

## 2020 COUNSEL PROPOSALS

### PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY ESTABLISHED QUALIFICATION CRITERIA FOR: MUNICIPAL ATTORNEY, TAX APPEAL/ LANDUSE BOARD ATTORNEY, LABOR ATTORNEY, CONFLICT ATTORNEY, BOND COUNSEL, REDEVELOPMENT ATTORNEY *and/or* TAX FORECLOSURE ATTORNEY

Notice is hereby given that sealed proposals addressed to Matthew Conlon Borough Clerk, will be received up to **10:45 A.M. prevailing time on November 26th, 2019** at which time they will be publicly opened and read by the Purchasing Agent of the Borough of Highlands, at the Municipal Building, 42 Shore Drive, Highlands, New Jersey 07732.

Proposal Forms, Instructions to Bidders, Specifications and other Bidding documents may be examined or obtained at the office of the Borough Clerk or the designated person, during the regular business hours of 9:00 a.m. to 4:00 p.m. at the above address, or may be reviewed and obtained on the Borough website [www.highlandsborough.org](http://www.highlandsborough.org). It is recommended that all bidders who have downloaded specifications recheck the website to ensure of any/all addenda issued.

Pursuant to N.J.S.A. 40A:11-23c, addenda may be issued for proposals.

It is the sole responsibility of the person submitting the bid to be knowledgeable of all addenda related to this procurement. If bidders obtain a Bid/RFP/RFQ from the website, it is the responsibility of the person submitting the bid to check prior to the bid opening to see if addenda have been issued. Copies of addenda or notice of same will be made available on the Borough website.

The Borough of Highlands is soliciting proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51), Highlands Borough is soliciting Requests for Proposal/Statements of Qualification for Bidders for professional service position appointments. All reportable contributions to any Highlands Borough candidate for Mayor or Borough Council or officeholder of political committee required to be reported pursuant to N.J.S.A. 19:44A-1, et seq.

Responses to the above referenced professional attorney positions should address the general criteria and mandatory minimum criteria for each attorney position sought. All responses will be treated as confidential and reviewed only by the administrator and governing body, unless otherwise required by law.

**EACH** attorney specialty requires one (1) original with original signatures marked "ORIGINAL" and four (4) complete and exact copies of the original marked "COPY" of his/her proposal and should submit an electronic copy on a CD or flash drive.

One (1) or more Attorney(s) within each specialty may be awarded a one (1) year contract. Appointments shall be for the calendar year of **2020**. Price and other factors considered.

As used herein, the term Borough shall include all Highlands Borough Departments, Boards, Commissions and affiliated agencies

The Borough Council reserves the right to reject any or all proposals in whole or in part and to waive such informalities as may be permitted by law.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq., Affirmative Action requirements, N.J.S.A. 19:44A-20.4 et seq., P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51)

Kim Gonzales QPA  
Borough Administrator  
October 31, 2019

## 1. INTRODUCTION

The Borough of Highlands (hereinafter the “Borough”) is soliciting proposals from qualified firms interested in performing the duties and functions for the enclosed Attorney specialties and intends to award professional services contracts for the defined scope of work in accordance with N.J.S.A. 19:44A-20.4 et seq. (Fair and Open process).

One (1) or more Attorney(s) within each specialty may be awarded a one (1) year contract. Appointments shall be for the calendar year of 2020. Price and other factors considered.

As used herein, the term “Borough” shall include all Highlands Borough Departments, Boards, Commissions and affiliated

## 2. ADMINISTRATIVE CONDITIONS AND REQUIREMENTS

The following items express the administrative conditions and requirements of this RFP/RFQ. Together with the other RFP/RFQ sections, they will apply to the RFP/RFQ process, the subsequent contract and project production. Any proposed change, modification or exception to these conditions and requirements may be the basis for the Borough to determine the proposal as non-responsive to the RFP/RFQ and will be a factor in the determination of an award of a contract. The contents of the proposal of the successful Bidder, as accepted by the Borough, will become part of any contract awarded as a result of this RFP/RFQ.

### 2.1 Proposal Submission Information

**Submission Date and Time: November 26th, 2020, 10:45 A.M. prevailing time.**

The Bidder shall submit one (1) original with original signatures marked “ORIGINAL” and four (4) complete and exact copies of the original marked “COPY” of his/her proposal and should submit an electronic copy on a CD or flash drive for **EACH** specialty bid.

#### **Submission Office:**

Borough of Highlands  
Matthew Conlon, Borough Clerk  
42 Shore Drive  
Highlands, New Jersey 07732

**Clearly mark the submittal package with the title of this RFP/RFQ / ATTORNEY and the name of the responding firm, addressed to the Borough Clerk.** The original proposal shall be marked to distinguish it from the four (4) copies. Only those RFP/RFQ responses received prior to or on the submission date and time as specified on the Notice to Bidders will be considered. Any submission(s) received after the specified time and location will be returned unopened. Responses delivered before the submission date and time specified above may be withdrawn upon written application of the Bidder who shall be required to produce evidence showing that the individual is or represents the principal or principals involved in the proposal. After the submission date and time specified, responses must remain firm for a period of sixty (60) days.

## **2.2 Borough Representative for this Solicitation**

Please direct all questions in writing to: Kim Gonzales,  
Purchasing Agent (QPA) Borough  
of Highlands  
42 Shore Drive  
Highlands, New Jersey 08002

Email: [kgonzales@highlandsborough.org](mailto:kgonzales@highlandsborough.org)

## **2.3 Interpretations and Addenda**

Bidders are expected to examine the RFP/RFQ with care and observe all its requirements. All questions about the meaning or intent of this RFP/RFQ, all interpretations and clarifications considered necessary by the Borough's representative in response to such comments and questions will be issued by Addenda. Only comments and questions responded to by formal written Addenda will be binding. **Questions may be emailed to [kgonzales@highlandsborough.org](mailto:kgonzales@highlandsborough.org).** Oral interpretations, statements or clarifications are without legal effect. It is the sole responsibility of the person submitting the bid to be knowledgeable of all addenda related to this procurement. If bidders download a Bid/RFP/RFQ from the website, it is the responsibility of the person submitting the bid to check prior to the bid opening to see if addenda have been issued. Copies of addenda or notice of same will be made available on the Borough website

## **2.4 Assign, Sublet or Transfer Any Rights/Interests**

Neither the Borough nor the Bidder shall assign, sublet, or transfer any rights or interest in this Agreement without the prior written consent of the other party. Unless specifically stated to the contrary, in writing, prior to any assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing herein shall be construed to give any rights or benefits to any party other than the Borough and the Contractor.

## **2.5 Cost Liability and Additional Costs**

The Borough assumes no responsibility and liability for costs incurred by the Bidders prior to the issuance of an agreement. The liability of the Borough shall be limited to the terms and conditions of the contract. Bidders will assume responsibility for all costs not stated in their proposals. All unit rates either stated in the proposal or used as a basis for its pricing are required to be all-inclusive. Additional charges, unless incurred for additional work performed by request of the Borough, are not to be billed and will not be paid.

## **2.6 Statutory and Other Requirements a. Compliance with Laws**

Any contract entered into between the Bidder and the Borough must be in accordance with and subject to compliance by both parties with the New Jersey Local Public Contracts Law. The Bidder must agree to comply with the non-discrimination provisions and all other laws and regulations applicable to the performance of services thereunder. The Bidder shall sign and acknowledge such forms and certificates as may be required by this section.

## **b. Mandatory EEO/Affirmative Action Compliance**

No firm shall be issued a contract unless it complies with the EEO/Affirmative Action requirements of P. L. 1975, C. 127 as identified in the documents attached hereto. The form shall be properly executed.

## **c. Americans with Disabilities Act of 1990**

Discrimination on the basis of disability in contracting for the delivery of services is prohibited. Bidders are required to read American with Disabilities language that is part of the documents attached hereto and agree that the provisions of Title II of the Act are made part of the contract. The Bidder is obligated to comply with the Act and hold the Borough harmless.

## **d. Ownership Disclosure**

No corporation, partnership, etc. shall be awarded any contract for the performance of any work or the furnishing of any goods, unless, with receipt of the proposal of said corporation, partnership, etc. there is submitted to the Borough a statement setting forth the names and addresses of all stockholders OR owners in the corporation, partnership, etc. who own ten (10) percent or greater interest therein. The Bidder shall complete and submit the form of statement that is included in this RFP/RFQ.

## **e. Non-Collusion Affidavit**

The Non-Collusion Affidavit, which is part of this RFP/RFQ, shall be properly executed and submitted with the RFP/RFQ response.

## **f. N.J. Business Registration Certificate**

A New Jersey Business Registration Certificate is required pursuant to C57, PL2004; failure to be registered by time of contract award may be cause for rejection. Entities or individuals that need to file for a certificate may do so on-line through the NJ Division of Local Government Services at the following link: <http://www.state.nj.us/treasury/revenue/busregcert.shtml> .

## **g. Disclosure of Investment Activities in Iran**

P.L. 2012, c.25 prohibits State and local public contracts with persons or entities engaging in certain investment activities in energy or finance sectors of Iran.

## **h. “Pay to Play” – Notice of Disclosure Requirement – P.L. 2005, Chapter 271, Section 3 Reporting (N.J.S.A. 19:44A – 20.27)**

(1) Any business entity that has received \$50,000 or more in contracts from government entities in a calendar year is required to file an annual disclosure report with ELEC. The instructions and form are available on the ELEC website.

(2) Annual Disclosures require submission by March 30<sup>th</sup> of each year covering contracts and contributions for the prior calendar year.

(3) At a minimum, a list of all business entities that file an annual disclosure report will be listed on ELEC's website at [www.elec.state.nj.us](http://www.elec.state.nj.us).

(4) If you have any questions please contact ELEC at: 1-888-313-ELEC (3532) (toll free in NJ) or 609-292-8700

## **i. Insurance and Indemnification**

If it becomes necessary for the Bidder, either as principal or by agent or employee, to enter upon the premises or property of the Borough in order to construct, erect, inspect, make delivery or remove property hereunder, the Bidder hereby covenants and agrees to take use, provide and make all proper, necessary and sufficient precautions, safeguards, and protection against the occurrence of happenings of any accident, injuries, damages, or hurt to person or property during the course of the work herein covered and be his/her sole responsibility.

The Bidder further covenants and agrees to indemnify and save harmless the Borough from the payment of all sums of money or any other consideration(s) by reason of any, or all, such accidents, injuries, damages, or hurt that may happen or occur upon or about such work and all fines, penalties and loss incurred for or by reason of the violation of any Borough regulation, ordinance or the laws of the State, or the United States while said work is in progress. The Bidder shall maintain sufficient insurance to protect against all claims under Workers Compensation, General Liability and Automobile and shall be subject to approval for adequacy of protection and certificates of such insurance shall be provided.

The Bidder, by execution of the contract, shall thereby indemnify and hold the Borough harmless from any and all liabilities, claims, actions, costs and penalties which may be incurred as the result of the failure of the Bidder to comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) or any other statute or case law protecting the privacy of persons using its services.

Successful bidder will indemnify and hold harmless the Borough from all claims, suits or actions and damages or costs of every name and description to which the Borough may be subjected or put by reason of injury to the person or property of another, or the property of the Borough, resulting from negligent acts or omissions on the part of the bidder, the bidder's agents, servants or sub-contractors in the delivery of materials and supplies, or in the performance of the work under this agreement.

### **Certificates of the Required Insurance**

Certificates as listed above shall be submitted along with the contract as evidence covering Comprehensive General Liability, Comprehensive Automobile Liability, and where applicable, necessary Worker's Compensation and Employer's Liability Insurance. Such coverage shall be with acceptable insurance companies operating on an admitted basis in the State of New Jersey and shall name the Borough as an additional insured.

### **Insurance/Background Checks**

The Bidder is responsible to conduct adequate background checks on all employees and/or sub-contractors working at Borough facilities. Consultants and/or sub-contractors must be bonded, show proof of insurance coverage naming the Borough as an additional insured, and workers' compensation insurance.

### **Insurance Requirements**

The Bidder shall maintain during the life of the contract, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the Borough. The

Consultant shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the municipality prior to commencement of work.

**1. Worker’s Compensation and Employer’s Liability Insurance**

This insurance shall be maintained in force during the life of this contract by the bidder covering all employees engaged in performance of this contract in accordance with the applicable statute. Minimum Employer’s Liability is \$500,000.00.

**2. General Liability Insurance**

This insurance shall have limits of not less than \$1,000,000.00 any one person and \$1,000,000.00 any one accident for bodily injury and \$3,000,000.00 aggregate for property damage, and shall be maintained in force during the life of this contract by the bidder.

**3. Automobile Liability Insurance**

This insurance covering bidder for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000.00 any one person and \$1,000,000.00 any one accident for bodily injury and \$1,000,000.00 each accident for property damage, shall be maintained in force during the life of this contract by the bidder.

**4. Professional Liability**

\$1,000,000.00 errors and omissions/malpractice per occurrence.

Per GFOA, level of malpractice insurance carried, including deductible amount to cover Errors & Omissions (E&O) improper judgments and negligence.

**j. HIPAA (if applicable)**

Both parties agree to comply with all requirements of the Federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) as may be amended from time to time and the corresponding HIPAA regulations for the confidentiality and security of medical information

The Bidder shall:

Not use or disclose protected health information other than as permitted or required by law

Use appropriate safeguards to protect the confidentiality of the information

Report any use or disclosure not permitted

The Bidder, by execution of the contract, shall thereby indemnify and hold the Borough harmless from any and all liabilities, claims, actions, costs and penalties which may be incurred as the result of the failure of the Bidder to comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) or any other statute or case law protecting the privacy of persons using its services.

**k.. Proof of Licensure**

Proof of licensure for providing Professional Services in the State of New Jersey, for either the firm or the person responsible for the work, shall be provided as required.

**l. Public Emergency**

In the event of a Public Emergency declared at the Local, State or Federal Level, if the Borough opts to extend terms and conditions of this RFP/RFQ, the Bidder agrees to extend the terms and conditions of this RFP/RFQ, whether existing, expiring or expired no longer than six months, for goods and/or services for the duration of the emergency. In the event the original Bidder cannot meet this requirement, the Borough may solicit the goods and/or services from any Bidder on this contract.

**m. Multiple Proposals Not Accepted**

More than one proposal from an individual, a firm or partnership, a corporation or association under the same or different names shall not be considered.

**n. Failure to Enter Contract**

Should the Bidder, to whom the contract is awarded, fail to enter into a contract within twenty-one (21) days, Sundays and holidays excepted, the Borough may then, at its option, accept the proposal of another Bidder.

**o. Commencement of Work**

The Bidder agrees to commence work on January 1, 2020.

**p. Termination of Contract**

If, through any cause, the Bidder shall fail to fulfill in a timely and proper manner obligations under the Contract or if the Bidder violates any requirements of the Contract, the Borough shall thereupon have the right to terminate the Contract by giving written notice to the Bidder of such termination at least thirty (30) days prior to the proposed effective date of the termination. Such termination shall relieve the Borough of any obligation for the balances to the Bidder of any sum or sums set forth in the Contract.

The Bidder agrees to indemnify and hold the Borough harmless from any liability to sub-contractors/suppliers concerning payment for work performed or goods supplied arising out of the lawful termination of the Contract by the Borough under this provision. In case of default by the Bidder, the Borough may procure the articles or services from other sources and hold the Bidder responsible for any excess cost occasioned thereby.

**q. Non-Allocation of Funding Termination**

Each calendar year payment obligation of the Borough is conditioned upon the availability of Borough funds appropriated or allocated for the payment of such an obligation. If funds are not allocated and available for the continuance of any services performed by the Bidder hereunder, whether in whole or in part, the Borough at the end of any particular calendar year may terminate such services. The Borough will notify the Bidder in writing immediately of any services that will be affected by a shortage of appropriated funds. This provision shall not be construed so as to permit the Borough to terminate this Agreement during the term, or any service hereunder, merely in order to acquire identical services from a third-party Bidder.

#### **r. Challenge of Specifications**

Any Bidder who wishes to challenge a specification shall file such challenge in writing with the Purchasing Agent no less than three (3) business days prior to the opening of the RFP/RFQ's. Challenges filed after that time shall be considered void and having no impact on the Borough or the award of contract.

#### **s. Payment**

Invoices shall specify, in detail, the period for which payment is claimed, the services performed during the prescribed period, the amount claimed and correlation between the services claimed and the Proposal Cost Form.

Payment will be made within sixty (60) days or less provided the Bidder returns signed purchase order with original signature and original invoice within specified time period.

The Borough may withhold all or partial payments on account of subsequently discovered evidence including but not limited to the following:

1. Deliverables not complying with the project specification;
2. Claims filed or responsible evidence indicating probability of filing claims;
3. A reasonable doubt that the Contract can be completed for the balance then unpaid.

When the above grounds are removed, payment shall be made for amounts withheld because of them.

#### **t. Non-payment of Penalties and Interest on Overdue Bills**

Public funds may be used to pay only for goods delivered or services rendered. The Borough will not pay penalties and/or interest on overdue bills. No employee is authorized to sign a letter of credit or any other document that represents a legal commitment on the part of the Borough to pay additional fees. A purchase order must be signed for payment to be made.

#### **u. Availability of Funds**

Pursuant to statutory requirements, any contract resulting from this bid shall be subject to the availability and appropriation of sufficient funds annually

#### **v. Ownership of Material**

The Borough shall retain all of its rights and interest in any and all documents and property both hard copy and digital furnished by the Borough to the Bidder for the purpose of assisting the Bidder in the performance of this contract. All such items shall be returned immediately to the Borough 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 Borough, be disclosed to others or used by the Bidder or permitted by the Bidder 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 Borough pursuant to this contract shall belong exclusively to the Borough. All data, reports,



computerized information, programs and materials related to this project shall be delivered to and become the property of the Borough upon completion of the project. The Bidder shall not have the right to use, sell, or disclose the total of the interim or final work products, or make available to third parties, without the prior written consent of the Borough. All information supplied to the Borough may be required to be supplied on CD-ROM media compatible with the Borough's computer operating system, windows based, Microsoft Office Suite 2007 or greater.

**w. Altering Official Document**

Bidders shall not write in any margins or alter the official content of Borough's document.

**x. W-9**

Successful Bidder shall complete W-9 Form and submit to Purchasing prior to contract award. The form is available at the following link: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>

**y. Best Practices**

The awarded attorney(s) will adhere to the best practices described in the Office of the Comptroller's Report of June 25, 2013 on municipal legal services.

**z. MUNICIPAL of Interest**

Indicate and disclose below any potential conflicts of interest that the Attorney(s) may have in performing these services for the Borough of Highlands.

**Conflict of Interest** Yes \_\_\_\_\_ No \_\_\_\_\_

*If answered "yes", please explain below or on separate sheet(s)*

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## **7 Representations**

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The Bidder hereby represents as follows:

1. The Bidder is financially solvent, able to pay its debts as they become due and possessed of sufficient working capital to complete the services required and perform its obligations under this Agreement.
2. The Bidder is able to furnish the workplace, tools, materials, supplies, equipment and labor necessary to complete the Services and perform all of its obligations under the Contractual Documents, and has sufficient experience and competence to do so.
3. The Bidder is authorized to do business in the State of New Jersey and is properly licensed by all necessary governmental and public and quasi-public authorities having jurisdiction over the Bidder and the Services it will be performing.
4. The Bidder's execution of and performance under this Agreement are within its duly authorized powers.
5. The Bidder certifies that it has satisfied itself, from its own investigation, of the conditions to be met, and that it fully understands its obligations and agrees that it will not make any Claim for, or have right to, cancellation or relief from the Contractual Documents without penalty because of its misunderstanding or lack of information.
6. The Bidder certifies that all representations made by it in any of the Contractual Documents are true, subject to penalty of law. The Bidder understands and agrees that its knowing or intentional violation of any statute or regulation related to public contracts and/or its misrepresentation or concealment of any material fact may be cause for termination of this Agreement. The Bidder understands and agrees that the Bidder's violation of any statute or regulation related to public contracts and/or its misrepresentation or concealment of any material fact shall serve as a legal bar to the Bidder's enforcement of its rights under the Contractual Documents, including any and all Claims at law or equity.
7. The Bidder and any firm it has subcontracted has provided to the Authority proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury, pursuant to L. 2001, c. 134, as set forth in Appendix E, and the Bidder shall not enter into any subcontract with a firm that has not provided it and the Authority with proof of such valid business registration.

## **BOROUGH MUNICIPAL ATTORNEY**

### **SCOPE OF SERVICES**

The Scope of Services required under this Request for Proposals/Request for Qualifications includes serving as the Borough MUNICIPAL Attorney providing professional legal services relating thereto for the calendar year 2020.

### **OTHER SPECIALIZED SERVICES**

The selected attorney will be expected to provide specialized professional services to the Borough during the entire year on an as needed basis. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the attorney will be expected to return a phone call to the Borough on the same day. The attorney will also be expected to be available to provide advice to the Borough during non-business hours including the attendance at meetings when requested.

### **MINIMUM QUALIFICATIONS**

The firm shall have one or more licensed attorneys on staff whose major focus and work has been and remains providing professional services to and advising public entities. The firm shall have at least ten (10) years' experience in representing public entities. The firm shall designate one attorney within the firm, who will be assigned to represent the interest of the Borough. This individual shall have been admitted and/or licensed as an attorney and be in good standing. The firm and individuals assigned to work with the Borough shall be well versed in all aspects of the Borough's operations.

### **SUBMISSION**

Proposing firms shall provide evidence that all minimum qualifications are met.

The response to this Request for Proposals/Request for Qualifications (RFP/RFQ) shall also discuss and provide the following:

- Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
- References and record of success.
- Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
- Cost details, including the hourly rates of each of the individuals who will perform services.
- Resumes for the professionals to be assigned to work on Borough matters shall be identified.
- A list delineating the number and types of public clients served shall also be presented.
- References from at least three (3) public sector employers shall be provided for this individual.
- A narrative statement of the professionals understanding of the Borough's needs and goals.
- Must maintain a bona fide office in the State of New Jersey. Please list office address.

## **BOROUGH MUNICIPAL CONFLICT ATTORNEY**

### **SCOPE OF SERVICES**

The Scope of Services required under this Request for Proposals/Request for Qualifications includes serving as the Borough MUNICIPAL Attorney providing professional legal services relating thereto for the calendar year 2020.

### **OTHER SPECIALIZED SERVICES**

The selected attorney will be expected to provide specialized professional services to the Borough during the entire year on an as needed basis. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the attorney will be expected to return a phone call to the Borough on the same day. The attorney will also be expected to be available to provide advice to the Borough during non-business hours including the attendance at meetings when requested.

### **MINIMUM QUALIFICATIONS**

The firm shall have one or more licensed attorneys on staff whose major focus and work has been and remains providing professional services to and advising public entities. The firm shall have at least ten (10) years' experience in representing public entities. The firm shall designate one attorney within the firm, who will be assigned to represent the interest of the Borough. This individual shall have been admitted and/or licensed as an attorney and be in good standing. The firm and individuals assigned to work with the Borough shall be well versed in all aspects of the Borough's operations.

### **SUBMISSION**

Proposing firms shall provide evidence that all minimum qualifications are met.

The response to this Request for Proposals/Request for Qualifications (RFP/RFQ) shall also discuss and provide the following:

- Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
- References and record of success.
- Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
- Cost details, including the hourly rates of each of the individuals who will perform services.
- Resumes for the professionals to be assigned to work on Borough matters shall be identified.
- A list delineating the number and types of public clients served shall also be presented.
- References from at least three (3) public sector employers shall be provided for this individual.
- A narrative statement of the professionals understanding of the Borough's needs and goals.
- Must maintain a bona fide office in the State of New Jersey. Please list

## **BOROUGH BOND COUNSEL ATTORNEY**

### **SCOPE OF SERVICES**

The Scope of Services required under this Request for Proposals/Request for Qualifications includes serving as the Borough BOND COUNSEL Attorney providing professional legal services relating thereto for the calendar year 2020.

### **OTHER SPECIALIZED SERVICES**

The selected attorney will be expected to provide specialized professional services to the Borough during the entire year on an as needed basis. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the attorney will be expected to return a phone call to the Borough on the same day. The attorney will also be expected to be available to provide advice to the Borough during non-business hours including the attendance at meetings when requested.

### **MINIMUM QUALIFICATIONS**

The firm shall have one or more licensed attorneys on staff whose major focus and work has been and remains providing professional services to and advising public entities. The firm shall have at least ten (10) years' experience in representing public entities. The firm shall designate one attorney within the firm, who will be assigned to represent the interest of the Borough. This individual shall have been admitted and/or licensed as an attorney and be in good standing. The firm and individuals assigned to work with the Borough shall be well versed in all aspects of the Borough's operations.

### **SUBMISSION**

Proposing firms shall provide evidence that all minimum qualifications are met.

The response to this Request for Proposals/Request for Qualifications (RFP/RFQ) shall also discuss and provide the following:

- Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
- References and record of success.
- Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
- Cost details, including the hourly rates of each of the individuals who will perform services.
- Resumes for the professionals to be assigned to work on Borough matters shall be identified.
- A list delineating the number and types of public clients served shall also be presented.
- References from at least three (3) public sector employers shall be provided for this individual.
- A narrative statement of the professionals understanding of the Borough's needs and goals.
- Must maintain a bona fide office in the State of New Jersey. Please list office address.

## **LANDUSE BOARD ATTORNEY**

**GENERAL CRITERIA:** Highlands Borough and its LANDUSE Board desires to appoint an attorney consistent with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., whose responsibilities will be to represent the LANDUSE Board at all of their respective regular and special meetings and work sessions, conduct legal research and render legal opinions, represent the Board in any litigation and assist the Board in any other manner necessary for the calendar year 2020. Bidders should demonstrate knowledge of the Municipal Land Use Law, zoning and LANDUSE, preparation of resolutions, redevelopment law and other matters pertinent to the LANDUSE Board. Any experience or knowledge of matters that directly affect Highlands Borough should be addressed. Bidders may be an individual or a firm.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of seven (7) years' experience representing municipal entities in connection with LANDUSE and zoning applications and ordinances.
3. Must maintain a bona fide office in the State of New Jersey. Please list office address.
4. Must have sufficient support staff to provide all services requested by the Borough including, but not limited to, preparation of all documents and resolutions necessary and incidental thereto.
5. Must list past and present public entities represented as LANDUSE Board Attorney or related issues.
6. Schedule of hourly rates for attorney(s) and support staff.
7. Must identify the attorney(s) and support staff that will be assigned to this account and their experience in handling such actions.

## **TAX APPEAL ATTORNEY/ MUNICIPAL TAX APPEAL ATTORNEY**

**GENERAL CRITERIA:** Highlands Borough desires to appoint an attorney whose responsibilities will be to represent the Borough in all matters related to tax appeals and other matters relating to the taxation of real property, including: conducting legal research and rendering legal opinions, representing the Borough in any litigation and any other manner necessary for the calendar year 2020. Proposers should demonstrate knowledge of tax appeals and other related matters. Any experience or knowledge of matters that directly affect Highlands Borough should be addressed. Proposers may be an individual or a firm.

The Borough will appoint a Tax Appeal and Municipal Tax Appeal Attorney from the bids submitted.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of seven (7) years' experience representing municipal entities in connection with tax appeals.
3. Must maintain a bona fide office in the State of New Jersey. Please list office address.
4. Must have sufficient support staff to provide all services requested by the Borough including, but not limited to, preparation of all documents and resolutions necessary and incidental thereto.
5. Must list past and present public entities represented as tax appeals attorney or related issues.
6. Demonstrate in-depth knowledge of Title 54, the assessing function/procedures and the role of the assessor under the strong mayor form of government.
7. Demonstrate understanding the complexity of diverse neighborhoods and property classes comparable to properties in Highlands Borough and Monmouth County and how they relate to the assessing function.
8. Demonstrate experience of litigation before County Boards of Taxation and in particular the Monmouth County Board of Taxation and the Tax Court of New Jersey.
9. Demonstrate experience of litigation of new and existing developments.
10. Demonstrate experience of litigation before, during and after revaluations and/or reassessments.
11. Schedule of hourly rates for attorney(s) and support staff.
12. Must identify the attorney(s) and support staff to whom will be assigned to and their experience in handling such actions.
13. Must have sufficient support staff to provide the necessary services in defense of all claims against the Borough and in support of any coverage action.

## **LABOR ATTORNEY**

**GENERAL CRITERIA:** Highlands Borough desires to appoint a labor attorney whose responsibilities will be to represent the Borough in all matters related to labor and employment law, labor negotiations, conduct legal research and render legal opinions, represent the Borough in any litigation and any other manner necessary for the calendar year 2020. Bidders should demonstrate superior knowledge of labor negotiations. Any experience or knowledge of matters that directly affect Highlands Borough should be addressed. Bidders may be an individual or a firm.

### **MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of seven (7) years' experience representing municipal entities in connection with labor negotiations.
3. Must maintain a bona fide office in the State of New Jersey thereto.
4. Must list past and present public entities represented as labor attorney or related issues.
5. Schedule of hourly rates for attorney(s) and support staff.
6. Must identify the attorney(s) and support staff to whom will be assigned to and their experience in handling such actions.
7. Must have sufficient support staff to provide the necessary services in defense of all claims against the Borough and in support of any coverage action.



## COAH/REDEVELOPMENT ATTORNEY

**GENERAL CRITERIA:** Highlands Borough desires to appoint a Redevelopment Attorney whose responsibilities are listed below for the calendar year 2020. Any experience or knowledge of matters that directly affect Highlands Borough should be addressed. Bidders may be an individual or a firm.

### **Duties –**

The COAH/ Redevelopment Attorney shall:

1. Represent and advise Borough of Highlands in all matters of law pertaining to general redevelopment matters and perform such duties as are appropriate to facilitate redevelopment projects within Highlands Borough.
2. Give advice or opinion on the legality of all matters related to redevelopment.
3. Redevelopment Attorney will advocate the interests of the Borough of Highlands including preparing legal opinions and legal briefs, appearing in court and meeting with Borough, County, State and Federal officials.
4. Participate in the development and implementation of goals, objectives, policies and priorities.
5. Plan, prepare, negotiate and approve redevelopment plans, redevelopment agreements, ordinances, resolutions, contracts, deeds, leases, and other legal documents as well as the review of any applicable adoption proceedings.
6. Represent the Borough before other governmental bodies and agencies to promote the interests of the Borough.
7. Represent the Borough of Highlands in the community and at professional meetings.
8. Attend any and all Borough Council, Landuse Board meetings or other meetings with municipal staff where redevelopment or related matters may be discussed, as requested by Highlands Borough.
9. The Borough may propose additional tasks as deemed necessary to complete the assignment. Any additional work shall be compensated, as agreed between the successful firm and the Borough.
10. The Bidder shall include in their response the following:
  - a) A listing of all previous Public Sector entities served by the Bidder including dates of service and position(s) held.
  - b) It is anticipated that the Borough will require monthly-itemized statements for all services and will subject these statements to audit at least annually. Describe how your firm would provide for this reporting.
  - c) Please submit an example of a typical invoice your firm provides to a public agency.

11. Must identify the attorney(s) and support staff to whom will be assigned to and their experience in handling such actions.
12. Must have sufficient support staff to provide the necessary services in defense of all claims against the Borough and in support of any coverage action.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of seven (7) years' experience representing municipal entities in connection with redevelopment land use experience.
3. Must maintain a bona fide office in the State of New Jersey. Please list office address.
4. Must have sufficient support staff to provide all services requested by the Borough including, but not limited to, preparation of all documents and resolutions necessary and incidental thereto.
5. Must list past and present public entities represented for redevelopment land use experience or related issues.
6. Schedule of hourly rates for attorney(s) and support staff.

# Proposal Requirements

## Qualification Statement and Proposal

Respondents are requested to submit a Qualification Statement and Proposal for each category. The Qualification Statement and Proposal must contain all requirements of the RFP/RFQ and the following information.

1. A statement that your firm is interested in performing the work described in this RFP/RFQ.
2. The address of the office in which the work will be performed.
3. The name and title of the individuals who will be assigned to the project(s).
4. A narrative demonstrating your understanding of all work necessary. The narrative must detail your firm's particular ability to perform the type of work. The narrative must indicate the experience of your firm/staff for the type of work involved for the categories your firm is preparing a response. The narrative should address the ability of your firm to complete the required work in a professional and cost-effective manner.
5. Resumes of key personnel must be submitted along with your firms' proposals. Each resume shall be a maximum of two, single sided, 8 ½ "x 11" sheets in length and must highlight education, professional credentials, and work performance on projects similar to that described in this RFP/RFQ. A resume of the primary partner, as well as the resume(s) of key personnel must be included.
6. It is anticipated that the Borough will require monthly itemized statements for all services and will subject these statements to audit at least annually. Describe how your firm would provide for this reporting.
7. Please submit an example of a typical invoice your firm provides to a public agency.

## Fee Schedule

Respondents shall submit a proposed hourly rate fee schedule for the period of January 1, 2020 through December 31, 2020.

Any fee or cost not specified in your proposal is to be included within the hourly fee proposed.

The fee proposal at the end of this section must be completed as outlined or the proposal will be rejected.

Advise if a retainer is part of the rate fee.

## References

Please provide a list of (3) three clients for whom similar services have been provided. Include the following in your response:

- |                           |                     |
|---------------------------|---------------------|
| 1. Name of Client         | 5. Telephone Number |
| 2. Address of Client      | 6. E-mail address   |
| 3. Contact Person's Name  | 7. Dates Worked     |
| 4. Contact Person's Title |                     |

## **Evaluation, Review and Selection Process**

### **Proposals to Remain Subject to Acceptance**

RFP/RFQ responses shall remain open for a period of sixty (60) calendar days from the stated submittal date. The Borough will either award the Contract within the applicable time period or reject all proposals. The Borough may extend the decision to award or reject all proposals beyond the sixty (60) calendar days when the proposals of any respondents who consent thereto may, at the request of the Borough, be held for consideration for such longer period as may be agreed.

### **Rejection of Proposals**

The Borough reserves the right to reject any or all proposals, or to reject any proposals if the evidence submitted by, or investigation of such Bidder fails to satisfy the Borough that such Bidder is properly qualified to carry out the obligations of the RFP/RFQ and to complete the work contemplated therein. The Borough reserves the right to waive any minor informality in the RFP/RFQ. In the event that all proposals are rejected, the Borough reserves the right to start the process over from the beginning and re-solicit proposals.

### **If No Proposals Are Received**






If no proposals are received after conducting the Fair and Open Process, the Committee will make a recommendation for the appointment of a professional to the governing body as permitted in N.J.S.A. 40A:11-6.1(a)(b). Notwithstanding the above, all professionals receiving awards based on this subsection must comply with the limitations on contributions approved in the Borough's Pay to Pay Ordinances.

### **Evaluation Process**





An evaluation team will review all proposals to determine if they satisfy the Proposal Requirements, determine if a proposal should be rejected and evaluate the proposals based upon the Evaluation Criteria. The highest-ranking Bidder will then be recommended to the governing body for award of contract, based on price and other factors.

### **Evaluation Criteria**




The criteria considered in the evaluation of each proposal follows. The arrangement of the criteria is not meant to imply order of importance in the selection process. All criteria will be used to select the successful Bidder.

- 1. Understanding of the Requested Work**
  -  Completeness & responsiveness to the RFP/RFQ
  -  Compliance with instructions & requests
  -  Demonstrates clear understanding of Scope of Work
  
- 2. Knowledge and Technical Competence**
  -  Education & training of employees
  -  Suitability to perform the required tasks

### **3. Management, Experience and Personnel Qualifications**

-  Project management team & their qualifications
-  Additional resources available
-  Record of reliability & quality of service
-  Experience performing similar work

### **4. Cost**

-  Explanation of costs (on Cost Sheet)
-  Cost comparison
-  Miscellaneous additional services costs

**Note:** Price shall be based on hourly rates and schedules of fees submitted with the proposal. Any services not included as part of any resulting contract scope of services must be approved and authorized by the Borough before such work is initiated. The Borough shall pay for such approved services at the rate or cost agreed upon between the Borough and Bidder, provided the Bidder has provided a schedule of fees for additional services with this RFP/RFQ.

## **Award**

The Borough reserves the right to conduct an interview or interviews with the prospective professional to discuss the scope of the professional services as outlined in the Bidder's submission.

Term of Contract: January 1, 2020 – December 31, 2020.

The Professional Services Committee will select the Bidder(s) deemed most advantageous to the Borough, price and other factors considered. The Professional Services Committee's selection is subject to the Mayor's approval. Thereafter, the Mayor's recommendation shall be forwarded to the governing body for approval. Once approved by the governing body by resolution, the contract between the Borough and the selected Bidder(s) shall be prepared.

All awards are subject to availability of funds.

## **Notice of Award**

The successful Bidder will be notified of the award of contract upon a favorable decision by the governing body. The Purchasing Agent may then send a Purchase Order/Voucher to the Bidder.

## **Payment**

Payment will be made after a properly executed Borough voucher has been received and formally approved on the voucher list by the Borough Council at its subsequent regular meeting. The voucher will be certified correct by the department/division head who received the goods or services.

## **Open Public Records Act (OPRA)**

All documents/information, except for OPRA's Exemptions from Disclosure, submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq.

\*\*\*\*\*

**REFERENCES:** Please provide a minimum of three (3) references below *or* you may use separate sheet(s). Please include contact name, title, client name and address, telephone number, email address and dates worked. You may also include additional references if desired.

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COST DETAILS/SIGNATURE PAGE**

**ATTORNEY SPECIALTY** \_\_\_\_\_

NAME AND TITLE OF EMPLOYEE WHO WILL PERFORM SERVICES **	HOURLY RATES	EXPENSES	TIME ESTIMATE, IF APPLICABLE
Travel Time			
Fax			
Postage			
Copies			
Other: <i>please specify</i>			
Other: <i>please specify</i>			

Please use additional sheet(s) if necessary.

Any fee or cost not specified in your proposal is to be included within the hourly fee proposed.

TOTAL COST, where appropriate, total cost “not to exceed” amount

\$ \_\_\_\_\_ In words: \_\_\_\_\_

\*\*Please include on a separate sheet the definition of the title used. The definition should reference the level of experience, licensing, and/or parameters of the job function.

***Contract will be awarded by price and other factors considered.***

The undersigned hereby declares that they have carefully examined the requirements of the specifications contained herein and propose the following for the attorney specialty bid and if awarded the contract, he/she will provide services as specified by the Specifications.

SIGNATURE: \_\_\_\_\_

NAME PRINTED: \_\_\_\_\_

FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

DATE: \_\_\_\_\_

**FEE PROPOSAL TO PROVIDE THE SERVICES OUTLINED ABOVE**

This fair and open process proposal is for the Request for Proposal/Request for Qualifications. Contract award(s) shall be made with reasonable promptness by written notice to that responsible bidder(s), whose bid proposal(s), conforming to this RFP/RFQ, is (are) most advantageous to the Borough, price and other factors considered.

**OFFICE LOCATION – Please list complete address of servicing location:**

\_\_\_\_\_  
\_\_\_\_\_

***Please Note: Each specialty applied for MUST have its own submission with all required documents. One submission noting several specialties WILL NOT be accepted.***



Please provide a list of three (3) clients for whom similar services have been provided.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Dates Works: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Dates Works: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Dates Works: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

**BOROUGH OF HIGHLANDS  
BID DOCUMENT CHECKLIST**

**FAILURE TO SUBMIT EITHER OF THE TWO (2) “CHECKED” REQUIRED STATUTORY ITEMS (N.J.S.A. 40a:11-23.2) WILL RESULT IN REJECTION OF YOUR BID**

<b>Required with Bid</b>	<b>Read, Signed &amp; Submitted <u>Bidder's initial</u></b>
<input checked="" type="checkbox"/> Ownership Disclosure Certification - <b>Statutory</b>	_____
<input checked="" type="checkbox"/> Acknowledgement of Receipt of Addenda (complete enclosed form AND enclose signed copies of any/all Addenda with bid submission – <b>Statutory</b> )	_____

The following checklist is for your reference only and is strictly to guide Bidders with required documentation; however, it may not include all specification requirements and does not relieve the bidder of the need to read and comply with the specifications.

- Non-Collusion Affidavit
- Required Evidence EEO/Affirmative Action Regulations Certificate of Questionnaire
- Certificate of Insurance naming Borough as additionally insured (from awarded Bidder with executed contracts)
- Business Entity Disclosure Certification completed & signed (Pay-to-Play)
- License(s) and/or Certification(s) if required by the specifications
- Past and present public entities represented
- Price Proposal
- Office Location
- State of New Jersey Business Registration Certificate -with bid submission OR prior to award
- CD with PDF of Bid Response along with Printed Copied (reference Notice to Bidders)
- Disclosure of Investment Activities in Iran

**C. READ ONLY**

- American with Disability Act of 1990 Language

BOROUGH OF HIGHLANDS  
MONMOUTH COUNTY, NEW  
JERSEY Division of Purchasing  
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Proposal Title: \_\_\_\_\_ Respondent: \_\_\_\_\_

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Director finds a person or entity to be in violation of the principles which are the subject of this law, s/he shall take 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 person or entity.

**I certify, pursuant to Public Law 2012, c. 25, that the person or entity listed above for which I am authorized to submit a response/renew:**

is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entity that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran,

**AND**

is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

**In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in part 2 below to the Division of Purchasing under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.**

---

**PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN**

You must provide, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the information below.

Name: \_\_\_\_\_ Relationship to Respondent: \_\_\_\_\_

Description of Activities: \_\_\_\_\_

Duration of Engagement: \_\_\_\_\_ Anticipated Cessation Date: \_\_\_\_\_

Respondent/Offeror Contact Name: \_\_\_\_\_ Contact Phone Number: \_\_\_\_\_

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

---

Full Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**BOROUGH OF HIGHLANDS  
MONMOUTH COUNTY, NEW  
JERSEY**

**ACKNOWLEDGMENT OF RECEIPT OF ADDENDA**

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

Addendum Number	Dated	Acknowledge Receipt (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**No Addenda were received**

Acknowledged for: \_\_\_\_\_  
(Name of Bidder)

By: \_\_\_\_\_  
(Signature of Authorized Representative)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**REQUIRED EVIDENCE**  
**AFFIRMATIVE ACTION REGULATIONS**  
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

**GOODS AND SERVICES CONTRACT**  
**(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirement of comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence;

1. A photocopy of a valid letter from the U.S. Department of Labor that the Bidder has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from the date of the letter).

OR

2. A photocopy of approved Certificate of Employee Information Report issued in accordance with N.J.A.C. 17:27-4;

OR

3. An Employee information Report (Form AA302) completed with a copy to the N.J. Department of the Treasury with the appropriate fee.

**NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1.**

-----

The following questions must be answered by all bidders:

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

YES\_\_\_\_\_ NO\_\_\_\_\_

If yes, please submit a copy of such approval.

2. Do you have a Certificate of Employee Information Report Approval?

YES\_\_\_\_\_ NO\_\_\_\_\_

If yes, please submit a copy of such certificate.

The undersigned Bidder certifies that he is aware of the commitment to comply with the requirements of P.L.1975, c.127 and agrees to furnish the required documentation pursuant to the law.

COMPANY: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

**Note: A professional's bid must be rejected as non-responsive if a Bidder fails to comply with requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27, within the time frame.**

**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 et seq.**

**GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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, up-grading, 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; or

Employee Information Report Form AA-302 (electronically provided by the Division and distributed to the public agency through the Division's website at: [http://www.state.nj.us/treasury/contract\\_compliance/](http://www.state.nj.us/treasury/contract_compliance/)).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

(2016)

**APPENDIX A**  
**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the Borough of Highlands of Highlands, NJ, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 *U.S.C.* 5121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.



**STATEMENT OF OWNERSHIP (OWNERSHIP  
DISCLOSURE CERTIFICATION)**  
N.J.S.A. 52:25-24 (P.L. 1977, c.33, as amended by P.O. 2016, c.43) THIS

**STATEMENT SHALL BE INCLUDED WITH ALL SUBMISSIONS**

**Failure of the bidder/proposer to submit the required information is cause  
for automatic rejection of the bid or proposal**

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Name of person completing this form: \_\_\_\_\_

**N.J.S.A. 52:25-24.2:**

“No corporation, partnership or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or proposal or accompanying the bid or proposal of said corporation, said partnership or said limited liability company there is submitted a statement setting forth 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 members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation’s stock or the individual partners owning 10 percent or greater interest in that partnership or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner and ember, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the Federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers or the filings that contain the information one each person that holds a 10 percent or greater beneficial interest.”

The Attorney General has advised that the provisions of N.J.S.A. 52:25-24.2, which refer to corporations and partnerships apply to limited partnerships, limited liability partnerships and Subchapter S Corporations.

**THIS OWNERSHIP DISCLOSURE CERTIFICATION FORM SHALL BE COMPLETED,  
SIGNED AND NOTARIZED.**

**Part 1**

**Check the box that represents the type of business organization:**

Sole Proprietorship (skip Parts II and III, sign and notarize at the end)

Non-Profit Corporation (skip Parts II and III, sign and notarize at the end)

Partnership

Limited Partnership

Limited Liability Partnership

Limited Liability Company For profit Corporation (including Subchapters C & S or Professional Corporation)

Other (be specific): \_\_\_\_\_

**Part II**

I certify that 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.

**OR**

I certify that 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 that no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be.

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

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

**Part III – Any Direct or Indirect Parent Entity Which is Publicly Traded:**

“To comply with this section, a bidder either any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the Federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the Federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest.”

Pages attached with name and address of each publicly traded entity as well as the name and address of each person that holds a 10 percent or greater beneficial interest.

**OR**

Submit here the links to the Websites (URLs) containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent.

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**AND**

Submit here the relevant page numbers of the filings containing the information on each person holding a 10 percent or greater beneficial interest.

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\_\_\_\_\_  
(Affiant)

\_\_\_\_\_  
(Print name of affiant and title, if applicable)

Subscribed and sworn before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

CORPORATE SEAL,  
IF CORPORATION

My Commission expires: \_\_\_\_\_

**BOROUGH OF HIGHLANDS  
MONMOUTH COUNTY, NEW**

**NON-COLLUSION AFFIDAVIT**

**State of New Jersey County of \_\_\_\_\_ ss:**

I \_\_\_\_\_ residing in \_\_\_\_\_  
(name of affiant) (name of municipality)  
in the County of \_\_\_\_\_ and State of \_\_\_\_\_ of full age, being duly sworn  
according to law on my oath depose and say that:

I am \_\_\_\_\_ of the firm of \_\_\_\_\_,  
(title or position) (name of firm)  
the bidder making this Proposal for the bid proposal entitled \_\_\_\_\_,  
(title of bid proposal)

and that I executed the said Proposal with full authority to do so that said bidder had not, directly or indirectly entered into any agreement(s), 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 affidavit are true and correct, and made with full knowledge that the \_\_\_\_\_  
\_\_\_\_\_ relies upon the truth of the statements contained in said Proposal and in this  
(name of contracting unit)  
affidavit 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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Type or print name of affiant under signature

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

My Commission expires \_\_\_\_\_ 20\_\_\_\_ .

**BOROUGH OF HIGHLANDS  
MONMOUTH COUNTY, NEW**

**BUSINESS REGISTRATION OF PUBLIC BIDDERS**

**BUSINESS REGISTRATION CERTIFICATE**

The New Jersey State Bidder Business Registration Program to local government contracts requires any “Business Organization” (meaning individual, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof) to submit a copy of their Business Registration Certificate when submitting a bid or proposal OR prior to award.

**FAILURE TO DO SO IS A FATAL DEFECT  
THAT CANNOT BE CURED**

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**GOODS AND SERVICES CONTRACTS**

N.J.S.A. 52:32-44 imposes the following requirements on Bidders and all subcontractors that knowingly provide goods or perform services for a Bidder fulfilling this contract:

1. the Bidder shall provide written notice to its subcontractors to submit proof of business registration to the Bidder;
2. prior to receipt of final payment from a contracting agency, a Bidder must submit to the contracting agency an accurate list of all subcontractors or attest that none was used;
3. during the term of this contract, the Bidder and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A Bidder, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.



SAMPLE OF BUSINESS  
REGISTRATION CERTIFICATE  
(original and downloaded version)

EITHER OF THE ABOVE  
CERTIFICATES IS  
ACCEPTABLE AND  
RESPONSIVE

**DEBARRED, SUSPENDED AND DISQUALIFIED CONSULTANT AFFIDAVIT**

STATE OF NEW JERSEY )  
 )  
COUNTY OF )

I, \_\_\_\_\_ of the Borough of \_\_\_\_\_, in the County of \_\_\_\_\_ and the State of \_\_\_\_\_ being of full age, being duly sworn according to law on my oath depose and say:

I am \_\_\_\_\_, an officer of the firm(s) of \_\_\_\_\_, the Professional making the proposal for the above named work; I executed the said proposal with full authority to do so; said Professional at the time of making this proposal {as applicable, insert "is" or "is not"} included on the State of New Jersey, State Treasurer's List of Debarred, Suspended and Disqualified Professionals; and all statements contained in said proposal and in this affidavit are true and correct and made with the full knowledge that the Borough of Highlands as the Local Unit relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for said work:

- I. Has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal, state or local government agency within the past 3 years;
- II. Does not have a proposed debarment pending; and
- III. Has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

The undersigned further warrants that should the name of the firm making this proposal appear on the State Treasurer's List of Debarred, Suspended and Disqualified Consultants at any time prior to, and during the life of the contract, including the Guaranteed Period, that the Local Unit shall be immediately so notified by the signatory of this Eligibility Affidavit.

**(Insert Exceptions - For any exception noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions. If no exceptions, insert "None".)**

Subscribed and Sworn  
Before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Name and address of Consultant

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name and Title of Affiant

My commission expires: \_\_\_\_\_ Signed: \_\_\_\_\_

Signature of Officer or Individual

**BOROUGH OF HIGHLANDS**

**BUSINESS ENTITY DISCLOSURE CERTIFICATION  
“PAY TO PLAY”**

Please review Executive Order 117. Documents may be downloaded in addition to the bid documents. Please complete and enclose the following “Business Entity Disclosure Certification” page.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
*Required Pursuant To Borough of Highlands N.J.S.A. 19:44A-1, et seq.*  
**BOROUGH OF HIGHLANDS**

**Part I-Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that pursuant to Highlands Borough the professional business entity named below is in compliance with all terms conditions, requirements and/or other obligations

Any vendor which enters in a contract or agreement with the Borough of Highlands or any department or agency thereof shall file a disclosure statement as follows prescribed by the Borough of Highlands identifying all reportable contributions to any Highlands Borough candidate for Mayor or Borough Council or officeholder or political committee required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. Please continue on an additional sheet if necessary. If no reportable contributions have been made, please print "NONE" below.

TO WHOM	BY WHOM	AMOUNT	DATE

**Part II-Signature and Attestation:**

By signing below, I understand and certify to the above and have reviewed Ordinance 2007-21 and Ordinance 2008-9 and Executive Order #117 and am aware that if I have misrepresented in whole or in part of this certification, I and/or the business entity, will be liable for any penalty permitted under the law.

Name of Business Entity: \_\_\_\_\_

Signature of Affiant: \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name of Affiant: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn before me this            day of

, 2 .

(Witnessed or attested by)

My Commission expires:

<p>_____</p>	<p>(Seal)</p> <p>_____</p> <p>_____</p>
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