Request for Proposal 09-X-20701

For: Vacuums and Floor Machines
Various State Agencies

Event	Date	Time
Bidder's Electronic Question Due Date (Refer to RFP Section 1.3.1 for more information.)	02/13/09	5:00 PM
Optional Pre-bid Conference (Refer to RFP Section 1.3.3 for important details about the new electronic bid option.)	02/19/09	9:30 AM
Mandatory Site Visit	N/A	N/A
Bid Submission Due Date (Refer to RFP Section 1.3.2 for more information.)	03/11/09	2:00 PM

Dates are subject to change. All changes will be reflected in Addenda to the RFP posted on the Division of Purchase and Property website.

Small Business Set-Aside (Refer to RFP Section 4.4.2.2 for more information.)	Status	Category
	☒ Not Applicable	☐ I
	☐ Entire Contract	☐ II
	☐ Partial Contract	☐ III
	☐ Subcontracting Only	

RFP Issued By

State of New Jersey
Department of the Treasury
Division of Purchase and Property
Trenton, New Jersey 08625-0230

Using Agency/Agencies

State of New Jersey
Cooperative Purchasing Members

Date: January 20, 2009

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November 12, 2008

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

Note: This is for informational purposes only. Certification is to be completed upon award.

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

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

1. The definition of "business entity" is revised and expanded so that contributions by the following individuals also are considered contributions attributable to the business entity:

    - Officers of corporations and professional services corporations, with the term "officer" being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1), with the exception of officers of non-profit entities;

    - Partners of general partnerships, limited partnerships, and limited liability partnerships and members of limited liability companies (LLCs), with the term "partner" being defined in the same manner as in the regulations of the Election Law Enforcement Commission regarding vendor disclosure requirements (N.J.A.C. 19:25-26.1); and

    - Spouses, civil union partners, and resident children of officers, partners, LLC members and persons owning or controlling 10% or more of a corporation's stock are included within the new definition, except for contributions by spouses, civil union partners, or resident children to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides.

2. Reportable contributions (those over $300.00 in the aggregate) to legislative leadership committees, municipal political party committees, and candidate committees or election funds for Lieutenant Governor are disqualifying contributions in the same manner as reportable contributions to State and county political party committees and candidate committees or election funds for Governor have been disqualifying contributions under Chapter 51.

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

Updated forms and materials are currently being developed and will be made available on the website as soon as they are available. In the meantime, beginning November 15, 2008, prospective vendors will be required to submit, in addition to the currently required Chapter 51 and Chapter 271 forms, the Certification of Compliance with Executive Order No. 117. The Certification of Compliance form for Executive Order No. 117 can be found here: http://www.state.nj.us/treasury/purchase/forms/EO_117_NOTICE.doc

1.0 INFORMATION FOR BIDDERS

1.1 PURPOSE AND INTENT

This Request for Proposal (RFP) is issued by the Purchase Bureau, Division of Purchase and Property, Department of the Treasury on behalf of State Using Agency. The purpose of this RFP is to solicit bid proposals for Vacuums and Floor Machines.

The intent of this RFP is to award contracts to those responsible bidders whose bid proposals, conforming to this RFP are most advantageous to the State, price and other factors considered. However, the State reserves the right to separately procure individual requirements that are the subject of the contract during the contract term, when deemed by the Director to be in the State's best interest.

The NJ Standard Terms and Conditions version 07/27/07 will apply to all contracts or purchase agreements made with the State of New Jersey. These terms are in addition to the terms and conditions set forth in this RFP and should be read in conjunction with them unless the RFP specifically indicates otherwise.

The State intends to extend the contract[s] awarded to the Purchase Bureau's cooperative purchasing partners. These partners include quasi-state agencies, counties, municipalities, school districts, volunteer fire departments, first aid squads, independent institutions of higher learning, County colleges and State colleges. Although the State, with the assent of the vendor(s), is making the use of any contract resulting from this RFP available to non-State Agencies, the State makes no representation as to the acceptability of any State RFP terms and conditions under the Local Public Contracts Law or any other enabling statute or regulation.

1.2 BACKGROUND

This is a reprocurement of the **Vacuums and Floor Machines** term contract, presently due to expire on **April 30, 2009.** Bidders who are interested in the current contract specifications and pricing information may review the current contract T#0234 at http://www.state.nj.us/treasury/purchase/contracts.htm.

1.3 KEY EVENTS

1.3.1 ELECTRONIC QUESTION AND ANSWER PERIOD

The Purchase Bureau will accept questions and inquiries from all potential bidders electronically via web form. To submit a question, please go to Current Bid Opportunities webpage or to http://ebid.nj.gov/QA.aspx

Questions should be directly tied to the RFP and asked in consecutive order, from beginning to end, following the organization of the RFP. Each question should begin by referencing the RFP page number and section number to which it relates.

Bidders are not to contact the Using Agency directly, in person, by telephone or by email, concerning this RFP.

The cut-off date for electronic questions and inquiries relating to this RFP is indicated on the cover sheet. Addenda to this RFP, if any, will be posted on the Purchase Bureau website after the cut-off date (see Section 1.4.1. of this RFP for further information.)

1.3.2 SUBMISSION OF BID PROPOSAL

In order to be considered for award, the bid proposal must be received by the Purchase Bureau of the Division of Purchase and Property at the appropriate location by the required time. **ANY BID PROPOSAL NOT RECEIVED ON TIME AT THE LOCATION INDICATED BELOW WILL BE REJECTED. THE DATE AND TIME IS INDICATED ON THE COVER SHEET. THE LOCATION IS AS FOLLOWS:**

BID RECEIVING ROOM - 9TH FLOOR
PURCHASE BUREAU
DIVISION OF PURCHASE AND PROPERTY
DEPARTMENT OF THE TREASURY
33 WEST STATE STREET, P.O. BOX 230
TRENTON, NJ 08625-0230

Directions to the Purchase Bureau can be found at the following web address:
http://www.state.nj.us/treasury/purchase/directions.htm.

Note: Bidders using USPS Regular or Express mail services should allow additional time since USPS mail deliveries are not delivered directly to the Purchase Bureau.

Procedural inquiries on this RFP may be directed to RFP.procedures@treas.state.nj.us. This e-mail address may also be used to submit requests to review bid documents. The State will not respond to substantive questions related to the RFP or any other contract via this e-mail address.

To submit an RFP or contract related question, go to the Current Bidding Opportunities webpage or to http://ebid.nj.gov/QA.aspx.

1.3.3 OPTIONAL PRE-BID CONFERENCE

The date and time of the Optional Pre-Bid Conference is indicated on the cover sheet. The location of the Optional Pre-Bid Conference will be as follows:

Place: Purchase Bureau
33 West State Street
9th Floor Bid Room
Trenton, NJ 08625

The purpose of the optional pre-bid conference is to provide a structured and formal opportunity for the State to accept questions from vendors relating to this RFP.

1.4 ADDITIONAL INFORMATION

1.4.1 ADDENDA: REVISIONS TO THIS RFP

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum. Any addendum to this RFP will become part of this RFP and part of any contract awarded as a result of this RFP.

ALL RFP ADDENDA WILL BE ISSUED ON THE DIVISION OF PURCHASE AND PROPERTY WEB SITE. TO ACCESS ADDENDA, SELECT THE BID NUMBER ON THE BIDDING OPPORTUNITIES WEB PAGE AT THE FOLLOWING ADDRESS:

HTTP://WWW.STATE.NJ.US/TREASURY/PURCHASE/BID/SUMMARY/BID.SHTML.

There are no designated dates for release of addenda. Therefore interested bidders should check the Purchase Bureau "Bidding Opportunities" website on a daily basis from time of RFP issuance through bid opening.

It is the sole responsibility of the bidder to be knowledgeable of all addenda related to this procurement.

1.4.2 BIDDER RESPONSIBILITY

The bidder assumes sole responsibility for the complete effort required in submitting a bid proposal in response to this RFP. No special consideration will be given after bid proposals are opened because of a bidder's failure to be knowledgeable as to all of the requirements of this RFP.

1.4.3 COST LIABILITY

The State assumes no responsibility and bears no liability for costs incurred by a bidder in the preparation and submittal of a bid proposal in response to this RFP.

1.4.4 CONTENTS OF BID PROPOSAL

Subsequent to bid opening, all information submitted by bidders in response to the bid solicitation is considered public information, except as may be exempted from public disclosure by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law. Because the State proposes to negotiate and/or pursue a Best and Final Offer, bid proposals will not be made public until the Letter of Intent to Award is issued.

A bidder may designate specific information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. The State reserves the right to make the determination and will advise the bidder accordingly. The location in the bid proposal of any such designation should be clearly stated in a cover letter. **The State will not honor any attempt by a bidder either to designate its entire bid proposal as proprietary and/or to claim copyright protection for its entire proposal.**

By signing the cover sheet of this RFP, the bidder waives any claims of copyright protection set forth within the manufacturer's price list and/or catalogs. The price lists and/or catalogs must be accessible to State using agencies and cooperative purchasing partners and thus have to be made public to allow all eligible purchasing entities access to the pricing information.

All bid proposals, with the exception of information determined by the State or the Court to be proprietary, are available for public inspection after the Letter of Intent to Award is issued. At such time, interested parties can make an appointment with the Purchase Bureau to inspect bid proposals received in response to this RFP.

1.4.5 BID OPENING

On the date and time bid proposals are due under the RFP, only the names of the bidders submitting bid proposals will be publicly announced. The contents of the bid proposals shall remain confidential until the Notice of Intent to Award is issued by the Director.

1.4.6 BID ERRORS

In accordance with N.J.A.C. 17:12-1.22, “Bid Errors,” a bidder may withdraw its bid as follows:

A bidder may request that its bid be withdrawn prior to bid opening. Such request must be made, in writing, to the Supervisor of the Business Unit. If the request is granted, the bidder may submit a

revised bid as long as the bid is received prior to the announced date and time for bid opening and at the place specified.

If, after bid opening but before contract award, a bidder discovers an error in its proposal, the bidder may make written request to the Supervisor of the Business Unit for authorization to withdraw its proposal from consideration for award. Evidence of the bidder's good faith in making this request shall be used in making the determination. The factors that will be considered are that the mistake is so significant that to enforce the contract resulting from the proposal would be unconscionable; that the mistake relates to a material feature of the contract; that the mistake occurred notwithstanding the bidder's exercise of reasonable care; and that the State will not be significantly prejudiced by granting the withdrawal of the proposal. Note: a PB-36 complaint form may be filed and forwarded to the Division's Contract Compliance and Audit Unit (CCAU) for handling. A record of the complaint will also be maintained in the Division's vendor performance file for evaluation of future bids submitted.

All bid withdrawal requests must include the bid identification number and the final bid opening date and sent to the following address:

Department of the Treasury
Purchase Bureau, PO Box 230
33 West State Street – 9th Floor
Trenton, New Jersey 08625-0230
Attention: Supervisor, Business Unit

If during a bid evaluation process, an obvious pricing error made by a potential contract awardee is found, the Director shall issue written notice to the bidder. The bidder will have five days after receipt of the notice to confirm its pricing. If the vendor fails to respond, its bid shall be considered withdrawn, and no further consideration shall be given it.

If it is discovered that there is an arithmetic disparity between the unit price and the total extended price, the unit price shall prevail. If there is any other ambiguity in the pricing other than a disparity between the unit price and extended price and the bidder's intention is not readily discernible from other parts of the bid proposal, the Director may seek clarification from the bidder to ascertain the true intent of the bid.

1.4.7 JOINT VENTURE

If a joint venture is submitting a bid proposal, the agreement between the parties relating to such joint venture should be submitted with the joint venture's bid proposal. Authorized signatories from each party comprising the joint venture must sign the bid proposal. A separate Ownership Disclosure Form, Disclosure of Investigations and Actions Involving Bidder, Affirmative Action Employee Information Report, MacBride Principles Certification, and Business Registration or Interim Registration must be supplied for each party to a joint venture.

1.5 PRICE LIST AND/OR CATALOG PRICING

The bidder's signature guarantees that prices set forth within the manufacturer's preprinted price lists and/or catalogs will govern for the period of the contract. The bidder also acknowledges that, notwithstanding any reference to price escalation clauses, FOB shipping point, and shipping charges contained in the preprinted price lists, catalogs, and/or literature, such references will not be part of any State contract awarded as a result of this RFP.

2.0 DEFINITIONS

2.1 GENERAL DEFINITIONS

The following definitions will be part of any contract awarded or order placed as result of this RFP.

Addendum - Written clarification or revision to this RFP issued by the Purchase Bureau.

Amendment - A change in the scope of work to be performed by the contractor after contract award. An amendment is not effective until signed by the Director, Division of Purchase and Property or his/her designee.

Bidder – A vendor submitting a bid proposal in response to this RFP.

Contract - This RFP, any addendum to this RFP, the bidder's bid proposal submitted in response to this RFP and the Division's Notice of Acceptance.

Contractor - The contractor is the bidder awarded a contract.

Director - Director, Division of Purchase and Property, Department of the Treasury. By statutory authority, the Director is the chief contracting officer for the State of New Jersey.

Division - The Division of Purchase and Property.

Joint Venture – A business undertaking by two or more entities to share risk and responsibility for a specific project.

May - Denotes that which is permissible, but not mandatory.

Request for Proposal (RFP) - This document, which establishes the bidding and contract requirements and solicits bid proposals to meet the purchase needs of [the] Using Agency[ies], as identified herein.

Shall or Must - Denotes that which is a mandatory requirement.

Should - Denotes that which is recommended, but not mandatory.

State - State of New Jersey

Using Agency[ies]- The entity[ies] for which the Division has issued this RFP.

3.0 COMMODITY DESCRIPTION/SCOPE OF WORK

This proposal is for furnishing specific types of vacuum cleaners, and floor machines, (including burnishers, buffers, extractors and automatic sweepers and scrubbers,) to the Using Agencies of the State of New Jersey and Cooperative Purchasing Participants. Contractors must supply machines to all agencies located throughout the entire state.

Only attachments and parts for awarded equipment are to be purchased through this contract. These items include vacuum bags and buffer pads. The purchases of cleaners, waxes, or other consumable supplies are not authorized to be purchased through this contract.

3.1 INTENT

It is the intent of the State to make line item awards to the lowest responsive and responsible bidder who meet or exceed the RFP specifications. For purposes of this RFP bidders may bid only one brand per line item.

3.2 AUTHORIZED DEALER REQUIREMENTS

Bids will be accepted only from established manufactures or their authorized dealers. Any dealer submitting a bid hereby guarantees that it is authorized and approved by the manufacturer to bid its brand of products. Further, manufacturer has agreed to supply the authorized dealer with all quantities of products required by the authorized dealer in fulfillment of its obligations under any resultant contract with the State. All authorized dealers must submit a letter of certification from each manufacturer for which they are bidding with its bid proposal or within 5 days of written request from the State. The letter from the manufacturer must also state in its letter that the dealer is able to deliver to the entire State. Failure to submit the letter from the manufacturer within the time requested will result in the rejection of its bid proposal for that manufacturers product bid.

Bidders must maintain a business establishment with adequate inventories of the products offered, and must be capable of processing and shipping requested quantities to various destinations through out the State.

3.3 MANUFACTURERS REQUIREMENT

If you are the manufacture and are bidding directly, it is the manufacturer's responsibility to provide with its bid proposal a list of all its authorized dealers who are able to deliver product under its State contract. Please see attached "Authorized Dealer Form" located at http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml. However, all authorized dealer must be registered with the Department of Revenue. Please refer to Section 4.4.2.1 of this RFP.

DETAILED SPECIFICATIONS

Below are the minimum specifications for the various products included in this RFP. Bidders are to ensure that their products meet the minimum specifications in order to be eligible for an award. Bidders may offer above and beyond the minimum specifications however, your bid will be evaluated **ONLY** on the minimum requirements.

3.4 UPRIGHT VACUUM (HIGH FILTRATION) – PRICE LINE #00001

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

- Body: Durable all-metal or plastic construction
- Motor: 7 amp, direct air with double row ball bearing brush or a chevron pattern single row brush.
- Handle: Metal or plastic, multi-position with cord storage hooks
- Bag: Heavy-Duty cloth or vinyl for use with disposable high filtration HEPA-type paper bag. **NOTE: Bidder is to supply five bags per each vacuum ordered at no additional cost with delivery of equipment.**
- Nozzle width: 14" wide cleaning path
- Bumper: Wrap around, non marking
- Wheels: Non marking urethane or rubber
- Height Adjustment: Screw adjustment for all types of carpet
- Cord: 40' 3-wire, grounded, UL approved
- Power Switch: Heavy duty handle mounted
- Attachments to be supplied with purchase: Hose, Hose connector adapter, Wands, Crevice tool, Round dusting brush and Upholstery tool.
- Air Volume: 90-120 cfm
- Operators Manual: A detailed instruction and maintenance manual is to be supplied with the equipment fully outlining proper operation and maintenance procedures including illustrated parts listings at no additional cost.

3.5 BACKPAK VACUUM – PRICE LINE #00002

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

- Body: Rotational molded, high density, impact resistant polyethylene.
- Bumper Protection: A soft bumper affixed to the bottom of the vacuum for all and furniture protections.
- Filtration: 4-level filtration in include:
    a. Resusable Micro fiber media OR cloth filter bag with seal
    b. Filter with integrated rubber seal
    c. Dome filter with replaceable media filter (covering motor)
    d. Sound reducing foam and foam air diffuser for exhaust.
- Sound Level: 65 decibels
- Motor: 2 stage, single speed flow through mounted at the bottom of the body
    a. 8 amp
    b. 91" water lift.
    c. 95 CFM airflow
    d. 928 watts/110-120 volts, 50-60 hz.
- Backpak Assembly: Ventilated two-piece unbreakable frame with padded, adjustable shoulder and sternum straps to better distribute weight. Assembly shall have accessory tool loops.
- Power Cord: 40', 16/3 gauge with molded plug.
- Power Switch: Heavy-duty pole rocker type mounted in a switch box.
- Vacuum Hose: 56" long, 1.5 diameter, static dissipating with swivel cuff and swivel elbow.
- Capacity: Top loading 10 quart.
- Accessories to be included with the purchase of the equipment: 2 or 3 piece wand (24" to 40") or a telescopic wand (24" to 40") and extension wand, multi surface floor tool, upholstery tool, crevice tool, round dusting tool.
- UL Listed

- Operators Manual: A detailed instruction and maintenance manual is to be supplied with the equipment fully outlining proper operation and maintenance procedures including illustrated parts listings at no additional cost.

3.6 WET/DRY INDUSTRIAL VACUUM – PRICE LINE #00003

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

- Capacity: 15 to 18 gallon tank
- Tank: Shall be stainless steel or polyethylene construction with 24" front mounted squeegee assembly with foot pedal or hand lever operations and/or have capability, and be supplied with, 9' accessory hose, crevice tool, wet/dry floor tools, steel wand(s) and dry filter.
- Motor: 2 stage, 110/115 volt, 60 cycle continuous duty bypass with a minimum 90" of water lift and float shut-off to prevent overfilling.
- Cord: 35' - 3 wire
- Wheels: Non marking urethane or rubber
- Operators Manual: A detailed instruction and maintenance manual is to be supplied with the equipment fully outlining proper operation and maintenance procedures including illustrated parts listings at no additional cost.

3.7 CANISTER VACUUM – PRICE LINE #00004

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

- Bag Capacity: 1.5 gallons
- Body Construction: Molded Plastic or Stainless Steel
- Cleaning Width: 11"
- Motor:
    a. 115 volts
    b. Air Flow 103 cfm
    c. Watts: 975
- Filtration: High or HEPA
- Sound Level: 65 dba
- Cord: 25'
- Sealed Water Lift: 89"
- Accessories to be included with the purchase of the equipment: Telescopic or non-telescopic wand, 8' foot hose, dust tool, upholstery tool, and crevice tool
- UL Listed
- Operators Manual: A detailed instruction and maintenance manual is to be supplied with the equipment fully outlining proper operation and maintenance procedures including illustrated parts listings at no additional cost.

3.8 FLOOR POLISHING & SCRUBBING MACHINES – SINGLE BRUSH – PRICE LINES #00005-#00014

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

SIZES:

As listed in Table 1 below.

DESIGN & CONSTRUCTION:

The machine described herein shall be of the latest design, convenient to operate and adequate for the purpose intended. The machine shall be of rugged construction capable of withstanding heavy duty commercial use.

ELECTRICAL REQUIREMENTS:

The machine shall operate on a 115 V.A.C.; 60 cycle, single phase power supply. Machine operation shall not be affected by a voltage fluctuation +/- 5% of specified voltage.

MOTOR:

The motor shall be a high torque, continuous duty, capacitor start type of a rating as listed in Table 1 below.

BRUSH DRIVE:

The brush drive shall be a fully enclosed, quiet running positive drive, high torque, speed reducer type transmission which requires no maintenance. All rotating parts shall be mounted in permanently lubricated ball and/or roller bearings.

WIRING:

The power cord shall be minimum 50' length, Type "S" or "SR", 3 conductor style, of the wire gauge size listed in Table 1, complete with 3 prong grounding type plug. Means shall be provided for coiling cord on the handle.

SWITCH:

Switch for starting and stopping the motor shall be quick break type and shall operate easily and reliably through an insulated, dual lever (operable by either hand) conveniently located on the operating handle. The switch shall automatically open the motor circuit immediately on release of the handle by the operator.

OPERATING HANDLE:

An operating handle shall be provided with suitable, non-metallic handgrip. Means shall be provided for securing the handle in various convenient operating positions and in an upright position for storage.

WHEELS:

The machine shall be mounted on two (2) wheels with a running surface of non-marking, resilient material and shall be of size as listed in Table 1. The equipment shall be designed and constructed to permit convenient transport of the machine on floors and stairs with the brush off the floor and still allow the full weight of the machine to be applied to the brush during the scrubbing operation.

BRUSH:

Each machine shall be furnished with pad driver or brush as requested on the Purchase Order. Brush assembly shall be easily removable and replaceable without the use of tools.

BUMPER:

A replacement non-marking rubber or vinyl plastic bumper shall be securely attached to that portion of the apron flange which may contact baseboards, walls or furniture. The method of holding the bumper in place shall be such that it cannot be readily dislodged during machine operation.

TABLE I – FLOOR MACHINES – SINGLE BRUSH

Price Line Item	Type	Overall Diamater of Brush (Normal) Inch	Brush Speed	Continuous Rating of Motor (Minimum) H.P.	Size of Cord Awg. No.	Wgt. Of Machine with one Brush Lbs. (Minimum)	Wheel Diameter (Minimum) Inches
5	Standard	13	150 to 180 RPM	1/3	14	58	2-1/2
6	Standard	15-17	150 to 180 RPM	¾	14	85	3-1/2
7	Standard /Heavy Duty	19-21	150 to 180 RPM	1	14	95	4-1/2
8	Heavy Duty	22-24	150 to 180 RPM	1-1/2	12	117	4
9	Polishing Only	16-18	250 to 350 RPM	1	14	100	4-1/2
10	Two-Speed	20	175 to 350 RPM	1-1/2	14	95	4-1/2
11	Variable Speed	20-21	160 to 350 RFP	1-1/2	14	90	4

PRICE LINE ITEM 12 – 20" ULTRA-HIGH SPEED (BUFFER/BURNISHER):

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

DESIGN & CONSTRUCTION:

The machine described herein shall be of the latest design, convenient to operate and adequate for the purpose intended. The machine shall be of rugged construction capable of withstanding heavy duty commercial use.

ELECTRICAL REQUIREMENTS:

The machine shall operate on a 115 V.A.C.; 60 cycle, single phase power supply. Machine operation shall not be affected by a voltage fluctuation +/- 5% of specified voltage.

MOTOR:

The motor shall be minimum 1-1/2 hp., capacitor start/capacitor run type or rectified D.C. type.

BRUSH DRIVE:

The brush drive shall be a fully enclosed, quiet running positive drive, high torque, speed reducer type transmission which requires no maintenance. All rotating parts shall be mounted in permanently lubricated ball and/or roller bearings.

WIRING:

The power cord shall be minimum 50' length, Type "S" or "SR", 3 conductor style, of the wire gauge size, complete with 3 prong grounding type plug. Means shall be provided for storing cord on the handle.

SWITCH:

Switch for starting and stopping the motor shall be quick break type and shall operate easily and reliably through an insulated UL approved, dual lever (operable by either hand) conveniently located on the operating handle. The switch shall automatically open the motor circuit immediately on release of the handle by the operator.

OPERATING HANDLE:

An operating handle shall be provided with suitable, non-metallic handgrip. Means shall be provided for securing the handle in various convenient operating positions and in an upright position for storage.

WHEELS:

The machine shall be mounted on two (2) wheels with a running surface of non-marking, resilient material and shall be of size as listed in Table 1. The equipment shall be designed and constructed to permit convenient transport of the machine on floors and stairs with the pad off the floor and still allow the full weight of the machine to be applied to the pad during the burnishing operation.

Transport wheels shall permit operator control of pad pressure on the floor.

BRUSH:

Each machine shall be pad driver with suitable pad retainer. Pad retainer shall be easily removable and replaceable without the use of tools.

PAD:

The pad shall be driven at a speed least 1,000 RPM but no more than 2,000 RPM.

BUMPER:

A replacement non-marking rubber or vinyl plastic bumper shall be securely attached to that portion of the apron flange which may contact baseboards, walls or furniture. The method of holding the bumper in place shall be such that it cannot be readily dislodged during machine operation.

PRICE LINE ITEM 13 – 20" SUPER/ULTRA-HIGH SPEED (BURNISHER):

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

DESIGN & CONSTRUCTION:

The machine described herein shall be of the latest design, convenient to operate and adequate for the purpose intended. The machine shall be of rugged construction capable of withstanding heavy duty commercial use.

ELECTRICAL REQUIREMENTS:

The machine shall operate on a 115 V.A.C.; 60 cycle, single phase power supply. Machine operation shall not be affected by a voltage fluctuation +/- 5% of specified voltage.

MOTOR:

The motor shall be minimum 1-1/2 hp., capacitor start/capacitor run type or rectified D.C. type.

BRUSH DRIVE:

The brush drive shall be a fully enclosed, quiet running positive drive, high torque which requires no maintenance. All rotating parts shall be mounted in permanently lubricated ball and/or roller bearings.

WIRING:

The power cord shall be minimum 50' length, Type "S" or "SR", 3 conductor style, of the wire gauge size, complete with 3 prong grounding type plug. Means shall be provided for storing cord on the handle.

SWITCH:

Switch for starting and stopping the motor shall be quick break type and shall operate easily and reliably through an insulated UL approved, dual lever (operable by either hand) conveniently located on the operating handle. The switch shall automatically open the motor circuit immediately on release of the handle by the operator.

OPERATING HANDLE:

An operating handle shall be provided with suitable, non-metallic handgrip. Means shall be provided for securing the handle in various convenient operating positions and in an upright position for storage.

WHEELS:

The machine shall be mounted on two (2) wheels with a running surface of non-marking, resilient material and shall be of size. The equipment shall be designed and constructed to permit convenient transport of the machine on floors and stairs with the pad off the floor and still allow the full weight of the machine to be applied to the pad during the burnishing operation.

BRUSH:

Each machine shall be pad driver with suitable pad retainer. Pad retainer shall be easily removable and replaceable without the use of tools.

PAD:

The pad shall be driven at a minimum speed of 2,000 RPM.

BUMPER:

A replacement non-marking rubber or vinyl plastic bumper shall be securely attached to that portion of the apron flange which may contact baseboards, walls or furniture. The method of holding the bumper in place shall be such that it cannot be readily dislodged during machine operation.

PRICE LINE ITEM 14 – 20" ULTRA HIGH SPEED BURNISHER WITH DUST COLLECTION SYSTEM:

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

DESIGN & CONSTRUCTION:

The machine described herein shall be of the latest design, convenient to operate and adequate for the purpose intended. The machine shall be of rugged construction capable of withstanding heavy duty commercial use.

ELECTRICAL REQUIREMENTS:

The machine shall operate on a 115 V.A.C.; 60 cycle, single phase power supply. Machine operation shall not be affected by a voltage fluctuation +/- 5% of specified voltage.

MOTOR:

The motor shall be minimum 1-1/2 hp., capacitor start/capacitor run type or rectified D.C. type.

BRUSH DRIVE:

The brush drive shall be a fully enclosed, quiet running positive drive, high torque which requires no maintenance. All rotating parts shall be mounted in permanently lubricated ball and/or roller bearings.

WIRING:

The power cord shall be minimum 50' length, Type "S" or "SR", 3 conductor style, of the wire gauge size, complete with 3 prong grounding type plug. Means shall be provided for storing cord on the handle.

SWITCH:

Switch for starting and stopping the motor shall be quick break type and shall operate easily and reliably through an insulated UL approved, dual lever (operable by either hand) conveniently located on the operating handle. The switch shall automatically open the motor circuit immediately on release of the handle by the operator.

OPERATING HANDLE:

An operating handle shall be provided with suitable, non-metallic handgrip. Means shall be provided for securing the handle in various convenient operating positions and in an upright position for storage.

WHEELS:

The machine shall be mounted on two (2) wheels with a running surface of non-marking, resilient material and shall be of size. The equipment shall be designed and constructed to permit convenient transport of the machine on floors and stairs with the pad off the floor and still allow the full weight of the machine to be applied to the pad during the burnishing operation.

Transport wheels shall permit operator control of pad pressure on the floor.

BRUSH:

Each machine shall be furnished with a pad holder and pad retainer or a scrubbing brush as stated on the Purchase Order. Brush assembly shall be easily removable and replaceable without the use of tools.

PAD:

The pad shall be driven at a minimum speed of 1,500 RPM.

BUMPER:

A replacement non-marking rubber or vinyl plastic bumper shall be securely attached to that portion of the apron flange which may contact baseboards, walls or furniture. The method of holding the bumper in place shall be such that it cannot be readily dislodged during machine operation.

3.9 AUTOMATIC SCRUBBING MACHINE, FLOOR, BATTERY POWERED – PRICE LINES #00015-#00018

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

SIZES:

As listed in Table II below.

DESIGN AND CONSTRUCTION:

The machine shall be battery powered, self propelled pedestrian type with scrubbing brush(es), squeegee, vacuum pick up, solution and recover tanks and cabinet enclosure.

The machine shall be of rugged construction, capable of withstanding heavy duty commercial use. Design shall permit easy disassembly for service and replacement of parts, handles, with grips, shall be provided for guiding the scrubber.

Materials used shall be suitable for the purpose intended and shall be made with a durable paint, lacquer or plating or be made of corrosion resisting material as appropriate.

MOTORS:

The motors shall be heavy duty industrial type with a high starting torque and designed for operation on not less than 24 volts DC, and shall be either semi-enclosed and protected, or totally enclosed.

The main drive motor shall propel the machine and/or drive the scrubbing brush(es). Separate motors for propulsion and brush drive are acceptable. The main drive motor shall be capable of propelling the machine at a variable speed from 0 to at least 120 feet per minute, but not more than 240 feet per minute on smooth level floors with the brushes rotating to scrub the floor. Unit shall be capable of transporting itself up grades of up to 10 percent with the brushes raised.

Brush speed shall be such as to provide maximum cleaning efficiency without throwing dirt and water from the cleaning path or causing difficulty in operation of the equipment.

VACUUM PRODUCER:

The vacuum producer shall be a long life, heavy duty unit conforming to horse power and vacuum requirements as listed in Table II. The vacuum system shall be designed to pick up all water ands soil, collected by the squeegee and deposit it in the recovery tank.

WHEELS:

The machine shall be mounted on two (2) wheels and one (1) or two (2) casters. All wheels shall be equipped with non-marking rubber tires. Wheels and casters shall be so positioned and of such design as to permit low effort mobility and maximum stability under all conditions of use.

DRIVE MECHANISM:

The machine shall be propelled by either a V-belt, gear or chain drive, or a combination connected to the two wheels through a differential drive. A suitable clutch/brake device shall be incorporated in the drive system, with a “dead man” type control at the operator’s position.

BRUSH HOUSING:

The brush housing shall be heavy duty, affording adequate protection for the rotating brush(es). A readily replaceable non-marking rubber or vinyl plastic bumper shall be securely attached to that portion of the housing which may come into contact with baseboards, wall or furniture. The housing and bumper shall not interfere with effective floor scrubbing. The brush housing shall be provided with suitable baffles or curtains to prevent the throwing or splashing of water beyond the sides of the machines.

BRUSH MOUNTING:

The brush holder design shall permit convenient and secure brush attachment and detachment without the use of tools. Brush raising and lowering mechanism shall be provided and shall be controlled from the operator’s position. When lowered, all brush bristles shall be in contract with the floor and the brush load on the floor shall be as listed in the attached table. When raised, all brush bristles shall be clear of the floor and the brush shall remain in the raised position until lowered by the operator. The brush holder shall be self adjusting to conform to uneven floors.

SQUEEGEE:

The squeegee shall be located at the rear of the machine and shall contact the floor to gather dirty water and feed it to the vacuum pickup. The squeegee shall be of non-marking, detergent resistant, flexible material and shall protrude on each side of the machine not less than ½ inch beyond the path of the brush. The squeegee assembly shall maintain contact with the uneven floors. The holder shall be as designed to permit easy replacement of squeegee blades. A control shall be provided at the operator’s position to raise and lower the squeegee. The squeegee shall automatically remain in the raised position until lowered by the operator. The squeegee assembly shall be removed easily with out the use of tools.

WATER TANKS:

The capacity of the tanks shall be as specified in the attached table. The tanks shall be constructed of metal with a corrosion-resistant coating or of heavy duty polyethylene (or equal) and shall be designated to minimize the possibility of liquid splashing out of the tanks while the machine is in operation.

The flow from the cleaning solution tank to the brush shall be controlled from the operator's position. A strainer shall be provided in the feeder line, accessible for convenient cleaning.

The recovery tank shall be provided with an automatic cut-off mechanism which will prevent overfilling. Both tanks shall be provided with means for rapid draining.

BATTERY COMPARTMENT:

The battery compartment shall securely house the batteries and shall be constructed so that the batteries can be readily inspected, serviced, removed, and installed.

BATTERY:

The machine shall be delivered with fresh, fully charges batteries. The batteries shall be heavy duty, deep cycle, industrial type, supplied in units to provide a 24 or 36 volt energy source with an amp hour rating as listed in Table II and based on a 12 or 24 volt potential.

BATTERY CHARGER:

A battery charger shall be furnished with each machine. The charger may be mounted on the machine or may be a separate wall mount type. It shall have a capacity of not less than 20 amperes and be equipped with a self-resetting thermal overload relay and a battery condition meter. The charger shall be designed to prevent overcharging the battery.

TABLE II – AUTOMATIC SCRUBBING MACHINES – BATTERY POWERED

Price Line Item	Scrubbing Width (Nominal) INS.	Tank Capacities SOL. (Min. GALS.	Tank Capacities REC. (Min.) GALS	Power Drive Motor (Min.) HP	Vac. Motor (Min.) HP	Battery Capacity 20 HR. Rate (Min.) AMP. HR.	Brush Pressure (Min.) LBS.
15	20-21	10	10	¼	½	200	75
16	24-28	15	15	½	¾	200	80
17	30-32	20	20	¾	¾	275	100
18	20-21	10	10	N/A	.6	105	70 – (3-Brushing Floating)

3.10 FLOOR MACHINE, SCRUBBER, AC ELECTRIC POWERED AND DC MOTOR POWERED – PRICE LINE #00019 AND #00020

Bidders are to offer a product that **meets or exceeds** the following minimum requirements.

GENERAL DESCRIPTION:

The scrubber shall be manually propelled, pedestrian type complete with AC electric motor powered scrub brushes and vacuum pick-up, squeegee, solution and recovery tanks, operating handle and conveniently located controls. The machine shall be of rugged construction designed to withstand heavy duty commercial use.

MOTORS & DRIVES:

Motors shall be heavy duty type designed for continuous operation. Electrical requirements shall be 115 volts AC, 60 Hz. Motor operations shall not be affected by a voltage fluctuation of +/- 5% of the specified voltage.

Minimum horsepower ratings of the drive and vacuum motors shall be listed in Table III. A single motor with a rating equal to the combined output requirement as listed will be considered.

The brush drive shall be a maintenance – free, speed reduction type providing an optimum brush speed for maximum cleaning efficiency and safe, convenient operator control.

The vacuum producer shall be a by-pass type suitable for wet pick-up application.

BRUSH HOUSING:

The brush housing shall be heavy duty design providing adequate protection for the bush assembly. A readily replaceable, non-marking rubber or vinyl plastic bumper shall be securely attached to that portion of the housing which may come into contact with baseboards, walls or furniture. The housing and bumpers shall not interfere with effective floor scrubbing. The brush housing shall provide suitable baffles or curtains to prevent the throwing or splashing of water beyond the sides of the machines.

BRUSH MOUNTING:

The brush holder design shall permit convenient and secure brush attachment and detachment without the use of tools. A brush raising and lowering mechanism shall be provided and shall be controlled from the operator's position. When lowered, all brush bristles shall be in contact with the floor and the brush pressure on the floor shall be as listed on Table III. When raised, all brush bristles shall be clear of the floor and the brush shall remain in the raised position until lowered by the operator. The brush holder shall be self adjusting to uneven floors.

SQUEEGEE:

A squeegee shall be located at the rear of the machine and shall contact the floor in such a manner as to gather all of the dirty water and feed it into the vacuum pick-up. The squeegee shall be on non-marking, detergent resistant, flexible material and shall protrude on each side of the machine at least ½ inch beyond the path of the brush. The squeegee holder shall maintain contact with uneven floors and shall be designed to permit easy replacement of the squeegee blades. A squeegee raising and lowering mechanism shall be provided with a convenient control at the operator's position. The squeegee assembly shall be removed easily without the use of tools.

TANKS:

The scrubber shall be equipped with a solution tank and a recovery tank of a size as listed in Table III. The tanks shall be constructed of metal with corrosion-resistant coating, stainless steel or high density polyethylene and shall be designed to minimize the possibility of liquid splashing out during machine operations.

The flow from the solution tank to the brush shall be controlled from the operator's position. A strainer shall be provided in the feed line and shall be accessible for convenient cleaning.

The recovery tank shall be provided with an automatic shut-off device which will prevent overfilling.

Both tanks shall be provided with means for complete draining.

WHEELS:

The machine shall be mounted on two wheels and one or two swivel casters. Wheels shall be equipped with low-friction bearings and non-marking rubber tread surface.

POWER CORD:

The machine shall be provided with a minimum 75' long, 3 conductor power cords with heavy duty plastic insulations and a grounding type plug. **FOR AC ELECTRIC POWER ONLY.**

TABLE III – AUTOMATIC SCRUBBER, AC ELECTRIC POWERED (MIN. REQUIREMENTS)

Price Line Item	Scrubbing Width	Tank Capacities Solution	Recovery	Power Brush Drive	Vacuum	Brush Load	Appox. Weight
19 – AC Power	13"-20"	4-8 gal.	4-8 gal.	¾ hp.	¾ hp	45-75 lbs.	195 lbs.
20- DC Power	13"-20"	4-8 gal.	4-8 gal.	¾ hp.	¾ hp	45-75 lbs.	195 lbs.

3.10 FLOOR MACHINE, COMPACT SCRUBBER/WASHER – PRICE LINE #00021

Bidders are to offer a product that meets or exceeds the following minimum requirements.

GENERAL DESCRIPTION:

The scrubber-washer shall be manually propelled, bi-directional pedestrian type vertical machine complete with AC electric-motor-powered scrub brushes

MOTOR AND CORD:

The scrubber-washer shall have a 120v, 60-cycle, minimum 850 watts vacuum motor and a 200 watts brush motor as in Table IV. This brush motor shall generate a minimum 200 RPM brush speed. Power cord shall be a 3-wire grounded minimum 25' length.

BRUSHES AND SQUEEGEES:

Shall have a minimum of a 13.5" cleaning path.

TABLE IV – SCRUBBER-WASHER, AC ELECTRIC or DC MOTORED POWERED

Price Line Item	Scrubbing Width	Tank Capacities Solution	Recovery	Power Brush Drive	Vacuum	Brush Load	Appox. Weight
21	13"-17"	3 gal.	3 gal.	200 watts	850 watts	20 lbs.	48 lbs.

3.11 FLOOR MACHINE SCRUBBER-EDGER – PRICE LINE #00022:

Bidders are to offer a product that meets or exceeds the following minimum requirements.

GENERAL DESCRIPTION:

The scrubber-edger shall be manually propelled, pedestrian type vertical scrubber-edger with AC electric-motor or DC motor powered scrub brush.

MOTOR AND CORD:

The scrubber-washer shall have a 12 volt DC motor or a 120v, 60-cycle, minimum ¼ hp, 1.6 amp motor as in Table V. The motor shall generate a minimum 1,000 RPM brush speed. Power cord shall be 3-wire grounded, minimum of 20' length.

BRUSH:

The brush shall have a minimum of 8" vertical cleaning path with minimum 2" floor cleaning capability at the bottom. Brush shall have 3-way vertical operation, right, center and left. Brush alignment shall be lockable.

TABLE V – SCRUBBER-EDGER, AC ELECTRIC POWERED

Price Line Item	Scrubbing Width	Brush Power (Minimum)	Brush RPM (Minimum)	3-Wire Grounded Cord Length (Minimum)
22	8"	1.6 AMP	1,000	20 ft.

3.12 SCRUBBING MACHINE, ORBITAL FLOOR, AC ELECTRIC POWERED – PRICE LINE #00023

Bidders are to offer a product that meets or exceeds the following minimum requirements.

DESIGN & CONSTRUCTION:

The machine shall be battery powered; self-propelled pedestrian type with scrubbing pad(s), squeegee, vacuum pick up, solution and recovery tanks and cabinet enclosure.

The machine shall be of rugged construction, capable of withstanding heavy duty commercial use. Design shall permit easy disassembly for service and replacement of parts, handles, with grips, shall be provided for guiding the scrubber.

Materials used shall be suitable for the purpose intended and shall be finished with a durable paint, lacquer or plating or be made of corrosion resisting material as appropriate.

MOTORS:

The motors shall be heavy duty industrial type with a high starting torque and designed for operation on not less than 24 volt DC, and shall be either semi-enclosed and protected, or totally enclosed.

The main drive motor shall propel the machine and drive the scrubbing pad(s). Separate motors for propulsion and brush drive are acceptable. The main drive motor shall be capable of propelling the machine at a speed continuously variable from 0 to at least 120 feet per minute, but not more than 250

feet per minute on smooth level floors with the pads agitating to scrub the floor. Unit shall be capable of transporting itself up grades of up to 6 degree incline with the pads raised.

Pad speed shall be such as to provide maximum cleaning efficiency without throwing dirt and water from the cleaning path or causing any difficulty in operation of the equipment.

VACUUM PRODUCER:

The vacuum producer shall be a long life, heavy duty unit conforming to horse power and vacuum requirements as listed in Table VI. The vacuum system shall be designated to pick up all water and soil, collected by the squeegee and deposit it in the recovery tank.

WHEELS:

The machine shall be mounted on two (2) wheels. All wheels shall be equipped with non-marking rubber tires. Wheels shall be so positioned and of such design as to permit low effort mobility and maximum stability under all conditions of use.

DRIVE MECHANISM:

The machine shall be propelled by either a V-belt, gear or chain drive, or a combination thereof connected to the two wheels through a differential drive. A suitable clutch/brake device shall be incorporated in the drive system, with a “dead man” type control at the operator’s position.

PAD MOUNTING:

The pad holder design shall permit convenient and secure pad attachment and detachment without the use of tools. Pad raising and lowering mechanism shall be provided and shall be controlled from the operator’s position. When lowered, the pad load on the floor shall be as listed in the attached table. When raised, all pad(s) shall be clear of the floor and the pad shall remain in the raised position until lowered by the operator.

SQUEEGEE:

The squeegee shall be located at the rear of the machine and shall contact the floor to gather dirty water and direct it to the vacuum pick up. The holder shall be as designed to permit easy replacement of squeegee without removing the assembly from the machine. A control shall be provided at the operator’s position to raise and lower the squeegee. The squeegee shall automatically remain in the raised position until lowered by the operator.

WATER TANKS:

The capacity of the tanks shall be as specified in the attached table. The tanks shall be constructed of metal with a corrosion-resistant coating or of heavy duty polyethylene (or equal) and shall be designated to minimize the possibility of liquid splashing out of the tanks while the machine is in operation.

The flow from the cleaning solution tank to the brush shall be controlled from the operator’s position. A strainer shall be provided in the feeder line, accessible for convenient cleaning.

The recovery tank shall be provided with an automatic cut-off mechanism which will prevent overfilling. Both tanks shall be provided with means for rapid draining.

BATTERY COMPARTMENT:

The battery compartment shall securely house the batteries and shall be constructed so that the batteries can be readily inspected, serviced, removed, and installed.

BATTERY:

The machine shall be delivered with fresh, fully charged batteries. The batteries shall be heavy duty, deep cycle, industrial type, supplied in units to provide a 24 or 36 volt energy source with amp hr. rating as listed in Table VI and based on a 24 volt potential.

BATTERY CHARGER:

A battery charger shall be furnished with each machine. The charger may be mounted on the machine or may be a separate wall mount type. It shall have a capacity of not less than 20 amps and be equipped with self-resetting thermal overload relay and a battery condition meter. The charger shall be designed to prevent overcharging the battery.

TABLE VI – AUTOMATIC SCRUBBER, ORBITAL FLOOR BATTERY OPERATED (MIN. REQUIREMENTS)

Price Line Item	Scrubbing Width	Tank Capacities		Power		Battery Capacity 20 hr. Rate (min) amp hr.	Pad Load (Min.) lbs.
		Solution	Recovery	Brush Drive	Vacuum		
23	26"-28"	20 gal.	20 gal.	¾ hp.	¾ hp	250	120 lbs.

3.13 ACCESSORIES – PRICE LINE #00024

Bidders are to provide a discount from the manufacturers catalog for accessories associated with the products requested on the price lines of this RFP on Attachment "B" provided on the Advertised Solicitation, Current Bid Opportunities webpage
http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml

Bidders are to designate the specific page number for which the accessories can be found in the price book and/or catalog on the corresponding price line for the equipment bid.

Failure to complete Attachment "B" will result in the rejection of your bid proposal.

3.14 STANDARDS

All equipment furnished in this RFP must meet either Underwriter's Laboratories, Inc. or Canadian Standard Association failure to do so will result in the rejection of your bid for that piece of equipment only.

Equipment offered shall comply with all applicable requirements as set forth by the Occupational Safety and Health Administration (OSHA).

3.15 WARRANTY

All equipment and normal wear and tear items, namely belts, cords and switches, shall be warranted in accordance with the manufacturer's standard warranty.

3.16 INSTRUCTION MANUALS

At the time of delivery, the contractor(s) shall furnish, without charge, to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall included complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with a layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts list, manufacturer's catalog numbers, and order information, if applicable.

3.17 PRICE LIST AND CATALOGS

Contractors shall be required to furnish, without charge, catalog, technical cut sheets and price lists identical to those accepted with their bid proposal, including any changes (additions, deletions, replacements, etc.) pursuant to the contract, to authorized users when requested.

3.18 REPLACEMENT OF DISCOUNTINUED PRODUCTS

The contractor may offer replacement product for any manufacturer discontinued item in its contract. The replacement item **MUST** be a like item and not subject to any PRICE INCREASE. All replacement product requests must be pre-approved by the State before contractor can supply the same to any ordering agency. Failure to comply may result in the cancellation of its contract.

The contractor must write to the buyer of record stating that an item has been discontinued by the manufacturer along with supporting documentation from that manufacturer that the item has been discontinued. The contractor must provide in its letter the model # of the new product being offered, detailed literature, along with the net price of that product. The State will not be able to approve a replacement of a discontinued item without all of the above information.

3.19 REPLACEMENT OF UNSATISFACTORY MATERIAL SUPPLIED

In the event that the merchandise supplied, in the opinion of the Using Agency, is not performing satisfactorily within the warranty period the contractor will be notified of such, either by fax or written notification. The contractor must then remove and replace the defective item(s) within ten (10) days from date of notification, at no additional cost to the state. Failure to comply with these directions may result in the decision of the Director to cancel the said item from the contract and authorize the agency to procure the same from any other available source. All associated costs in this circumstance will be borne by the defaulting contractor.

4.0 BID PROPOSAL PREPARATION AND SUBMISSION

4.1 GENERAL

The bidder is advised to thoroughly read and follow all instructions contained in this RFP, including the instructions on the RFP's signatory page, in preparing and submitting its bid proposal.

> Note: Bid proposals shall not contain URLs (Uniform Resource Locators, i.e., the global address of documents and other resources on the world wide web) or web addresses. Inasmuch as the web contains dynamically changing content, inclusion of a URL or web address in a bid response is indicative of potentially changing information. Inclusion of a URL or web address in a bid response implies that the bid's content changes as the referenced web pages change.

4.2 BID PROPOSAL DELIVERY AND IDENTIFICATION

In order to be considered, a bid proposal must arrive at the Purchase Bureau in accordance with the instructions on the RFP signatory page http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml. Bidders are cautioned to allow adequate delivery time to ensure timely delivery of bid proposals. **State regulation mandates that late bid proposals are ineligible for consideration**. **THE EXTERIOR OF ALL BID PROPOSAL PACKAGES ARE TO BE LABELED WITH THE BID IDENTIFICATION NUMBER AND THE FINAL BID OPENING DATE OR RISK NOT BEING RECEIVED IN TIME.**

4.3 NUMBER OF BID PROPOSAL COPIES

The bidder must submit **one (1) complete ORIGINAL bid proposal**, clearly marked as the "ORIGINAL" bid proposal. The bidder should submit **two (2) full, complete and exact copies** of the original. The copies requested are necessary in the evaluation of the bid proposal. A bidder failing to provide the requested number of copies will be charged the cost incurred by the State in producing the requested number of copies. It is suggested that the bidder make and retain a copy of its bid proposal.

A bidder failing to provide the requested number of copies will be charged the cost incurred by the State in producing the requested number of copies. It is suggested that the bidder make and retain a copy of its bid proposal.

4.4 BID PROPOSAL CONTENT

4.4.1 FORMS THAT MUST BE SUBMITTED WITH BID PROPOSAL

4.4.1.1 SIGNATORY PAGE

The bidder shall complete and submit the Signatory page provided on the Advertised Solicitation, Current Bid Opportunities webpage http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml. The Signatory page shall be signed by an authorized representative of the bidder. If the bidder is a limited partnership, the Signatory page must be signed by a general partner. If the bidder is a joint venture, the Signatory page must be signed by a principal of each party to the joint venture. Failure to comply will result in rejection of the bid proposal.

4.4.1.2 OWNERSHIP DISCLOSURE FORM

In the event the bidder is a corporation, partnership or sole proprietorship, the bidder must complete the attached Ownership Disclosure Form. A current completed Ownership Disclosure Form must be received prior to or accompany the bid proposal. Failure to do so will preclude the award of a contract.

The Ownership Disclosure Form is located on the Advertised Solicitation, Current Bid Opportunities webpage http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

4.4.1.3 DISCLOSURE OF INVESTIGATIONS/ACTIONS INVOLVING BIDDER

The bidder shall provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. The bidder shall use the Disclosure of Investigations and Actions Involving Bidder form located on the Advertised Solicitation, Current Bid Opportunities webpage http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

4.4.2 PROOFS OF REGISTRATION THAT MUST BE SUBMITTED WITH THE BID PROPOSAL

4.4.2.1 BUSINESS REGISTRATION CERTIFICATE FROM THE DIVISION OF REVENUE

FAILURE TO SUBMIT A COPY OF THE BIDDER'S BUSINESS REGISTRATION CERTIFICATE (OR INTERIM REGISTRATION) FROM THE DIVISION OF REVENUE WITH THE BID PROPOSAL MAY BE CAUSE FOR REJECTION OF THE BID PROPOSAL.

The bidder may go to **www.nj.gov/njbgs** to register with the New Jersey Division of Revenue or to obtain a copy of an existing Business Registration Certificate.

Refer to Section 1.1. of the NJ Standard Terms and Conditions version 07/27/07 located on the Advertised Solicitation, Current Bid Opportunities webpage
http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

4.4.2.2 SMALL BUSINESS SET-ASIDE CONTRACTS

Not applicable to this RPF.

4.4.3 FORMS THAT MUST BE SUBMITTED BEFORE CONTRACT AWARD AND SHOULD BE SUBMITTED WITH THE BID PROPOSAL.

4.4.3.1 MACBRIDE PRINCIPLES CERTIFICATION

The bidder is required to complete the attached MacBride Principles Certification evidencing compliance with the MacBride Principles. The requirement is a precondition to entering into a State contract. The MacBride Principles Certification Form is located on the Advertised Solicitation, Current Bid Opportunities webpage:
http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

4.4.3.2 AFFIRMATIVE ACTION

The bidder is required to submit a copy of Certificate of Employee Information or a copy of Federal Letter of Approval verifying that the bidder is operating under a federally approved or sanctioned Affirmative Action program. If the bidder has neither document of Affirmative Action evidence, then the bidder must complete the attached Affirmative Action Employee Information Report (AA-302). This requirement is a precondition to entering into a State contract. The Affirmative Action Employee Information Report (AA-302) is located on the Advertised Solicitation, Current Bid Opportunities webpage:
http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

4.4.4 SUBMITTALS

4.4.2.1 The bidder is to submit a detailed technical specification for price lines 00001-00023 that includes but not limited to the detailed technical specifications outlined in Section 3.0 of this RFP. Bidders are to highlight all requested information in Section 3.0 on the detailed technical specification sheet submitted with its bid proposal.

4.4.2.2 The bidder is to submit the manufacturer's price list for the accessories associated with a specific piece of equipment bid for price lines 00001-00023 of this RFP.

4.4.2.3 The bidder is to submit Attachment "A" – Authorized Dealer Form completed in it's entirely as per Section 3.3 of the RFP.

4.4.2.4 The bidder is to submit Attachment "B" – Discount Information for price line 00024 as per Section 3.13 or the RFP.

4.4.2.5 It is the bidder's responsibility to ensure the price list date and number identified on the price lists, matches the price list date and number referenced on the bid price line. Failure to submit the price list you have identified on your price line may result in the rejection of your bid proposal for that line item only.

4.4.2.6 The bidder should ensure that all price lists submitted are the MOST recent editions of those price lists in effect at the time of bid opening and that all price list have a preprinted date. The State reserves the right to reject any bid proposal that offers outdated or expired price lists regardless of the discount percentage being offered.

NOTE: DO NOT SUBMIT ANY PRICE LISTS EFFECTIVE AFTER THE DATE OF BID OPENING AS THEY WILL NOT BE CONSIDERED. THE BID OPENING DATE IS GIVEN ON THE FRONT PAGE OF THE BID PROPOSAL.

4.4.2.7 In cases where two or more price lists are identical in price and item listing but differ in date, the State will treat the preprinted price list showing the latest date as equivalent to the current price list for evaluation purposes.

4.4.2.8 In order to avoid confusion, each price list submitted should be clearly marked with the following information:

A. Company Name
B. Address
C. Bid Number, as shown on the front page of this RFP.
D. Bidder is to submit all price lists in price line number order.

Failure to comply with any of the above will result in the rejection of its bid proposal for the line item affected only.

In addition to the above requirements, the bidder is encouraged to submit its price list(s) in the form of a CD in PDF or text format. However, the preprinted hard copy paper price list must be included with the bid proposal.

4.4.4.1 BIDDER EXPERIENCE - DATA SHEETS

The bidder must provide all of the information requested in the Bidder's Data Packet located on the Advertised Solicitation, Current Bid Opportunities webpage:

http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

4.4.4.2 SAMPLES/SAMPLE TESTING

Not applicable to this RFP.

4.4.5 FINANCIAL CAPABILITY OF THE BIDDER

Upon request, in order to provide the State with the ability to judge the bidder's financial capacity and capabilities to undertake and successfully complete the contract, the bidder should submit two years of certified financial statements that include a balance sheet, income statement and statement of cash flow, and all applicable notes for the most recent calendar year or the bidder's most recent fiscal year. If certified financial statements are not available, the bidder should provide either a reviewed or compiled statement from an independent accountant setting forth the same information required for the certified financial statements, together with a certification from the Chief Executive Officer and the Chief Financial Officer, that the financial statements and other information included in the statements fairly present in all material respects the financial condition, results of operations and cash flows of the bidder as of, and for, the periods presented in the statements. In addition, the bidder should submit a bank reference.

If the information is not supplied with the bid proposal, the State may still require the bidder to submit it. If the bidder fails to comply with the request within seven (7) business days, the State may deem the proposal non-responsive.

The bidder may designate specific financial information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. The bidder may submit specific financial documents in a separate, sealed package clearly marked "Confidential-Financial Information" along with its Bid Proposal.

The State reserves the right to make the determination whether to accept the bidder's assertion of confidentiality and will advise the bidder accordingly.

4.4.6 PRICING

The bidder must submit its pricing using the format set forth in the State supplied price sheet(s) attached to this RFP. Failure to submit all information required will result in the bid being considered non-responsive. Each bidder is required to hold its prices firm through issuance of contract.

4.4.7 PRICE SHEETING INSTRUCTIONS

- Bidders must complete all information listed on each price line.
- Bidders must provide a single unit price for each price line item 00001-00023
- Bidders must complete Attachment "B" for price line item 00024. No mark-ups or multiple discounts will be accepted.

Failure to comply with any of the above will result in the rejection of its bid proposal for the line item affected only.

4.4.8 COOPERATIVE PURCHASING

The bidder should complete the attached Cooperative Purchasing Form indicating willingness or unwillingness to extend State contract pricing and terms to Cooperative Purchasing partners

5.0 SPECIAL CONTRACTUAL TERMS AND CONDITIONS

5.1 PRECEDENCE OF SPECIAL CONTRACTUAL TERMS AND CONDITIONS

The contract awarded as a result of this RFP shall consist of this RFP, addendum to this RFP, the contractor's bid proposal and the Division's Notice of Award.

Unless specifically stated within this RFP, the Special Contractual Terms and Conditions of the RFP take precedence over the NJ Standard Terms and Conditions version 07/27/07 located on the Advertised Solicitation, Current Bid Opportunities webpage: http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml.

In the event of a conflict between the provisions of this RFP, including the Special Contractual Terms and the NJ Standard Terms and Conditions version 07/27/07, and any Addendum to this RFP, the Addendum shall govern.

In the event of a conflict between the provisions of this RFP, including any Addendum to this RFP, and the bidder's bid proposal, the RFP and/or the Addendum shall govern.

5.2 CONTRACT TERM AND EXTENSION OPTION

The term of the contract shall be for a period of **one (1) year.** The anticipated "Contract Effective Date" is provided on the signatory page of this RFP: http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml. If delays in the procurement process result in a change to the anticipated Contract Effective Date, the bidder agrees to accept a contract for the full term of the contract. The contract may be extended for all or part of three (3) one-year periods, by the mutual written consent of the contractor and the Director. **Purchase orders may be placed against the contract up to and including the end of business on the last day of the contract, for delivery no more than 45 days after contract expiration.**

5.3 CONTRACT TRANSITION

In the event that a new contract has not been awarded prior to the contract expiration date, as may be extended herein, it shall be incumbent upon the contractor to continue the contract under the same terms and conditions until a new contract can be completely operational. At no time shall this transition period extend more than **90**days beyond the expiration date of the contract.

5.4 CONTRACT AMENDMENT

Any changes or modifications to the terms of the contract shall be valid only when they have been reduced to writing and signed by the contractor and the Director.

5.5 CONTRACTOR'S WARRANTY

a) The Contractor is responsible for the quality, technical accuracy, timely completion and delivery of all deliverables and other services to be furnished by the Contractor under the Contract. The Contractor agrees to perform in a good, skillful and timely manner all services set forth in the Contract.
b) The Contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its services and deliverables furnished under the Contract. The approval of interim deliverables furnished under the Contract shall not in any way relieve the Contractor of fulfilling all of its obligations under the Contract. The acceptance or payment for any of the services rendered under the Contract shall not be construed as a waiver by the State or Agency,

of any rights under the agreement or of any cause of action arising out of the Contractor's performance of the Contract.

c) The acceptance of, approval of or payment for any of the services performed by the Contractor under the Contract shall not constitute a release or waiver of any claim the State or Agency, has or may have for latent defects or errors or other breaches of warranty or negligence.

5.6 ITEMS ORDERED AND DELIVERED

The **Using Agency[ies] is[are]** authorized to order and **the contractor/contractors is/are** authorized to ship only those items covered by the contracts resulting from this RFP. If a review of orders placed by the Using Agency [Agencies] reveals [reveal] that material other than that covered by the contract has been ordered and delivered, such delivery shall be a violation of the terms of the contract and may be considered by the Director as a basis to terminate the contract and/or as a basis not to award the contractor a subsequent contract. The Director may take such steps as are necessary to have the items returned by the Agency, regardless of the time between the date of delivery and discovery of the violation. In such event, the contractor shall reimburse the State the full purchase price.

The contract involves items which are necessary for the continuation of ongoing critical State services. Any delay in delivery of these items would disrupt State services and would force the State to immediately seek alternative sources of supply on an emergency basis. Timely delivery is critical to meeting the State's ongoing needs.

5.7 REMEDIES FOR FAILURE TO COMPLY WITH MATERIAL CONTRACT REQUIREMENTS

In the event that the contractor fails to comply with any material contract requirements, the Director may take steps to terminate the contract in accordance with the State administrative code and/or authorize the delivery of contract items by any available means, with the difference between the price paid and the defaulting contractor's price either being deducted from any monies due the defaulting contractor or being an obligation owed the State by the defaulting contractor.

5.8 MANUFACTURING/PACKAGING REQUIREMENTS

5.8.1 All products must conform in every respect to the standards and regulations established by Federal and New Jersey State laws.

5.8.2 All products shall be manufactured and packaged under modern sanitary conditions in accordance with federal and state law and standard industry practice.

5.8.3 All products are to be packaged in sizes as specified in this RFP and shall be packaged in such a manner as to ensure delivery in first class condition and properly marked for identification. All shipments must be comprised of original cartons associated with the commercial industry represented by the actual product contained within each carton. Deliveries containing re-used, re-labeled, re-worked or alternate cartons are subject to rejection by the Using Agency at the contractor's expense.

5.9 CLAIMS

All claims asserted against the State by the contractor shall be subject to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1.1, et seq., and/or the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq.

5.10 CONTRACT ACTIVITY REPORT

In conjunction with the standard record keeping requirements of this contract, as required by in paragraph 3.19 of the NJ Standard Terms and Conditions version 07/27/07, located on the Advertised Solicitation, Current Bid Opportunities webpage

http://www.state.nj.us/treasury/purchase/bid/summary/09x20701.shtml, contractor(s) must provide, on a calendar quarter basis, to the Purchase Bureau buyer assigned, a record of all purchases made under their contract award resulting for this Request for Proposal. This includes purchases made by all using agencies including the State and political sub-divisions thereof. This reporting requirement includes sales to State using agencies and, if permitted under the terms of the contract, sales to counties, municipalities, school districts, volunteer fire departments, first aid squads and rescue squads, and independent institutions of higher education. The requirement also includes sales to State and County Colleges and Quasi-State Agencies. Quasi-State Agencies include any agency, commission, board, authority or other such governmental entity which is established and is allocated to a State department or any bi-state governmental entity of which the State of New Jersey is a member.

This information must be provided in a tabular format such that an analysis can be made to determine the following:

- Contractor's total sales volume to each purchaser under the contract, subtotaled by product, including, if applicable, catalog number and description, price list with appropriate page reference and/or contract discount applied.
- Total dollars paid to subcontractors.

Submission of purchase orders, confirmations, and/or invoices do not fulfill this contract requirement for information.

Contractors are strongly encouraged to submit the required information in electronic spreadsheet format. The Purchase Bureau uses Microsoft Excel.

Failure to report this mandated information will be a factor in future award decisions.

5.11 PUBLIC WORKS CONTRACT-ADDITIONAL AFFIRMATIVE ACTION REQUIREMENT

N.J.S.A. 10:5-33 requires that:

"During the performance of this contract, the contractor agrees as follows:

a) The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. 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 contracting officer setting forth the provisions of this nondiscrimination clause;

b) The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex;

c) The contractor or subcontractor where applicable, will send to each labor union or representative of workers with which he 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."

6.0 PROPOSAL EVALUATION

6.1 EVALUATION CRITERIA

The following criteria will be used to evaluate all bid proposals that meet the requirements of this RFP. The criteria are not necessarily listed in order of importance:

6.1.1 Price

6.1.2 Experience of the bidder

6.1.3 The bidder's past performance under similar contracts, including if applicable, the Division's vendor performance database.

6.2 ORAL PRESENTATION AND/OR CLARIFICATION OF BID PROPOSAL

After the submission of bid proposals, unless requested by the State as noted below, vendor contact with the State is still not permitted.

The bidder may be required to give an oral presentation to the State concerning its bid proposal. The State may also require the bidder to submit written responses to questions regarding its bid proposal.

The purpose of such communication with the bidder, either through an oral presentation or a letter of clarification, is to provide an opportunity for the bidder to clarify or elaborate on its bid proposal. Original bid proposals submitted, however, cannot be supplemented, changed, or corrected in any way. No comments regarding other bid proposals are permitted. Bidders may not attend presentations made by their competitors.

It is within the State's discretion whether to require the bidder to give an oral presentation or require the bidder to submit written responses to questions regarding its bid proposal. Action by the State in this regard should not be construed to imply acceptance or rejection of a bid proposal. The Purchase Bureau buyer will be the sole point of contact regarding any request for an oral presentation or clarification.

6.3 BID DISCREPANCIES

In evaluating bids:

- Discrepancies between words and figures will be resolved in favor of words.
- Discrepancies between unit prices and totals of unit prices will be resolved in favor of unit prices.
- Discrepancies in the multiplication of units of work and unit prices will be resolved in favor of the unit prices.
- Discrepancies between the indicated total of multiplied unit prices and units of work and the actual total will be resolved in favor of the actual total.

- Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the corrected sum of the column of figures.

6.4 NEGOTIATION AND BEST AND FINAL OFFER (BAFO)

Following the opening of bid proposals, the State shall, pursuant to N.J.S.A. 52:34-12(f), negotiate one or more of the following contractual issues: the technical services offered, the terms and conditions and/or the price of a proposed contract award with any bidder, and/or solicit a Best and Final Offer (BAFO) from one or more bidders.

Initially, the Evaluation Committee will conduct a review of all the bids and select bidders to contact to negotiate and/or conduct a BAFO based on its evaluation and determination of the bid proposals that best satisfy the evaluation criteria and RFP requirements, and that are most advantageous to the State, price and other factors considered. The Committee may not contact all bidders to negotiate and/or to submit a BAFO.

In response to the State's request to negotiate, bidders must continue to satisfy all mandatory RFP requirements but may improve upon their original technical proposal in any revised technical proposal. However, any revised technical proposal that does not continue to satisfy all mandatory requirements will be rejected as non-responsive and the original technical proposal will be used for any further evaluation purposes in accordance with the following procedure.

In response to the State's request for a BAFO, bidders may submit a revised price proposal that is equal to or lower in price than their original submission, but must continue to satisfy all mandatory requirements. Any revised price proposal that is higher in price than the original will be rejected as non-responsive and the original bid will be used for any further evaluation purposes.

After receipt of the results of the negotiation and/or the BAFO(s), the Evaluation Committee will complete its evaluation and recommend to the Director for award that responsible bidder(s) whose bid proposal, conforming to this RFP, is most advantageous to the State, price and other factors considered.

All contacts, records of initial evaluations, any correspondence with bidders related to any request for negotiation or BAFO, any revised technical and/or price proposals, the Evaluation Committee Report and the Award Recommendation, will remain confidential until a Notice of Intent to Award a contract is issued.

7.0 CONTRACT AWARD

7.1 DOCUMENTS REQUIRED BEFORE CONTRACT AWARD

7.1.1 REQUIREMENTS OF N.J.S.A. 19:44A-20.13-25 (FORMERLY EXECUTIVE ORDER 134)

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the negotiation and award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, the Legislature enacted N.J.S.A. 19:44A-20.13 – 25 on March 22, 2005 the "Legislation"), retroactive to October 15, 2004, superseding the terms of Executive Order 134. Pursuant to the requirements of the Legislation, the terms and conditions set forth in this section are material terms of any contract resulting from this RFP:

7.1.1.1 DEFINITIONS

For the purpose of this section, the following shall be defined as follows:

a) Contribution – means a contribution reportable as a recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act." P.L. 1973, c. 83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Through December 31, 2004,

contributions in excess of $400 during a reporting period were deemed "reportable" under these laws. As of January 1, 2005, that threshold was reduced to contributions in excess of $300.

b) Business Entity – means any natural or legal person, business corporation, professional services corporation, Limited Liability Company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition of a business entity includes (i)all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii)any subsidiaries directly or indirectly controlled by the business entity; (iii)any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv)if a business entity is a natural person, that person's spouse or child, residing in the same household.

7.1.1.2 BREACH OF TERMS OF THE LEGISLATION

It shall be a breach of the terms of the contract for the Business Entity to (i)make or solicit a contribution in violation of the Legislation, (ii)knowingly conceal or misrepresent a contribution given or received; (iii)make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv)make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate of holder of the public office of Governor, or to any State or county party committee; (v)engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of the Legislation; (vi)fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii)engage in any exchange of contributions to circumvent the intent of the Legislation; or (viii)directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of the Legislation.

7.1.1.3 CERTIFICATION AND DISCLOSURE REQUIREMENTS

a) The State shall not enter into a contract to procure from any Business Entity services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds $17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee during certain specified time periods

b) Prior to awarding any contract or agreement to any Business Entity, the Business Entity proposed as the intended awardee of the contract shall submit the Certification and Disclosure form, certifying that no contributions prohibited by the Legislation have been made by the Business Entity and reporting all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C.527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. The required form and instructions, available for review on the Purchase Bureau website at http://www.state.nj.us/treasury/purchase/forms.htm#eo134, shall be provided to the intended awardee for completion and submission to the Purchase Bureau with the Notice of Intent to Award. Upon receipt of a Notice of Intent to Award a Contract, the intended awardee shall submit to the Division, in care of the Purchase Bureau Buyer, the Certification and Disclosure(s) within five (5) business days of the State's request. Failure to submit the required forms will preclude award of a contract under this RFP, as well as future contract opportunities.

c) Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made. The

required form and instructions, available for review on the Purchase Bureau website at http://www.state.nj.us/treasury/purchase/forms.htm#eo134, shall be provided to the intended awardee with the Notice of Intent to Award.

7.1.1.4 STATE TREASURER REVIEW

The State Treasurer or his designee shall review the Disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor. If the State Treasurer determines that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of such contract.

7.1.1.5 ADDITIONAL DISCLOSURE REQUIREMENT OF P.L. 2005, C. 271

Contractor is advised of its responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to P.L. 2005, c. 271, section 3 if the contractor receives contracts in excess of $50,000 from a public entity in a calendar year. It is the contractor's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

7.2 FINAL CONTRACT AWARD

One contract award shall be made per line items 00001-00023 with reasonable promptness by written notice to that responsible bidders, whose bid proposals, conforming to this RFP, are most advantageous to the State, price, and other factors considered. Any or all bid proposals may be rejected when the State Treasurer or the Director determines that it is in the public interest to do so.

Price line #00024 will be awarded to all bidders who receive one or more awards for price lines 00001-00023.

7.3 INSURANCE CERTIFICATES

The contractor shall provide the State with current certificates of insurance for all coverages required by the terms of this contract, naming the State as an Additional Insured.

8.0 CONTRACT ADMINISTRATION

8.1 CONTRACT MANAGER

The State Contract Manager is the State employee responsible for the overall management and administration of the contract.

The State Contract Manager for this project will be identified at the time of execution of contract. At that time, the contractor will be provided with the State Contract Manager's name, department, division, agency, address, telephone number, fax phone number, and email address.

8.1.1 STATE CONTRACT MANAGER RESPONSIBILITIES

For an agency contract where only one State office uses the contract, the State Contract Manager will be responsible for engaging the contractor, assuring that Purchase Orders are issued to the contractor, directing the contractor to perform the work of the contract, approving the deliverables and approving payment vouchers. The State Contract Manager is the person that the contractor will contact **after the**

contract is executed for answers to any questions and concerns about any aspect of the contract. The State Contract Manager is responsible for coordinating the use and resolving minor disputes between the contractor and any component part of the State Contract Manager's Department.

If the contract has multiple users, then the State Contract Manager shall be the central coordinator of the use of the contract for all Using Agencies, while other State employees engage and pay the contractor. All persons and agencies that use the contract must notify and coordinate the use of the contract with the State Contract Manager.

8.1.2 COORDINATION WITH THE STATE CONTRACT MANAGER

Any contract user that is unable to resolve disputes with a contractor shall refer those disputes to the State Contract Manager for resolution. Any questions related to performance of the work of the contract by contract users shall be directed to the State Contract Manager. The contractor may contact the State Contract Manager if the contractor can not resolve a dispute with contract users.