

**Request for Proposals for the Position of Attorney
for the Borough of Woodland Park Planning Board**

Date Issued: November 3, 2016

Return Date & Time: November 22, 2016; no later than 12 noon

Return To: Kevin Galland
Borough of Woodland Park
Room 205
5 Brophy Lane
Woodland Park, NJ 07424

FOR THE TIME PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

The Borough of Woodland Park is soliciting proposals for the positions of Planning Board Attorney to provide professional services to the Planning Board of the Borough on all legal issues relative to the standard operations of the Borough's Planning Board. The Planning Board will select one or more vendors for the position of Planning Board Attorney based upon a fair and open process, pursuant to N.J.S.A. 19:44A-20.4, et. seq. and in accordance with the Resolution that was previously adopted by the Planning Board, described in the fair and open process. Please note that in order to have its proposal considered by the Borough of Woodland Park Planning Board, an interested party must provide evidence that it satisfies the minimum requirements for the position of Borough Planning Board Attorney, as set forth in Section III hereof and that it otherwise complies with the proposal requirements set forth in the Borough of Woodland Park Planning Board's NOTICE and SOLICITATION OF PROPOSALS section of the Borough's web site.

I.) Appointment of Planning Board Attorney

One attorney will be appointed by the Planning Board to serve as the official Planning Board Attorney, and other attorneys or law firms may be appointed by a majority of the Committee that will be selecting attorneys for the Planning Board, for a twelve (12) month term to perform services for the Borough of Woodland Park, Planning Board, including but not limited to: provide legal advice to the Chairman and Members of the Planning Board, litigation advice, regulatory and statutory compliance advice.

The Borough of Woodland Park Planning Board may select individuals or firms for this position, so long as they are satisfied that the minimum requirements set forth in Section III hereof will be met. No substitution may be made without the express written consent of the Borough of Woodland Park Planning Board's governing body, which includes the Chairman and Board Members, which consent may be withheld in its sole discretion.

II.) Scope of Services

The Planning Board Attorney (and other attorneys) shall perform the following minimum duties as well as those prescribed by applicable law, subject to the review and approval of the Planning Board's Executive:

- A) Defend claims assigned by the Chairman;
- B) Prepare reports and provide advise and counsel at Planning Board meetings regarding issues that arise that include but are not limited to: litigation, regulations and ordinances;

C) Interact with the Borough's Administration on related legal issues;

D) When requested by the Chairman, reply to inquiries from residents and/or commercial enterprises;

E) Attend regular meetings requested by the Chairman;

III.) Minimum Qualifications and Vendor Responses to this Solicitation of Proposals

In order for its proposal to be considered by the Borough of Woodland Park Planning Board, interested parties submitting proposals in response to this solicitation must meet the following minimum requirements.

A.) Minimum Qualifications

In order to fulfill the duties of Planning Board Attorney, it must be demonstrated to the satisfaction of the Borough of Woodland Park Planning Board, through the Chairman and the selection committee that the potential vendor:

1) Has served in the role of an attorney for a municipal entity or governmental entity in the State of New Jersey for a period of at least seven (7) years prior to the submission of this proposal, and has Zoning and Planning Experience;

2) That the attorney or law firm has sufficient

staff to satisfy the scope of services described in Section 11 hereof;

3) That the attorney who is submitting the response to this proposal, is licensed and in good standing with the Bar Association of the State of New Jersey;

4) That the attorney has at least seven (7) years experience in the litigation of municipal matters;

5) The attorney or firm submitting the response to this proposal carries professional liability insurance in an amount of at least \$1,000,000.00 with a carrier that has AAA rating by Best Insurance Digest;

6) That the attorney or law firm submitting this proposal has not represented within the past three years and does not represent any adverse parties and claims whether administrative, civil, criminal, or otherwise, against the Borough of Woodland Park.

B). Minimum Requirements for Vendor Response to the Borough of Woodland Park's Solicitation of Proposals

Interested parties wishing to provide a proposal in response to the Borough of Woodland Park Planning Board's solicitation shall provide the following minimum information in its proposal, which proposal must be submitted at the location and within the time constraint set forth above:

1) Full name and business address of entity or person submitting the proposal;

2) List of all individuals who, if selected, will provide services to the Borough of Woodland Park Planning Board, along with a summary of the post high school education and licenses held by each such person;

3) Number of years each attorney in the law firm submitting this proposal has provided representation to municipal entities in the State of New Jersey;

4) A description of the services that will be provided to the Planning Board, in addition to those set forth in Section II, hereof;

5) A copy or description of the professional liability insurance policy maintained by the attorney or law firm for the proposed calendar year;

6) A statement and listing of professional service fees that the attorney or law firm would offer to the Borough of Woodland Park, if the attorney or law firm were selected to be the attorney for the Borough of Woodland Park Planning Board;

7) A statement that applicant complies with N.J.S.A. 10:5-1, et. seq., (Law Against Discrimination) and P.L. 1975 C. 127 (Affirmative Action Law of the State of New Jersey).

8) The name and addresses of at least three (3) references consisting of clients for which the applicant has

provided services in the past five (5) years, which should include at least one municipal entity client;

9) A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years;

10) The applicant shall provide the Borough of Woodland Park Planning Board with an original and two (2) copies of its proposal.

IV. Basis of Award of Professional Services Contract

The Planning Board shall award all professional service agreements based upon qualifications, merit, cost competitiveness, references and experience with issues confronting the Borough of Woodland Park. A final award may be made by the Chairman, after review of the responses to the Request For Proposals and after receiving advice and comment from selected members of their respective Boards. The determination will be based upon the most advantageous price and other factors to each Board. The specific basis of award will include:

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

for review and consideration. Number your responses using the sequential order listed in paragraphs A and B of Section III.

2. Technical Criteria:

- a. Does the proposal demonstrate a clear understanding of the scope of work and related objectives?
- b. Does the proposal document knowledge of the issues and operations of the Woodland Park Planning Board, and how the proposed services will address these issues?
- c. Is the proposal complete and responsive to the specific requirements?
- d. Has successful past performance of the firm and its principals been documented?

3. Management Criteria:

- a) How well does the proposed scheduling timelines meet the borough's needs?
- b) Is there a project management plan?
- c) Does the firm document a record of reliability of timely delivery of deliverables?
- d) Does the firm document industry experience?
- e) Does the firm document its availability to attend all scheduled/required public and special meetings?

- f) To what extent does the firm rely on in-house resources vs. contracted services?
- g) Are the availability of in-house and contract resources documented?
- h) Documentation of experience in performing similar work by employees and when appropriate, sub contractors?
- i) Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
- j) Does the vendor demonstrate cultural sensitivity in hiring and training staff?

4. Cost Criteria:

- a) Relative Cost - How does the cost compare to other similarly scored proposals?
- b) Full Explanation - Is the price and its component charges, fees, etc., adequately explained and documented?
- c) Does the proposal include quality control and assurance programs?
- d. Does the firm have the sufficient financial resources to meet its obligations?

All awards are and shall be subject to the availability of funds for the professional service.

REQUEST FOR PROPOSAL CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL. PLEASE INITIAL BELOW, INDICATING THAT YOUR PROPOSAL INCLUDES THE ITEMIZED DOCUMENTS. A PROPOSAL SUBMITTED WIHTOUT THE FOLLOWING DOCUMENTS MAY BE REJECTED.

ITEM	INITIALS
Executed Disclosure Statement (form provided)	
Executed Non-Collusion Affidavit (form provided)	
Executed Affirmative Action Compliance Notice (form provided)	
Executed Owner’s Disclosure Statement (form provided)	
Executed Hold Harmless Agreement (form provided)	
Executed Americans with Disabilities Act of 1990 Language (form provided)	
Executed Vendor’s Information (form provided)	
Executed Proposer’s Affidavit (form provided)	
New Jersey Business Registration Certificate	
Original and two (2) copies of completed package.	

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS.

Person, Firm or Corporation submitting Proposal: _____

Authorized Agent Name and Title: _____

Authorized Signature and Date: _____

DISCLOSURE STATEMENT

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

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

Please answer the following:

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

NO _____ YES _____

S\ _____

* President, Vice President or Signature of
Authorized Representative

Print Name

Title

If yes, provide the name of the individual and identify the position held, below, and notify in writing, prior to the proposal opening date, to the Borough Administrator, Borough of Woodland Park, 5 Brophy Lane, Woodland Park, New Jersey 07424. (Kindly attach a copy of the correspondence to this form).

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

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

NON-COLLUSION AFFIDAVIT

I, _____, of the City of _____, in the County of _____, and the State of _____, of full age, being duly sworn according to law on my oath depose and say that:

I am _____, of the firm of _____ the
(Title) (Company Name)
proposer making this Proposal for the above named project, and that I executed the said Proposal with full authority to do so; that said proposer has not, directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive action in connection with the above named project and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey, County of Passaic, and the Borough of Woodland Park relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I fully warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by _____.
(Company Name)

S/ _____
* President, Vice President or
Signature of Authorized Representative

Print Name

Title

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

AFFIRMATIVE ACTION REQUIREMENTS

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

REQUIRED AFFIRMATIVE ACTION EVIDENCE

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

- 1. A PHOTO COPY OF THEIR FEDERAL LETTER OF AFFIRMATIVE ACTION PLAN APPROVAL.
OR
- 2. A PHOTO COPY OF THEIR CERTIFICATE OF EMPLOYEE INFORMATION REPORT.
OR
- 3. A COMPLETED AFFIRMATIVE ACTION EMPLOYEE INFORMATION REPORT (AA302). FORM IS INCLUDED IN THIS PACKAGE, LAST PAGE.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

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

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

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

COMPANY NAME: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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

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

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

STATEMENT OF INDIVIDUAL(S) OWNING 10% OR MORE OF
STOCK OR INTEREST IN THE BIDDER'S BUSINESS ENTITY

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

Legal Name of Bidder	Date
Street Address	City
Telephone #	Fax #

CHECK TYPE OF BUSINESS ENTITY:

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

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

Name	Address
Name	Address
Name	Address

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

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

S/ _____ Date _____
 President, Vice President or Signature of Authorized Representative

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

PROPOSAL.

HOLD HARMLESS AGREEMENT

BETWEEN: The Borough of Woodland Park
5 Brophy Lane
Woodland Park, New Jersey 07424

AND

Contractor's Name

Address – not a post office box

Telephone Number; Fax Number; & e-mail address

It is understood and agreed the Contractor is:

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

S/ _____
President, Vice President or Signature of Authorized Representative

Print Name

Title

Date

VENDOR INFORMATION

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

Name of Business: _____
(Print)

Name of Contact Person: _____
(Print)

Correspondence Address (including zip code):

Purchase Order Address (including zip code):

Payment Address (including zip code):

Telephone Number (including area code): ()

Fax Number (including area code): ()

E-Mail Address:

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

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

BIDDER'S AFFIDAVIT

THIS AFFIDAVIT IS PART OF THE PROPOSAL

State of _____

County of _____

I, _____ ,
(Print Name)

certify that I am the _____
(Title)

of the business entity submitting this bid/proposal; that I have completed and signed all of the required documents; that I am duly authorized to sign the bid/proposal on behalf of the business entity; and that all of the declarations and statements contained in the bid/proposal document are true and accurate to the best of my knowledge and belief.

(Signature of Bidder)

(Date)

NOTARY:

Subscribed and sworn to before me

at _____

this _____ day of _____ 200__

(Notary Public)

Commission Expires: _____

DOCUMENT OWNERSHIP

This document was prepared by the Borough of Woodland Park (owner) and is provided solely to any vendor who has presented a written request for a copy of said document in order to participate in the proposal process. This document is not to be reproduced for distribution to other vendors regardless whether the vendor intends to charge, or not to charge, for said copy. Copies of this document are made available from the owner and there is no other agent authorized to distribute same.

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

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