INSTRUCTIONS TO BIDDERS

Lease of Wireless Communications Tower Site

1. **SUBMISSION OF BIDS.**

a. Pursuant to Township Resolution No. 2026-69 sealed bids will be received by the Township of Franklin, in the County of Warren, a New Jersey municipal corporation ("Township") for the lease of approximately 2,500 square feet ("Tower Site') together with non-exclusive 20-foot wide leased easements for vehicle and utility access from an existing driveway with access to Route 57 to such Tower Site; all located on lands known as Block 16, Lot 12.01 owned by the Township with an address of 2093 State Route 57, Broadway, New Jersey, 08808. Such sealed bids will be received by the designated representative at the time and place stated in the Notice to Bidders, and at such time and place will be publicly opened and read aloud. Bids will be received by mail, commercial carrier or hand delivery on the proposal forms provided in the manner designated, herein, and clearly marked on the outside of the envelope: "BID FOR WIRELESS COMMUNICATION TOWER SITE LEASE ENCLOSED - DO NOT OPEN" in lower left corner. Bids must be mailed or delivered to:

Township Clerk
Township of Franklin
2093 Route 57
PO Box 547
Broadway, NJ 08808
Tel. 908-689-3994 x15

b. It is the bidder's responsibility to see that bids are presented to the Township on the hour and at the place designated. Bids may be hand delivered or mailed; however, the Township disclaims any responsibility for bids forwarded by regular mail or overnight mail. Bids received after the designated time and date will be returned unopened.

c. Sealed bids forwarded to the Township before the time of opening of bids may be withdrawn upon written application of the bidder who shall be required to produce evidence showing that the individual is or represents the principal or principals involved in the bid.

d. All prices and amounts must be written in ink (or preferably typewritten). Bids containing any conditions, omissions, unexplained erasures or alterations, items not called for in the bid proposal form, attachment of additive information not required by the specifications, or irregularities of any kind, may be rejected by the Township. Any changes, white-outs, strikeouts, etc. on the proposal page must be initialed in ink by the person responsible for signing the bid.

e. Each bid proposal form must give the full business address of the bidder and be signed by an authorized representative. Bids by partnerships must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and designation of the person signing. Bids by corporations must be signed in the legal name of the corporation and must contain the signature and designation of the person authorized to bind the corporation in the matter. If the bid is signed by anyone other than an officer of the corporation, a certified copy of a resolution of the corporate board of directors duly authorizing such person to act must be provided.

2. **BID SECURITY**

Accompanying each bid shall be a certified check, cashier's check, or a bid bond in the form described in N.J.S.A. 40A:11-21, in the amount of $20,000. If submitting a bid bond, the bond shall contain Power of Attorney for full amount of the bid bond from a surety company authorized do business in the State of New Jersey and acceptable to the Township. The check or bond of the unsuccessful bidders(s) shall be returned as prescribed by law. The check or bond of the bidder to whom a lease is awarded shall be retained until the Site Agreement is executed. If the successful bidder to whom an award has been made fails or refuses to execute and deliver the Site Agreement within forty-five (45) days after receipt of written notification by the Township that the Site Agreement is ready for execution, said bidder forfeits to the Township as liquidated damages the bed security deposited with its bid.

3. **BID DOCUMENTS.**

The bid must be returned in its entirety in order to be considered for an award. Each bid must be accompanied by the items requested below in the form attached as **Appendix B.** Failure to provide these items and the entire bid package may cause for rejecting this proposal.

a. Proposal sheet
b. Bid Security (bid bond, certified check, or cashier's check)
c. Non-collusion Affidavit
d. Stockholder Disclosure. List of names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock
e. Debarment Certification
f. Disclosure of Investment Activities in Iran
g. Business Registration Certificate
h. Copy of bidder's FCC license or a Letter of Intent signed by FCC carrier representing that the carrier intends to install an FCC licensed telecommunication antenna facility at the site if the bidder is successful.

4. **FORM OF SITE AGREEMENT AND LEASE.**

The Site Agreement and Lease shall be in the form set forth in **Appendix A**, but also including language regarding the monthly rental in the bid (being the bid accepted following auction by the Township) for the first year of the initial term of the lease (which bid amount shall not be less than $3,500.00 per month).

The intent of this proposal is to ascertain the highest bid for rental of the Tower Site for up to twenty-five years based upon the amount bid, as a monthly rental payment for the first year of the initial term of the lease, with recognition that the rental payment will escalate from such monthly rental for the first year of such initial term based on the provisions of said Site Agreement.

5. **LEASE TERM.**

The term of the lease shall be for a period of five (5) years with four (4) renewable five (5) year extensions.

6. **RENT / MINIMUM BID.**

The highest bidder, as tabulated by the Township of Franklin, will be awarded a lease of real property to accommodate the construction and maintenance of a wireless telecommunications monopole and related support facilities. The successful bidder will be responsible for all costs related to the construction and / or maintenance of the monopole. The minimum bid shall be $40,800.00 annual rent, payable in monthly installments, with an annual increase of three percent (3%) or the Consumer Price Index (CPI), whichever is greater.

As to carriers who co-locate on the subject monopole, the Township shall receive fifty percent (50%) of all revenue, payable to the Township on a monthly basis, along with the monthly rent.

7. **TOWER SPECIFICATIONS.**

The successful bidder shall be awarded a lease of real property sufficient to construct a cellular communications tower which will have the size and strength to accommodate five cellular antennae, and five equipment shelters with interior spaces approximately of 20 ft. X 17.5 ft. The Tower shall be constructed and / or maintained in accordance with all codes including ANSI/TIA-Revision 1 standards. The lease shall also include use of an access roadway from Route 57 to the Tower Site. The access and Tower Site shall be located substantially in conformance with the locations specified on the Site Plan attached hereto.

8. **FCC LICENSE.**

In order to qualify as an eligible bidder, Bidders must maintain a FCC license OR must submit with the bid a Letter of Intent signed by FCC carrier representing that the carrier intends to install and / or maintain an FCC licensed telecommunication antenna facility at the site if the bidder is successful. Bidders who do not conform to this paragraph shall not be considered.

9. **REVIEW OF BID DOCUMENTS.**

The bidder shall review the Notice to Bidders, the Instructions to Bidders, Bid Proposal Form, and proposed Lease, before submitting a proposal, in order that no misunderstanding will exist in regard to the nature and character of the contract, and will deliver to the Township Clerk in writing all questions at least five business days before the deadline for submission of bids. No allowance will be made for any claims that a bid is based upon incomplete information as to the nature and character of the contract. Conditional bids may be rejected. Any questions regarding the bid or the terms and conditions of the bid must be submitted to the Township Engineer, Wayne Ingram, at: Main: 908-850-0977; Direct: 732-312-9862, Email: Wayne.Ingram@FPAengineers.com.

10. **RIGHT TO REJECT BIDS.**

The Township reserves the right to reject all bids, to waive any informality on bids received, and to omit any item or items deemed advisable for the best interests of the Township, or to withhold final award of the contract.

11. **FAILURE TO ENTER INTO A LEASE.**

Should the successful bidder(s) fail to execute and deliver the lease within sixty (60) days after receipt of written notification by the Township that the lease is ready for execution the bidder forfeits to the Township as liquidated damages the bid security deposited with its bid.

12. **AWARD OF LEASE.**

Award of the lease, if made, will be made within sixty (60) days of the bid date by the governing body.

13. **PERMITTING AND ZONING REQUIREMENTS.**

The successful bidder shall obtain at its own expense all applicable permits, approvals and licenses. The successful bidder will be responsible to apply for and obtain site plan approval, all required construction permits, and any other permits or licenses required from other governmental agencies. The Township reserves the right to reject all bids.

The successful bidder to whom an award is made is responsible for obtaining site plan approval pursuant to Chapter 90 of the Township Code, as well as any other land use approval required under such Code, or required by the County of Warren, for the construction and use of communications services facilities on the Tower Site and on the transmission tower. Such successful bidder shall, at its expense, diligently and with reasonable dispatch pursue in good faith the obtaining of all such approvals. If such approvals, despite such good faith efforts by said successful bidder, have not been obtained within six (6) months of the award of the lease by the Township governing body, the lease shall, at the election of the governing body, or the successful bidder, be terminated, the bid security shall be returned to the said successful bidder, and thereafter neither the Township nor the successful bidder shall be liable to the other or have any obligation to

the other with respect to a lease of a portion of said Lot 12.01.

14. **STATUTORY AND OTHER REQUIREMENTS.**

a. ***Required Affirmative Action Evidence***. No firm may be issued a contract unless it complies with the affirmative action provisions of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq. The following information summarizes the full, required regulatory text, for a construction contract, which is included as Appendix C of this bid specification.

b. ***Proof of Business Registration***. P.L. 2004, c.57, as amended by P.L. 2009, c.315 (N.J.S.A. 52:32-44) requires the successful bidder to provide the Township with the business registration of the successful bidder and that of any named subcontractor prior to the time a contract is awarded.

c. Debarment Certification

d. Americans with Disabilities Act of 1990. Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Bidders are required to read Americans With Disabilities language that is included as Appendix D of this specification and agree that the provisions of Title II of the Act are made a part of the contract. The contractor is obligated to comply with the Act and to hold the owner harmless.

e. The Public Works Contractor Registration Act. N.J.S.A. 34:11-56.48, et seq., requires that a general or prime contractor and any listed subcontractors named in the contractor's bid proposal shall possess a certificate at the time the bid proposal is submitted. After bid proposals are received and prior to award of contract, the successful bidder shall submit a copy of the contractor's certification.

15. **INSURANCE.**

The successful bidder shall procure and maintain commercial general liability insurance, with limits as established in the lease.

16. **NO REPRESENTATIONS.**

The Township makes no representations regarding the status, suitability or condition of the Tower Site. Bidders may contact the Township Engineer or Clerk to arrange for inspection of the site. Bidders may contact the Township to arrange for inspection of the site and to satisfy themselves of its suitability for its proposed use.

16. **NO COMMISSION.**

No commission or brokerage fee shall be payable by the Township with respect to the lease.

17. **LEASE COMMENCEMENT DATE.** The lease shall commence and be effective on the date the bid is accepted by the Township Committee. The obligation to make all rental payments shall commence the first day of the first month following the successful bidder's securing of all site plan approvals and permits to permit the construction of the site.

SITE PLAN

Appendix A
Form of Lease

Appendix B
Forms

1. **Proposal sheet**
2. **Non-collusion Affidavit**
3. **List of names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock - "Disclosure Certification".**
4. **Bid Bond, or certified check, or cashier's check**
5. **Debarment Certification**
6. **Disclosure of Investment Activities in Iran**

1. BID PROPOSAL SHEET

Lease of Wireless Communications Tower Site

PROPOSAL FROM:

PLEASE PRINT : Name:_____

Address:_____

_____ ZIP_____

Phone:(___)_____ FAX:(___)_____

E-mail Address:_____

Having examined in their entirety the Notice of Bid, Instructions to Bidders, Specifications, and any Addenda thereto, and all other documents comprising and hereafter collectively referred to as the Contract Documents, all as prepared by the Township of Franklin,

The undersigned further agrees that:

(a) This Proposal shall remain irrevocable for a period of sixty (60) days from the date of bid opening set forth in the Notice of Bid.

(b) The following listed addenda have been received and considered in the preparation of this Proposal:

Addenda No._____ Dated:_____

The undersigned offers the following as annual rent for the initial year:

$_____
(Bid amount, numeric)

_____
(Bid amount, words)

Signed by: _____ Witnessed by:_____

Name: _____
(Print)

Title: _____

2. NON-COLLUSION AFFIDAVIT

State of New Jersey :
: SS:
County of :

I, , maintaining an office at
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 making this Proposal for the bid proposal entitled "Bid for Wireless Communication Tower Site Lease," and that I executed the said proposal with full authority to do so, that bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any in restraint of free, competitive bidding in connection with 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 Township of Holland relies upon the truth of the statements contained in this firm's Proposal and in the statements contained in this affidavit in awarding a lease for such Tower Site.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee..

Subscribed and sworn to before me
This day of , 2026.

_____ _____
Notary Public (Type name and position of affiant)
My Commission Expires: _____

3. STOCKHOLDER/PARTNERSHIP DISCLOSURE CERTIFICATION

I hereby certify that the list below contains the names and addresses of all stockholders holding 10% or more of the issued and outstanding stock (or partnership interest) of the undersigned.

_____Partnership _____Corporation _____Limited Liability Company

PLEASE CHECK APPROPRIATE BOXES ABOVE AND SIGN BELOW

Stockholders (or Partners, etc.):

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

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

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

Subscribed and sworn before me
this _____ day of _____ , 2026.

_____
(Affiant)

_____ _____
(Notary Public) (Print name & title of affiant)

My Commission Expires:_____ (Corporate Seal)

4. BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we_____,

(hereinafter called the "Principal"), as Principal, and _____

a corporation duly organized under the laws of the State of_____ and licensed or authorized to do business in New Jersey (hereinafter called the "Surety"), as Surety, are held and firmly bound unto the Township of Franklin (hereinafter called the "Obligee"), in the sum of _____ Dollars ($_____), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for the Lease of a Wireless Telecommunications Site.

NOW, THEREFORE, if the Obligee shall accept the Bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid and the Contract Documents; and give such bond or bonds as may be specified in the Contract Documents with good and sufficient surety for the faithful performance of such Contract, for the prompt payment of labor and material furnished in the prosecution thereof; and deliver evidence of insurance and such other documents as are required by the Contract Documents as conditions precedent to the Owner's execution of the Contract, all within the times required in the Contract Documents, then this obligation shall be null and void, otherwise to remain in full force and effect.

SIGNED AND SEALED this day of
In the presence of:

WITNESS

_____ _____
Principal

WITNESS

_____ _____
TITLE

_____ _____
WITNESS TITLE

5. DEBARMENT CERTIFICATION

CERTIFICATION REGARDING THE DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

I am the _____ of the firm of _____, located
(your title) (name of your organization)

At _____

_____
(complete address of your organization)

CHOOSE ONE OF THE FOLLOWING

( ) A. I hereby certify on behalf of _____
(name of your organization)
that neither it nor its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

( ) B. I am unable to certify to any of the statements set forth in this certification. I have attached an explanation to this form.

_____
Authorized Signature

_____
Print Name

_____
Title

_____
Date

6. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Bid/Quote Number: _____ Bidder: _____

PART 1: CERTIFICATION-Bidder must complete by checking either box. Failure to do so will render proposal non-responsive.

Pursuant to New Jersey 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 neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of the Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The chapter 25 list is found on the Division's website at:

http://www.state.nj.us/treasury!purchase/pdf/Chapter25Iist.pdf

Bidder's must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Township finds a person or entity to be in violation of the law, s/he shall take action as may be appropriate and provided by the 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 party.

☐ **PLEASE CHECK THE APPROPRIATE BOX:**

I certify, pursuant to Public Law 2012, c. 25, that the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

☐ **OR**

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. 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. If additional space is needed, attach on your letterhead a separate sheet hereto.

Name:_____ Relationship to Proposer: _____

Description of Activities:_____

Duration of Engagement:_____ Anticipated Cessation Date:

Proposer Contact Name: _____ Contact Phone Number:

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 Township of East Amwell, Hunterdon County, NJ 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 Township to notify the Township 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 Township of East Amwell, Hunterdon County, NJ and that the Township at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature:

Title: Date: