

NOTE: To receive addenda or modification to this Request for Qualifications, please provide the Municipal Clerk with Respondent's name, email address, and phone number upon receipt of this document.

REQUEST FOR QUALIFICATIONS

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD ATTORNEY

ISSUE DATE: FEBRUARY 1, 2018

DUE DATE: FEBRUARY 23, 2018 at 11 o'clock a.m.

Issued by:

Township of South Hackensack

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

"Municipality" - refers to the Township of South Hackensack.

"Due Date" – refers to the date and time by which Qualification Statements must be received by the Municipality in order to be considered for award of the contract or position.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the Municipality) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested firm(s) that submit a Qualification Statement.

"Governing Body" – refers to the Township Committee of the Township of South Hackensack

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Municipality is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services and extraordinary unspecifiable services. Through a Request for Qualification (RFQ) process described herein, persons and/or firms interested in assisting the Municipality with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Municipality will review Qualification Statements only from those firms that submit a Qualification Statement that includes all the information required to be included as described herein (in the sole judgment of the Municipality). The Municipality intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Municipality to provide the greatest benefit to the taxpayers of the Municipality. The Municipality will consider Qualification Statements only from individuals, firms or organizations that have demonstrated the capability and willingness to provide high quality services as required by the Municipality.

1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the bidding provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is, however, subject to the “New Jersey Local Unit Pay-to-Play” Law, N.J.S.A. 19:44A-20.4 et seq. The Municipality has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 5 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by a duly authorized sub-committee of the Governing Body and the South Hackensack Zoning Board of Adjustment. The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial criteria described in this RFQ. Under no circumstances will anyone review an RFQ for a contract or position for which he/she or his/her firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Municipality will (in its sole judgment) determine which Respondents are qualified (from professional, administrative and financial perspectives). Each Respondent that meets the requirements of the RFQ (in the sole

judgment of the Municipality) will be designated as a Qualified Respondent, and will be considered for selection by the Municipality.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Municipality reserves the right, among other things, to amend, modify or alter the Procurement Schedule upon notice to all potential Respondents who have provided contact information to the Municipal Clerk upon receipt of this RFQ.

All communications concerning this RFQ or the RFQ process shall be directed to the Municipality's designated contact person, in writing.

Designated Contact Person:

Donna L. Gambutti, Municipal Clerk
South Hackensack Municipal Hall
227 Phillips Avenue
South Hackensack, New Jersey 07606

Qualification Statements must be submitted to, and be received by, the Municipality, via mail or hand delivery, by the Due Date. Qualification Statements will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFQ, the Municipality (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the Municipality.

TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications.....	February 1, 2018
2. Due Date for Receipt of Qualification Statements.....	February 23, 2018 at 11 o'clock a.m.
3. Opening of Qualification Statements.....	February 23, 2018 at 11 o'clock a.m.
4. Anticipated Date for Award of Contract*.....	February 26, 2018

Dates for items marked with an “*” are approximate and subject to change based upon the needs of the Municipality.

Section 1.3. Conditions Applicable to RFQ.

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Municipality to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Municipality reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- The Municipality reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- The Municipality reserves the right to supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received

a copy of this RFQ, and who have provided their contact information to the Municipality.

- All Qualification Statements shall become the property of the Municipality and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Municipality (in the exercise of its sole discretion) in accordance with law.
- The Municipality may request additional information from Respondents, including requiring Respondents to send representatives to the Municipality for interviews.
- Any Qualification Statements not received by the Municipality by the Due Date will be rejected.
- Neither the Municipality, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

Section 1.4. Rights of Municipality.

The Municipality reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ, and who have provided their contact information to the Municipality.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Municipality deems necessary or convenient, to clarify the information provided as part of the

Qualification Statement and to request additional information to support the information included in any Qualification Statement.

- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the Municipality may determine to commence a new procurement solicitation process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Municipality shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

1.5 Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Municipality may issue addenda, amendments or answers to written inquiries. Those addenda will be provided by the Municipality to all respondents who have provided the Municipality with their contact information, and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the submission due date.

1.6 Cost of Qualification Statement Preparation.

Each Qualification Statement and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Municipality, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7 Qualification Statement Format.

Responses should cover all information requested in the Questions to be answered in this RFQ. Responses which in the judgment of the Municipality fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

The Municipality seeks to award contracts of up to one year duration for the position of Attorney to the South Hackensack Zoning Board of Adjustment and South Hackensack Planning Board during the calendar year 2018. The contracts shall be open-ended, and may encompass additional work during the course of the year not explicitly described herein. It is the intent of the Municipality to solicit Qualification Statements from Respondents that have expertise in the provision of the services required by the position or contract sought. Firms and/or persons responding to this RFQ must be able to demonstrate that they will have the continuing capabilities to perform these services.

The Municipality may determine that there should be a cap or maximum amount to be paid to professionals listed in the aforementioned RFQ. Any contract to be executed with a professional shall provide that the professional shall render all services required by the Contract between said professional and the Municipality. The professional shall be required to perform all services with fees charged at the agreed upon hourly fee for all services rendered, however, in no event shall the total amount to be paid to the professional for the 2018 calendar year exceed the stated maximum amount set forth herein below for those professional positions listed herein below notwithstanding the nature and extent of actual services required unless authorized by the Township Committee. All responses to this Request for Qualification shall include a statement confirming that the professional is aware of the limitations contained in this paragraph and willing to accept the provisions of this paragraph.

The position for which there shall be maximum amount limitations and the maximum limited amounts shall be as follows:

ATTORNEY- ZONING BOARD OF ADJUSTMENT

Rate cap \$125/hr- \$3500 retainer for regularly scheduled meetings payable in equal monthly installments

Respondent must be an attorney at law or law firm licensed to practice law in the State of New Jersey. Respondent must have experience and reputation in municipal land use law, must demonstrate knowledge of the Municipality and the subject matter addressed under the proposed contract, must have the ability to represent the Municipality with regard to land use in the courts of the State of New Jersey and should provide other information as to why the Respondent's appointment would be in the best interest of the Municipality. Said selection shall be made by the Zoning Board of Adjustment subject to the fee proposal set forth herein and approved by the Governing Body

ATTORNEY- PLANNING BOARD

Rate cap- \$125/hr- \$3500 retainer for regularly scheduled meetings payable in equal monthly installments

Respondent must be an attorney at law or law firm licensed to practice law in the State of New Jersey. Respondent must have experience and reputation in municipal land use law, must demonstrate knowledge of the Municipality and the subject matter addressed under the proposed contract, must have the ability to represent the Municipality with regard to land use in the courts of the State of New Jersey and should provide other information as to why the Respondent's appointment would be in the best interest of the Municipality. Said selection shall be made by the Planning Board subject to the fee proposal set forth herein and approved by the Governing Body.

SECTION 3

SUBMISSION REQUIREMENTS

Section 3.1 General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information it feels may be useful in evaluating its Qualification Statement. This information may include documents such as a firm profile or brochure. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Respondents should submit one (1) original and (3) copies of all documents.

Section 3.2 Administrative Information Requirements.

The Respondent shall, as part of its Qualification Statement, provide the following documentation and information:

1. An executive narrative summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. An executed Letter of Intent (See Appendix B to this RFQ).
4. Name, address and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person for this RFQ.
5. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
 - (a) Provide the names and business addresses of all principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, the term "principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.

- (b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parent's approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (a) and (b) above for each member of the partnership, joint venture or similar organization.
- 6. A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities (e.g. N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 as amended) together with evidence of such compliance.
 - 7. The number of years Respondent has been in business under the present name.
 - 8. The number of years Respondent has been under the current management. If Respondent is a Corporation, please provide a current list of corporate officers.
 - 9. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please provide a recitation of the docket numbers.
 - 10. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please provide a recitation of the docket numbers.
 - 11. Confirm appropriate federal and state licenses to perform the services required by the position or contract for which this RFQ is made.
 - 12. A copy of Respondent's State of New Jersey Business Registration Certificate.
 - 12a. A representation that the Respondent will supply proof of professional liability coverage in the minimum amount of \$1mm per occurrence and \$1mm in the aggregate.

Section 3.3 Professional Information Requirements.

- 13. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
 - (a) Description and scope of work by Respondent,

- (b) Name and contact information for any references,
 - (c) Explanation of perceived relevance of the experience to the RFQ.
14. Describe the services that Respondent would perform directly.
 15. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with the position or contract for which this RFQ is made.
 16. Is any portion of Respondent's workforce unionized?
 17. Professional history of all individuals whom Respondent anticipates performing the professional services or extraordinary unspecifiable services required by the position or contract for which this RFQ is made.
 18. A narrative statement of Respondent's understanding of the Municipality's needs and goals to be accomplished by the appointment or contract for which this RFQ is made.
 19. List all immediate relatives of Principal(s) of Respondent who are Municipality employees or elected officials of the Municipality.

(For purposes of the above, "immediate relative" means a spouse, parent, step-parent, brother, sister, child, step-child, direct-line aunt or uncle, grandparent, grandchild, and in-laws.)

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

A Respondent must submit its Qualification Statement to the designated contact person:

Donna L. Gambutti, Municipal Clerk
South Hackensack Municipal Hall
227 Phillips Avenue
South Hackensack, NJ 07606

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein:

1. Qualification Statements must be received by the Municipality no later than the Due Date, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted. Qualification statements received after this time will not be considered. The Municipality will not bear responsibility for delays in delivery for any reason.
2. Qualification Statements and all related information must be stapled or bound, and signed by the Respondent. If Respondent is other than a natural person, the Qualification Statement must be signed by an individual with power to bind Respondent.
3. The name of the Respondent and the position or contract for which the submission is being made must be printed on the outside of the package containing Respondent's submission, together with instructions that the submission should not be opened prior to the Due Date. (Suggested format: "Qualification Statement for _____. Do not open until _____")

SECTION 5

EVALUATION

The Municipality's objective in soliciting Qualification Statements is to enable it to select a firm, individual, or organization that will provide high quality and cost effective services to the taxpayers of South Hackensack. The Municipality will consider Qualification Statements only from firms, individuals, or organizations that, in the Municipality's judgment, have demonstrated the capability and willingness to provide high quality services to the taxpayers of the Municipality in the manner described in this RFQ.

Qualification Statements will be evaluated by the Municipality on the basis of the most advantageous submission, all relevant factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Municipality and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Municipality; and
4. Other factors demonstrated to be in the best interest of the Municipality.

APPENDIX A

LETTER OF QUALIFICATION

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

Date: _____

Donna Gambutti, Municipal Clerk
South Hackensack Municipal Hall
227 Phillips Avenue
South Hackensack, New Jersey 07606

Re: LETTER OF QUALIFICATION

Dear Ms. Gambutti:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Township of South Hackensack ("Municipality"), dated February 1, 2018, in connection with the Municipality's need for professional services or extraordinary unspecifiable services.

I/We affirm that the contents of my/our Qualification Statement (which Qualification Statement is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of _____(Respondent).*

Signed: _____

Printed: _____

Title: _____

* If a joint venture, partnership or other formal organization other than a natural person is submitting a Qualification Statement, this Letter of Qualification must be signed by an individual with the legal authority to bind the organization.

APPENDIX B

LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

Date: _____

Donna Gambutti, Municipal Clerk
South Hackensack Municipal Hall
227 Phillips Avenue
South Hackensack, New Jersey 07606

Re: LETTER OF INTENT

Dear Ms. Gambutti:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Municipality of South Hackensack ("Municipality"), dated February 1, 2018, in connection with the Municipality's need for professional services or extraordinary unspecifiable services.

_____ ("Respondent")* HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. Respondent agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Municipality's procurement schedule.
3. Respondent acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any other documents prepared and submitted in response to the RFQ, or any negotiation which results there from shall be borne exclusively by the Respondent.
4. Respondent hereby declares (declare) that the only persons anticipated by respondent to perform the professional services or extraordinary unspecifiable services for which this Qualification Statement is submitted are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently perform professional services or extraordinary services for which this Qualification Statement is submitted, but only if acceptable to the Municipality. Respondent declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as

expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

6. Respondent acknowledges and agrees that the Municipality may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Municipality shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. Respondent acknowledges that any contract executed with respect to the provision of professional services or extraordinary unspecifiable services must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

Signed: _____

Printed: _____

Title: _____

Dated: _____

* If a joint venture, partnership or other formal organization other than a natural person is submitting a Qualification Statement, this Letter of Qualification must be signed by an individual with the legal authority to bind the organization.