



BOROUGH OF BERGENFIELD
BERGENFIELD, NEW JERSEY 07621

**SPECIFICATIONS FOR
PUBLIC AUCTION FOR**

S. PROSPECT AVENUE
BLOCK 308 LOT 14

BID OPENING: Thursday, July 6, 2017 at 10:00 a.m.

Marie Quinones
Borough Clerk
198 Washington Avenue
Bergenfield, New Jersey 07601
(201) 387-4055 ext. 6

BIDDING INSTRUCTIONS

Bidders are instructed to use sealed, **yellow**, envelopes to submit their bids. The yellow envelopes, which are available at the Borough of Bergenfield, located at 198 North Washington Avenue, Bergenfield, New Jersey, shall bear the name and address of the bidder, the Lot and Block number of the Property, and the words "Surplus Property Bid." The Borough does not intend to retain an interest or easement in the property.

To receive a bid package containing the requisite forms that bidders will be required to use, please contact Marie Quinones, Borough Clerk, Borough of Bergenfield, 198 North Washington Avenue, Bergenfield, New Jersey or visit the Borough's website at www.bergenfield.com.

Bidders are required to enclose in the sealed, yellow envelopes, the following documents:

- a completed and signed Bidder Information Form (Exhibit A);
- a completed and signed Offer to Purchase (Exhibit B);
- a completed and signed Stockholder Disclosure Form (Exhibit C); and
- an initialed copy of the Notice of Sale (Exhibit D).
- a completed and signed State of NJ Disclosure of Investment Activities in Iran (Exhibit E)
- a completed and signed Affidavit of Non-Collusion (Exhibit F)

Failure to submit any of the foregoing items will result in the rejection of the bid.

The Borough of Bergenfield reserves the right to add or delete any Property from the offering, to abandon this process, to waive any minor irregularities in bids received, or to reject any and all bids.

EXHIBIT A

BIDDER INFORMATION (PLEASE PRINT)

NAME OF BIDDING ENTITY

ADDRESS

CITY, STATE AND ZIP CODE

E-MAIL ADDRESS

REPRESENTATIVE TO CONTACT-NAME & TITLE

TELEPHONE NO.

FEDERAL TAX I.D. NO. or TAXPAYER I.D. NO.

FAX NO

EXHIBIT B

OFFER TO PURCHASE

The undersigned offers and agrees to purchase from the Borough of Bergenfield the following Property (and any improvements located thereon) known as:

Block 308, Lot 14
South Prospect Avenue

(approx. 20' x 100' vacant lot ; 0.0459 acres/ 2,000 square feet)

The undersigned offers to purchase the Property identified above for the amount of:

_____ dollars

(\$ _____ . 00).*

I understand that submission of this bid (Offer to Purchase) constitutes an offer in writing, which is binding on the bidder. This bid is in compliance with all terms, conditions, specifications and addenda of the Bid Documents, including the Notice of Sale. The undersigned certifies that he or she executes this bid with full authority so to do; and that all statements contained in this bid and in this certification are true and correct, and made with full knowledge that the Borough relies upon the truth of the statements contained herein and in any statements requested by the Borough showing evidence of qualifications in awarding the contract.

BID IRREVOCABLE: This offer shall be irrevocable for one hundred twenty (120) days after the date on which the Borough Clerk publicly opens this bid. All bidders will be notified in writing of the action taken by the Borough Clerk.

I acknowledge receipt of the following Addenda/Responses to Inquiries to the Bid Documents. If no Addenda have been issued, Bidder shall write "None" below.

Addendum/Inquiries # _____ dated _____.

Addendum/Inquiries # _____ dated _____

AUTHORIZED SIGNATURE:

Print Name and Title:

Bidding Entity:

Address: _____

Telephone #: _____ Fax #: _____

Email Address: _____ Date: _____

[CORPORATE SEAL]

EXHIBIT D

NOTICE OF PUBLIC SALE OF SURPLUS PROPERTY BY PUBLIC AUCTION (SEALED BIDS)

PLEASE TAKE NOTICE THAT on Thursday, July 6, 2017, the Borough of Bergenfield will be selling its surplus real property, not needed for public use, located at South Prospect Avenue, Block 308, Lot 14 in the Borough of Bergenfield.

The property intended for sale is identified as Block 308, Lot 14, in the Official Tax Maps of the Borough of Bergenfield, more commonly known as S. Prospect Avenue ("Property"). The Property is approximately 20' x 100' vacant lot. A copy of the appraisal report is available for public inspection at the Borough of Bergenfield Clerk's offices located at 198 North Washington Avenue, Bergenfield, New Jersey. Additionally, prospective purchasers and bidders may make an appointment to view the Property by contacting Marie Quinones, Borough Clerk, Borough of Bergenfield, 198 North Washington Avenue, Bergenfield, New Jersey.

The Borough will be selling the Property at no less than **\$48,000.00**.

This public notice serves as an invitation for sealed bids in accordance with N.J.S.A. 40A:12-13(a). All bids must satisfy any requirements and terms and conditions as set forth in this advertisement and invitation. The following conditions for the sale of the Property apply:

1. The Property is being sold in an "as is" condition;
2. The Property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements and/or other restrictions as is discoverable through an accurate survey, as well as any present or future assessments for the construction of improvements benefitting said Property;
3. The successful bidder's offer to purchase the Property at his/her bid price shall be irrevocable for a period of one hundred twenty (120) days from the date the Borough of Bergenfield accepts the bid by resolution;
4. Within two (2) days after the Borough of Bergenfield accepts the bid by passing a resolution, the successful bidder must provide a ten percent (10%) deposit of the bid amount by money order or certified check payable to the Borough of Bergenfield;
5. Within ten (10) days of the Borough accepting the bid by resolution, the successful bidder must enter into a contract for sale;
6. Transfer of the title shall take place within sixty (60) days after the Borough of Bergenfield accepts the bid by resolution; and
7. Failure to close within sixty (60) days after the Borough accepts the bid by resolution terminates any and all rights the successful bidder may have to the Property, including retention of all monies deposited with the Borough of Bergenfield.

The Borough of Bergenfield reserves the right to accept the highest responsive and responsible bid if equal to or greater than the minimum bid price, or to reject all bids at the public sale and not to award to the highest bidder, if deemed to be in the best interest of the Borough of Bergenfield.

The Borough of Bergenfield reserves the right to waive any and all defects and informalities in any proposal.

The Borough of Bergenfield's acceptance or rejection of bids shall be made not later than at its second regular public meeting following the auction. No bid shall be considered finally accepted until passage by the Borough of Bergenfield accepting such bid.

Any material prepared and/or distributed by the Borough of Bergenfield in connection with this public auction sale is for convenience purposes only and should not be relied upon by prospective bidders. It is the bidder's responsibility to investigate and inquire as to the title, condition, zoning, use and similar considerations, in order to make an informed offer.

Bidding Directions and Requirements

Sealed bids must be received by the Borough of Bergenfield, at 198 N. Washington Avenue, Bergenfield, New Jersey 07621, Attn: Marie Quinones, Borough Clerk, no later than by 10:00 a.m. on Thursday, July 6, 2017.

Bidders are instructed to use sealed, **yellow**, envelopes to contain their bids. The yellow envelopes shall bear the name and address of the bidder, the Lot and Block number of the Property (identified herein), and the words "Surplus Property Bid." **Any bids delivered after this date and time will not be considered by the Borough and will be returned unopened.** Sealed bids received by the referenced date and time will be publicly opened and read aloud.

To receive a bid package containing the requisite forms that bidders will be required to provide with the bid, please contact: Marie Quinones, Borough Clerk at (201) 387-4055 or visit the Borough of Bergenfield's offices located at 198 North Washington Avenue, Bergenfield, New Jersey 07621.

**State of New Jersey
Division of Purchase and Property
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Solicitation Number: _____ **Bidder/Offeror:** _____

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the person or entity.

I certify, pursuant to Public Law 2012, c. 25, that the person or entity listed above for which I am authorized to bid/renew:

- is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran, **AND**
- is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in part 2 below to the Division of Purchase and Property under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

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

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

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____	

Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	Contact Phone Number _____

ADD AN ADDITIONAL ACTIVITIES ENTRY

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

Full Name (Print): _____ Signature: _____
 Title: _____ Date: _____

EXHIBIT F

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :
 SS.:
COUNTY OF :

I, _____ of the City, Town, Borough of _____, in the County of _____ and State of New Jersey, of full age, being duly sworn according to law on my oath, depose and say that :

I am _____ of the firm of _____ the bidder submitting the bid proposal for the above-named property, and that I executed the said proposal with full authority to do so; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above-named property; and that all statements contained in said bid proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey and the Borough of Bergenfield rely 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 project.

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

S/ _____
President, Vice President or
Signature of Authorized Representative

TITLE

***FAILURE TO SIGN THIS AFFIDAVIT BY A DULY AUTHORIZED COMPANY OFFICIAL WILL RESULT IN REJECTION OF THE PROPOSAL.**

GENERAL SPECIFICATIONS AND REQUIREMENTS

The General Specifications and Requirements shall become a part of this bid proposal.

1. AWARD OF CONTRACT

Award(s) of contract shall be by resolution of the Bergenfield Mayor & Council. Award(s) of contract and all subsequent orders issued pursuant to and against said contract shall be contingent upon a sufficiency of funds appropriated by the Borough of Bergenfield Mayor and Council. The Borough of Bergenfield reserves the right to reject any bid or any part thereof for any reason whatsoever. It also reserves the right to make awards and partial awards on the basis of firm net unit process, sub-total prices, or on a lump-sum basis, whichever is deemed by the Borough to be in its best interest.

2. BID PRICE

The minimum bid accepted will be no less than **\$48,000.00.** The minimum bid stated in this bid by mutual consent of the Borough of Bergenfield and the successful bidder may be extended for such reasonable time as may be agreed on until such time as new proposals are received, accepted and awarded.

3. TERMINATION OF CONTRACT

A. CHANGE OF CIRCUMSTANCES

Where circumstances and/or the needs of the Borough significantly change, or the contract is otherwise deemed no longer to be in the public interest, the Borough may terminate a contract entered into as a result of this bid, upon no less than thirty (30) days notice to the vendor and an opportunity to respond.

B. FOR CAUSE

Where a purchaser fails to perform or comply with a contract, the Mayor and Council may terminate the contract upon ten (10) days notice to the vendor with an opportunity to respond.

6. GENERAL INSTRUCTIONS TO BIDDERS

A. Bid proposals must be delivered to the Borough Clerk's Office, Borough of Bergenfield, 198 North Washington Avenue, Bergenfield, New Jersey 07621 before the date and time specified therein. All bid proposals must be time stamped by the Borough Clerk's Office, before the time specified on the proposal.

B. The Borough of Bergenfield disclaims any responsibility for bids forwarded by mail. Bids received after the time for opening will be returned unopened.

- C. Bid proposals must be prepared with typewriter or pen. Proposals prepared in pencil will not be accepted. Bidder must sign proposal in ink. Proposals showing any erasure alteration must be initialed by the bidder in ink. Altered times not initialed will not be considered for award. Fax, telegraphic or facsimile signatures/proposals will not be considered.
- D. Each bid must be signed in ink only by a person authorized to do so.
- E. Bid proposals must be submitted only on forms provided for that purpose. The proposals must be filled in completely. Failure to comply with any requirement herein will result in rejection of the bid.
- F. Bid proposals must be submitted in a sealed envelope, plainly marked to indicate the subject of the proposal, the date of the proposal and place returnable.
- G. The vendor must comply with all local, county, state and federal laws, rules and regulations applicable to this contract and to the work to be done hereunder.
- H. The Borough of Bergenfield reserves the right to waive informalities, irregularities, or minor defects in bids received.
- J. In case of default by the bidder or contractor, the Borough of Bergenfield may procure the articles or services from other sources and hold the bidder or contractor responsible for any excess costs occasioned thereby.
- K. The Purchaser shall indemnify and hold the Borough of Bergenfield, its employees and agents, harmless from any and all loss, liability or damage of any kind whatsoever, including but not limited to, reasonable attorneys' fees and court costs arising out of or in any manner occasioned by breach by the Purchaser, its agents, employees or servants, of any covenant, term and/or condition of this agreement, or by the negligence, improper conduct, intentional acts or omissions of the Purchaser, its agents, employees or servants.
- L. The Non-Collusion Affidavit must be completed and included with the bid along with a statement of the name and home address of each stockholder in the corporation or partnership who owns ten percent (10%) percent or more of its stock of any class or of each individual partner in the partnership who owns a ten percent (10%) or greater interest therein.
- M. No bid may be withdrawn for a period of One Hundred Twenty (120) days after the date set for the opening thereof. Award will be made within sixty (60) days after receipt of the bids by the Borough of Bergenfield.
- N. Equal or Tie Bids/Multiple Awards. The Borough reserves the right to award at its discretion the contract to any one of the tie bidders.
- O. This bid must be returned in its entirety in order to be considered for an award.

CERTIFICATION AS TO COMPLETENESS AND ACCURACY

I, the undersigned, hereby certify that the information provided in the Bidding Specifications, together with all forms and other attachments, is true and complete to the best of my knowledge, information and belief. I am aware that if any statement is knowingly false, I am subject to punishment, and further, that any false or incomplete statement is grounds for the rejection of this bid.

(Signature)

(Print Name and Title)

Dated: _____