

**RESOLUTION NO. 2017-149**

**RESOLUTION OF THE BOROUGH OF SEASIDE HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE PREPARATION AND ISSUANCE OF A REQUEST FOR EXPRESSIONS OF INTEREST FOR REDEVELOPMENT OF THE BLOCK 4.01, LOTS 51 AND 66 REDEVELOPMENT AREA**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Act") authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

**WHEREAS**, on April 20, 2016, by Resolution No. 16-132, and in accordance with the provisions of the Act, the Borough Council of the Borough of Seaside Heights, in the County of Ocean, New Jersey (the "Borough") authorized and directed the Planning Board of the Borough of Seaside Heights (the "Planning Board") to conduct a preliminary investigation to determine whether certain property, including Block 4.01, Lots 51 and 66 (together, the "Property") meets the criteria set forth in the Act for redevelopment area designation and to make a recommendation as to whether such Property should be designated as an area in need of redevelopment within which the Borough may use all of the powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

**WHEREAS**, the Planning Board caused Phillips Preiss Grygiel LLC (the "Planning Consultant") to conduct a preliminary investigation to determine whether the Property should be designated an area in need of redevelopment; and

**WHEREAS**, on March 3, 2017, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Property prepared by the Planning Consultant, entitled, "Area in Need of Redevelopment Investigation of Block 4.01, Lots 51 and 66" and dated December 2016 (the "Report"), concerning the determination of the Property as an area in need of redevelopment; and

**WHEREAS**, the Act requires the Planning Board to conduct a public hearing prior to making its determination whether the Property should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Property is an area in need of redevelopment; and

**WHEREAS**, on March 22, 2017, the original date noticed and advertised for such public hearing, the Planning Board carried such public hearing to the April 3, 2017 Planning Board meeting; and

**WHEREAS**, on April 3, 2017, the Planning Board continued the March 22, 2017 hearing, reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Property as an area in need of redevelopment; and

**WHEREAS**, the Planning Consultant concluded in the Report and testified to the Planning Board on April 3, 2017 that the Property satisfies the criterion for redevelopment area designation set forth in the Act; and

**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board adopted a resolution recommending that the Borough Council designate the Property as an area in need of redevelopment pursuant to the Act; and

**WHEREAS**, on April 5, 2017, by Resolution No. 2017-119, the Borough Council of the Borough adopted a resolution designating the Property as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Borough desires to explore the potential redevelopment of the Property by one or more developers; and

**WHEREAS**, toward that end, the Borough desires to prepare and circulate a request for expressions of interest for the purpose of identifying prospective redevelopers and potential uses, in addition to or instead of, the currently permitted land uses of the Property.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Seaside Heights, in the County of Ocean, New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Borough Council hereby authorizes and directs the Business Administrator and the Borough's redevelopment counsel and planner to prepare and distribute a Request for Expressions of Interest (in the form attached hereto as **Exhibit A**, the "RFEI"), together with such additions, deletions and other modifications as deemed appropriate by the Business Administrator upon consultation with the Borough's redevelopment counsel and planner, and to distribute same to prospective redevelopers and others.

**Section 3.** The Business Administrator, other Borough officials and the Borough's redevelopment counsel and planner are hereby further authorized and directed to take any action necessary to effectuate the transaction contemplated by this resolution and the RFEI.

**Section 4.** This resolution shall take effect in accordance with applicable law.

**CERTIFICATION**

I, Diane B. Stabley, RMC, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Seaside Heights at a meeting held on the **7th** day of **June, 2017**.

A handwritten signature in cursive script, appearing to read "Diane B. Stabley", written over a horizontal line.

**DIANE B. STABLEY, RMC, CMR**  
Borough Clerk, Borough of Seaside Heights

Exhibit A

**Form of Request for Expressions of Interest**

# Borough of Seaside Heights Request For Expressions of Interest: Block 4.01, Lots 51 and 66 Redevelopment Area

## 1. Seeking Market Interest in a Block 4.01, Lots 51 and 66 Redevelopment Area Redevelopment Opportunity:

The Borough of Seaside Heights (the "**Borough**") seeks qualified developers or redevelopment teams ("**Respondents**") to respond to this Request for Expressions of Interest ("**RFEI**") with conceptual redevelopment proposals and statements of their qualifications to redevelop 0.67 acres within one block of the Atlantic Ocean within the Borough that is identified on the tax maps of the Borough as Block 4.01, Lots 51 and 66 (the "**Redevelopment Site**"). The Redevelopment Site is within the Block 4.01, Lots 51 and 66 Redevelopment Area, which is a "condemnation redevelopment area" as referenced in the *Local Redevelopment and Housing Law* (the "Redevelopment Area") and is generally bounded by Boulevard, Franklin Avenue and Hamilton Avenue.

The Borough is seeking conceptual redevelopment proposals for the Redevelopment Site for mixed-use development, consisting of any combination of multifamily, residential, retail, office, entertainment and similar uses, as more fully described herein. Responses to this RFEI may be used by the Borough to develop and adopt a redevelopment plan for the Redevelopment Site (the "Redevelopment Plan").



FIGURE 2: AERIAL PHOTOGRAPH

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The Borough seeks to identify Respondents with the ability and capacity to commence redevelopment of the Redevelopment Site, upon prior adoption of the Redevelopment Plan. Respondents should demonstrate a broad background of real estate, development and financing experience, including successful past experience with similar private/public development ventures.

The Borough intends to invite qualified Respondents to this RFEI to submit redevelopment proposals for the Redevelopment Site. Respondents and their proposals will be initially evaluated based on the criteria described herein.

The Borough reserves the right, if it is deemed to be in the public interest, to enter directly into negotiations with one or more Respondents, or to issue a "request for proposals" in order to advance the planning and disposition process, all following adoption of the Redevelopment Plan. This RFEI does not commit the Borough to any disposition process or to enter into negotiations with any Respondent. While every effort has been made to provide accurate factual information within this RFEI regarding the Redevelopment Area, including the Redevelopment Site, the Borough is not bound by any of the statements or assumptions set forth herein.

**2. Redevelopment Site:**

Borough of Seaside Heights

The Borough is situated on the Atlantic Ocean in the central area of Ocean County, approximately sixty-seven miles south of New York City. The Borough was incorporated in 1913 and covers an area of 0.75 square miles. The Borough is bordered to the north by the Township of Toms River (Ortley Beach section), to the west by the Township of Berkeley and the Township of Toms River, and to the south by the Borough of Seaside Park.

Though the atmosphere of the Borough appears primarily residential, a considerable portion is zoned for resort recreation use with excellent access to the roads. Bus service is available in the Borough and airports are accessible in Atlantic City, New Jersey; Newark, New Jersey; and Philadelphia, Pennsylvania. The Borough is a prime destination for short-term visitors, in particular daily visitors, during the summer months to complement its year round and seasonal residents. Convenient access points to the beach, ample parking, sufficient public facilities, as well as, low-cost daily badges also add to the attraction of the Borough as a tourist recreation destination.

The Borough is recognized throughout the tri-state area as a premier summer resort community consisting of a beach, amusement boardwalk (the "Boardwalk") and restaurants. The Boardwalk spans over one (1) mile alongside the New Jersey shoreline. The Boardwalk connected two (2) 300-foot long piers (the "Piers") on either side that featured rides, roller coasters and amusement games. Due to the effects of Superstorm Sandy in October of 2012 (the "Storm"), the Piers and Boardwalk sustained extensive

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damage. The Borough began cleanup efforts soon after the Storm. The Boardwalk was substantially reconstructed, along with the installation of upgraded lighting, access ramps, fencing, and benches, and reopened by Memorial Day Weekend, in time for the summer 2013 season. Casino Pier, on the northern-end of the Boardwalk, reopened in August 2013 in time for the last month of the summer season. The Bell-Freeman Pier on the southern end, is under construction after being further destroyed in a September 2013 fire. Final plans for the site have yet to be determined.

#### Description of the Lots in the Redevelopment Site

The "**Redevelopment Site**" consists of approximately 0.69 acres of land and is identified on the tax maps of the Borough as Block 4.01, Lots 51 and 66.

Lot 51 contains an unpaved parking lot located at the southeasterly corner of Boulevard and Hamilton Avenue. It contains a billboard sign structure and a storage container. The parking lot is accessed via a driveway along Boulevard, which traverses the sidewalk, and a driveway along Hamilton Avenue within a few feet of its intersection with Boulevard.

Lot 66 is improved with a vacant and dilapidated former Merge nightclub, consisting of a two-story stucco structure and a one-story wood-framed structure located along Boulevard. The existing structures were damaged as a result of Hurricane Sandy.

Respondents should assume that all structures on the Redevelopment Site will need to be demolished.

#### Redevelopment Plan and Vision

The Borough was designated as a Town Center in 2003. Town Centers are compact areas with a defined central core containing shopping services, offices and community and governmental facilities. Town Center designation provides the Borough with greater State funding and expedited permit reviews and approvals by State and local government entities.

The entire Borough has been designated as in need of rehabilitation under the *New Jersey Local Redevelopment and Housing Law*.

#### Documents Regarding Lots

Certain documents are available on an FTP Site including the Area in Need of Investigation for Block 4.01, Lots 51 and 66, Borough of Seaside Heights, Ocean County, New Jersey, dated December 2016.

Respondents who desire to access this information should contact Matthew D. Jessup, Esq. at [mjessup@msnbj.com](mailto:mjessup@msnbj.com) (the "**Representative**") for instructions to access the FTP Site.

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### **3. Goals of Redevelopment:**

#### Master Plan

The Borough of Seaside Heights Master Plan was adopted in 1979. The most recent Master Plan Reexamination Report was completed in 2005. The Redevelopment Site is not specifically mentioned directly in either document. However, both set forth relevant planning goals and objectives for the business and retail areas of the Borough, such as:

- Attracting new business types that are underrepresented in the Borough in order to diversify the Borough's economy and provide more goods and services to residents
- Encouraging the expansion and improvement of existing businesses
- Enhancing the aesthetics of businesses and commercial areas through façade treatments and streetscape improvements

Several other Borough planning documents contain specific recommendations for the Boulevard corridor, including the 2002 Southeast Area Redevelopment Plan, the 2005 Seaside Heights Revitalization Plan and the 2009 Seaside Heights Vision Plan. In 2002, the Redevelopment Site was included in an Area in Need of Redevelopment that encompassed the southeasterly portion of the Borough. The subsequent Southeast Area Redevelopment Plan proposed to combine the area's Residential and Retail Business zones into a single zone, dedicated to tourist-oriented uses. The 2005 Revitalization Plan also proposed amending the area's zoning to allow for more tourist-oriented uses. The Revitalization Plan further recommended that retail uses be separated into "family friendly" and "non-family friendly" business districts located in the northern and southern ends of Boulevard, respectively. The revitalization study also recommended the development of businesses that operate year-round such as theatres, roller rinks, bowling alleys, an aquarium, grocery stores and gyms. The 2009 Vision Plan envisions the Redevelopment Site as part of a "true downtown" shopping district with three- to four-story mixed-use buildings, attractive and comfortable streetscapes, and a mix of uses that support the existing recreational uses of the nearby boardwalk.

In summary, the Borough of Seaside Heights Master Plan acknowledges the potential of the Boulevard to become part of a vibrant, walkable downtown corridor. The Master Plan also recognizes that in order for the area to fulfill this potential, the Borough must attract more businesses and improve the aesthetics of the Redevelopment Site. Subsequent planning documents have also recognized the importance of the Redevelopment Site in relation to the Borough's revitalization efforts and the need to upgrade the area along Boulevard in order to facilitate such efforts.

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Other Redevelopment Efforts in Borough

On April 20, 2016, per Resolutions No. 16-130 and No. 16-131, the Borough authorized and directed the Borough Planning Board to conduct a "condemnation area in need of redevelopment" investigation pursuant to the *Local Redevelopment and Housing Law*. The area to be investigated includes two properties located along Boulevard: Block 5.01, Lots 58, 59 and 63 and Block 6.01, Lots 65, 67, 71, 72 and 73. While the Planning Board has not yet conducted an investigation pursuant to the *Local Redevelopment and Housing Law*, the Borough is committed to redeveloping this area within the Borough.

The Block 5.01 property is approximately 30,000 square feet in area. It has approximately 200 feet of frontage along Boulevard, 135 feet of frontage along Webster Avenue and 165 feet of frontage along Hamilton Avenue. The site contains remnants of a partially constructed development which includes a steel building frame and incomplete concrete in-ground pool. The project, which was approved by the Planning Board in 2009, was intended to be a four-story "pool club" with several restaurants and bars along with a banquet facility for events. The steel structure has a height of approximately 70 feet which makes it a visually prominent feature of the Borough's skyline.

The Block 6.01 property is improved with a paved surface parking lot which is in fair condition. The parking lot is accessed via a driveway along Sumner Avenue. The site is completely paved and devoid of any landscaping. It has approximately 200 feet of frontage along Boulevard, 135 feet of frontage along Webster Avenue to the south and 95 feet of frontage along Sumner Avenue to the north. The property is adjacent to two lodging uses to the east, including the Sunset Motel located on Lot 54 and the Seaside Sands Inn located on Lot 59.

**4. Development Program Goals:**

The Borough envisions a mixed-use project consisting of any combination of multifamily residential, retail, office, entertainment or similar uses. A retail use must be provided within the first story along Boulevard. Respondents should otherwise consider the Redevelopment Site a "blank slate."

The parking for the multifamily residential units would be as follows:

<b>Unit Type</b>	<b>Parking Requirement per Dwelling Unit</b>
1 BR	1.5 spaces
2 BR	1.75 spaces
3 BR	2 spaces

In order to incentivize a mixed-use concept, ground-floor retail use shall be exempt from providing on-site parking. Any office use shall provide parking based on existing Borough ordinances.

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In addition:

- No specific architectural styles are required. A contemporary oceanfront aesthetic that draws upon historic styles found in Seaside Heights and other shore communities is encouraged.
- Any parking levels should be architecturally screened and integrated with the building facades.
- Access to parking areas shall be prohibited along Boulevard

The Borough will consider redevelopment area bond financing and payments in lieu of taxes as part of any proposed redevelopment project.

**5. RFEI Submission Requirements:**

General Requirements:

Respondents should submit 3 hard copies and an electronic copy, either on a USB or a CD, of their proposal. Proposals should be sent in a sealed envelope which bears the name of the Respondent clearly marked "**Borough of Seaside Heights Request for Expressions of Interest,**" and included forms identified on Exhibit A through F.

Proposals should be sent to:

Christopher J. Vaz  
Business Administrator  
Borough of Seaside Heights  
901 Boulevard  
Seaside Heights, New Jersey 08751

An electronic copy of the Proposal should also be sent to the Representative.

The following dates shall apply to the bid process.

Issuance of RFEI	June 9, 2017
RFEI Bid Conference	July 13, 2017 @ 11:00 am
RFEI Due	August 24, 2017

Questions regarding this RFEI, the Borough, the Block 4.01, Lots 51 and 66 Redevelopment Area or the Redevelopment Site should be submitted via email to: Christopher J. Vaz, Business Administrator at [administrator@seaside-heightsnj.org](mailto:administrator@seaside-heightsnj.org) with copies to Matthew D. Jessup, Esq. at [mjessup@msbnj.com](mailto:mjessup@msbnj.com) and Keenan Hughes at [khughes@ppgplanners.com](mailto:khughes@ppgplanners.com).

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#### Submissions Requirements:

#### ***A. Development Team***

Respondents should identify their development team (the "**Development Team**").

For key Development Team members, identify the following:

- An overview of each Development Team member, describing general experience with details on years of operation, number of projects, range of urban and architectural project sizes and budgets, awards, prizes, citations, etc.
- Name, address, telephone number, fax number and e-mail address of each Development Team member.

#### ***B. Qualifications & Experience***

Respondents must clearly demonstrate qualifications in completing the type of development contemplated in the Respondents' proposal and prior experience and success with such projects. Respondents should present a minimum of **three and up to five** relevant projects for each Development Team member. Local and/or regional experience should also be highlighted, particularly where local and New Jersey-based partners have been included. Respondents should include the following for each project identified:

- Project summary, including project name, address, size, total development cost, project team members (including project principals), and date of completion.
- Brief physical description (may include photograph, site plan, or rendering in appendices).
- A municipal reference per project, including names, addresses, telephone numbers, and e-mail addresses for municipal individuals directly involved with projects presented in qualifications section.

#### ***C. Development Approach***

Respondents are required to submit a site-specific development proposal for the Redevelopment Site.

- Concept Plan:* Respondents must provide a concept plan and diagram and a narrative that describes the Respondent's overall vision for the Redevelopment Site. The Borough reserves the right to use the concept plan as the basis for development of the Redevelopment Plan.
- Project Phasing Plan:* Respondents must outline their implementation strategy, including a description of the phasing plan for the overall project.

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*D. Financial Feasibility*

Respondents should provide a preliminary project financial framework plan for the redevelopment proposal. The financial framework plan should consist of order-of-magnitude projections and a description of sources and uses, a hard and soft cost budget and an operating pro forma through project stabilization for each project component (retail, residential, office, parking, etc.). Sufficient preliminary information should be provided for the Borough to determine the proposed project's financial underpinnings and ability to be self-sustaining. Respondents should indicate whether they anticipate the feasibility of their proposal will be dependent upon issuance of redevelopment area bonds, payments in lieu of taxes and/or other public subsidies and/or incentives.

**6. RFEI Selection Process:**

Evaluation Process

The Borough will evaluate RFEI responses based on their completeness, feasibility, responsiveness to the RFEI requirements and redevelopment goals described herein, the strength of the development approach, innovation of the proposal, and the Respondent's comparable past experience and capacity to successfully complete the proposed project.

The Borough will evaluate proposals based on the following key criteria:

- Development Team Qualifications, Comparable Experience and Capacity
- Vision and Quality of Development Approach
- Public Benefits from the Proposal
- Financial Feasibility and Capacity
- Implementation Strategy

The Borough reserves the right to:

- Select a short list of Respondents
- Upon adoption of the Redevelopment Plan, enter into exclusive negotiations with selected Respondent(s) with the intent of entering into a redevelopment agreement
- Request more detailed offers leading to possible final Respondent selection/negotiation
- Request additional information from any Respondent
- Issue a formal request for proposals, or
- Take no action

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**7. Legal Disclaimers:**

- A. Respondents are responsible for ensuring that responses to this RFEI are compliant with all applicable Federal, State, and local laws, regulations and ordinances.
- B. Respondents acknowledge that the preparation and submission of responses is at their own risk and expense, and in no event may they seek reimbursement or contribution from the Borough.
- C. In an effort to foster the timely redevelopment of the Redevelopment Site, each Respondent acknowledges that by submitting a response to this RFEI, such respondent waives its right to file or maintain, through itself or any other party with which it is affiliated, any action or proceeding challenging determinations made by the Borough pursuant to this RFEI.

[Remainder of page intentionally left blank. Exhibit pages follow.]



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*Exhibit B*

In accordance with Affirmative Action Law, P.L. 1975, c. 127 (N.J.A.C. 17:27) with implementations of July 10, 1978, successful proposals must agree to submit individual employer certifications and numbers or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the proposer agrees as follows: (a) the contractor or subcontractor, where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status, sex, or handicap; such action shall include, but not be limited to the following: employment, upgrading, demotion or other forms of compensation; and section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination 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, sex or handicap; (c) the contractor or subcontractor, where applicable, will send to each labor union or representative or worker's representative notice of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

By submission of qualifications, the Respondent certifies that the services to be furnished will not infringe upon any valid patent, trademark or copyright and the successful Respondent shall, at its expense, defend any and all actions or suits charging such infringement, and will hold the Borough harmless in case of any such infringement.

No Respondent shall influence, or attempt to influence, or cause to be influenced, any Borough employee or official to use his/her official capacity in any manner which might tend to impair the objectivity or independent of judgment of said employee or official.

No Respondent shall influence, or attempt to influence, or cause to be influenced, any Borough employee or official to use his/her official capacity to secure unwarranted privileges or advantages for the Respondent or any other person.

Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Borough's decision shall be final and conclusive.

The Borough shall not be responsible for any expenditure of monies or other expenses incurred by the respondent in making its request for consideration.

The checklist, affidavits, notices and the like presented at the end of this RFEI are a part of this RFEI and shall be completed and submitted as part of this submission.

Respondent must agree not to represent any parties adverse to the Borough, its agencies and commissions, during the term of the engagement.

Disclosure of Contribution to New Jersey Election Law Enforcement Commission

Starting in January 2007, all business entities are advised of their responsibility to file an annual

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

ACCEPTED BY:

\_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

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*Exhibit C*

*N.J.S.A. 10:5-31 and N.J.A.C. 17:27*

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
Goods, Professional Services and General Service Contracts  
(Mandatory Affirmative Action Language)**

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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 Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

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

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to *N.J.S.A. 10:5-31 et seq.*, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with *N.J.A.C. 17:27-5.2* or a binding determination of the applicable county employment goals determined by the Division, pursuant to *N.J.A.C. 17:27-5.2*.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to

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assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval  
Certificate of Employee Information Report  
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:

ACCEPTED BY:

\_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

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*Exhibit D*

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY  
COUNTY OF \_\_\_\_\_ SS:

I AM \_\_\_\_\_ OF THE FIRM  
OF \_\_\_\_\_

UPON MY OATH, I DEPOSE AND SAY:

- . THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
- . THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
- . THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT OCEAN COUNTY RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDING THE CONTRACT FOR THE SAID ENGAGEMENT; AND
- . THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (*N.J.S.A. 52:34-25*)

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
(TYPE OR PRINT NAME OF AFFIANT UNDER  
SIGNATURE)

\_\_\_\_\_  
NOTARY PUBLIC OF

MY COMMISSION EXPIRES: \_\_\_\_\_, 20\_\_.

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*Exhibit E*

**STOCKHOLDER DISCLOSURE CERTIFICATION**

**This Statement shall be included with the Submission**

Name of Business: \_\_\_\_\_

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

**OR**

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

Check the box that represents the type of business organization:

- Partnership                       Corporation                       Sole Proprietorship  
 Limited Partnership       Limited Liability Corporation       Limited Liability Partnership  
 Subchapter S Corporation

Set forth below are the names and addresses of all owners of ten (10%) percent or more of the proposing business entity.

Name: _____	Name: _____
Address: _____	Address: _____
Name: _____	Name: _____
Address: _____	Address: _____

\_\_\_\_\_  
NAME OF BUSINESS ENTITY

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
Notary Public of

My Commission Expires: \_\_\_\_\_, 20\_\_.

**Borough of Seaside Heights  
Request For Expressions of Interest:  
Block 4.01, Lots 51 and 66 Redevelopment Area**

**PARTNERSHIP DISCLOSURE STATEMENT**

(To be submitted with proposal)

In the past five years, is or was anyone in your firm or company a Borough or Borough officer or employee or an officer or employee of another independent authority, commission or agency created by the Borough? If yes, then provide the name of the individual and position held.

Yes            No   

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Name	Position	Term
------	----------	------

Is or was anyone in your firm or company a member of the Borough Council of the Borough? If yes, then provide the name of the individual below and his/her relationship.

Yes            No   

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Name	Position	Term
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Has any individual in your firm ever been arrested, indicted, or convicted of a crime? If yes, then please further explanation and copies of any relative documents.

Yes            No   

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Name	Position	Term
------	----------	------

Has any individual who would provide service, under this contract ever been sanctioned by the applicable licensing board?

Yes            No   

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Name	Position	Term
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*Reason for censure:*

Has any individual who would provide services under this contract or has the firm been sued in malpractice during the last five years?

Yes            No   

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Name	Position	Term
------	----------	------

*Reason for Action:*

**Borough of Seaside Heights  
Request For Expressions of Interest:  
Block 4.01, Lots 51 and 66 Redevelopment Area**

*Outcome:*

Has any member of your firm ever been barred from doing business with any state, county or municipal government? If yes, then please provide further written explanation, including the date and copies of relevant documentation.

Yes    \_\_\_\_        No    \_\_\_\_

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Name	State, County or Municipality	Term
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Has any member of your firm participated as a party in any matter against the Borough in the past five years? If yes, then please identify the matter/case and provide further written explanation, including the date and copies of relevant documentation.

Yes    \_\_\_\_        No    \_\_\_\_

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Name	Date
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**Borough of Seaside Heights  
Request For Expressions of Interest:  
Block 4.01, Lots 51 and 66 Redevelopment Area**

*Exhibit F*

**HOLD HARMLESS AGREEMENT**

The redeveloper of the Borough of Seaside Heights Block 4.01, Lots 51 and 66 Redevelopment Area Redevelopment Project shall defend, indemnify and hold harmless the Borough, its agents, servants and administrators, from and against any and all claims or actions at law, whether for personal injury, property damage or liability, including any costs of defense incurred by the Borough and any payments, recoveries and judgments against the Borough, which arise from actions or omissions of the such redeveloper, its agents or employees in the execution of the work and/or duties to be performed as outlined in the scope of services under this contract.

Costs shall be deemed to include, but not limited to, attorneys' fees, filing expenses, expert witness fees, reproduction costs, and travel and telephone expenses in connection with defense and shall bear the prevailing interest rate, where applicable.

The redeveloper of the Block 4.01, Lots 51 and 66 Redevelopment Area Redevelopment Project shall be responsible for all damage to persons or property caused or alleged to have been caused by or incident to the execution of this work, and shall defend claims or suits arising from or incident to work without expense to the Borough, their agents, servants and/or administrators.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature:

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

\_\_\_\_\_  
Title: