

BOROUGH OF BRADLEY BEACH

**COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

REQUEST FOR PROPOSALS/QUALIFICATIONS FOR

BOROUGH ATTORNEY

BOROUGH OF BRADLEY BEACH

Contract Term

January 1, 2017 through December 31, 2017

SUBMISSION DEADLINE

**4:00 P.M.
December 1, 2016**

ADDRESS ALL PROPOSALS TO:

**Office of the Borough Clerk
701 Main Street
Bradley Beach, NJ 07720**

GENERAL INFORMATION & SUMMARY

Purpose of Request

The Borough of Bradley Beach is seeking proposals from qualified attorneys licensed to practice law in the State of New Jersey who wish to serve as "Borough Attorney" for the Borough of Bradley Beach. The successful attorney must have significant experience in representing New Jersey public entities in the capacity as a municipal attorney, as well as litigation experience in Municipal, State and/or Federal Courts, administrative forums and/or arbitration. The successful attorney will provide all necessary and desirable legal counsel and advice requested by the Borough:

Period of Contract

January 1, 2017 through December 31, 2017

Contract Form

The successful proposer shall be required to execute the Borough's form contract, which includes the indemnification, insurance, termination and licensing provisions.

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

Public Notice

Borough of Bradley Beach has adopted the Fair and Open Process of the Pay-to-Play Law (N.J.S.A. 19:44A-20A, et seq.) in its request for proposals and awarding goods and services contracts with an annual value in excess of \$17,500.00. Proposals will be evaluated by the Governing Body of the Borough of Bradley Beach on the basis of the most advantageous, price and other factors considered. The evaluation will consider:

- a. Experience and reputation in the field;
- b. Knowledge of the Borough and the subject matter to be addressed under the contract.
- c. Availability to accommodate any required meetings of the Borough;
- d. Compensation proposal; and
- e. Other factors if demonstrated to be in the best interest of the Borough.

In addition to the above criteria, the Borough may consider the following criteria, where applicable, in order to evaluate the proposal.

- a. Assurances of performance;
- b. Vendor's financial ability and strength to meet its obligations;
- c. How the costs compare to other proposals; and
- d. If available, are suitable warranties and guarantees available.

To this end the Borough is seeking proposals for the following;

BOROUGH ATTORNEY

The Borough Attorney shall be an attorney at law of New Jersey. With the prior approval of the Mayor and Borough Council, the Attorney shall have such powers and perform duties as are provided for by the office of the Borough Attorney by general law or ordinances of the Borough. The Attorney shall represent the Borough in all judicial and administrative proceedings in which the Borough or any of its officers or

agencies may be party or have an interest. The Attorney shall give all legal counsel and advice, where required by the Mayor and Borough Council and shall, in general, serve as the legal advisor to the Mayor and Borough Council on all matters of Borough business. In furtherance of such general powers and duties, but without limitation thereto, the Borough Attorney shall:

- A. Prepare as to form and sufficiency legal documents, contracts, deeds and ordinances made, executed or adopted by or on behalf of the Borough.
- B. With the approval of the Mayor and Borough Council, conduct appeals from orders, decisions or judgments affecting any interest of the Borough as the Attorney may in his/her discretion determine to be necessary or desirable, or as directed by the Mayor and Borough Council.
- C. Subject to the approval of the Mayor and Borough Council, have the power to enter into any agreement, compromise or settlement of any litigation in which the Borough is involved.
- D. Render opinions in writing upon any question of law submitted to the Attorney by the Mayor and Borough Council with respect to their official powers and duties and shall perform such other duties as may be necessary to provide legal counsel to the Mayor and Borough Council and Business Administrator in the administration of municipal affairs.
- E. Attend all Borough Council meetings, regular and special.
- F. Have such other different functions and duties as may be provided by the Mayor and Borough Council or Business Administrator.
- G. Shall have experience as Borough Attorney

1. Professional Information and Qualifications

Each interested attorney shall submit the following information:

- A. The name of Attorney and firm in which the attorney is associated;
- B. Address of principal place of business and all attorney's offices and corresponding telephone and fax numbers;
- C. Areas of Practice;
- D. Description of attorney's education, experience, qualifications, number of years with the current firm and a descriptive narrative of their experience with projects similar to those required herein;
- E. Experience related to representation of Municipalities and other public entities;
- F. At least three (3) references, of which must have knowledge of your representation of a public entity;
- G. Examples of your record of success representing municipalities;
- H. The attorney's ability to provide services in a timely fashion and availability for appearances on behalf of the Borough (including staffing, familiarity and location of key staff);
- I. Any other information which the interested attorney deems relevant;
- J. Hourly rate of Attorney, Associates, Paralegal, and any other charges for services;
- K. Break down of billing method;
- L. A copy of your New Jersey Business Registration Certificate;
- M. A completed Statement of Ownership form;

N. A completed Affirmative Action form;

O. A completed Non-Collusion Affidavit;

P. A completed Owner Disclosure Information form;

Q. A statement that the proposer will comply with the General Terms and Conditions required by the Borough and enter into the Borough's standard Professional Services Contract;

3. **Cost Proposal** - Proposers should submit a cost proposal.

4. **Proposal Evaluation** – The Borough will select the most advantageous proposals based on all of the evaluation factors set forth at the end of this RFP. The Borough will make the award(s) that is in the best interest of the Borough.

Each proposal must satisfy the objectives and requirements detailed in this RFP. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Borough reserves the right to:

a. Not select any of the proposals;

b. Select only portions of a particular proposer's proposal for further consideration; (However, proposers may specify portions of the proposal that they consider "bundled".)

c. Award a contract for the requested services at any time within 60 days of the selection of the most advantageous proposal. Every proposal should be valid through this time period.

The Borough shall not be obligated to explain the results of the evaluation process to any proposer.

The Borough may require proposers to demonstrate any services described in their proposal prior to award.

5. **Proposal Limitations** – This RFP is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Borough by issuance of this RFP. The Borough reserves the right at the Borough's sole discretion to refuse any proposal submitted.

6. **General Terms and Conditions** –

A. The Borough reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the Borough to do so.

B. In case of failure by the successful proposer, the Borough of Bradley Beach may procure the articles or services from other sources, deduct the cost of the replacement from money due to the proposer under the contract and hold the proposer responsible for any excess cost occasioned thereby.

C. The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.

- D.** Each proposal must be signed by the person authorized to do so.
- E.** The contract shall be in effect through December 31, 2015 unless otherwise stated.
- F.** Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. In the case of mailed proposals, the Borough assumes no responsibility for proposals received after the designated date and time and will return late proposals unopened. Proposals will not be accepted by facsimile or e-mail. Proposals shall be in a sealed envelope, marked "Proposal for Borough Attorney Services". To be considered, proposals shall be delivered to or received by the Borough Clerk by no later than 4:00 pm on December 1, 2014.
- G.** Proposers are required to comply with the requirements of N.J.S.A. 10:5-31 et seq.
- H.** By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Borough harmless in any case of any such infringement.
- I.** No proposer shall influence, or attempt to influence, or cause to be influenced, any Borough officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- J.** No proposer shall cause or influence, or attempt to cause or influence, any Borough officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
- K.** Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Borough Attorney's decision shall be final and conclusive.
- L.** The Borough of Bradley Beach shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.
- M.** The checklist, affidavits, notices and the like presented at the end of this Request for Proposals are a part of this Request for Proposals and shall be completed and submitted as part of this proposal.

BASIS OF AWARD

The contract criteria used in awarding a contract or agreement for professional services as described herein shall include:

- A.** Qualifications of the individual who will perform the tasks and the amounts of their respective participation;
- B.** Experience and references;
- C.** Ability to perform the task in a timely fashion and availability for appearances on behalf of the Borough, including staffing and familiarity with the subject matter; and
- D.** Cost effectiveness.

REQUEST FOR PROPOSALS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL:

A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REJECTION, AT THE OPTION OF THE BOROUGH.

INITIAL BELOW

- A. An original and three (3) signed copies of your complete proposal. _____
- B. Non-Collusion Affidavit properly notarized _____
- C. Authorized signatures on all forms. _____
- D. Owners Disclosure Statement, properly notarized, listing the names of all persons owning ten (10) percent or more of the proposing entity _____
- E. Affirmative Action Statement _____
- F. Business Registration Certificate(s) _____
- G. W-9 _____
- H. Political Contribution Disclosure Form and Affidavit of Compliance _____

Note: N.J.S.A 52:32-44 provides that the BOROUGH shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal.

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS.

NAME OF PROPOSER:

Person, Firm or Corporation

BY: _____ (NAME) _____ (TITLE)

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership”.

1. If the professional service entity is a partnership, then the statement set forth the names and address of all partners who own a 10% or greater interest in the partnership.
2. If the professional service entity is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

OWNER DISCLOSURE INFORMATION

COMPETE ON THE FOLLOWING STATEMENTS:

- I. Stockholders or Partners owning 10% or more of the company providing the submission:

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

II. No Stockholder or Partner owns 10% or more of the company providing this submission:

SIGNATURE: _____ DATE: _____

III. Submission is being provided by an individual who operates as a sole proprietorship:

SIGNATURE: _____ DATE: _____

IV. Submission is being provided by a corporation or partnership that operates as a (check one of this following):

_____ Limited Partnership

_____ Limited Liability Corporation

_____ Limited Liability Partnership

_____ Subchapter S Corporation

NAME OF BUSINESS ENTITY

SIGNATURE

TITLE

Notary Public of

My Commission Expires: _____, 20____.

DISCLOSURE STATEMENT
(To be submitted with proposal)

(a) Is or was anyone in your firm or company a member of the Borough governing body within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes _____ No _____

Name Position Relationship

(b) Has any principal/partner of your firm been convicted of an indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes _____ No _____

Name Date

(c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes _____ No _____

Name Position Term

Reason for censure:

(d) Has the firm been found liable for professional malpractice in the last 5 years?

Yes _____ No _____

Reason for Action:

(e) Has any member of your firm ever been barred from doing business with any state, county or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes _____ No _____

Name State, County or Municipality Date
Government

EEO/AFFIRMATIVE ACTION COMPLIANCE NOTICE

N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

Goods and General Service Vendors

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

Do you have a federally-approved or sanctioned EEO/AA program? Yes () No ()

If yes, please submit a photo static copy of such approval.

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

Do you have a State Certificate of Employee Information Report Approval? Yes () No ()
If yes, please submit a photo static copy of such approval.

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

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) on the Division website http://www.state.nj.us/treasury/purchase/forms/AA_%20Supplement.pdf

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

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

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

Company:	Signature:
Print Name:	Title:

NJ BUSINESS REGISTRATION CERTIFICATE INFORMATION

These samples below are of the only acceptable business registration certificates. Failure to submit one of these documents with the bid will cause your bid to be rejected, regardless of the fact that a copy may already be on file with the Borough of Bradley Beach.

If you have any questions, or need to register with the State of New Jersey, please contact the following immediately:

New Jersey Division of Revenue
 Client Registration Bureau
 P.O. Box 252
 Trenton, NJ 08646-0252
 Phone #: 609-292-1730
 Website: www.nj.gov.treasury/revenue/taxreg.htm

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		DEPARTMENT OF TREASURY DIVISION OF REVENUE P.O. BOX 282 TRENTON, N.J. 08646-0282
TAXPAYER NAME: TAX REGISTRATION TEST ACCOUNT	TRADE NAME: CLIENT REGISTRATION	
TAXPAYER IDENTIFICATION#: 970-097-382/500	SEQUENCE NUMBER: 0107530	
ADDRESS: 847 ROEBLING AVE TRENTON NJ 08611	ISSUANCE DATE: 07/14/04	
EFFECTIVE DATE: 01/01/01		
<small>This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.</small>		

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE	
Taxpayer Name:	TAX REG TEST ACCOUNT
Trade Name:	
Address:	847 ROEBLING AVE TRENTON, NJ 08611
Certificate Number:	1093907
Date of Issuance:	October 14, 2004
For Office Use Only:	
20041014112823533	

BUSINESS ENTITY DISCLOSURE CERTIFICATION BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY, NEW JERSEY

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ <name of business entity> has not made in the one year period preceding **January 1, 2015**, and will not make any reportable contributions in violation of Chapter 29 of the Bradley Beach General Revised Code which would bar the award of this contract to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Borough of Bradley Beach, New Jersey or to any Monmouth County party committee or any political action committee that is organized for the purpose of promoting or supporting municipal candidates or municipal officeholder, as set forth in **Chapter 29 of the Bradley Beach General Revised Code**. Any other committees, whether or not named above, as may be prohibited by Chapter 29 of the Bradley Beach General Revised Code.

Subscribed and sworn before me this ____ day of
_____, 2____.

(Witnessed or attested by)

My Commission expires:

(Seal)

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 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 or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action 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 or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act 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 employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to 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, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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 applicable 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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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 and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

COMPLIANCE WITH REQUIREMENTS

In conforming with the applicable 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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division 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 Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**