

# **BOROUGH OF ELMWOOD PARK REQUEST FOR QUALIFICATIONS AND PROPOSAL FOR LICENSED SEWER OPERATOR**

**Date Issued:** December 14, 2016  
**Return Date & Time:** December 27, 2016, 11:00 AM  
**Return To:** Keith Kazmark, RMC/CMC/MMC  
Borough of Elmwood Park  
Elmwood Park, NJ 07407

## **REQUEST FOR PROPOSAL FOR THE POSITION OF LICENSED SEWER OPERATOR FOR THE BOROUGH OF ELMWOOD PARK FOR THE TIME PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017**

The Borough of Elmwood Park is soliciting proposals for the position of **Licensed Sewer Operator** to provide professional services to the Borough on all general sewer operating services related to the operations of the Borough. The Mayor and Council will select one or more Licensed Sewer Operators for the provision of these services based upon a fair and open process, pursuant to N.J.S.A. 19:44A-20.4, et. seq. and in accordance with the Resolution previously adopted by the Mayor and Council to secure such services through a fair and open process. In order to have a proposal considered by the Mayor and Council, an interested party must provide evidence that he/she satisfies the minimum requirements, as set forth in Section III of this document and that he/she otherwise complies with the proposal requirements set forth in the Borough of Elmwood Park's REQUEST FOR QUALIFICATIONS AND PROPOSALS section of the Borough's web site.

### **SECTION I Appointment of Licensed Sewer Operator**

One Licensed Sewer Operator or firm shall be appointed by the Mayor and Council to serve as the official **Licensed Sewer Operator**, and other **Licensed Sewer Operators** or firms may be appointed by the Mayor and Council, for a term of one (1) year, to perform services for the Borough of Elmwood Park including but not limited to those services as described in Section II of this document.

The Mayor and Council may select, at its sole discretion, individuals or firms for this position, so long as those individuals or firms meet or exceed the minimum requirements set forth in Section III hereof. Once an appointment is made, no substitution of personnel may be made without the express written consent of the Mayor and Council, which consent may be withheld in their sole discretion. The Mayor and Council reserve the right to appoint other licensed engineers to perform engineering services as the need may arise.

## **SECTION II        Scope of Services**

- A. The **Licensed Sewer Operator** (and other Licensed Sewer Operators, if any) shall perform the following minimum duties as well as those prescribed by applicable law, subject to the review and approval of the Mayor and Council:
- B. Provide **Licensed Sewer Operating** and Consulting services as requested by the Mayor and Council;
- C. Perform such duties as are prescribed by general law and ordinance;
- D. Provide NJDEP, Class C-3 licensed operations coverage of the Borough of Elmwood Park Sewer System; Provide for technical assistance and/or additional staffing as required on a 24-hour per day basis. Additional services to include consultation on regulatory issues and process control. Additionally staff will be made available as needed for underground, electrical and mechanical repair;
- E. Prepare, execute and submit monthly operations reports to the PVSC and all other required operations reports as needed;
- F. Meet with representative of the NJDEP for annual compliance inspections of the sewerage system; prepare or aid in the preparation of submittals to the DEP as may be required;
- G. Weekly site visit and inspection of all sewage pumping stations; laboratory analysis as required;
- H. DES will perform other projects or tasks as may be requested from time to time by the Borough; and
- I. Perform special projects such as facility assessments, rate studies, flow studies, process control evaluations and treatability studies.

## **SECTION III        Minimum Qualifications and Response Requirements**

In order for an individual's or firm's proposal to be considered by the Mayor and Council, interested parties submitting proposals in response to this solicitation must meet the following:

### **A. Minimum Qualifications:**

- 1. Is multi-disciplined with at least ten (10) years experience in all aspects of licensed sewer operating (the appointed Licensed Sewer Operator may be assisted by employees of his/her firm with lesser levels of experience);
- 2. That the Licensed Sewer Operator has been licensed in the State of New Jersey for at least five (5) years;
- 3. That the Licensed Sewer Operator has at least five (5) years prior experience as a Licensed Sewer Operator;
- 4. That the Licensed Sewer Operator, and/or firm, has sufficient staff to satisfy the scope of services described in this proposal;
- 5. The Licensed Sewer Operator has experience in licensed sewer operations for municipalities, and extensive knowledge of New Jersey Department of Environmental Protection rules and regulations;
- 6. Licensed Sewer Operator or firm submitting the response to this proposal carries professional liability insurance.
- 7. Licensed Sewer Operator must be in good standing within the Sewer Operating and consulting community.
- 8. That the Licensed Sewer Operator or firm submitting this proposal has not represented within the past three years and does not represent any adverse parties and claims whether administrative, civil, criminal, or otherwise, against the Borough of Elmwood Park.
- 9. The individual or firm is in good standing within the State of New Jersey.

## B. Minimum Requirements for Vendor Responses:

1. Interested parties wishing to provide a proposal in response to the Borough of Elmwood Park's solicitation shall provide the following minimum information in its proposal, which proposal must be submitted at the location and within the time constraint set forth on page 1 of this document and must provide fully executed originals and copies of all documents in this Request for Proposal, and
2. Full name and business address of entity or person submitting the proposal and the name of the key contact person;
3. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and organizational structure;
4. Number of years the organization has been in business under the present name, and the number of years the business organization has been under the current management;
5. List of all individuals who, if selected, will provide services to the Borough of Elmwood Park, along with a summary of the post high school education and license held by each such person;
6. Number of years each individual has provided services to municipal entities in the State of New Jersey;
7. A description of the services that will be provided to the Borough of Elmwood Park, in addition to those set forth in Section II above;
8. A copy or description of the professional liability insurance policy maintained by the Licensed Sewer Operator or firm for the proposed calendar year;
9. A statement and listing of professional service fees that the Licensed Sewer Operator and/or firm would offer to the Borough of Elmwood Park, if selected to be the Licensed Sewer Operator;
10. A statement that the applicant complies with N.J.S.A 10:5-1, et. seq., (Law Against `Discrimination) and P.L.1975, c. 127 (Affirmative Action Law of the State of New Jersey);
11. The name and addresses of at least three (3) references consisting of clients for which the applicant has provided services in the past five (5) years, which should include at least one (1) municipal entity client;
12. A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years;
13. Confirmation of appropriate Federal, State, and Local licenses to perform activities; and
14. The Applicant shall number its responses using the sequential order listed in this section;
15. The applicant shall provide the Borough of Elmwood Park with an original and two (2) copies of its proposal.

## **SECTION IV                    Basis of Award of Professional Services Contract**

The Borough of Elmwood shall award all professional service agreements based upon qualifications, merit, cost competitiveness, references and experience with issues confronting the Borough of Elmwood Park. The final determination will be based upon the most advantageous price and other factors to the Borough of Elmwood Park. The specific basis of award will include:

A. Documented evidence that the individual/firm fulfills all of the Minimum Qualifications as listed in Section III, paragraph A., and all of the information required under paragraph B., including, but not limited to, insurance policy, Affirmative Action Compliance and professional service fees, are provided for review and consideration.

B. Technical Criteria:

1. Does the proposal demonstrate a clear understanding of the scope of work and related objectives?
2. Does the proposal document knowledge of the issues and operations of the Borough of Elmwood Park, and how the proposed services will address these issues?
3. Is the proposal complete and responsive to the specific requirements?
4. Has successful past performance of the individual/firm and its principals been documented?

C. Management Criteria:

1. How well does the proposed scheduling timelines meet the borough's needs?
2. Does the individual/firm document a record of reliability of timely delivery of deliverables?
3. Does the individual/firm document municipal/State experience?
4. Does the individual/firm document its availability to attend all scheduled/required public and special meetings?
5. To what extent does the individual/firm rely on in-house resources vs. contracted services?
6. Is there the availability of in-house and contract resources documented?
7. Is there Documentation of experience in performing similar work by employees?
8. Does the individual/firm make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
9. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

D. Cost Criteria:

1. Relative Cost – How does the cost compare to other similarly scored proposals?
2. Is the price and its component charges, fees, etc., adequately explained and documented?
3. Does the proposal include quality control and assurance programs?
4. Does the individual/firm have the sufficient financial resources to meet its obligations?

All awards are and shall be subject to the availability of funds for the professional services in the Temporary and/or Final Budgets.

**REQUEST FOR PROPOSAL CHECKLIST**

**THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL. PLEASE INITIAL BELOW, INDICATING THAT YOUR PROPOSAL INCLUDES THE ITEMIZED DOCUMENTS. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS MAY BE REJECTED.**

<b>ITEM</b>	<b>INITIALS</b>
Executed Disclosure Statement (form provided)	
Executed Non-Collusion Affidavit (form provided)	
Executed Affirmative Action Compliance Notice (form provided)	
Executed Owner's Disclosure Statement (form provided)	
Executed Hold Harmless Agreement (form provided)	
Executed Americans with Disabilities Act of 1990 Language (form provided)	
Executed Vendor's Information (form provided)	
Executed Proposer's Affidavit (from provided)	
New Jersey Business Registration Certificate	
Responses to section III Part B 1 through 15	
Original and two (2) copies of completed package	

**THE UNDERSIGNED HEREBY ACCKNOWLEDGES THE ABOVE LISTED REQUIREMENTS.**

Person, Firm or Corporation submitting Proposal: \_\_\_\_\_

Authorized Agent Name and Title: \_\_\_\_\_

Authorized Signature and Date: \_\_\_\_\_

**DISCLOSURE STATEMENT**

The attention of prospective proposer is drawn the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits the Borough of Elmwood Park or an employee or member of his/her immediate family from having an interest in a business organization or engaging in any business transaction, or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest.

In furtherance thereof, every proposer must disclose below, whether they are a Borough of Elmwood Park Officer or employee or whether an immediate family member is a Borough of Elmwood Park Officer or employee. If the proposer is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members. Please answer the following:

Is the proposer or a member of the proposer’s immediate family, or anyone having an interest in the proposer’s business organization including their immediate family members, an officer or employee of the Borough of Elmwood Park?

NO \_\_\_\_\_ YES \_\_\_\_\_

\_\_\_\_\_  
\* President, Vice President or Signature of Authorized Representative

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

If yes, provide the name of the individual and identify the position held, below, and notify in writing, prior to the proposal opening date, to the Borough Administrator, Borough of Elmwood Park, 182 Market St., Elmwood Park, New Jersey 07407. (Kindly attach a copy of the correspondence to this form).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: All terms used herein are to be construed in accordance with their meaning under the Local Government Ethics Law, cited above.

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

**NON-COLLUSION AFFIDAVIT**

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  
(Title) (Company Name)  
proposer making this Proposal for the above named project, and that I executed the said Proposal with full authority to do  
so; that said proposer has not, directly or indirectly, entered into an agreement, participated in any collusion, or otherwise  
taken any action in restraint of free competitive action 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 State of New  
Jersey, County of Passaic, and the Borough of Elmwood Park 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 fully 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

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
\* President, Vice President or Signature of Authorized Representative

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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

**AFFIRMATIVE ACTION REQUIREMENTS**

BIDDERS ARE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27

**REQUIRED AFFIRMATIVE ACTION EVIDENCE**

PROCUREMENT & SERVICE CONTRACT (which are not subject to a Federally approved or sanctioned affirmative action program). All successful vendors must submit within ten calendar (10) days of the notice of intent to award (Memorandum of Agreement) or the signing of the contract, whichever is sooner, one of the following:

1. **A PHOTO COPY OF THEIR FEDERAL LETTER OF AFFIRMATIVE ACTION PLAN APPROVAL.**

OR

2. **A PHOTO COPY OF THEIR CERTIFICATE OF EMPLOYEE INFORMATION REPORT.**

OR

3. **A COMPLETED AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT (AA302). FORM MAY BE OBTAINED FROM CONTRACTING UNIT DURING NORMAL BUSINESS HOURS.**

THE AFFIRMATIVE ACTION AFFIDAVIT FOR VENDORS HAVING LESS THAN FIFTY (50) EMPLOYEES IS NO LONGER ACCEPTABLE.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et. seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her proposal shall be rejected as non-responsive if said vendor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et. seq.

COMPANY NAME: \_\_\_\_\_

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

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

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

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

**EXHIBIT A**

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

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the Proposer (herein after the contractor) agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. 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.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor 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.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, 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.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the 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.

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)).**

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**.

**OWNERS DISCLOSURE STATEMENT**

In accordance with N.J.S.A. 52:25-24.2 et seq., no corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S corporation or sole proprietorship, shall be awarded a contract, unless prior to the receipt of the bid or accompanying the bid of the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S corporation or sole proprietorship, there is submitted to the Borough, a statement setting forth the names and addresses of all stockholders who own ten percent (10%) or more of the stock, of any class or all individual partners who own a ten percent (10%) or greater interest in the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S corporation or sole proprietorship. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding ten percent (10%) or more of that corporation's stock, or the individual partners owning ten percent (10%) or greater interest in that partnership, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder and individual partner, exceeding the ten percent (10%) ownership criteria established in this act has been listed.

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Legal Name of Bidder Date

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Street Address City State Zip Code

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Telephone # Fax # e-mail address

**CHECK TYPE OF BUSINESS ENTITY:**

	Date	Where	
	Incorporated	Incorporated	
Corporation _____	_____	_____	Limited Partnership _____
Limited Liability Corporation _____	_____	_____	Limited Liability Partnership _____
Subchapter S Corporation _____	_____	_____	Sole Proprietorship _____
			Partnership _____

Listed below are the names and address of all stockholders or individuals who own ten (10) percent or more of its stock of any class(es), or who own ten (10) percent or greater interest therein.

\_\_\_\_\_  
 Name Address

\_\_\_\_\_  
 Name Address

\_\_\_\_\_  
 Name Address

*If more space is required, continue listing on a separate page and include with bid submittal.*

If no stockholder or partner owns ten percent (10%) or more of the business submitting the bid, please sign and date this form. I certify that no stockholder or partner owns ten percent (10%) or more of the business submitting this bid:

\_\_\_\_\_ / \_\_\_\_\_  
 President, Vice President or Signature of Authorized Representative Date

**FAILURE TO COMPLETE THIS FORM OR SIGN THE ABOVE STATEMENT BY A DULY AUTHORIZED COMPANY OFFICIAL WILL RESULT IN REJECTION OF THIS PROPOSAL.**

**HOLD HARMLESS AGREEMENT**

BETWEEN: The Borough of Elmwood Park  
182 Market Street  
Elmwood Park, New Jersey 07407

AND

\_\_\_\_\_  
Vendor's Name

\_\_\_\_\_  
Address – not a post office box

\_\_\_\_\_  
Telephone Number; Fax Number;

\_\_\_\_\_  
E-mail address

It is understood and agreed the Proposer is:

1. An independent Contractor and not an employee of the Borough of Elmwood Park.
2. The Proposer agrees to indemnify and hold harmless the Borough of Elmwood Park, its elected officials, and all of its officers, agents and employees from any and all liability for damages for injury to person and property, including death, and against and from all suits and actions and all costs, damages and charges of whatsoever kind and nature, including attorneys' fees to which the Borough of Elmwood Park may be put for, or on account of, any injury or alleged injury to person, including death, or property, resulting from the performance of the Proposer's operations under this contract, or by or in consequence of any neglect or omission of the part of the Proposer in the performance of operations under this contract, whether such operations, or the absence thereof, be by the Proposer or anyone directly employed by the Proposer.
3. The Proposer shall hold the Borough of Elmwood Park harmless for damages to the Proposer's equipment utilized during the term of this contract.

\_\_\_\_\_  
President, Vice President or Signature of Authorized Representative

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**VENDOR INFORMATION**

In order to assure that all future correspondence is directed to the correct address, assure proper ordering, expedite future payments, and in accord with I.R.S. regulations, the following information **must** be provided with this bid.

Name of Business: \_\_\_\_\_  
(Print)

Name of Contact Person: \_\_\_\_\_  
(Print)

Correspondence Address (including zip code):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purchase Order Address for signature (including zip code):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Payment Address (including zip code):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

Fax Number (including area code): \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Employer I.D. # or S.S. #: \_\_\_\_\_

**FAILURE TO PROVIDE ALL OF THE ABOVE INFORMATION MAY RESULT IN REJECTION OF THIS BID.**



## **DOCUMENT OWNERSHIP**

This document was prepared by the Borough of Elmwood Park (owner) and is provided on the Borough website at [www.elmwoodparknj.us](http://www.elmwoodparknj.us). This document is not to be reproduced for distribution to other vendors regardless of whether the vendor intends to charge, or not to charge, for said copy. Copies of this document are made available from the owner and there is no other agent authorized to distribute same.

The owner shall retain all of its rights and interest in any and all documents and property both hard copy and digital furnished by the owner to the vendor for the purpose of assisting the vendor in the performance of this contract. All such items shall be returned immediately to the owner at the expiration or termination of the contract or completion of any related services, pursuant thereto, whichever comes first. None of the documents and/or property shall, without the written consent of the owner, be disclosed to others or used by the vendor or permitted by the vendor to be used by their parties at any time except in the performance of the resulting contract.

Ownership of all data, materials and documentation originated and prepared for the owner pursuant to this contract shall belong exclusively to the owner. All data, reports, computerized information, programs and materials related to this project shall be delivered to and become the property of the owner upon completion of the project. The vendor shall not have the right to use, sell, or disclose any part or total of the interim or final work products, or make available to third parties, without the prior written consent of the owner.