

**Request for Qualifications
Construction Management Services
for
New Brigantine Golf Links Club House
For
The City of Brigantine
Atlantic County
New Jersey**

Due Date: October 9, 2026

**The City of Brigantine
1417 W. Brigantine Avenue
Brigantine, NJ 08203
Revised 9.18.26**

**Request for Qualifications
Construction Management Services
New Brigantine Golf Links Club House
Brigantine, NJ**

The City of Brigantine located in Brigantine, Atlantic County, NJ ("City" or "Owner") invites prequalified construction management firms to submit qualifications to perform construction management services for the New Brigantine Golf Links Club House.

I. Project Summary

The City of Brigantine requires on site Construction Management Services from November 2026 thru May 2028 for the New Brigantine Golf Links Club House.

II. Required Construction Management Services

For contract purposes, the City anticipates using the AIA Document C132 - 2019 contract for services of a Construction Manager. This document is to be used as a guide for defining services to be provided by the Construction Manager (CM). The following is an outline of those services – it is not meant to be all-inclusive.

The scope of services for this project will include, but is not limited to; construction logistics and phased construction planning, facilitate the procurement process, provide full-time field coordination, oversee all construction contractors in the field, status reports to the Owner, review the safety programs of the trade contractors, track and review permits, approvals and testing, coordinate the Owner's occupancy requirements, coordinate all close out documentation.

III. Scope of Services

A. Construction and Closeout Phase

1. With the architectural firm, organize and direct pre-construction meetings with the awarded contractors, consultants, and the City. Review project organization, lines of authority and project procedures. Ensure all necessary permits are secured.
2. Provide adequate full-time staff for the project to administer the work of the construction contractors. Provide review of the work for conformance with plans and specifications. Coordinate submittals/approvals as required to maintain the construction schedule.
3. Provide administrative, management and related services to coordinate scheduled activities and responsibilities of the contractors with each other and with those of the construction manager, the owner, and the architect to manage the project in accordance with the bid documents.
4. Endeavor to achieve satisfactory performance from each of the Contractors. Recommend courses of action to the Owner when requirements of a Contract are not being fulfilled, and the nonperforming party will not take satisfactory corrective action.

5. Review Request for Information (RFI's), Request for Change Orders (RFC), and Change Orders (CO's). Review validity of proposed Change Orders and cost. Assist in negotiating Contractor's proposals, submit jointly recommendations to the Architect and Owner. The Architect will prepare Change Orders with the advice of the Construction Manager. Change Orders are to be signed by the Owner, Architect, CM, and General Contractor.
6. Review the safety programs developed by each of the Contractors as required by their Contract Documents. This review shall not create any duty on the part of the Construction Manager to the Owner, Contractor, sub-contractors, employees of them, or any other third-party regarding jobsite safety, temporary bracing, shoring, scaffolding, or partially completed construction. Responsibility for safety and for construction means, methods, techniques, sequences, and procedures in all such areas shall remain solely with the Contractor.
7. Monitor the progress of the work and review contractor's construction schedules. Observe construction progress and report deviations from the schedule, which will jeopardize job progress. Collaborate with contractors to develop and implement corrective actions. Maintain daily logs of all construction activities.
8. In conjunction with the Architect and Engineers, determine in general that the work of each Contractor is being performed in accordance with the requirements of the Contract Documents. Endeavor to guard the Owner against defects and deficiencies in the Work. As appropriate, make recommendations to the Owner regarding special inspections or testing, of Work not in accordance with the provisions of the Contract Documents whether or not such Work be then fabricated, installed, or completed.
9. Consult with the Architect if any Contractor requests interpretations of the meaning and intent of the Drawings and Specifications and assist in the resolution of questions which may arise.
10. Receive from the Contractors notification of the shipment of all shop drawings, product data, samples, and other submittals. Identify them with information contained in related documents. Submit, if necessary, documents to Architect for approval, receive notification of such approvals and ensure they are transmitted to contractors. Maintain a log of all submittals.
11. Monitor the Contractor responsible for the coordination of the Work of all the Contractors to ensure the completion of Contracts in accordance with the agreed upon schedule of Work. Assist in the resolution of any disputes which may arise concerning the scope of the Work.
12. Record the progress of the Project. Keep a log containing a record of weather, Contractors' Work on the site, number of workers, work accomplished, problems encountered and other similar relevant data.
13. Review monthly project applications for payment with the Contractor and Architect to ensure the invoice is accurate.
14. Maintain, on a current basis: a record copy of all Drawings, Specifications, Addenda, Change Orders, and other modifications, in good order and marked to record all changes made during construction; Shop Drawings, Product Data; Sample submittals; purchases;

materials; equipment applicable handbooks; maintenance and operating manuals and instructions; other related documents and revisions which arise out of the Contracts or Work. Make all records available to the Owner and the Architect. When completion of the Project, deliver all such records to the Owner.

15. Evaluate the contractor's proposed procedures, methods and equipment prior to use, observe and inspect the work in progress and report any and all defects and deficiencies. Recommend corrective action where required.
16. Review contractor(s) payment applications and make recommendations to the architectural firm regarding approval of requested payments. Review the contractor's schedule of values for use in processing payments.
17. The Construction Manager shall conduct regular meetings at the job site. Discuss job progress, problems and required decisions. Construction Manager to keep all meeting minutes.
18. With the architectural firm, develop and implement a system for reviewing and processing change orders. Estimate the cost of all change orders and negotiate them with the contractors on behalf of the City. Minimize required change orders and ensure that approval by the Division of Facilities is secured, if necessary.
19. Make recommendations for changes in the work that are dictated by field conditions or will save time or money and improve quality. Ensure safety programs are established and implemented.
20. Present to the City and/or Administration a monthly report on schedule status, budget vs. cost, quality, safety, status of change orders and a general overview of the project. Meet with the City and/or Administration as required. A copy of the report should be submitted to the architectural firm at the same time of submission to the City.
21. Develop a Closeout Program and produce a detailed schedule of closeout activities. Include punch lists, equipment testing, start-up procedures, operations and maintenance plans, City employee training schedules, as-built drawing with a CD copy, close-out permits, warranties, guaranties, and Certificates of Occupancy. The CM will obtain all the above documents and deliver to Owner upon final closeout.
22. Schedule and coordinate field observation with the architectural firm. Assist the architectural firm in the preparation of a list of incomplete items (punch list) from the substantial and final inspections. Ensure that all close-out activities are completed and a Certificate of Occupancy or a Certificate of Approval is issued. Assist the contractors to obtain Certificate of Occupancy. Review and provide recommendation to Owner and Architect regarding final payments and release of retainage amounts. Assist Owner in evaluation and inspection of building systems involved in the Project prior to the expiration of warranties to determine acceptability. Assist Owner as required in resolution of construction related problems and with required warranty repairs.

IV. Submission Requirements

1. The respondents' submission shall include the following:

- a. Title page showing the submission is for construction management services, the firm's name, name, address and telephone number of a contact person, and the date of the submission.
 - b. Table of Contents
 - c. Information described in the Submission Format section as outlined below.
2. Please send **three copies** of your submission to:

Mr. Tiger Platt
City Manager
City of Brigantine
1417 W. Brigantine Avenue
Brigantine, NJ 08203

3. All proposals shall be submitted **no later than 10:00 AM on Friday 10/9/2026.**

V. Submission Format

1. Company Profile

This section should state the size of the firm, the type of firm, firm background, and the location of the office from which the work on this project is to be performed. In addition, please provide the following information about your company:

- a. Name of firm
 - b. Address
 - c. Telephone number
 - d. Email address
 - e. Name and title of person to be assigned to head this project
 - f. Name(s) of officer(s) in the company
2. Please provide a brief overview of your firm, including the number of years your firm has been providing construction management services to New Jersey municipalities. Provide a resume of the key person to be assigned to head this project.

Anyone submitting a proposal shall be aware personnel cannot be taken off of the project unless the owner approves.

3. Provide a listing of a minimum of five (5) similar public sector projects where you have provided construction management services in the last 10 years. Provide the following information for each project:
- a. City
 - b. Project name and location
 - c. Owner's representative and phone number
 - d. Cost of Project

4. Provide a list of unique qualifications your firm possesses which would be of benefit to the City of Brigantine in the running of this project.
5. Approach to Construction Management

Please provide details regarding your preconstruction and construction phase services and the approach your firm will use to achieve the owner's objectives. Please provide a timeline for the anticipated construction phase duration.
6. Indicate the proposed team organization, identify key office, and field personnel including the project manager and field superintendent for projects of this scope. Please include resumes for all key staff, outlining their roles on similar projects. The CM may be obligated to use the individuals proposed as Project Manager and Field Superintendent for those roles on this project, should the CM be selected.
7. The Construction Management firm must be prequalified by the NJ Department of Treasury, Division of Property Management & Construction (DPMC). Provide evidence of prequalification.
8. It is anticipated that there will be a single bid package with multiple contracts.
9. Provide how you would staff the project during the construction duration. Provide names, roles, and resumes.
10. Provide Certificate of Liability Insurance with the following insurance coverage requirements, as per the City of Brigantine:
 - General Liability with a minimum of \$1,000,000 per project, \$2,000,000 aggregate.
 - Automobile Liability with hired and non-owned, with a minimum of \$1,000,000.
 - Workers' Compensation Statutory, Part B, with a minimum of \$1,000,000.
 - Umbrella with a minimum of \$5,000,000 over General Liability, Automobile Liability and Workers' Compensation.
 - Professional Liability with a minimum of \$2,000,000.
 - List City of Brigantine as an additional insured.
 - Construction Management insurance is primary and non-contributory.
11. Provide Political Disclosure Contributions form pursuant to N.J.S.A. 19:44A-20.13, *et seq.*
12. The Construction Management firm must comply with the mandatory equal opportunity and affirmative action language under N.J.S.A. 10:5-31, *et seq.*
13. The Construction Management firm should comply with American Disabilities Act of 1990.
14. Provide a Statement of Corporate Ownership consistent with the requirements set forth in N.J.S.A. 52:25-24.2.
15. Provide a Non-Collusion Affidavit consistent with the requirements set forth in N.J.S.A. 52:34-15.

16. Provide their New Jersey Business Registration consistent with the requirements set forth in N.J.S.A. 52:32-44.
17. Complete a Prohibited Activities in Russia and Belarus & Investment Activities in Iran form pursuant to P.L. 2022, c.3.

VI. TERMS AND CONDITIONS

1. The project outlined in this submission shall be awarded by City of Brigantine.
2. The Owner is not liable for costs incurred in the preparation of this submission and any other subsequent submission or presentations.
3. The contents of the successful firm's submission may become part of the contractual obligations if deemed appropriate by the Owner.
4. The Owner reserves the right to accept or reject any submission when it is in the best interest of the Owner.
5. The successful Construction Manager shall not discriminate against any individual in accordance with applicable federal, state, or local law.
6. The contracts entered as a result of this Request for Qualifications, shall be between the selected firm and the City of Brigantine.
7. The services will be broken down into Construction, and closeout phases.
8. The City of Brigantine will review the proposals and may interview selected shortlist of Construction Management Firms.
9. The submission of an RFQ is not a binding contract or a promise to commit to a contract with any bidder/firm.

VII. RFQ EVALUATION CRITERIA

Qualifications responses will be evaluated by the City of Brigantine on the basis of the most advantageous and other factors considered. The evaluation will consider:

1. Firm Experience & Building Past Performance

- Performance history on similar public construction (municipal, school, or facility buildings).
- Demonstrated tracking of budget control, change order minimization, and adherence to strict schedules.
- Evaluation of client references regarding conflict resolution and overall management quality.

2. Key Personnel & Staff Qualifications

- Professional licenses (PE, AIA) and relevant industry certifications (CCM, CQM, ICC Inspections).

- Direct experience of the proposed Project Manager and Resident Inspector in vertical building structural systems, MEP coordination, and interior build-outs.
- Defined back-up staffing plan and capacity to guarantee immediate project coverage.

3. Technical Approach & QA/QC Methodology

- Sophistication of submittal review processes, RFI tracking systems, and field inspection reporting templates.
- Robustness of the Quality Assurance / Quality Control plan to catch structural, architectural, and MEP errors before installation.
- Clear processes for safety oversight, mock-up testing approvals, and substantial completion commissioning.

4. Local Codes, Public Policy, & Regulations

- Expert understanding of state/local building codes, ADA accessibility guidelines, and environmental/permitting processes.
- Documented experience managing prevailing wage enforcement, certified payroll reviews, and local labor requirements.
- History tracking public grant funding compliance or strict statutory filing timelines.

5. Claims Mitigation & Schedule Management

- Proven methods for early dispute resolution to avoid formal project delays and costly legal claims.
- Experience executing critical path method (CPM) schedule analysis to independently verify contractor progress tracking.
- Effective procedures for administrative close-out, punch-list management, and warranty enforcement.

NON - COLLUSION CERTIFICATION

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
certification are true and correct, and made with full knowledge that the City of Brigantine relies upon
the truth of the statements contained in said Proposal and in the statements contained in this certification
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 _____
_____. (N.J.S.A. 52:34-15).

(Name of Contractor)

(Also type name of certifier under signature)

AFFIRMATIVE ACTION QUESTIONNAIRE
NOTICE TO ALL CONTRACTORS

AFFIRMATIVE ACTION REGULATIONS N.J.S.A. 10:5-31 et seq. and P.L. 1975 C. 127 (N.J.A.C. 17:27-1 et seq.)

A. ACTIVITY OF YOUR COMPANY- Indicate below:

- ☐ ☐ Procurement and/or Service Company
☐ ☐ Professional Consultant
☐ Other _____

All Contractors, except Government Agencies, are required to comply with the above law.

B. TO ALL CONTRACTORS:

1. Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, a Contractor should present one of the following to the City of Brigantine:
- (a) An existing federally approved or sanctioned affirmative action program.
 - (b) A New Jersey Certificate of Employee Information Report Approval.
 - (c) If the Contractor cannot present "a" or "b", the Contractor is required to submit a completed Employee Information Report (Form AA302 for Goods and Services; Form AA201 for Construction). This form is available here:
https://www.nj.gov/treasury/contract_compliance/

C. QUESTIONS BELOW MUST BE ANSWERED BY ALL CONTRACTORS:

1. Do you have a federally approved or sanctioned Affirmative Action Program?

Yes _____ No _____

- (a) If yes, please submit a photocopy of such approval.

2. Do you have a State of New Jersey "Certificate of Employee Information Report" approval?

Yes _____ No _____

- (a) If yes, please submit a photocopy of such certificate.

The undersigned Contractor certifies that he is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and P.L. 1975 C. 127 (N.J.A.C. 17:27-1 et seq.) and agrees to furnish the required documentation pursuant to the law.

COMPANY: _____

SIGNATURE: _____

TITLE: _____

Note: A contract must be rejected as non-responsive if a contractor fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and P.L. 1975 C. 127 (N.J.A.C. 17:27-1 et seq.).

FAILURE TO EXECUTE THIS FORM IS MANDATORY CAUSE FOR REJECTION

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

PART I - Check the box that represents the type of business organization:

- ☐ Sole Proprietorship
- ☐ Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- ☐ For-Profit Corporation (any type) ☐ Limited Liability Company (LLC)
- ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Partnership (LLP)
- ☐ Other (be specific): _____

PART II (Must complete this section if NOT Sole Proprietor or Non-Profit)

- ☐ ☐ The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- ☐ No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Address

PART III - Disclosure of 10% or Greater Ownership in the Stockholders, Partners or LLC Members Listed in PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above.** The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Address

PART IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the City of Brigantine is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the City of Brigantine to notify the City of Brigantine in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the City of Brigantine to declare any contract(s) resulting from this certification void and unenforceable.

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

Disclosure of Investment Activities in Iran

Person or Entity	
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Part 1: Certification

COMPLETE PART 1 BY CHECKING **EITHER BOX.**

Pursuant to Public Law 2012, c. 25, any person or entity that is a successful bidder or proposer, 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 parent entity, subsidiary, or affiliate is identified on the State Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The list is found on Treasury's website at www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf. The Chapter 25 list must be reviewed prior to completing the below certification. If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may provided by law, rule or contract, including but not limited to imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

☐

I certify, pursuant to Public Law 2012, c. 25, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate thereof is listed on the N.J. Department of the 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 person or entity and/or a parent entity, subsidiary, or affiliate thereof is listed on the N.J. Department of the Treasury's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below sign and complete the Certification below.

Part 2: Additional Information

PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN.

You must provide a detailed, accurate and precise description of the activities of the person or entity, or a parent entity, subsidiary, or affiliate thereof engaging in investment activities in Iran below and, if more space is needed, on additional sheets provided by you.

Part 3: Certification of True and Complete Information

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there 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 **City of Brigantine** 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 **City of Brigantine** to notify the **City of Brigantine** 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 **City of Brigantine** and that the **City of Brigantine** at its option may declare any contract(s) resulting from this certification void and unenforceable.*

Full Name (Print)		Title	
Signature		Date	

CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS

Pursuant to N.J.S.A. 52:32-60.1, et seq. ([L. 2022, c. 3](#)) any person or entity (hereinafter “Vendor¹”) that seeks to enter into or renew a contract with a State agency for the provision of goods or services, or the purchase of bonds or other obligations, must complete the certification below indicating whether or not the Vendor is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available here: <https://sanctionssearch.ofac.treas.gov/>. If the Department of the Treasury finds that a Vendor has made a certification in violation of the law, it shall take any action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

I, the undersigned, certify that I have read the definition of “Vendor” below, and have reviewed the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, and having done so certify:

(Check the Appropriate Box)

☐

That the Vendor is not identified on the [OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus](#).

OR

☐

That I am unable to certify as to “A” above, because the Vendor is identified on the [OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus](#).

OR

☐

That I am unable to certify as to “A” above, because the Vendor is identified on the [OFAC Specially Designated Nationals and Blocked Persons list](#). However, the Vendor is engaged in activity related to Russia and/or Belarus consistent with federal law, regulation, license or exemption. A detailed description of how the Vendor’s activity related to Russia and/or Belarus is consistent with federal law is set forth below.

(Attach Additional Sheets If Necessary.)

Signature of Vendor’s Authorized Representative	Date
Print Name and Title of Vendor’s Authorized Representative	Vendor’s FEIN
Vendor’s Name	Vendor’s Phone Number
Vendor’s Address (Street Address)	Vendor’s Fax Number
Vendor’s Address (City/State/Zip Code)	Vendor’s Email Address

Vendor means: (1) A natural person, corporation, company, limited partnership, limited liability partnership, limited liability company, business association, sole proprietorship, joint venture, partnership, society, trust, or any other nongovernmental entity, organization, or group; (2) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act, 22 U.S.C. 262r(c)(3); or (3) Any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity described in paragraph (1) or (2).