

509-6640
21909.

THE COUNTY OF ESSEX (EC)

AND

THE SURETY & FIDELITY ASSOCIATION OF AMERICA (SFAA)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made this 23rd day of June 2009 by and between the County of Essex (EC) and The Surety & Fidelity Association of America (SFAA) and provides for the following:

Whereas -

EC has as its purpose to promote economic development and provide resources and technical support to companies and individuals seeking to do business in and with Essex County; and

EC seeks to expand opportunities for small, minority and women-owned businesses (S/M/WBEs) to work with Essex County, especially in the areas of construction and construction-related services; and

EC desires to establish a bond readiness initiative to assist S/M/WBEs to access and successfully secure bonding; and

SFAA is licensed as a rating or advisory organization in all states and has been designated by all state insurance departments, except Texas, as a statistical agent for the reporting of fidelity and surety experience, representing its member companies in matters of common interest before various federal, state, and local governmental agencies;

SFAA actively supports and partners with organizations throughout the United States to implement bond readiness programs; and

SFAA and EC are desirous of entering into a partnership to implement a Bond Readiness Initiative for S/M/WBE's who seek to do business in the County of Essex,

SFAA and EC agree as follows:

1. The program hereby established is the Essex County Bonding Initiative, hereinafter called the "Bonding Initiative", a partnership of the County of Essex and The Surety and Fidelity Association of America.

2. The objective of the Bonding Initiative is to assist small, minority, and/or women-owned businesses specializing in construction and construction-related services, to qualify for and access bonding or increase their bonding limits through education and direct assistance in the bonding process by working directly with the surety industry.
3. This Bonding Initiative will utilize the educational workshops and bond readiness components of SFAA's Model Contractor Development Program that has been implemented successfully throughout the country (See Attachment A).
4. EC will conduct on-going outreach to inform the small, minority, and women contractor community of the State of New Jersey about the Initiative and identify and select such companies that can best benefit from participating.
5. EC will conduct on-going activities to network S/M/WBE contractors in Essex County with the surety, banking, and financial industries through sponsoring meetings and conferences in a variety of settings.
6. EC will offer and/or coordinate access to technical assistance in areas such as project management, job costing, finance, and accounting to contractors who may need assistance beyond the educational workshops, prior to applying for bonding.
7. The SFAA will take the lead in identifying quality presenters for each of the Bonding Initiative educational workshops.
8. The SFAA will coordinate, facilitate, and/or provide access to resources of the SFAA, which will assist EC in fully and successfully implementing all aspects of the Bonding Initiative.
9. The SFAA will establish peer reviews whereby contractors are teamed up with members of the surety industry who would review their bondability. The SFAA will identify and develop a strategy and prescriptive plan to address any potential denial factors apparent from each company's profile and bonding package reviewed.
10. SFAA and the EC jointly will monitor the implementation of each company's prescriptive plan up to the point of the contractor or company successfully applying for bonding.
11. SFAA and EC will continually coordinate every aspect of program implementation to ensure that the bonding initiative is managed efficiently, including such operational matters as conducting intake and assessment for bonding, assembling company profiles and bonding packages, and providing monthly, quarterly or other periodic reports that may be necessary for program success.

12. SFAA and EC shall each bear the respective costs associated with each party's responsibilities under this agreement or as may arise and no cost reimbursements or accounting shall be required.

This document is a Memorandum of Understanding only. It is entered into only as a declaration of present intent. Nothing herein shall be construed as a legally binding commitment to any part of parties hereto either individually or collectively.

This MOU does not create any rights either on the part of any party hereto or any third party, nor does it prohibit either party from entering into other agreements or similar relationships with other parties to fulfill the same objectives.

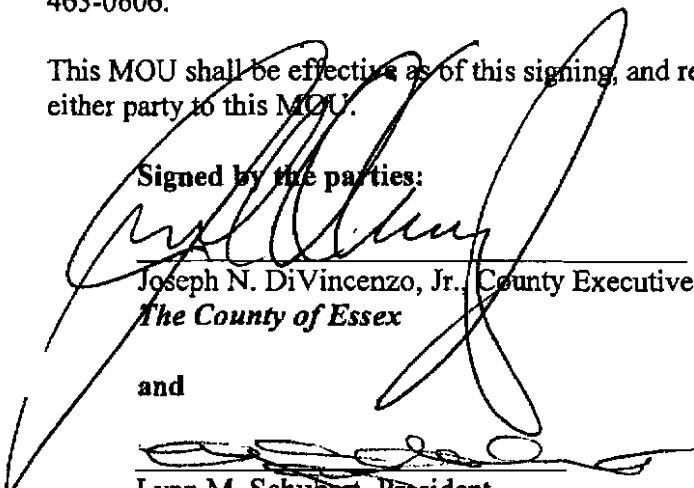
Any provision of this MOU that conflicts with federal or state law will be null and void.

This MOU may be amended at any time by mutual agreement of the parties in writing, or terminated by either party upon 30 days notice in writing to the other party.

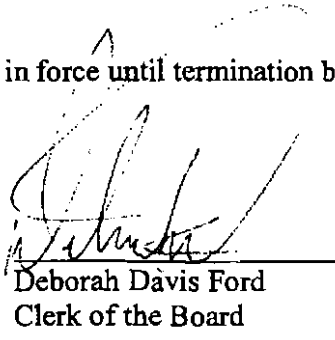
Any communication pertaining to this MOU shall be directed to Deborah E. Collins, Esq., Director, The Essex County Office of Small Business Development and Affirmative Action, County of Essex, Hall of Records, Room 449A, 465 Dr. Martin Luther King, Jr. Blvd., Newark, New Jersey 07102, dcollins@admin.essexcountynj.org, Tel: (973) 621-2010, Fax: (973) 621-2009; and, Sam Carradine, Director of Development and Diversity, The Surety & Fidelity Association of America, 1101 Connecticut Avenue, NW, Suite 800, Washington, DC 20036, scarradine@surety.org, Tel: (202) 778-3638, Fax: (202) 463-0606.

This MOU shall be effective as of this signing, and remain in force until termination by either party to this MOU.

Signed by the parties:



Joseph N. DiVincenzo, Jr., County Executive
The County of Essex

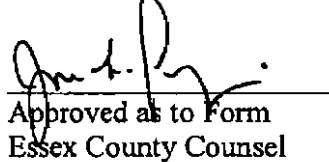


Deborah Davis Ford
Clerk of the Board

and



Lynn M. Schubert, President
The Surety & Fidelity Association of America



Approved as to Form
Essex County Counsel



COUNTY OF ESSEX, NEW JERSEY
BOARD OF CHOSEN FREEHOLDERS

State of New Jersey,}
County of Essex } ss

I Deborah Davis Ford, Clerk of the

Board of Chosen Freeholders of the County of Essex in the State of New Jersey

Do Hereby Certify, the foregoing to be a true copy of resolutions adopted at a meeting of said

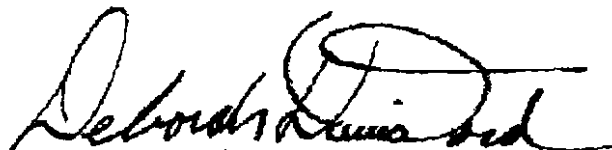
Board on Wednesday

the 19th day of August 2009, together with the certification,

signatures and endorsements thereon.

RESOLUTIONS NO'S: R-09-0640

*In Testimony WHEREOF, I have hereunto set my
hand and affixed the official seal of said County at
Newark this 11th day of
December 2009 A.D.*


Clerk of the Board

RESOLUTION OF THE BOARD OF FREEHOLDERS
COUNTY OF ESSEX

9

2009-0640

RESOLUTION NO. _____ AUTHORITY FOR RESOLUTION: N.J.S.A. 40:41A-38(n)

PROPOSED BY: COUNTY EXECUTIVE AUTHORITY FOR ACTION: N.J.S.A. 40:41A-36(l)

SUBJECT: OFFICE OF SMALL BUSINESS DEVELOPMENT AND AFFIRMATIVE ACTION –
MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ESSEX AND
THE SURETY & FIDELITY ASSOCIATION OF AMERICA IN SUPPORT OF THE
ESSEX COUNTY BONDING INITIATIVE

WHEREAS, the Office of Small Business Development and Affirmative Action (SBDAA) has as its purpose to promote economic development and provide resources and technical support to small, women, and minority enterprises seeking to do business with the County of Essex; and

WHEREAS, Essex County through its SBDAA seeks to expand opportunities for small, minority and women-owned businesses (S/M/WBE's) to work with Essex County, especially in the areas of construction and construction-related services; and

WHEREAS, Essex County through its SBDAA desires to establish a bond readiness initiative to assist S/M/WBE's to access and successfully secure bonding; and

WHEREAS, the Surety and Fidelity Association of America (SFAA) is licensed as a rating or advisory organization in all states and has been designated by all state insurance departments, except Texas, as a statistical agent for the reporting of fidelity and surety experience, representing its member companies in matters of common interest before various federal, state, and local governmental agencies; and

WHEREAS, SFAA actively supports and partners with organizations throughout the United States to implement bond readiness programs; and

WHEREAS, SFAA and Essex County are desirous of entering into a partnership to implement a Bond Readiness Initiative for S/M/WBE's who seek to do business in the County of Essex, and

WHEREAS, Essex County through its SBDA recommends the Board of Chosen Freeholders approve a Memorandum of Understanding with SFAA to provide a Bond Readiness Initiative for S/M/WBE's who seek to do business in the County of Essex; and

WHEREAS, there is no cost to the County to implement this Bond Initiative, now, therefore be it

RESOLVED, by the Essex County Board of Chosen Freeholders:

1. That the Memorandum of Understanding between the County of Essex and SFAA which is attached hereto and made part hereof is authorized and approved.
2. That two (2) certified copies of this resolution and agreement be forwarded to Deborah Collins, Director, Small Business Development and Affirmative Action.

RECEIVED
CLERK OF THE BOARD
AUG 25 11:54
ESSEX COUNTY
BOARD OF
CHOSEN FREEHOLDERS

RECEIVED
CLERK OF THE BOARD
AUG 25 2:31
ESSEX COUNTY
BOARD OF
CHOSEN FREEHOLDERS

Approved as to form and legality *J.M.P.* Date 7/21/09
 ESSEX COUNTY COUNSEL

RECORD OF VOTE (X=Vote N.V.=Abstention ABS=Absent)

Moved By Freeholder *Johnson*
 Second by Freeholder *Cavanaugh*

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
Beasley	X				Johnson	X			
Caputo, V.P.	X				Payne, Jr.	X			
Cavanaugh	X				Sebold				X
Clark				X	Watson, Pres.	X			
Gonzalez	X								

It is hereby certified that the foregoing Resolution was adopted () defeated () tabled by roll call vote at a Regular meeting of the Board of Chosen Freeholders of the County of Essex, New Jersey held on Aug 19, 2009

Is Publication Required () Yes () No

Date Published _____
Blonnie R. Watson
 Blonnie R. Watson, President