

BOROUGH OF BRADLEY BEACH
NOTICE TO BIDDERS

**CONCESSION LICENSE AT OCEANFRONT LOCATION
WITHIN THE BOROUGH OF BRADLEY BEACH**

The Mayor and Council have determined that certain areas on the oceanfront are not needed for public use and are not otherwise dedicated or restricted pursuant to law.

The Mayor and Council of the Borough of Bradley Beach have authorized and directed the Borough Clerk to advertise for bids to award a Concession License upon certain Borough property, as described hereinbelow, pursuant to N.J.S.A. 40A:11-4.1, upon the following conditions:

Concession License to place, maintain, and operate a minimum of three (3) and a maximum of five (5) Automated Teller Machines (“ATMs”) on the Promenade on Ocean Avenue at Second, Third, Brinley, LaReine, and Cliff Avenues (“ATM Locations”). Concessionaire shall provide its own ATMs and associated equipment, with such equipment and all signage to be approved by the Borough. The ATM Locations and the proposed Concession License Agreement may be inspected by appointment with the Borough Administrator whose phone number is 732-776-2999 Ext 1012.

Each proposal is subject to the following requirements, together with all terms and conditions of the Borough’s Concession License Agreement for the above-described concession:

1. The Concession License shall be awarded to the highest bidder by open public bidding at auction to be held on Wednesday, May 10, 2023 at the regularly scheduled Council Meeting, at 701 Main Street, Bradley Beach, New Jersey at 6:30 p.m.
2. The term of said Concession License is from May 15, 2023 to December 15, 2025.
3. Each ATM installed under the Concession License Agreement must provide: (a) Cash withdrawals in increments of not more than \$20.00; (b) Cash advances from debit or credit cards; and (c) Account balance inquiries. All ATMs must meet the latest federal and state regulations, including the American with Disabilities Act.
4. The Borough and the concessionaire will mutually agree upon the appearance and all other features and characteristics of the ATMs. The Borough will only assist in the installation to the point of providing adequate space and an appropriate electrical connection at the ATM locations. The Borough will furnish electrical service at no cost to the concessionaire. The concessionaire will be responsible for any telecommunication service that may be required. All fees charged to the ATM user by the concessionaire and processing network (but not the user's bank) must be clearly disclosed to the ATM users and shall be at commercially reasonable rates. The concessionaire must have the capacity to service the ATMs with sufficient frequency so that currency is not depleted.

5. The Borough is not responsible for any loss to the Vendor due to the temporary suspension of operation, regardless of the cause including, but not limited to, mechanical failure, electrical failure, telecommunications failure, vandalism or theft.
6. The minimum bid that may be accepted by the Borough of Bradley Beach for the first year of the Concession License is \$6,000 per year. No Security Deposit is required. There shall be a 5% increase in the Annual Fee for the second and third years of the Concession License.
7. All bidders must submit to the Municipal Clerk, prior to bidding, a deposit in the amount of One Thousand Dollars (\$1000.00) by certified check, bank check or cash. The deposit will be a credit toward the Concession Annual Fees in favor of the successful bidder and returned to any non-successful bidder within thirty (30) days of the award.
8. The balance of the first year's Annual Fee shall be paid by cash or certified check within fourteen (14) days of the execution of Concession License Agreement by Concessionaire and the Borough, and thereafter, all subsequent years' Annual Fees shall be due from Concessionaire on or before January 30th of each applicable year.
9. Within (7) days after adoption of a Resolution by the Borough awarding the Concession License, the Concessionaire must execute the Concession License Agreement on file in the Municipal Clerk's Office located at 701 Main Street, Bradley Beach, NJ and available for review Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m. All bidders should inspect the Concession License Agreement and the ATM Locations prior to bidding insofar as the terms of the Concession License Agreement are incorporated herein. All successful bidders must execute the Other Contract Documents appended to the Concession License Agreement as Exhibit C.
10. The successful bidder must provide proof of insurance to the Borough for liability in the amounts of: (a) \$1,000,000.00 for injuries to one person; (b) \$1,000,000.00 for any one accident; (c) \$100,000.00 for property damage; and (d) Workers' Compensation/Disability Insurance with the limits of liability as required by New Jersey law, in order to provide adequate protection for the Borough, its representative employees and others lawfully on the ATM Locations, against all liabilities, damages and accidents. The Concessionaire shall maintain such insurance in force until vacating the ATM Locations. The Concessionaire shall name the Borough as an additional insured under the said policy, and said policy shall provide for at least ten (10) days advance notice to the Borough before cancellation or non-renewal thereof.
11. The Borough reserves the right to reject the highest bid, and to reject any and all bids and waive any minor non-material defects as be in the best interests of the Borough.

BOROUGH OF BRADLEY BEACH
Erica Kostyz, RMC, CMR
Municipal Clerk

CERTIFICATE OF OWNERSHIP

WHERE:

TITLE OF WORK: _____
(Complete above exactly as given in Invitation of Bid)

If BIDDER is a proprietorship check here _____ and do not complete this certificate.

In accordance with P.L. 1977, Chapter 33, approved March 8, 1977 stating:

An Act requiring corporate and partnership bidders for State, County, Municipal or School District contracts to submit a list of the names and addresses of all stockholders owning 10% or more of the stock of their corporate stockholders or in the case of a partnership, the names and addresses of those partners owning 10% or greater interest therein.

If BIDDER is a joint venture this Certificate must be made for each partnership or corporation comprising the joint venture. Additional sheets may be used if necessary in which case they should be noted herein, attached hereto and made a part thereof.

The BIDDER certifies the following information:

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

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

I am employed by the firm of _____, the bidder submitting the Bid Proposal for the above-named project, in the capacity of _____, and I have executed the Bid Proposal with full authority to do so. Further, the bid has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise take any action in restraint of free, competitive bidding in connection with the above-named project. All statements contained in said Bid Proposal and in this affidavit are true and correct and made with full knowledge that the State of New Jersey and the Borough of Bradley Beach rely upon the truth of the statements contained in the affidavit and in said bid proposal in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the _____.

Name of Firm or Individual

Title

Signature

Date

Subscribed and sworn before me on
this ____ day of _____, _____.

Notary Public of

NJ BUSINESS REGISTRATION CERTIFICATE INFORMATION

These samples below are of the only acceptable business registration certificates. Failure to submit one of these documents with the bid will cause your bid to be rejected, regardless of the fact that a copy may already be on file with the Borough of Bradley Beach.

If you have any questions, or need to register with the State of New Jersey, please contact the following immediately:

New Jersey Division of Revenue

Client Registration Bureau P.O. Box 252 Trenton, NJ 08646-0252 Phone

#: 609-292-1730 Website: www.nj.gov/treasury/revenue/taxreg.htm

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 282 TRENTON, N.J. 08646-0282
TAXPAYER NAME:	TRADE NAME:	
TAX REGISTRATION TEST ACCOUNT	CLIENT REGISTRATION:	
TAXPAYER IDENTIFICATION#:	SEQUENCE NUMBER:	
970-097-382/500	0167530	
ADDRESS:	ISSUANCE DATE:	
847 ROEBLING AVE	07/14/04	
TRENTON NJ 08611	<i>John S. Tuohy</i> Acting Director	
EFFECTIVE DATE:		
01/01/01		
FORM BRC(08-01)	This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.	

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE	
Taxpayer Name:	TAX REG TEST ACCOUNT
Trade Name:	
Address:	847 ROEBLING AVE TRENTON, NJ 08611
Certificate Number:	1093907
Date of Issuance:	October 14, 2004
For Office Use Only:	
20041014112823533	

EEO/AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

All successful bidders are required to submit evidence of appropriate affirmative action compliance to the Borough and Division of Public Contracts Equal Employment Opportunity Compliance. During a review, Division representatives will review the files to determine whether the affirmative action evidence has been submitted by the vendor/contractor. Specifically, each vendor/contractor shall submit to the Commission, prior to execution of the contract, one of the following documents:

Goods and General Service Vendors

1. Letter of Federal Approval indicating that the vendor is under an existing Federally approved or sanctioned affirmative action program. A copy of the approval letter is to be provided by the vendor to the Commission and the Division. This approval letter is valid for one year from the date of issuance.

Do you have a federally-approved or sanctioned EEO/AA program? Yes () No ()
If yes, please submit a photostatic copy of such approval.

2. A Certificate of Employee Information Report (hereafter "Certificate"), issued in accordance with N.J.A.C. 17:27-1.1 et seq. The vendor must provide a copy of the Certificate to the Commission as evidence of its compliance with the regulations. The Certificate represents the review and approval of the vendor's Employee Information Report, Form AA-302 by the Division. The period of validity of the Certificate is indicated on its face. Certificates must be renewed prior to their expiration date in order to remain valid.

Do you have a State Certificate of Employee Information Report Approval? Yes () No ()
If yes, please submit a photostatic copy of such approval.

3. The successful vendor shall complete an Initial Employee Report, Form AA-302 and submit it to the Division with a \$150.00 Fee and forward a copy of the Form to the Commission. Upon submission and review by the Division, this report shall constitute evidence of compliance with the regulations. Prior to execution of the contract, the EEO/AA evidence must be submitted.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) on the Division website http://www.state.nj.us/treasury/purchase/forms/AA_%20Supplement.pdf

The successful vendor(s) must submit the AA302 Report to the Division of Public Contracts Equal Employment Opportunity Compliance, with a copy to Public Agency.

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

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

Company:	Signature:
Print Name:	Title:
Date:	

**Americans with Disabilities Act of 1990
Equal Opportunity for Individuals with Disability**

The Contractor and the Owner, do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violated the Act during the performance of this contract, the contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expenses, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administration proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure; the contractor shall satisfy and discharge the same as its own expense.

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

It is expressly agreed and understood that my approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

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

Signed, Sealed and Delivered
In the presence of

Signed, Sealed and Delivered
In the presence of

(partnership name)

By: _____
(partner)

By: _____
(partner)

By: _____
(partner)

By: _____
(partner)

(corporation name)

By: _____
President

ATTEST:

Secretary

(Corporation Seal)

STATE OF NEW JERSEY:

:SS.
COUNTY OF _____ :

BE IT REMEMBERED, that on this _____ day of _____,
20 ____, before me, the subscriber _____ personally
appeared on _____ oath, does depose and make proof to my
satisfaction, that _____ is the _____
Secretary of the _____ a corporation of the State of
_____, the Licensee mentioned in the within instrument; that
_____ is
the _____ President of said Corporation; that the
execution, as well as the making of this Instrument, has been duly authorized by a
proper resolution of the Board of Directors of the said Corporation; that deponent well
knows the corporate seal of said Corporation; and the seal affixed to said Instrument is
such corporate seal and was thereto affixed; and said Instrument signed and delivered
by said _____ President, as and for his voluntary act and deed
and as and for the voluntary act and deed of said Corporation, in presence of deponent,
who thereupon subscribed _____ name thereto as witness.

Sworn to subscribed before
me the date aforesaid.

Secretary

A Notary Public of the State of New Jersey
(Notarial Stamp and Seal)

We, stockholders and officers of _____, a Corporation of the State of _____, the Licensee mentioned in the a foregoing Lease, do hereby certify that we have read the a foregoing Lease and hereby each of us does personally guarantee payment of the rent and enforcement of other terms and conditions of the a foregoing Lease drawn between said corporate licensee and the BOROUGH OF BRADLEY BEACH.

Signed, Sealed and Delivered
in the Presence of

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Bidder/Offeror: _____

PLEASE CHECK THE APPROPRIATE BOX:

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

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

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

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

OR

☐ **I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.**

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

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

Name: _____ Relationship to Bidder/Offeror: _____

Description of Activities: _____

Duration of Engagement: _____ Anticipated Cessation Date: _____

Bidder/Offeror Contact Name: _____ Contact Phone: _____

(Attach Additional Sheet if Necessary)

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

Full Name (Print): _____

Signature: _____

Title: _____ Date: _____