

BOROUGH OF KENILWORTH

REQUEST FOR PROPOSALS FOR PLANNING BOARD ATTORNEY

Contract Term

January 1, 2018 through December 31, 2018

SUBMISSION DEADLINE

**3:00 P.M.
SEPTEMBER 28, 2017**

ADDRESS ALL PROPOSALS TO:

**Office of Borough Clerk
567 Boulevard
Kenilworth, NJ 07033**

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL

**BOROUGH OF KENILWORTH
567 BOULEVARD
KENILWORTH, NJ 07033**

CONTACT PERSON

**LAURA REINERTSEN
BOROUGH CLERK
(908)276-9090**

PURPOSE OF REQUEST

The BOROUGH OF KENILWORTH is requesting proposals from qualified individuals and firms to provide Planning Board Attorney Services of a specialized nature to the BOROUGH. Proposals will be evaluated in accordance with the criteria set forth in this RFP. One or more individuals/firms may be selected to provide services.

PERIOD OF CONTRACT

January 1, 2018 through December 31, 2018.

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.

**DETAILED REQUIREMENTS OF THE
REQUEST FOR PROPOSALS FOR PLANNING BOARD ATTORNEY**

1. **BOROUGH OF KENILWORTH FACTS AND FIGURES** – The Borough of Kenilworth is a municipal governmental entity. The BOROUGH was incorporated in 1907. The BOROUGH is governed by a Mayor and Council. The BOROUGH’S population is approximately 7,675 and it consists of approximately 2.10 square miles of area. The BOROUGH owns various buildings, parks and recreation facilities throughout the BOROUGH. The BOROUGH provides significant and diverse services to its residents and community members and neighbors.

2. **NATURE/ SCOPE OF SERVICES** – The Borough of Kenilworth is requesting proposals from qualified individuals and firms to provide Planning Board Counsel Services to represent the Borough in all planning related matters, including but not limited to, hearings held before the Planning Board. Applicants should demonstrate knowledge of general New Jersey planning and development law. Any experience or knowledge of matters directly affecting the Borough of Kenilworth should be addressed. The desired services include, but are not limited to the following: PROFESSIONAL LEGAL SERVICES – PLANNING BOARD ATTORNEY.

3. **STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL** - Proposers should submit a technical proposal which contains the following:
 - A. The name of the proposer, the principal place of business and, if different, the place where the services will be provided;

 - B. Proposer must have a minimum of five (5) years of experience representing municipalities in planning issues;

 - C. The education, qualifications, experience, and training of all person or persons who would primarily be assigned to provide these services, along with their names and titles;

 - D. A listing of all other engagements where services of the types being proposed were provided in the past. This should include this municipality and other municipal governments. Proposers shall list and demonstrate relevant experience and expertise in representing municipalities in planning issues.

 - E. Please provide a description of any other area(s) of expertise in municipal law you or your firm may possess that have not been included in the response provided above.

 - F. Please list any seminars given and/or articles written and published on any municipal law topics.

- G. Please list any offices held in any municipal or local government related legal organizations.
- H. A statement that neither the firm nor any individuals assigned to this engagement are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
- I. An Affirmative Action Statement (copy of form attached);
- J. A completed Non-Collusion Affidavit (copy of form attached);
- K. A completed Owner Disclosure Information form (copy of form attached);
- L. 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;
- M. A copy of the proposer's Business Registration Statement; and
- N. A completed Disclosure Statement.

- 4. **SPECIALIZED REQUIREMENTS OF TECHNICAL QUALIFICATION** – Proposer must demonstrate extensive and concentrated experience and expertise in all facets of municipal planning issues.
- 5. **COST PROPOSAL** – Proposers should submit a cost proposal which should include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). The Borough does not provide payment for or reimbursement for travel expenses.

By submission of proposal, proposer acknowledges and agrees to adhere to the fee schedule set forth above.

- 6. **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. This request is made by a fair and open process as defined by law. The decision of the BOROUGH as to what constitutes a fair and open process shall be final.

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 the calendar year after review of the Proposals and approval of same by the BOROUGH; Every proposal shall be valid through this time period.

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

7. **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.

8. **USE OF INFORMATION** - Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the BOROUGH to the proposer in connection with this RFP shall remain the property of the BOROUGH. When in tangible form, all copies of such information shall be returned to the BOROUGH upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the BOROUGH or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

9. **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 KENILWORTH may procure the services from other sources.
- 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, 2018 unless otherwise stated.
- F.** Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. They must be received by the date and time set forth on the cover sheet. 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 Auditing Services." To be considered, proposals shall be delivered to or received by the Borough Clerk by no later than 3:00 pm on September 28, 2017.
- G.** Proposers are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. See attached exhibit A.
- 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'S decision shall be final and conclusive.
- L.** The BOROUGH OF KENILWORTH 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.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

The contract shall be awarded based upon the following factors:

EVALUATION FACTORS

- A.** Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned

- B.** Knowledge of the BOROUGH OF KENILWORTH and the subject matter to be addressed under this engagement

- C.** Relevance and Extent of Similar Engagements performed

- D.** Compliance with the STANDARD REQUIREMENTS OF TECHNICAL QUALIFICATION

- E.** Reasonableness of Cost Proposal

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 two (2) signed copies of your complete proposal. _____
- B. Non-Collusion Affidavit properly notarized _____
- C. Authorized signatures on all forms. _____
- D. Business Registration Certificate(s) _____
- E. Affirmative Action Statement _____
- F. Political Contribution Disclosure Form _____

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 contracting party must also collect the state use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS.

NAME OF PROPOSER:

Person, Firm or Corporation

BY:

(NAME)

(TITLE)

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, on 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.**

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF UNION

ss:

I AM _____

OF THE FIRM OF _____

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE BOROUGH OF KENILWORTH 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 ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY

OF _____ 20____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20____.

OWNER DISCLOSURE INFORMATION

Set forth below are the names and addresses of all owners of 10% or more of the proposing business entity.

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

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 a 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, township or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes _____ No _____

| | | |
|------|---|------|
| Name | State, Township or Municipality Government | Date |
|------|---|------|

- (f) Has your firm sued the Borough of Kenilworth in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes _____ No _____

| | |
|------|------|
| Name | Date |
|------|------|

**List of Agencies with Elected Officials Required for Political Contribution Disclosure
N.J.S.A. 19:44A-20.26**

County Name: Union

State: Governor, and Legislative Leadership Committees

Legislative District #: 20, 21, 22

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

Sheriff

Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

Berkeley Heights Township

Clark Township

Cranford Township

Elizabeth City

Fanwood Borough

Garwood Borough

Hillside Township

Kenilworth Borough

Linden City

Mountainside Borough

New Providence Borough

Plainfield City

Rahway City

Roselle Borough

Roselle Park Borough

Scotch Plains Township

Springfield Township

Summit City

Union Township

Westfield Town

Winfield Township

Boards of Education (Members of the Board):

Berkeley Heights Township

Clark Township

Cranford Township

Elizabeth City

Garwood Borough

Hillside Township

Kenilworth Borough

Linden City

Mountainside Borough

New Providence Borough

Plainfield City

Rahway City

Roselle Borough

Roselle Park Borough

Scotch Plains-Fanwood Regional

Springfield Township

Union Township

Westfield Town

Winfield Township

Fire Districts (Board of Fire Commissioners):

**USERS SHOULD CREATE THEIR OWN FORM, OR
DOWNLOAD FROM WWW.NJ.GOV/DCA/LGS/P2P A COUNTY-
BASED, CUSTOMIZABLE FORM.**

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

| | |
|--|---------------------------------------|
| Name: | Name: |
| Home Address: | Home Address: |
| Name: | Name: |
| Home Address: | Home Address: |
| Name: | Name: |
| Home Address: | Home Address: |
| Subscribed and sworn before me this ___ day of _____, 2 __. | _____ (Affiant) |
| (Notary Public) | _____ (Print name & title of affiant) |
| My Commission expires: | (Corporate Seal) |