

**MONMOUTH COUNTY PARK SYSTEM  
805 NEWMAN SPRINGS ROAD  
LINCROFT, NJ 07738  
(732) 842-4000**

**FURNISHING AND DISPLAY OF FIREWORKS  
AND ALL ASSOCIATED SERVICES**

**BID NO: #0047-13**

**ADVERTISED: THURSDAY, APRIL 4, 2013**

**BIDS DUE: TUESDAY, APRIL 23, 2013 at 10:00AM**

**TO APPEAR IN PAPER: THURSDAY, APRIL 4, 2013**

**NOTICE TO BIDDERS**

Notice is hereby given that sealed bids will be received by the Monmouth County Board of Recreation Commissioners at the Monmouth County Park System HEADQUARTERS BUILDING, Thompson Park, 805 Newman Springs Road, Lincroft, New Jersey 07738, until **10:00 a.m.**, prevailing time on **TUESDAY, APRIL 23, 2013** and then publicly read aloud for the following:

**1. FURNISHING AND DISPLAY OF FIREWORKS AND ALL ASSOCIATED SERVICES (BID #0047-13)**

Bid Documents, including Instructions to Bidders, complete Plans and Specifications, and Proposal Forms may be obtained by qualified bidders on our website at [www.monmouthcountyparks.com](http://www.monmouthcountyparks.com); **"Doing Business with Us;" "Request for Bids"** or at Monmouth County Park System, Headquarters, Thompson Park, 805 Newman Springs Road, Lincroft, New Jersey 07738 between the hours 8:00 a.m. and 4:30 p.m., Monday through Friday. If requested by potential bidders, the Monmouth County Park System will mail a bid packet to such bidders. The Monmouth County Park System only assumes the responsibility for email and /or fax notifications and for placing bid packet in the mail, and not for the proper and timely delivery of such notices or packets.

Bids must be submitted on the proposal form provided or an exact duplicate in the manner designated and required by the specifications. Bid submitted must be enclosed in sealed envelopes bearing the name and address of the bidder, the title of the bid, and the words "Sealed Bid." Bids are to be addressed to the Purchasing Agent, Monmouth County Board of Recreation Commissioners, 805 Newman Springs Road, Lincroft, New Jersey 07738. Bids must be delivered at the place and before the hour mentioned above.

All bidders are required to comply with requirements of P.L. 1975, c.127, N.J.S.A. 10:5-31, et seq. (N.J.A.C. 17:27) (Affirmative Action), 42 U.S.C. 512101, et seq. (Americans with Disabilities Act), and N.J.S.A 40A:11-16 "Designated Subcontractors," N.J.S.A. 52:32-44 (Business Registration) and N.J.S.A. 34:11-56.25, et seq. (Prevailing Wage), and all other laws and regulations that apply to bidding and the performance of the proposed contract.

The Monmouth County Board of Recreation Commissioners reserves the right to waive any informality in, or to reject any or all bids, and to award contracts in whole or in part, if deemed in the best interest of the Board to do so.

The Monmouth County Board of Recreation Commissioners shall reserve the right to hold bids for sixty (60) days prior to award of contracts.

All inquiries are to be directed to the Purchasing Department at (732) 842-4000.

By order of the Board of Recreation Commissioners of the County of Monmouth.

Edward J. Loud, Chairman  
James J. Truncer, Secretary-Director  
Stephanie Weise, Purchasing Agent

## GENERAL CONDITIONS

1. All bidders must submit their proposals on the enclosed forms and must furnish all required information. FAILURE TO PROPERLY EXECUTE THESE FORMS MAY BE CAUSE FOR REJECTION OF THE BID.
2. The bid must be enclosed in two (2) sealed envelopes, one inside the other. The word "BID" must be written on both envelopes. The outside envelope must bear the title of the bid, the date of the bid opening, and the name and address of the bidder.
3. Included with this specification is a true copy of the contract that will be the formal contract to be executed by the successful bidder.
4. The quality of items to be furnished is as set forth in detail in the proposal
5. Any brand names mentioned in the specification shall be deemed to include the words "or approved equal", and bids submitted on other brands must include detailed information and specifications that may be used for the purpose of making comparisons.
6. All bidders must indicate any variation to the specifications, terms, and conditions, no matter how slight. If no variances are indicated, it will be defined to mean that the specification will be fully complied with.
7. Items of foreign origin must be so indicated. Your signature to the bid proposal will be taken as your certification that all manufactured articles and materials not so indicated, have been made or produced in the United States (40 A:11-18)
8. The bidder, if awarded a contract, agrees to protect, defend and save harmless the contracting unit against any damage for payment for the use of any patented material process, article or devise that may enter into the manufacture, construction or form a part of the work covered by either order or contract, and he further agrees to indemnify and save harmless the contracting unit from suits or actions of every nature and description brought against it, for, or on account of any injuries or damages received or sustained by an party or parties by, or from any of the acts of the contractor, his servants or agents.
9. The Monmouth County Board of Recreation Commissioners reserves the right to reject any or all bids and to waive any minor defect or informality in any bid, should it be in the best interest of the Board to do so.
10. The Board of Recreation Commissioners has up to sixty (60) days to make the award. If addition time is required beyond sixty (60) days, the contracting unit may request permission to do so from any one of the three apparent lowest responsible bidders for an additional period of time to be agreed to by the contracting unit and bidders.
11. In the event that the bidder to whom the contract is awarded should fail to enter into a contract, the Board of Recreation Commissioners may, at its option, accept the proposal of the next lowest bidder.
12. Should the contractor fail to fulfill the terms of the contract within the specified time, the Board of Recreation Commissioners reserves the right to rescind the contract and secure the items or services elsewhere. The contractor is responsible for any additional cost incurred as a result of this action.
13. All items are to be delivered F.O.B. destination specified. The maximum of days allowable for delivery is indicated in the specification and must be adhered to.
14. The County of Monmouth and the Board of Recreation Commissioners are exempt from all Federal, State, and Municipal sales and excise taxes. The New Jersey Sales Tax Exemption Number is 69-0220842.

15. Following delivery, an invoice and a signed Monmouth County payment voucher must be submitted to the Board of Recreation Commissioners. Payment will be made upon approval of the voucher by the Monmouth County Board of Recreation Commissioners and the Monmouth County Board of Chosen Freeholders

16. MANDATORY BUSINESS REGISTRATION CERTIFICATE

**NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS  
NON-CONSTRUCTION**

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor.

Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.


For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A. 5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

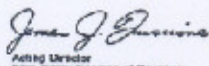
Sample Business Registration Certificates are attached. Certain other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are **not** proof of business registration.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-9292. Form NJ-REG can be filed online at: <http://www.state.nj.us/treasury/revenue/gettingregistered.shtml>

THESE ARE SAMPLES OF THE ONLY ACCEPTABLE  
N.J. BUSINESS REGISTRATION CERTIFICATES:

	<b>STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE</b>
Taxpayer Name: Trade Name: Address:  Certificate Number: Effective Date: Date of Issuance:	
For Office Use Only:	

**OR**

<b>STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE</b>		<small>DEPARTMENT OF TREASURY DIVISION OF REVENUE PD 508 212 TRENTON, N.J. 08646-0152</small>
TAXPAYER NAME:	TRADE NAME:	
ADDRESS:	SEQUENCE NUMBER:	
EFFECTIVE DATE:	ISSUANCE DATE:	
 Acting Director New Jersey Division of Revenue		
<small>FORM 800-05-00 This Certificate is NOT acceptable or transferable. It may be conspicuously displayed at above address.</small>		

17. Any proposal not meeting the requirements set forth herein may be rejected.

**ALL BIDS SUBMITTED SHALL INCLUDE THE ATTACHED "BIDDER'S CHECKLIST" ALONG WITH A SIGNED PROPOSAL AND ALL REQUIRED DOCUMENTS LISTED ON THE CHECKLIST**

## GENERAL SPECIFICATIONS

**INTENT:**

It is the intent of this specification to describe and govern the **FURNISHING AND DISPLAY OF FIREWORKS AND ALL ASSOCIATED SERVICES (BID #0047-13)** hereafter, referred to as the items.

**SCOPE:**

The bidder is to furnish and deliver any or all items as called for in the specifications as instructed by the Agency.

**GENERAL:**

The items shall be new and of the latest design. The items shall be furnished complete in every detail and ready for use when delivered to the Agency. Any item differing in minor details from these specifications may be considered, provided such differences are clearly noted and described in detail by the bidder and attached to the proposal and considered by the purchaser to be, in all essential respects in compliance with these specifications. If requested the bidder shall bring to the Agency, the items or a portion thereof, for a final inspection before the bid is awarded. The agency reserves the right to inspect manufacturing and warehouse facilities.

**EQUAL/TIE BIDS:**

In the event of equal or tie bids, the agency reserves the right to award, at its discretion, to any one of the equal or tie bidders.

**PRICE DISCREPANCY:**

If there is a discrepancy between the extended price and the unit price, the unit price shall prevail and the agency retains the right to recompute the extended price.

The agency also retains the right to check tie addition of all extended prices regardless of whether or not there is a discrepancy between the extended prices and the unit price. If the total sum of the extended price is incorrect, as a result of the bidders faulty arithmetic calculations, the agency will substitute the correct price and inform the vendor of the change.

**GUARANTEE:**

The bidder shall guarantee that the items and all its parts shall comply with this specification.

**PRODUCT:**

Only manufactured and farm products of the United States wherever available, shall be used in the performance of the specifications.

**QUANTITY:**

Quantities stated in the specifications are approximate quantities only, and the agency reserves the right to increase or decrease the quantities without increase or decrease in price.

**PROPOSAL FORM:**

Prices are to be quoted for each item to be bid upon by bidder. The Board of Recreation Commissioners reserves the right to accept or reject any or all items listed on the proposal and to award the contract in whole or in part as deemed in the best interest of the Board of Recreation Commissioners.

**SAMPLE ONLY - PAGE #1**

**CONTRACT**

This AGREEMENT, made and entered into this      day of A. D. Two Thousand and -      and between the MONMOUTH COUNTY BOARD OF RECREATION COMMISSIONERS, a body corporate and politic of the State of New Jersey, party of the first: part; AND

party of the second part.

WITNESSETH: That in consideration of the payments hereinafter specified and agreed to be made by the party of the first part, the party of the second part hereby covenants and agrees to furnish and deliver to the Monmouth County Board of Recreation Commissioners, in strict and entire conformity with the specifications hereto annexed, which are made a part of the Agreement as fully with the same effect as if the same had been set forth at length in the body of this Agreement.

The party of the second part agrees to make payment of all proper charges and labor and materials required in the aforementioned work, and indemnify and save harmless the party of the first part, its officers, agents and servants and each and every name and description, including royalty fees and claims for the use of patented materials or payments and from all damages to which the said party of the first part or any of its officers, agents and servants may be put by reason or injury to the person or property of others resulting from carelessness in the performance of said work, or through any improper or defective machinery, implements or appliances used by the said party of the second part in the aforesaid work, or through any act or omission on the part of the said party of the second part, or his agent or agents.

It is also agreed and understood that the acceptance of the final payment by the contractor shall be understood as a release in full of all claims against, out of, or by reason of the work done and materials furnished under this contract.

If proposals received for this contract include unit prices, the party of the first part reserves the right to increase or decrease any or all quantities in each item at the unit price bid.

IN CONSIDERATION OF the premises, the party of the first part agrees to pay the party of the second part for the said furnishing and delivery of

**SAMPLE ONLY - PAGE #2**

the same payable at the time and in the manner set forth in the specifications and proposal in connection with the same, which are a part of this contract, the same as though specifically set forth herein and attached hereto and made a part hereof is a true copy of the advertisement for bids.

IN WITNESS WHEREOF, the party of the first part has caused this instrument to be signed by the Chairman and attested by its Secretary, with its corporate seal hereto affixed, on *this* day and year first above written. The party of the second part is required to tactfully execute and carry out all requirements of the Affirmative Actions of P.L. 1975 c. 127.

MONMOUTH COUNTY BOARD OF  
RECREATION COMMISSIONERS

BY: \_\_\_\_\_  
Edward J. Loud, Chairman

BY: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
James J. Truncer  
Secretary-Director

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

**SPECIFICATIONS FOR THE FURNISHING AND DISPLAY OF FIREWORKS AND ALL ASSOCIATED SERVICES TO THE MONMOUTH COUNTY BOARD OF RECREATION COMMISSIONERS, LINCROFT, NEW JERSEY 07738.**

**SCOPE:**

It shall be the purpose of this contract to make available to the Monmouth County Park System an authorized source for the 2013 Monmouth County Fair Fireworks display at East Freehold Park, Freehold, N.J.

The Monmouth County Park System desires to provide a unique and exciting fireworks show, bringing a program to the public that will be remembered for its beauty and excitement long after the event is completed.

**The Monmouth County Park System has estimated the fireworks display to be \$9,000.00, and seeks to procure the highest quality show, both in quantity of shells and in quality of presentation.**

**LOCATION, DATE, and TIME:**

1. The fireworks display is to be held at 1500 Kozlowski Rd., East Freehold Park, Freehold, NJ 07728 at approximately 9:20 PM. on July 24, 2013. See attachment for firing site and fall out radius restrictions. Displays and equipment shall be in place at the location designated, not later than 3:00 PM local time on the date of the firing.
2. In the event of inclement weather or other unforeseen circumstance that precludes firing the display on the specified date, the Monmouth County Park System reserves the right to reschedule the firing for an alternate date. The show will be scheduled to take place no later than October 1, 2013.

**DISPLAY DURATION:** 18 minutes minimum of display. No dead air.

**PROPOSAL:**

1. All proposals must provide specifications for a complete fireworks show, including all shells, mortars, and other necessary materials as well as skilled, licensed operators as required in the proposal package
2. The bidder's proposal shall be all inclusive, i.e., it shall provide for all necessary labor, transportation, storage, tools, materials, equipment, and all necessary permits to conduct the fireworks display
3. Each bidder shall list the number and size of shells in each category as described herein, itemized by the opening, main show, and grand finale on the Proposal page
4. The display shall consist of an opening salutary display, a main show, and a grand finale
5. The fireworks display shall last a minimum of eighteen (18) minutes in duration with little to no delays between the opening, the body (main show), and the finale
6. **The fireworks shells used in the display shall be 3" to 8" shells. No shells less than 3" and none larger than 8"**
7. **Absolutely no low or ground show displays**
8. **Salutes shall be no larger than 3"**
8. Maintain a fast and loud tempo, with an emphasis on loud
9. The finale shall be long and loud

10. Proposals shall include details of firing methods to be utilized in the fireworks display.
11. The bidder shall provide sufficient security to ensure that fireworks and contractor's equipment are not tampered with or stolen.
12. Provide an on-site inventory check of shells with the Monmouth County Fire Marshal's Office and assigned Park System staff before the display
13. Description, quantity, and size of shells to be discharged.
14. Provide a sufficient number of assistants, fully trained to perform their assigned tasks.
15. The fireworks company shall cleanup all fall out debris, such as pieces of paper and cardboard, etc. after the display

**CONTACT INFORMATION:**

Monmouth County Park System- Purchasing Agent	(732) 842-4000 Ext. 4330
Fair Chair Person - Patti Conroy	(732) 542-1642 Ext. #24
Fireworks Contact Person- Stephen Matthews	(732) 890-5050
Monmouth County Fire Marshal's Office	(732) 683- 8856
1027 State Highway #33, East, Freehold, NJ	
Attn: Chris Pujat, Deputy Fire Marshal	

**QUALIFICATIONS:**

1. Provide documentation of applicable licenses and operator permits related to the fireworks display, transportation, and storage.
2. Provide the name of all pyrotechnicians and others scheduled to operate the display.
3. Provide a list of past experiences with references.
4. Provide a safety record for the past 5 years
5. Provide a site plan and designate the circumference of the display site, fallout area, etc., including the dimension of the radius
6. Provide an explanation on the manner of storage of fireworks prior to and during the display.
7. Provide a description, quantity, and size of shells to be discharged
8. Provide a detailed fireworks display description. This includes the firework manufacturer's name, size of shells, and details related to the display.
9. Knowledge and ability to comply with all regulations, codes, and statutes related to firework displays. These include but are not limited to National Fire Protection (NFPA) 1, 167, 1123, 1124, and OSHA 29 CFR1926
10. The Contractor shall be responsible for strictly adhering to NFPA 1123, 2010 Edition. Requirements of said code include, but are not limited to, the following:
  - 1) The discharge site of the fireworks display shall have a minimum 70-foot radius per inch of internal mortar diameter of the largest aerial shell to be fired.
  - 2) The discharge site of the fireworks display shall be located so that a minimum distance as specified by NFPA 1123 is maintained from the mortar launch site to spectators, dwellings or spectator parking areas.
11. Meet all of the requirements in the General Conditions of this Specification
12. Ability to provide a professional and superior quality program.

**The Monmouth County Park System shall provide crowd control at all times during the preparation and during the exhibition of the fireworks display. Crowd control will be maintained for a period of at least 30 minutes after the completion of the fireworks display.**

**FIREWORKS SPECIFICATIONS**

1. The handling and use of fireworks for outdoor display and operation of the display shall be governed by NFPA 1123, 2010 Edition  
 Provide a description of each type of proposed shell, to include the following
  - a. **Size of shells shall not be smaller than three (3) inches in diameter**
  - b. **Size of shells shall not be larger than eight (8) inches in diameter**
  - c. Category of Shell
  - d. Height of burst above ground level
  - e. Burst radius of illuminant (in feet)
  - f. Color(s) of illuminant
  - g. Duration of illuminant (in seconds) measured from time of burst to extinguishments of major fireball
  - h. Description of special effects (special patterns, and /or sequential bursts)
2. All firework shells shall be clearly labeled for identification, and include the name and address of the manufacturer, country of origin, shell size in inches, content/effect, and if shell contains multiple projections.
3. All firework shells used must be approved by the appropriate regulatory agency.

**FIREWORKS AERIAL DISPLAY DISTRIBUTION**

<b><u>OPENING DISPLAY:</u></b>	<b><u>SHELL TYPES</u></b>	<b><u>% OF DISTRIBUTION</u></b>
	3" Aerial Display	81%
	4" Aerial Display	9%
	5" Aerial Display	4%
	6" Aerial Display	4%
	8" Aerial Display	2%
<b><u>MAIN BODY DISPLAY:</u></b>	<b><u>SHELL TYPES</u></b>	<b><u>% OF DISTRIBUTION</u></b>
	3" Aerial Display	47%
	4" Aerial Display	26%
	5" Aerial Display	15%
	6" Aerial Display	10%
	8" Aerial Display	2%
<b><u>FINALE DISPLAY:</u></b>	<b><u>SHELL TYPES</u></b>	<b><u>% OF DISTRIBUTION</u></b>
	3" Aerial Display	88%
	4" Aerial Display	6%
	5" Aerial Display	3%
	6" Aerial Display	2%
	8" Aerial Display	1%

### **PYROTECHNICS PLANS**

1. **Prior to any fireworks display the fireworks company shall submit a plan for the use of pyrotechnics to the Monmouth County Park System and to the Monmouth County Fire Marshal's Office. The plan shall be submitted no later than May 17, 2013.**
2. After a Fire Works permit has been granted, the fireworks company shall keep the plan available at the site for designated agents of the Monmouth County Park System and the Monmouth County Fire Marshal's Office.

The plan shall provide the following.

- (a) Name of the person, group, or organization sponsoring the production.
- (b) Date and time of day of the production.
- (c) Exact location of the production.
- (d) Name of the person actually in charge of firing the pyrotechnics (i.e., the pyrotechnic operator).
- (e) Number, names, and ages of all assistants who are to be present.
- (f) Qualifications of the pyrotechnic operator.
- (g) Pyrotechnic experience of the operator.
- (h) Confirmation of any applicable state and federal licenses held by the operator or assistant(s).
- (j) Number and types of pyrotechnic devices and materials to be used, the operator's experience with those devices and effects, and a definition of the general responsibilities of assistants.
- (k) Diagram of the grounds or facilities where the production is to be held. This diagram shall show the point at which the pyrotechnic devices are to be fired, the fallout radius for each pyrotechnic device used in the performance, and the lines behind which the audience shall be restrained.
- (l) Point of on-site assembly of pyrotechnic devices.
- (m) Manner and place of storage of the pyrotechnic materials and devices.

### **GENERAL FIRE PROTECTION**

1. Two or more fire extinguishers of the proper classification and size as approved by the authority having jurisdiction shall be readily accessible while the pyrotechnics are being loaded, prepared for firing, or fired
2. Additional fire extinguishing equipment shall be provided as required by NFPA 10, Standard for Portable Fire Extinguishers, and the authority having jurisdiction.
3. Provisions for lockable storage for pyrotechnics, approved by the authority having jurisdiction, shall also be provided.
4. No personnel shall use or handle pyrotechnic materials or devices while under the influence of intoxicating beverages, narcotics, controlled substances, and prescription or nonprescription drugs that can impair judgment.
5. All pyrotechnic devices shall be mounted in a secure manner to maintain their proper positions and orientations so that, when they are fired, the pyrotechnic effects described in the plan submitted by the permittee are produced. Pyrotechnic devices shall be mounted so that no fallout from the device endangers human lives, results in personal injury, or damages property.

6. Pyrotechnic materials shall be fired only from equipment specifically constructed for the purpose of firing pyrotechnic materials. The pyrotechnic operator shall be responsible for selecting equipment and materials that are compatible.
7. Converted electrical switch boxes, lamp sockets, lamp holders, plug fuses, or other similar thin-walled, brittle devices shall not be used for concussion mortars or flash pots
8. Pyrotechnic materials and devices shall be stored in accordance with regulations promulgated by the Bureau of Alcohol, Tobacco, and Firearms (ATF). A closed vehicle, such as a truck, shall be permitted to be used for storage where permitted by ATF, state, or local regulations.
9. Pyrotechnic materials and devices shall not be stored within 50 ft (15.3 m) of any unprotected source of heat or open flame.
10. The authority having jurisdiction shall determine that appropriate measures are established to provide acceptable crowd management, security, fire protection, and other emergency services.
11. All planning and use of pyrotechnics shall be coordinated with Stephen Matthews and the Monmouth County Fire Marshal's Office
12. **All paperwork required for the fireworks permit submitted to the Monmouth County Fire Marshal's office shall be provided no later than May 17, 2013.**
13. The Fireworks Company shall conform to all applicable regulations to include but not be limited to: State of New Jersey Uniform Fire Code, New Jersey Department of Labor Division of Workplace Standards – Fireworks Acts, and NFPA standards for fireworks.
14. All fireworks racks shall be spiked down into the ground as per the Fire Marshall's instructions and the racks shall be constructed of substantial lumber. Eight inch shells shall be buried in the sand or as directed by the Fire Marshal's Office.
15. Should any municipal, county, state or federal official cancel, stop or deny the fireworks show for any infraction or any code violation, no monies will be paid to the fireworks company. The Monmouth County Fire Marshall's office is the agency responsible for enforcing these codes on behalf of the Monmouth County Park System.

**PUBLIC SAFETY REQUIREMENTS- NO SPECTATORS OR SPECTATOR PARKING SHALL BE PERMITTED WITHIN THE FIREWORKS DISPLAY SITE. THE MONMOUTH COUNTY PARK SYSTEM WILL PROVIDE CROWD CONTROL**

**CONTRACT PROVISIONS:**

An insurance certificate in the amount of \$5,000,000.00 naming the “**COUNTY OF MONMOUTH and Monmouth County Board of Recreation Commissioners, its employees and agents are hereby named as additional insured**” and also a certificate naming the **Monmouth County Vocational School District and Board of Education as additional insured. The Vocational School District representative is:**

Rose Kindon at 732-409-6733 and followed by a hard copy mailed to:

C/o Rose Kindon

Monmouth County Vocational School District

4000 Kozloski Rd. P.O. Box 5033

Freehold NJ 07728-5033

1. The fireworks company agrees to wave any fees for the July 24, 2013 show, should the Monmouth County Park System cancel the fireworks show for weather or any legitimate reason, if informed by up to 2:00PM the day of the event. Should the fireworks show be cancelled once the fireworks company is on site, the Monmouth County Park System agrees to pay for the time/salaries and wages and rentals of the fireworks company for a fee no greater than 25% of the original cost of the show, not to exceed \$2,250.00.
2. There is no rain date at the Monmouth County Fair. However, the Monmouth County Park System reserves the right to reschedule a show at a mutually agreed upon dollar amount and location within the Park System properties. A proposal for site-specific numbers and sizes of shells for the show will be agreed upon at that time. This show will be scheduled to take place no later than October 1, 2013.
3. An agent owner for the fireworks company must sign and provide the enclosed Affidavit to Prevent Certain Convicted Sexual Offenders (to be provided) onto the Monmouth County Fairgrounds and provide a copy of the driver's license of the person signing, to the Monmouth County Park System.

### **INSURANCE LANGUAGE FOR GOODS & SERVICES CONTRACTS**

**INSURANCE:** The Contractor shall maintain the following insurance coverage, and provide the Park System a Certificate (ACORD<sup>®</sup>) of same, naming the Monmouth County Park System as the Certificate holder.

**A. Worker's Compensation and Employer's Liability**—covering all of the contractor's employees engaged in the performance of the contract in accordance with the requirements of the laws of the State of New Jersey, including voluntary compensation/all States endorsement.

**B. General Liability:** Bodily injury and property damage, including coverage for: premises / operations; products / completed operations; broad form property damage; independent contractors; blanket contractual and, if applicable, explosion, collapse and underground (XCU). Limits of not less than \$5,000,000 for both bodily injury and property damage are required. A

combined single limit of \$5,000,000 is acceptable. The Contractor shall maintain completed operations insurance for at least two years after final payment.

**C. Comprehensive Automobile Liability:** Bodily injury and property damage with limits of not less than \$1,000,000 per person or occurrence. A combined single limit of \$1,000,000 is acceptable. Coverage must include hired and non-owned vehicles. A MCS-90 certificate shall be filed with the State if hazardous materials or waste will be transported during the performance of the work.

**12. County Additional Insured:** The County of Monmouth, Monmouth County Board of Recreation Commissioners, and their respective officers, servants and agents must be named as additional insured on all policies except the Worker's Compensation policy. The Monmouth County Vocational School District and Board of Education shall also be named as additional insured

### **MANDATORY BUSINESS REGISTRATION CERTIFICATE** (Chp. 57, Laws of 2004-S-1778)

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted for the bidder and any designated subcontractors (N.J.S.A. 40A:11-16, including plumbing, HVAC, electrical and structural steel). No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

Sample Business Registration Certificates are attached. Other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are not proof of Business Registration.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-9292. Form NJ-REG can be filed online at: <http://www.state.nj.us/treasury/revenue/gettingregistered.shtml>

#### **CONTRACTOR SELECTION PROCESS**

Proposals received from Fireworks Bidders will be evaluated on:

1. The quality of the program proposal
2. The quantity of the program proposal
3. The ability to provide a competent, experienced, and qualified fireworks display capable of firing 3", 4", 5", 6", and 8" aerial shells.
4. Contractor shall demonstrate, within their proposal that they are ready to provide the highest quality fireworks, falling within the program budget (\$9,000.00) and prepared to provide a qualified and experienced operator capable of handling and firing the program within industry standards and time frame set forth within these specifications.

#### **METHOD OF AWARD:**

**The Contract will be awarded to the lowest qualified bidder, while providing the best Fireworks display as determined by the Monmouth County Park System, in terms of number of fireworks, size of shells and display presentation.**

**The Purchasing Committee reserves the right to accept or reject any or all bids, and to award the contract in the best interest of the Park System.**




560 FT. Fireworks Discharge Buffer Zone

Fireworks Discharge Location

M.C. BIO TECH High School

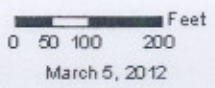
East Freehold Showgrounds

**Legend**

-  Fireworks Discharge Location
-  560 FT. Fireworks Discharge Buffer Zone
-  East Freehold Showgrounds Park Boundary



Monmouth County Park System



2012 Monmouth County Fair  
Fireworks Display



## BIDDER'S CHECKLIST

BID #: 0047-13

(Owner's checkmarks)



Items submitted with bid  
(Bidder's INITIALS)



**A. FAILURE TO SUBMIT ANY OF THESE ITEMS WITH THE BID IS  
MANDATORY CAUSE FOR REJECTION**

<u>  X  </u>	Proposal (Original)	_____
<u>  X  </u>	Statement of Ownership	_____
<u>  X  </u>	Non-Collusion Affidavit	_____

**B. ITEMS PREFERRED WITH THE BID, BUT MANDATORY PRIOR  
TO AWARD OF CONTRACT**

<u>  X  </u>	Copy of the N.J. Business Registration Certificate for the bidder and any designated subcontractors	_____
<u>  X  </u>	References / List of previous and/or active relevant work	_____
_____	Resume(s)	_____

**C. OPTIONAL**

<u>  X  </u>	EEO/Affirmative Action Compliance Notice	_____
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**THE UNDERSIGNED BIDDER HERewith SUBMITS THE ABOVE REQUIRED DOCUMENTS:**

PRINT NAME OF BIDDER: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_

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

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

**THIS CHECKLIST SHOULD BE INITIALED AND SIGNED WHERE INDICATED AND  
RETURNED WITH ALL DOCUMENTS**

SUBMITTED BY: \_\_\_\_\_  
Company Name

**PROPOSAL #1**

**FOR THE FURNISHING AND DISPLAY OF FIREWORKS AND ALL ASSOCIATED SERVICES TO THE MONMOUTH COUNTY PARK SYSTEM, MONMOUTH COUNTY BOARD OF RECREATION COMMISSIONERS, LINCROFT, NEW JERSEY**

The undersigned hereby declare that he/she has carefully examined the advertisement, specifications, and form of contract for furnishing the specified items and that he/she will execute the contract according to the specifications, terms, and conditions with respect to the following:

**PROPOSAL SHALL INCLUDE ALL COSTS AND EXPENSES TO PROVIDE THE NECESSARY EQUIPMENT, MATERIALS, LABOR, SUPPLIES, PERMITS, AND SERVICES TO PROVIDE A FIREWORKS DISPLAY AT EAST FREEHOLD PARK ON JULY 24, 2013.**

**THE MONMOUTH COUNTY PARK SYSTEM HAS ESTIMATED THE FIREWORKS DISPLAY TO BE \$9,000.00. AWARD WILL BE MADE TO THE LOWEST QUALIFIED BIDDER.**

**ITEM 1 - OPENING DISPLAY**

<b>SHELL TYPES</b>	<b>Percent of Distribution</b>	<b>Number of Shells</b>	<b>COST</b>
3" Aerial Display	81%	_____	\$ _____
4" Aerial Display	9%	_____	\$ _____
5" Aerial Display	4%	_____	\$ _____
6" Aerial Display	4%	_____	\$ _____
8" Aerial Display	2%	_____	\$ _____
		<b><u>COST FOR ITEM #1</u></b>	<b>\$ _____</b>

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**ITEM 2 - MAIN BODY DISPLAY**

<b>SHELL TYPES</b>	<b>Percent of Distribution</b>	<b>Number of Shells</b>	<b>COST</b>
3" Aerial Display	47%	_____	\$ _____
4" Aerial Display	26%	_____	\$ _____
5" Aerial Display	15%	_____	\$ _____
6" Aerial Display	10%	_____	\$ _____
8" Aerial Display	2%	_____	\$ _____
<b><u>COST FOR ITEM #2</u></b>			<b>\$ _____</b>

**ITEM 3- FINALE DISPLAY**

<b>SHELL TYPES</b>	<b>Percent of Distribution</b>	<b>Number of Shells</b>	<b>COST</b>
3" Aerial Display	88%	_____	\$ _____
4" Aerial Display	6%	_____	\$ _____
5" Aerial Display	3%	_____	\$ _____
6" Aerial Display	2%	_____	\$ _____
8" Aerial Display	1%	_____	\$ _____
<b><u>COST FOR ITEM #3</u></b>			<b>\$ _____</b>

**TOTAL LUMP SUM FOR ITEMS 1 THRU 3** **\$ \_\_\_\_\_**

Tax Exemption No. 69-0220842

VARIANCE IF ANY:

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The undersigned is a partnership under the law of the State of

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A corporation  
An individual

Having principal offices at: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

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

ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_ FAX PHONE: \_\_\_\_\_

FEDERAL TAX ID# OR SOCIAL SECURITY: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

DATED: \_\_\_\_\_



## CAUTION

### REGARDING STATEMENT OF OWNERSHIP

The enclosed Statement of Ownership form must be properly completed. If it is not properly completed, your bid must be rejected, as required by N.J.S.A.40A:11-23.2. **Mistakes cannot be cured after bids are received.**

For example, if your firm, bidder "A", is entirely owned by corporation "B", you must disclose the names and addresses of the owners of 10% or more of corporation "B". Furthermore, if corporation "C" owns 10% or more of corporation "B", you must disclose the names and addresses of the owners of 10% or more of corporation "C", and so on, until the names and addresses of all persons, i.e., human beings, in this "10%" chain of ownership have been disclosed.

The same procedure applies if any 10% or more owner is a partnership, limited liability company, estate or any other type of legal entity, as opposed to a corporation.

# STATEMENT OF OWNERSHIP

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

Stockholders:

Name:	Name:
Home Address:	Home Address:
<hr/>	
Name:	Name:
Home Address:	Home Address:
<hr/>	
Name:	Name:
Home Address:	Home Address:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name & Title)

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY

COUNTY OF \_\_\_\_\_ ss:

I, \_\_\_\_\_ of the City of

in the County of \_\_\_\_\_ and the State of

of full age, being duly sworn according to law on my oath depose and say that:

I am \_\_\_\_\_ of the firm of \_\_\_\_\_ the bidder making the Proposal for the above-named project, and that I executed the said Proposal with full authority so to do; 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 project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the County of Monmouth 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 project.

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

By \_\_\_\_\_  
(Name of Contractor)

(N.J.S.A. 52:34-15)

Subscribed and sworn to \_\_\_\_\_  
(Also type or print name of affiant under signature)

before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public of My commission expires \_\_\_\_\_, 20\_\_\_\_

OFFICIAL SEAL OR STAMP REQUIRED.

## EXHIBIT A

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31, et seq. N.J.S.A. (P.L. 1975, C. 127) N.J.A.C. 17:27

#### GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

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

- a. 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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity 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.
- 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.
- c. The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. 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.
- e. The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with **N.J.A.C. 17:27-5.2**.

- f. The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, 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.
- g. 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.
- h. In conforming with the targeted 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, race, 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.
- i. 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 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))
- j. The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance 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 Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

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

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

**Goods and General Service Vendors**

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

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

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

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

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

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) on the Division website [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance).

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

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

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

**COMPANY:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

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

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