications
 - d. Corporation or Partnership Forms
 - e. Bid Form
 - f. Consent of Surety
 - g. Bid Bond
 - h. Bidder's Affidavit
 - i. Questionnaire
 - j. This Contract
 - k. Performance Bond
 - l. APPENDIX A and B
 - m. Affirmative Action Affidavit
 - n. Insurance Certificates

In the event of any inconsistency between the terms, conditions and obligations of this Contract and the terms, conditions and obligations referred to and set forth in such Specification and Rules and Regulations, the provisions most favorable to the Borough of East Newark and its residents and taxpayers shall be determinative of the Contractor's obligations hereunder.

6. All work performed under this Contract shall be done in a good and workmanlike manner. The Contractor shall see that its agents and employees shall render courteous and reasonably quiet service in the performance of their duties hereunder.
7. Schedules of operation and regulations as shall be prescribed, from time to time, by the Borough Council or its duly authorized agent. The entire service shall be conducted and managed subject to, and in compliance with, all present or future ordinances and laws of the Borough, the Board of Health and the State Department of Environmental Protection and the provisions of the New Jersey Public Utilities Law (N.J.S.A. 48:2-1, et seq.) and the Rules and Regulations now or hereafter issued pursuant to such Public Utilities Law. Any and all permits required to be obtained from any Borough Board of Health or other municipal agency shall be obtained by the Contractor at his expense. The Contractor shall furnish all labor, material and equipment for the collection and transportation in a sanitary and proper manner, of solid waste mentioned and referred to in the Specifications and Contract Documents. The Contractor shall remove such solid waste from the Borough and dispose of them at an approved solid waste disposal

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facility in accordance with Hudson County Solid Waste Management Plan or any waste flow order referred to in the Specifications and Contract.

8. The Contractor shall be required to obtain Certificates of Insurance covering Workman's Compensation and Employer's Liability Insurance; Comprehensive Automobile Liability and Property Damage Insurance including contractual coverage. All policies will be written with an acceptable company authorized to do business in the State of New Jersey. The insurance will be written not less than a period of one (1) year from the date of issue in such an amount as set forth in the Specifications. The Contractor will be required to renew said policies and furnish evidence thereof at least thirty (30) days prior to the date on which said renewal policies are to become effective.
9. The Contractor shall deliver a Performance Bond in a sum not less than one hundred (100%) percent of the Contract for a one year period, to be renewed yearly, and in the form annexed hereto and made in accordance with the sections entitled "PERFORMANCE BOND" of the Specifications and Instructions to Bidders. The Contractor shall renew the Performance Bond annually during the term of the Contract, and file with the Borough Clerk the renewal of the Performance Bond at least ninety (90) days prior to the date upon which the Renewal Bond is to take effect. The insurance or bonding company must have a rating of at least "A-X" from Best's Key Rating Guide".
10. It is mutually agreed between the Borough and the Contractor that, in the event of any non-compliance of any terms of this Specification/Contract and/or default thereunder, the section entitled "Violation of Contract Requirements" shall be controlling. It is expressly agreed that the amount set forth as deductions therein are equitable and reasonable and does not constitute a penalty to the Contractor if claimed by the Borough pursuant to the terms therein.
11. The Contractor shall not assign, sublet or subcontract the whole or any portion of this contract without prior written consent of the Borough Council.
12. Except as otherwise herein specified, and until further notice by the Borough to the Contractor, the Qualified Purchasing Agent of the Borough of East Newark shall be the agent of the Borough which shall administer this Contract on behalf of the Borough, subject always to the Borough Council's right to supervise the administration of the contract.
13. In the event that the resolution of the Mayor and Council of the Borough of East Newark, adopted authorizing this Contract to be entered into by the Borough and the Contractor should, for any reason, be set aside or voided by a judgment or order of any court having jurisdiction of the matter, or by any order, judgment or determination of the New Jersey Public Utilities Commission, or determination of the New Jersey Department of Environmental Protection, or in the event that this Contract should be

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found and determined in any action or proceeding by whomever brought to determine the validity of the execution of this Contract by the parties hereto (or any provision thereof) to have been improperly or illegally negotiated or executed, then this Contract shall be canceled, terminated, or modified, as the case may be, in accordance with the judgment, order or determination of such Court or such Public Utilities Commission.

14. The Contractor shall, promptly upon the execution of the within Contract, cause a copy of the same to be filed with the New Jersey State Public Utilities Commission and shall simultaneously furnish to the Borough of East Newark proof of such filing of the Contract. IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, or caused these presents to be signed by their proper corporate officers and caused their proper corporate seals to be hereto affixed as of the day and year first above mentioned.

ATTEST: BOROUGH OF EAST NEWARK

WITNESS: _____

ATTEST: CONTRACTOR

WITNESS: _____

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7.2 PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENT: that

_____ (Name of Contractor)

_____ (Address of Contractor)

a _____ hereinafter called Principal, and
(Corporation, Partnership or Individual)

_____ (Name of Surety)

_____ (Address of Surety)

hereinafter called Surety, are held and firmly bound unto the BOROUGH OF EAST NEWARK, 34 Sherman Avenue, EAST NEWARK, NEW JERSEY 07029, hereinafter called

BOROUGH, in the penal sum of _____ Dollars
(\$ _____).

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the BOROUGH, dated _____ day of _____ 2021, a copy of which is hereto attached and made a part hereof for:

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Borough, with or without notice to the Surety and during the one year guaranty period, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and safe harmless the Borough

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from all costs and damages such it may suffer by reason of failure to do so, and shall reimburse and repay the BOROUGH OF EAST NEWARK all outlay and expense which the BOROUGH OF EAST NEWARK may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED FURTHER, that the said surety, for value received hereby stipulates and agrees that no change extension of time, alteration or addition to the terms of contract or to "WORK" to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any wise affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the WORK or to the SPECIFICATIONS.

PROVIDED FURTHER, that no final settlement between the BOROUGH OF EAST NEWARK and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied. IN WITNESS THEREOF, this instrument is executed in _____ (Number) counterparts, each one of which shall be deemed an original, this the _____ day of _____, 2021.

ATTEST:

(PRINCIPAL)

(Principal) Secretary

(SEAL) ATTEST:

(Witness as to Principal)

By _____

(Address)

ATTEST:

(Surety) Secretary

(SURETY)

(SEAL)

Surety Witness as to By _____

(Address)

NOTE: Date of BOND must not be prior to the date of Contract
If CONTRACTOR is Partnership, all partners should execute BOND

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7.3 VEHICLE DEDICATION AFFIDAVIT

STATE OF NEW JERSEY)
COUNTY OF) SS: (PROJECT NAME)

I, _____, am the
_____ of the _____, and being
duly sworn, I depose and say:

All statements contained in this affidavit are true and correct and made with full knowledge that the State of New Jersey and the Borough of East Newark rely upon the truth of the statements contained in this affidavit and in said Bid Proposal is signing the contract for the said project.

At all times during the performance of the collection contract, I agree to commit, for use only in the Borough of East Newark, the number of collection vehicles reasonably calculated to ensure safe, adequate and proper service. I further warrant that in the event that dedications of vehicles for use only in the Borough of East Newark is not feasible, that the Borough of East Newark will not be responsible for disposal costs for waste generated outside the Borough of East Newark.

I also understand and agree that failure to comply with the representations contained herein shall be cause for breach of contract and will entitle the Borough of East Newark to damages arising therefrom.

Name of Firm or Individual

Title

Signature

Date

Subscribed and sworn to before me this _____ Day of _____, 2021.

_____ My Commission expires _____,

Notary Public of

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7.4 CERTIFICATE OF INSURANCE

(FORM SUPPLIED BY CONTRACTING UNIT)

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ATTACHMENT MUNICIPAL DATA

I. DEMOGRAPHICS:

- A. Population 2010 Census: 2,406
- B. Households: 759
- C. Land Area: 0.102 square miles

II. APPROXIMATE AMOUNTS 2017 2016 2015

Items below are in Tons:

- A. Garbage : 1083.19 1091.86 1071.80
- B. Single Stream (all types): 212.34 176.38 200.50