

**BOROUGH OF KEYPORT  
REQUEST FOR PROPOSALS**

Operation of a Charter and/or Party Boat Service at the Keyport  
Municipal Pier Block 21, Lot 49R (49.01)

Proposals will be received by the Borough of Keyport for the operation of a Charter/Party Boat Service at the Keyport Municipal Pier. Proposals must be submitted on or before Thursday, January 25<sup>th</sup>, at 10:30 a.m., to the Borough Clerk, 70 West Front Street, Keyport, New Jersey 07735. Proposal specifications are available and forms are available in the office of the Borough Clerk or [www.keyportonline.com](http://www.keyportonline.com). If you have any questions, you may contact the Borough Clerk by email, [mclark@keyportonline.com](mailto:mclark@keyportonline.com)

The Mayor and Council reserve the right to reject any or all proposals.

Kimberly Humphrey, QPA  
Borough Administrator

## **BOROUGH OF KEYPORT**

### Operation of a Charter and/or Party Boat Service at the Keyport Municipal Pier Block 21, Lot 49R (49.01)

#### **PROPOSAL SPECIFICATIONS**

In accordance with N.J.A.C. 5:34-9.4 and Resolution by Mayor and Council of the Borough of Keyport, the Borough of Keyport is seeking proposals for the operation of a charter and/or, party boat service at the Keyport Municipal Pier- Block 21, Lot 49R (49.01)

- Two-year contract – 2024 and 2025, with Borough option to renew for an additional two-year period commencing 4/1/2026 through 3/31/2028 and one additional year 4/1/2028 through 3/31/2029 with an aggregate term of five (5) years.
- Operator shall operate to provide recreational activities consistent with the Lease Agreement in order to promote recreational use of the waterfront.
- Operator shall not have more than four (4) departures daily. Times shall be specific in the Lease Agreement.
- Operator shall pay the Borough of Keyport the minimum sum of \$10,000. for the first year of the Lease with a minimum 3.5% increase with each additional year. The Lease payment shall be paid in 4 equal payments yearly on April 1; June 1; August 1; October 1.
- Lessee/Operator agrees to offer recreational activities as set forth in the Lease Agreement and to actively promote the waterfront within the Borough of Keyport, the County of Monmouth and the State of New Jersey.
- The Operator will have at least two employees on-site.
- The Operator shall provide a Hold Harmless Agreement in favor of the Borough.
- The Operator shall provide evidence of insurance in a form and amount that is approved by the Borough's Risk Manager. This shall include evidence that the Insured is covered for an Operator's exposure, not just the exposure associated with being a distributor.
- No one will be permitted on the boat without the Lessee/Operator having a life preserver for each participant, be available if needed.
- With your proposal, provide a list of relevant experience renting boats within the past five years, with contact information.

- Minimum proposal - \$10,000 per year for the first year of the agreement and a minimum 3.5% increase years two through five.
- Revision and Addenda to any specifications will be posted on the Borough of Keyport website [www.keyportonline.com](http://www.keyportonline.com) and will be the responsibility of the bidder to obtain.

Proposals will be evaluated based on highest payment proposal and other factors.

- 1.1 **PROPOSAL OPENING**: All proposals will be publicly opened and read by the Keyport Borough Clerk on Thursday, January 25<sup>th</sup>, 2024 at 11:00 a.m. EST in the Council Chambers, Keyport Borough Hall, 70 West Front Street, Keyport, New Jersey. Bid proposals may be delivered by hand or by mail to the Borough Clerk, Borough Hall, 70 West Front Street, New Jersey 07735 no later than 10:30 A.M. on Thursday, January 25<sup>th</sup>, 2024. All proposals will be dated and time stamped upon receipt. Bidder is solely responsible for the timely delivery of the proposal and no proposals shall be considered which are presented after the public call for receiving of proposals. Any proposal received after the date and time specified shall be returned, unopened to the bidder.
  
- 1.2 **DOCUMENTS TO BE SUBMITTED**: The following documents, properly executed, shall be submitted by every bidder at the time and date specified in the public notice to bidders:
  1. Questionnaire setting forth experience and qualifications with Affidavit;
  2. Bid Guaranty in the form of a bid bond, certified check or cashier's check in the amount of ten percent (10%) of twice the amount bid for the first year of the five (5) aggregate year term rent, not to exceed the sum of Twenty Thousand Dollars (\$20,000.00), payable to the Borough of Keyport;
  3. Consent of Surety;
  4. Non-collusion affidavit;
  5. Statement of ownership;
  6. Standard Proposal
  7. Business Entity Disclosure
  8. Political Contribution Disclosure
  9. Disclosure of Investment Activities in Iran

All of the foregoing documents shall be submitted in accordance with the instructions hereinafter provided. The division of the within bid specifications into parts is merely

for convenience and ready reference; all parts of the bid specifications including the proposed Lease Agreement shall constitute a single document.

## **SECTION 2. PROPOSAL SUBMISSION REQUIREMENTS**

- 2.1 **PROPOSAL**. Each bidder shall comply with the following requirements relative to the preparation and submission of any proposal:
- A. No bidder shall submit the requested information on any other form other than those provided in these proposal specifications, except as where otherwise provided.
  - B. Bid proposals shall be hand delivered or mailed in a sealed envelope addressed to the Borough Clerk, and the name and address of the bidder and the name of the bid "Charter Boat Lease" must be clearly written on the outside of the sealed envelope. No proposal shall be accepted past the date and time specified by the Borough of Keyport in the advertisement for proposals and in the within invitation to submit a proposal.
  - C. Each bidder shall sign, where applicable.
  - D. Any bid proposal submitted which does not comply with the requirements of the bid specifications contained herein may be rejected as non-responsive.
- 2.2 **BID GUARANTY**. A Bid Guaranty in the form of the form of a Bid Bond, Certified Check or Cashier's Check made payable to the order of the Borough of Keyport in the amount of ten percent (10%) of twice the amount for the first year of the five (5) year aggregate Lease term, not to exceed Twenty Thousand Dollars (\$20,000.00), must accompany each bid submitted. In the event the successful bidder to whom the contract is awarded fails to enter into the contract in the manner and within the time specified, the award shall be rescinded and the bid guaranty posted shall be retained by the Borough of Keyport as liquidated damages.
- 2.3 **EXCEPTIONS TO THE BID SPECIFICATIONS**. Any conditions, limitations, provisos, amendments, alterations or other changes attached or added by the bidder to any of the provisions of these bid specifications or any changes made by the bidder on the proposal forms may result in the rejection of the bid proposal by the governing body.
- 2.4 **COMPLIANCE**. The bidder shall be familiar with and comply with all applicable local, county, state and federal laws and regulations in the submission of the bid proposal and, if bidder is awarded the contract, in performance of that contract.
- 2.5 **CONFLICT OF INTEREST AND NON-COLLUSION**. Each bidder must execute and submit as part of the bid proposal a "Non-Collusion Affidavit" which shall at a minimum attest that:
- A. The bidder has not entered into any Agreement or participated in any collusion with any other person, corporate entity or government entity, or competitive

bidding either alone or with any other person, corporate entity in connection with the within project; and

- B. All statements made in the bid proposal are true and correct and made with the full knowledge that the contracting unit relies upon the truth of those statements in awarding the contract.

### **SECTION 3. AWARD OF CONTRACT**

#### **3.1 GENERALLY**

- A. The Governing Body shall award the contract or reject all proposals submitted within the time specified in the invitation to submit a proposal, but in no case after more than 60 days from the proposal opening, except that the proposals of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such a longer period as the bidder and contracting unit may agree. All bidders will be notified of the decision of the Governing Body, in writing.
- B. The contract will be awarded to the highest responsible bidder; unless the Mayor and Council elect to reject all bids received.
- C. The Mayor and Council reserve the right to reject any bid not prepared and submitted in accordance with the provision hereof, or to reject all bids submitted.

#### **3.2 NOTICE OF AWARD OF CONTRACT.**

Within fourteen (14) days calendar days of the contract award, the Borough of Keyport will notify the successful bidder in writing, at the address set forth in the bid proposal and such notice shall specify the place and time of delivery of the executed charter Boat Lease Agreement, the performance bond the certificate of insurance and other such documents required in the Lease Agreement or the within specifications. Failure to deliver the aforementioned documents as specified in the notice of award may be cause for the Borough of Keyport to declare the bidder non-responsive and to award the contract to the next highest bidder. The Borough of Keyport may agree to extend the time for receipt of the within documents.

#### **3.3 ERRORS IN PRICE CALCULATION.**

Any discrepancies between a numerical price and a price written in words shall be resolved in favor of the price as written in words. After all proposals have been read, they will be reviewed by the appropriate Borough professionals and any adjustment based upon review or tabulation, if necessary, will be performed consistent with this paragraph.

3.4 **RIGHTS RESERVED.**

The Borough of Keyport expressly reserves the right to reject any or all bids submitted and to waive any informality where such informality is not detrimental to the best interest of the Borough.

**Proposal**

I (We) hereby certify that I (we) have read the proposal specifications attached hereto and fully understand the meaning of all of them. If awarded the contract, I (we) hereby agree that I (we) will comply with all of the terms, covenants and agreements set forth therein.

Payment to Borough – 2024-2025

Yearly Amount      Yearly Amount  
(In Numbers)      (In Words)

\$ \_\_\_\_\_

Payment to Borough – 2025-2026

Yearly Amount      Yearly Amount  
(In Numbers)      (In Words)

\$ \_\_\_\_\_

Payment to Borough – 2026-2027

Yearly Amount      Yearly Amount  
(In Numbers)      (In Words)

\$ \_\_\_\_\_

Payment to Borough – 2027-2028

Yearly Amount      Yearly Amount  
(In Numbers)      (In Words)

\$ \_\_\_\_\_

Payment to Borough – 2028-2029

Yearly Amount      Yearly Amount  
(In Numbers)      (In Words)

\$ \_\_\_\_\_

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

Print Authorized Signature and Title: \_\_\_\_\_

Date of Proposal: \_\_\_\_\_

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of forms local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2).

1. The disclosure is required for all contracts in excess of \$17,500 that are not awarded pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be received from the contractor and on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to continuing political committees (PACs) and candidate committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign committees and continuing political committees of the officials and candidates affected by the disclosure.
  - a. The Division has prepared model disclosure forms for each county which can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at [https://www.nj.gov/dca/divisions/dlgs/programs/pay\\_2\\_play.html](https://www.nj.gov/dca/divisions/dlgs/programs/pay_2_play.html). These forms will be updated from time-to-time as necessary.
  - b. A public agency using these forms should edit them to properly reflect the correct legislative district(s). As the forms are county-based, they list all legislative districts in each county. Districts that do not represent the public agency should be removed from the lists.
  - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
  - d. The form may be used “as-is”, subject to edits as described herein.
  - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
  - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Ownership Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**



**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
Required Pursuant To N.J.S.A. 19:44A-20.8  
**BOROUGH OF KEYPORT**

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

**19:44A-20.6 Certain contributions deemed as contributions by business entity.**

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

**19:44A-20.7 Definitions relative to certain campaign contributions.**

6. As used in sections 2 through 12 of this act:

“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 this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

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**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$200 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)





List of Agencies with Elected Officials Required for Political Contribution Disclosure  
N.J.S.A. 19:44A-20.26

**USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD  
FROM  
[https://www.nj.gov/dca/divisions/dlgs/programs/pay\\_2\\_pla  
y.html](https://www.nj.gov/dca/divisions/dlgs/programs/pay_2_play.html) A COUNTY-BASED, CUSTOMIZABLE FORM.**

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**

Required Pursuant To N.J.S.A. 19:44A-20.8

**BOROUGH OF KEYPORT**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that \_\_\_\_\_has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the *Borough of Keyport* defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

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**Part II – Ownership Disclosure Certification**

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

Check the box that represents the type of business entity:

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

| Name of Stock or Shareholder | Home Address |
|------------------------------|--------------|
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: \_\_\_\_\_  
Signature of Affiant: \_\_\_\_\_ Title: \_\_\_\_\_ Printed  
Name of Affiant : \_\_\_\_\_ Date: \_\_\_\_\_

|                                                               |                                  |
|---------------------------------------------------------------|----------------------------------|
| Subscribed and sworn before me this ____ day of _____, 2____. | _____ (Witnessed or attested by) |
| My Commission expires:                                        | _____ (Seal)                     |

**AFFIRMATIVE ACTION COMPLIANCE NOTICE**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**GOODS AND SERVICES CONTRACTS**  
**(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);  
OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;  
OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

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. 17:27.1 et seq. 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. 17:27-1 et seq.

COMPANY: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

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

EXHIBIT A  
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)  
N.J.A.C. 17:27  
GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, 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 Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive 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.

The contractor or subcontractor, where applicable, will send to each labor union or representative of 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, gender identity or expression, disability, nationality 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 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, gender identity or expression, disability, nationality 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 Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.++

|                        |                                                                                                                     |
|------------------------|---------------------------------------------------------------------------------------------------------------------|
| Name of Form:          | <b>BUSINESS REGISTRATION CERTIFICATE</b>                                                                            |
| Statutory Reference:   | N.J.S.A. 52:32-44 (P.L. 2004, c.57)                                                                                 |
| Instructions Reference | Statutory and Other Requirements VII-D                                                                              |
| Description:           | Contractor must provide State Division of Revenue issued Business Registration Certificate with the bid submission. |

PLEASE PUT A COPY OF YOUR NEW JERSEY BUSINESS REGISTRATION CERTIFICATE HERE: