



TOWNSHIP OF BERNARDS

DIVISION OF PURCHASING

VENDOR GUIDE

HOW TO DO BUSINESS WITH THE TOWNSHIP OF BERNARDS

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Preface

The information presented in this publication by Bernards Township Purchasing Department is intended to bring an awareness to all vendors doing business with the township as to the purchasing requirements as promulgated by Bernards Township policy and the State of New Jersey .

The Township of Bernards welcomes the interest of vendors or sales representatives who wish to offer equipment, service, materials, and supplies relevant to the Township's requirements. We offer this information in an effort to make your possible business relations with the Township as pleasant and mutually beneficial as possible by increasing all parties' understanding of the municipal purchasing process.

The document is not intended to be a formal legal guide or to offer legal or procedural advice of any kind to any party. The Township of Bernards abides by the Local Public Contracts Law 40A:11-1 et seq. of the State of New Jersey.

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INTRODUCTION

WHAT IS THE ROLE OF THE PURCHASING DEPARTMENT?

The Purchasing Department assists the township departments in acquiring goods or services for the day to day operation of the municipality. The department is involved in planning, meeting all statutory requirements and ensuring a fair and open competition. In most instances, the department interacts with vendors/contractors, maintains fixed asset records and assists the departments in problem solving issues.

OBJECTIVE OF THE PURCHASING DEPARTMENT

Securing such commodities at the lowest possible costs, consistent with prevailing economic conditions, while establishing and maintaining a reputation for fairness and integrity. Providing at the time and place needed in the proper quantity and quality all the materials, supplies, tools and services required for the organization's operations. More importantly, the focus and process as custodian of public funds is to ensure that fair and open competition is first and foremost.

Furnishing members of management with timely information and advising them about market conditions and trends that could affect the future availability and price of any needed items.

Obtaining the greatest possible revenue from the disposal of by products and/or surplus, damaged, or obsolete equipment and materials.

Vendors are requested to make the Purchasing Department their first point of contact when seeking to do business with the Township. The Purchasing Department is prepared to explain to new potential vendors how and what the Township typically purchases. When appropriate, the Purchasing Department may arrange contacts with requisitioning departments to set up direct appointments. Unauthorized and unexpected visits to the departments are strongly discouraged. Appointments are required and may be made by contacting the Purchasing Department at 908-204-3065. Please call Monday through Friday between the hours of 8:30 AM and 4:30 PM.

METHODS OF PURCHASING

BID OR QUOTATION

The purchasing method is determined by the good(s) or service(s) that are being purchased, as well as the aggregation for, or total amount to be spent on a similar good or service within a specified contract period.

USING THE BID PROCESS

The Township solicits many products and services in varying sizes, quantities/orders, and delivery instructions. Except for certain permitted instances, larger purchases over what is called the "bid threshold" are normally made by following the public bid process required by NJ Local Public Contracts Law. The law states that all advertisements for bids shall be published in an official newspaper of the contracting unit (Courier News). In

addition, bid opportunities are also posted on our web site; www.bernards.org. The current bid threshold is \$29,000.00 (Twenty Nine Thousand Dollars).

When the Township advertises for an item or service you provide, the ad will indicate that specifications are available either directly from the Purchasing Department or our website. The Township does not charge for many specification packages, but in some instances, may charge to cover the expenses for packages with architectural and technical drawings.

Using the Quotation Process

A purchase of a commodity or service estimated to be below the bid-advertising threshold, in total dollar value for the twelve-month calendar year, may be purchased without bids by obtaining three quotes. Purchases under \$2,500 may be purchased without formal quotations.

Use of State Contract Vendors

The Township is permitted to purchase without public bidding from a "State or County Cooperative Contract Vendor". These vendors have contracted with either agency to provide specific goods or services at bid prices and terms to all governmental agencies in the State of New Jersey. Obtaining State Contract Vendor status would commit your business to perform under the terms of the bid specifications and conditions of the contract to any government agency in the State of New Jersey.

USE OF SOMERSET OR MORRIS COUNTY COOPERATIVE CONTRACT VENDORS

The Cooperative Purchasing Program was established by legislation (N.J.S.A. 52:16.1 and N.J.S.A. 40A:11-12) to permit the extension of specified State contracts to municipalities and other political subdivisions. State contracts may be extended to political subdivisions only if contractors agree in their State bid document to offer the same prices, terms and conditions and specifications to local entities that are offered to the State.

For More information on County Cooperative Purchasing contact:

County of Somerset New Jersey
Purchasing Division
Mary Louise Stanton, Purchasing Agent
P.O. Box 3000
Somerville, New Jersey 08876-1262
(908) 231-7000

Morris County Cooperative Pricing
Council
Anita Doerr, Manager's Office
502 Millbrook Avenue
Randolph, New Jersey 07869-3799
(973) 989-7100

EXTRAORDINARY UNSPECIFIABLE AND PROFESSIONAL SERVICES

New Jersey State law permits a municipality to waive the requirement for Public Bidding for purchases exceeding the bid threshold when the services are of a professional nature or are defined as Extraordinary, Unspecifiable Service (EUS).
(Local Public Contracts Law section 40A: 11-5)

EMERGENCY PURCHASES

Emergency purchases will be permitted only when an emergency exists affecting the public health, safety or welfare and requires the immediate delivery of goods or performance of service.

(Local Public Contracts Law section 40A:11-6)

BID AND QUOTATION PURCHASING METHODS

The next sections describe the sometimes-confusing acronyms: “IFBs” (most common type of public bids), “RFPs” (bids usually related to professional or specialized services), and “RFQs” (quotations for purchases under the bid threshold).

INVITATION FOR BID (IFB)

Note: Vendors are encouraged to read the Star Ledger or Courier News “Notice to Bidders” section of the Legal Advertisements for IFB and RFP announcements or the Bernards Township Website; www.bernards.org.

An “Invitation for Bid” or IFB is generally required for any commodity, services, or public improvement when cost exceeds the statutory bid advertising threshold of \$29,000. In accordance with New Jersey Purchasing Law N.J.S.A. 40A:11-3, this type of bid must be submitted in accordance with the terms and conditions prescribed in the respective bid package.

A vendor or contractor may obtain a bid invitation package with the Purchasing Agent in writing, by phone, in person or by messenger. Requests for mailed plans are sent via FedEx . (when a FedEx account number is provided) at requestor’s expense. In most cases specifications/plans are provided without charge. If payment is required it is due upon prior to receipt.

The Purchasing Department requires that all firms picking up a bid package must register. This registration is required so that any notices or addendums may be made available to all potential bidders. Bids are publicly opened and read aloud at the date, time, and location specified in the bid invitation package. Vendors and any interested parties are invited to attend all openings. Bid proposal documents are available for inspection after all bids have been opened.

REQUEST FOR PROPOSAL (RFP)

A “Request for Proposal” or RFP may be utilized for the procurement of specialized professional service and highly technical systems. The Township will place legal advertisements announcing the need and that RFP packages may be obtained from the Purchasing Department. The RFP package will describe the specific need, terms and conditions. Included will be qualification questionnaire forms, response instruction, and

requests for any additional information necessary for the Township to evaluate a firm's response.

REQUEST FOR QUOTATION (RFQ)

Purchases over \$2,500 but under the statutory bid threshold (\$29,000.00) will generally require a Request for Quotation. The Purchasing Agent will contact three or more vendors believed to be providers of the desired good or service and ask them for quotations by a specified deadline. Quotations should be presented in writing on your letterhead or pre-printed estimate forms. Terms, conditions, pricing, unit descriptions/specifications and any other information required to completely describe your quote should be typed or clearly handwritten on your quote. The quote should be signed by an officer of your firm who is authorized to enter into any potentially resulting contract. Written notification will be sent to the vendor awarded the purchase in the form of an official purchase order.

Remember: Please return telephone calls or fax from the Township's Purchasing Department or requisitioning department in a timely manner. Many of our purchases by quotation are concluded within days.

BUSINESS REGISTRATION REQUIREMENT

Pursuant to PL 2004, Chapter 57 all business organizations that do business with a local contracting agency are required to be registered with the State and provide proof of business registration as issued from the New Jersey Department of Treasury.

A vendor's **Business Registration Certificate (BRC)** is required for all contracts awarded by a contracting agency. This includes contracts that are awarded by public bid, purchase order, professional service, competitive contracting, resolution for items exempt from receipt of bids, emergency contracts, request for proposals, concessions, or any other mechanism, when the value of the individual contract or annual aggregate value with the vendor exceeds \$4,350.00 (15% of the contracting agency's bid threshold of \$ 29,000.00).

Non-compliance when submitting any bid or quotation is considered a mandatory rejection of bid (a non-waivable defect). "Information on how a business can obtain a certificate can be obtained on the Internet at:

www.state.nj.us/treasury/revenue/pdf/forms/regc.pdf, or by telephone at 609-292-5995.

(See examples)



**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

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 252 TRENTON, N.J. 08646-0252
TAXPAYER NAME: TAX REGISTRATION TEST ACCOUNT	TRADE NAME: CLIENT REGISTRATION	 Acting Director
TAXPAYER IDENTIFICATION#: 970-097-382/500	SEQUENCE NUMBER: 0107330	
ADDRESS: 847 ROEBLING AVE TRENTON NJ 08611	ISSUANCE DATE: 07/14/04	
EFFECTIVE DATE: 01/01/01		
FORM BRC(08-01)		
<small>This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.</small>		

PAY TO PLAY

Enactment by the New Jersey State Legislature, “New Jersey Local Unit Pay-to-Play” P.L. 2004, c.19 (N.J.S.A.19:44A-20.4 et. seq.) became law effective January 1, 2006. In addition, Bernards Township Ordinance #1854 known as Bernards Township “Pay-to-Play” was adopted on February 28, 2006.

Bernard’s Township Ordinance #1854 prohibits business and professional entities from making any contributions politically or they will become ineligible to receive a contract when the value of the transaction exceeds \$17,500.00 to provide goods or other professional services from the Township of Bernards which is not subject to bidding.

“Window Contracts” over \$17,500.00 but less than our bid threshold (\$29,000.00) will require submission of a Pay to Play Business Entity Disclosure Document by the vendor.

PAYMENT & PURCHASE ORDERS

Verbal or confirmed orders are prohibited unless the Purchasing Agent issues a Township Purchase Order. Once the vendor receives the PO from the Purchasing, they must sign the Claimant's Certification section of the white copy and either mail or fax back to the designated "Ship To" department with invoice to include the purchase order number for payment. The canary copy is for the vendor to retain for their records. Once the designated "Ship To" department receives the signed copy of the PO and invoice to confirm that all goods or services were received they will submit to accounts payable. The Accounts Payable Department will request from the Township Committee authorization for payment at the next scheduled Township Committee meeting, which is generally held on the second and fourth Tuesdays of the each month. After the Township Committee authorizes payment, the checks are released to the vendors.

PROMPT PAYMENT OF CONSTRUCTION CONTRACTS

P.L. 2006, c. 96

On September 1, 2006 Governor Corzine signed Senate Bill 1726 into law as P.L.2006,C.96 of the Laws of 2006. Known as the "Prompt Payment" Law, Chapter 96 establishes timing standards for the payment of bills by both public and private sector organizations for a wide range of construction-related contractors. The "default" payment procedure in the law may conflict with existing procedures in some government agencies. The bill, however, provides alternate procedures for these local units. The law intends to ensure that contractors submitting bills for completed work are paid on a timely, established schedule, and that the full chain of subcontractors receive timely payment from their hiring contractor. When payments are not made pursuant to the schedule, the law allows contractors to receive interest on the outstanding balance and, under certain circumstances, to halt work without being subject to breach of contract clauses.

The law affects contracts for above and below ground "improvements" to real property and structures. The law defines the term "[structure](#)" to mean any part of a building and other improvements to real property. The law defines the term "improve" to mean the following:

- ...to build, alter, repair or demolish any structure upon, connected with, on or beneath the surface of any real property;
- to excavate, clear, grade, fill or landscape any real property;
- to construct driveways and private roadways on real property;
- to furnish construction related materials, including trees and shrubbery, for any of the above purposes;
- ...or to perform any labor upon a structure, including any design, professional or skilled services furnished by an architect, engineer, land surveyor or landscape architect licensed or registered pursuant to the laws of this State. For further information go on line <http://www.state.nj.us/dca/lgs/>

BID OPENING ADVERTISEMENT

Enactment of P. L. 2007, c.4 (A-2527) limits when contracting units can accept bids for local public contracts and public school contracts. The law amends N.J.S.A. 40A:11-23(a) and N.J.S.A. 18A:18A-21(a).

The date fixed for receiving any bids shall not fall on a Monday, or any day directly following a State or federal holiday.

Currently, all federal holidays are also State holidays, and many of them fall on Mondays. The law applies whether or not the contracting unit observes a given holiday. The law supersedes local holiday observance.

THE APPROVAL PROCESS FOR BIDS

At the bid reception, sealed bids are opened and read aloud. Bids must have been prepared and delivered in strict accordance with the instructions provided in the bid invitation package. Bernards Township will review and evaluate bids and offers in terms of vendors being responsible and their bid/offers being responsive to the criteria required in the specification or scope of service/work.

Should circumstances warrant, the governing body reserves the right to “reject all bids”.

Bids are examined and evaluated for:

- Best price
- Compliance with bid specification
- Financial responsibility
- Reputation of vendor
- Service availability
- Other relevant consideration

Following this analysis, a recommendation by the requisitioning department is submitted to the Purchasing Agent for award of contract to the lowest **RESPONSIBLE** bidder. All awards or rejection normally occur within a thirty (30) days time frame, but in no case more than sixty (60) days. Exceptions to this schedule would be in accordance with New Jersey Purchasing Law 40A:11-24, which provides for extensions to the sixty (60) days award period if the three (3) lowest bidders agree to the Township’s request to extend the award period. Notification of award/rejection will be made in writing.

INTRODUCTION TO SURETY INSURANCE (BONDING)

GETTING HELP

There are two types of bonds that are frequently required when the Township uses the bid process – bid bonds and performance bonds. A list of New Jersey approved Surety Companies can be found at <http://www.nj.gov/dobi/surety.htm> .

Small, women and/or minority owned businesses could receive assistance in procuring bid and performance bonds or to facilitate substitutes from the New Jersey Division of Small Business, Women and Minority Business Development. Additional information can be found at <http://www.state.nj.us/njbusiness/wmb/> . Vendors may also contact the New Jersey Small Business Development Centers (NJSBDC) at 800-432-1565.

BID BONDS

A bid deposit (certified check, cashiers check or BID BOND) for commodities/service may be required with a bid IFB or RFP response in accordance with New Jersey Purchasing Law N.J.S.A. 40A:11-21. The bond will always be in an amount to be no less than ten percent (10%) of the amount of the bid, but not to exceed \$20,000.00 The purpose of the bond is to provide protection for the Township that, if awarded, the bidder will execute a contract.

PERFORMANCE/PAYMENT BONDS

In accordance with New Jersey Purchasing Law N.J.S.A. 40A:11-22, a performance/payment bond will be required in accordance with the terms prescribed in the bid package for most public improvement and certain specialized equipment contracts.

MAINTENANCE BOND

On public improvement projects a surety maintenance bond is normally required of awarded contractor before completion of project according to the terms prescribed in the Invitation for Bid package.

COMMODITIES PURCHASED

Examples of Goods and Services the Township purchases by Bid/Quotation.

GOODS

Air Conditioner, Supplies and Service
Arts and Crafts Supplies
Audio/Visual Equipment and Supplies
Automotive Parts/Tires/Services
Batteries
Body Shop Equipment and Supplies
Books
Chemicals
Computer Hardware, Software and Peripheral Equipment
Diesel Fuel (#2 Low Sulfur)
Electric Equipment and Supplies
Electronic Instruments
Fencing Materials & Supplies
Fire Protection Equipment and Systems
First Aid Supplies
Fuel
General Merchandise
Guns and Ammunitions
Heating Oil (#2 Diesel)
Janitorial Supplies, Tools and Equipment
Lubricants – Automotive
Lumber and Millwork Supplies
Machinery – Landscaping, Snow Removal, etc.
Motorcycles (Police)
Office Equipment - Copiers, Fax
Office Furniture
Paging/Signaling Equipment
Paper Products
Photographic Equipment and Supplies
Plaques
Printing
Radio Communication Equipment and Systems
Sound Systems and Equipment
Sporting Goods and Equipment
Stationary and Office Supplies
Street Signs and Posts
Swimming Pool Equipment and Supplies
Tools
Uniforms (Police, Fire, Crossing Guard, etc.)

Vehicles – Autos, Trucks
Video Equipment
Window Replacement

SERVICES

Carpet and Rug Cleaners
Cellular Phones/Service
Charter Bus Companies
Computer Consultant/Programmers
Concession (Vending)
Court Reporters/Stenographers
Electrical Services, Supplies, Materials, Tools and Equipment
HVAC Maintenance
Janitorial Services
Landscape Contractors
Locksmiths
Pest Control
Real Estate Appraisers
Real Estate Consultants
Tent/Chair/Table Rentals

CONSTRUCTION

Asbestos Removal Service
Asphalt and Asphalt Products
Carpentry Materials, Tools and Equipment
F.A.B.C. Material (for street repairs)
Fencing Materials and Supplies
Masonry Materials, Supplies and Tools
Painting Materials, Supplies and Tools
Paving Contractors
Sheet Metal Work Contractors
Snow Removal/Plowing Contractors

Frequently Asked Questions

Q: How does the Township determine who to purchase from?

A: Our Purchasing Official is a Qualified Purchasing Agent as certified by the Department of Community Affairs, Division of Government Services. By virtue of the designation the Township is authorized to maintain a bid threshold of \$29,000.00. Whenever possible, we acquire such commodities from state contract, county cooperative contract or a formal bid process. Successful bidders awarded such contracts are eligible to provide those goods or services. Anticipated purchases between \$2,500.00 and \$29,000.00 are required to obtain a minimum of two quotations. Generally, time is of the essence and solicitation is done by phone or fax to quickly expedite the order.

Q: How can I do business with the Township?

A: Here are a number of ways to increase your chances of doing business with the Township:

1. Contact the purchasing office by phone, send a letter or e-mail at; purchasing@bernards.org telling us what your goods and or services you provide.
2. Contact us if you have a specialized product.
3. Contact us if you have a hard to find item or items that at times we may spend hours looking for some immediate need or hard to find items that are unknown to us locally.

Q: How can I find out when and what the Township is bidding?

A: The Township places legal ads in "The Courier News". Depending on the commodity or project, we reserve the right to advertise in additional publications such as "The Star Ledger". Advertisements are only published once for the designated commodity or project. The Township also posts "Notice to Bidders" on our township website at; www.bernards.org. Select the icon "Current Bids".

Q: How can I get a Bid Package or Request for Proposal?

A: All Requests for Proposals or Requests for Bids are generally provided free of charge. The township does reserves the right to charge for specifications and plans and would be so noted in the "Notice to Bidders" advertisement. Anyone wishing to have a bid mailed via courier services must provide their company information and FedEx account number to the Purchasing Department via fax At 908-766-5762. Bernards Township will incur no expense in sending out bid packages.

Q: When and where are the bid openings and can I attend?

A: All interested parties are invited to attend any bid opening, even if you did not submit a bid. The time and locations of all bid openings is noted in the advertisement posted in The Courier News. In addition, the front cover of the Bidders Information & Specification package states the due date, time and location.

Q: Will you accept my bid if it arrives late for good reason?

A: No. It is the direct responsibility of the bidder to ensure that their bid is received prior to the date and time of the opening. If the bidder is hand delivering their bid or sent via courier service, they must take into consideration all aspects of delays, foreseen and unforeseen, to include but not limited to travel distance, traffic, construction, weather conditions, accidents, detours and road closures.

Q: Will you accept my bid if it arrives on time but was delivered to the wrong person, office or misplaced?

A: No. The Local Public Contracts Laws, N.J.S.A. 40A:11 et. Seq. requires that all bids be open and read at the time indicated in the Notice to Bidder. Any bids received after the closing of the call for bids announcement will be returned to the bidder unopened. It is incumbent upon the bidder to make sure that his/her bid is in the proper place at the proper time.

Q: What occurs at a Bid Opening?

A: Bid Opening(s) will be conducted by the Township Purchasing Agent and assisted by a representative of the requesting department and a recording staff member. Once the Bid Opening commences, no further bids will be accepted. The Purchasing Agent will open each bid and read the quoted price for each individual item or one lump sum price. Bidders in attendance wishing to review the "bid proposal page" will have the opportunity to do so at this time. No determinations regarding the award will be made at the opening.

Q: Who reviews the bids and determines which bidder is awarded?

A: While all bids are generally looked at, only the lowest three bids are scrutinized and kept for review as required by law. By law, bids are awarded to the lowest responsible and responsive bidder full compliance with all administrative and technical requirements. The Purchasing Department will review all administrative requirements which include, but may not be limited to, verifying that all documents are complete, all documents are accurate, all required documents have been notarized and signed, all unit prices have been extended, and that all line item totals equal the final bid total. The three lowest bids will then be submitted to the Department Head for which the item is being purchased for a review of the

specifications. The Department Head is required to submit in writing, their review and recommendation for award to the Purchasing Agent. Upon receipt of all recommendations, a resolution and contract will be prepared and submitted to the governing body for formal award at their public session. Awards can only be made by the Township Committee by a majority vote at a formal public meeting.

Q: How will I be notified of the bid results?

A: Once in receipt of governing body approval, the Purchasing Department will notify the successful bidder by mail. A copy of the resolution of award, contract documents to be signed as well as any other documents that are required to be submitted will be included in the package. The letter will also state any additional documents you may need to submit such as copies of insurance or Performance Bonds. The successful bidder will also be instructed on what procedures you may begin in preparation of the start of the contract. Preliminary bid results will be posted on our township web site; www.bernards.org generally within 24-36 hours after date and time of bid opening.