

BOROUGHS OF ESSEX FELS AND NORTH CALDWELL

CRITERIA FOR SUBMISSION OF QUALIFICATIONS FOR PROFESSIONAL CONTRACTS FOR THE YEAR 2022 UNDER THE FAIR AND OPEN PROCESS

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Boroughs of Essex Fells and North Caldwell are soliciting Qualification Statements from interested individuals/firms for the following positions, as described below. Through a Request for Qualification (RFQ) process described herein, persons interested in assisting the Boroughs with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Boroughs will review Qualification Statements only from those individuals/firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the Boroughs). The Boroughs intend to award a contract to the most qualified person(s) who, (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 Borough to provide the greatest benefit to the taxpayers of the Boroughs of Essex Fells and North Caldwell.

Professional services qualifications for the following positions are hereby requested:

1. **Public Defender** – The Public Defender provides professional services to the Joint Municipal Court of Essex Fells and North Caldwell to provide legal counsel to indigent defendants.
2. **Municipal Prosecutor** - The Prosecuting Attorney shall conduct prosecution for crimes and offenses cognizable by the Joint Municipal Court of the Boroughs of Essex Fells and North Caldwell, including violation of ordinances of the municipality, complaints of any department or officer under state law and violation of rules or regulations duly promulgated by any department; provided, however, that the Prosecuting Attorney shall not be responsible for the prosecution of such crimes and offenses as are required by law to be prosecuted by the County Prosecutor.

1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et The selection is subject to the "New Jersey Local Unit Pay to Play" Law, N.J.S.A. 19:44A-20.4 et seq., however. The Boroughs have structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person 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 Sections 2, 3 and 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 the Boroughs. The Qualification Statements will be reviewed to determine if the Respondent has met the professional, administrative and financial areas described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Boroughs will (in its/their sole judgment) determine which Respondent is qualified (from professional, administrative and financial standpoints.) Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Boroughs) will be designated as a Qualified Respondent and will be given the opportunity to be considered in the final selection process as determined by the Boroughs.

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, Anticipated Procurement Schedule. The Boroughs reserve the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Borough's Designated Contact Person, in writing.

Designated Contact Person:

Kevin O'Sullivan
Borough Administrator
Borough of North Caldwell
141 Gould Avenue
North Caldwell, New Jersey 07006

Qualification Statements must be submitted to, and be received by Kevin O'Sullivan, North Caldwell Borough Administrator by mail, via hand delivery or courier service, or in person upon appointment by 10:00am prevailing time on December 14, 2021. Proposal documents may be examined and obtained at the office of the Borough Administrator, 141 Gould Avenue, North Caldwell, NJ 07006 by appointment between the hours of 8:30am and 4:30pm, or at www.northcaldwell.org/purchasing.

Subsequent to issuance of this RFQ, the Boroughs (through the issuance of addenda to all individuals/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 Boroughs.

ANY FIRM SUBMITTING A PROPOSAL SHALL IDENTIFY THE INDIVIDUAL WHO WILL BE EXCLUSIVELY PERFORMING THE CONTRACT WORK. THE EVALUATION DONE BY THE BOROUGH WILL BE FOCUSED UPON THE QUALIFICATION OF THE INDIVIDUAL IDENTIFIED BUT WILL ALSO CONSIDER OTHER KEY MEMBERS OF THE FIRM AS PART OF THE REVIEW PROCESS.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE ACTIVITY DATE

1. Issuance of Request for Qualifications	November 18, 2021
2. Receipt of Qualification Statements	No later than December 14, 2021 at 10:00a.m.
3. Analysis of Qualification Statements	To be advised
4. Designation of Qualified Respondent	To be advised

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 Borough to award a contract.

All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.

The Boroughs reserve 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 Boroughs reserve 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 Boroughs reserve the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.

All Qualification Statements shall become the property of the Boroughs and will not be returned.

All Qualification Statements will be made available to the public at the appropriate time, as determined by the Boroughs (in the exercise of its sole discretion) in accordance with the law.

The Boroughs may request Respondents to send representatives to the Borough for interviews.

Any and all Qualification Statements not received by the Borough by 10:00a.m. on December 14, 2021 will be rejected.

Neither the Boroughs, nor their respective staffs, consultants nor advisors 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 Borough.

The Boroughs reserve, hold 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.
- 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 Borough 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 Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents. The Borough shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.
- Any Agreement entered into shall be construed, governed by and interpreted in accordance with the laws of the State of New Jersey.

1.5 Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Boroughs may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Boroughs 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 Qualification Statement submission 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 Boroughs, 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 Boroughs fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

It is the intent of the Boroughs to solicit Qualification Statements from respondents that have expertise in the provision of services that shall be demonstrated by past contract successes providing government agencies with similar services. Respondents will be evaluated on knowledge, experience, prior collaboration and successful completion of services similar to that requested in this RFQ.

Respondent must be available for meetings with the Boroughs on short notice. Respondent must be able to respond in person within sixty (60) minutes to the Borough offices for consultation and meetings with the Boroughs or any Committee of the Boroughs. However, please note that the

professional will serve for a one year period. Additionally, from time to time there will be meetings of various sub-committees of the Boroughs for which attendance may be required.

Any firm submitting a proposal shall identify the individual who will be exclusively performing the contract work. The evaluation done by the Boroughs will be focused upon the qualification of the individual identified but will also consider other key members of the firm as part of the review process.

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 that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Section 3.2 Administrative Information Requirements.

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

1. An executive 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. (Appendix A)
3. Name, address and telephone number of the Respondent who is submitting the Qualification Statement pursuant to this RFQ,
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of the firm with whom the Respondent is affiliated including the ownership and organizational structure of the firm.

- (a) Provide the names and business addresses of all Principals of any firm with whom a Respondent, who submits a Qualification Statement, is affiliated. For purposes of this RFQ, "Principals" refers to 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 Respondent shall identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - (c) If the Respondent is affiliated with a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
5. An executed Letter of Intent. (Appendix B)
 6. The number of years that the individual, identified by the Respondent to provide the contract work, has been engaged in the applicable professional service.
 7. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to his/her business activities, together with evidence of such compliance.
 8. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
 9. Whether the Respondent is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
 10. A statement that the individual identified by the Respondent to provide contract work has had at a minimum of three (3) years' experience representing a public entity or public board in the applicable professional service. Disclosure of the public entities represented should also be provided.
 11. Confirmation the Respondent has the appropriate federal and state licenses to perform the professional service.

12. The following documents must also be submitted with RFQ:

- (a) Non-Collusion Affidavit properly notarized, See Appendix C to this Request for Qualifications
 - (b) Stockholder or Partnership Disclosure Statement, See Appendix D to this Request for Qualifications
 - (c) Business Entity Disclosure Certification, See Appendix E
 - (d) Form W9 Department of Treasury Internal Revenue Service, See Appendix F of this Request for Qualifications
 - (e) New Jersey Business Registration Certificate
 - (f) Affirmative Action Compliance. (See Appendix G of this Request for Qualifications.) Respondent shall include their Employee Information Report with this submission. Those firms that do not yet have an Employee Information Report from the State of New Jersey may submit Form AA-302.
 - (g) Certificate of Insurance indicating Professional Malpractice Insurance of one million dollars (\$1,000,000.00) per occurrence and two million (\$2,000,000.00) dollars in the aggregate
 - (h) Disclosure of Investment Activities in Iran. See Appendix H of this Request for Qualifications.
- (*Note*) All of the documents described in (a) to (h) above should be included together at the beginning or the end of the Request for Qualifications.

Section 3.3 Professional Information Requirements.

- a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, Respondent must demonstrate that he/she has a minimum of three (3) years' experience in the applicable professional service. Respondent must provide the following information on past experience in the RFQ:
 - 1. Description and scope of work by Respondent

2. Name, address and contact information of all New Jersey Governmental entities Respondent represents
 3. Explanation of perceived relevance of the experience to the RFQ
 4. As proximity to the Boroughs is important, Respondent must be accessible for consultation and/or attendance at meetings on sixty (60) minutes notice when necessary.
- b. A narrative statement of the Respondent's understanding of the Boroughs' needs and goals.
 - c. The resume of the individuals who will be assigned to provide their applicable professional services to the Boroughs.
 - d. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Boroughs. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

SECTION 4

INSTRUCTION TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit one (1) original and five (5) hard copies in addition to one (1) electronic copy* of their Qualification Statement to:

Name: Kevin O'Sullivan, Borough Administrator

Address: Borough of North Caldwell
141 Gould Avenue
North Caldwell, New Jersey 07006

Qualification Statements must be submitted to, and be received by Kevin O'Sullivan, North Caldwell Borough Administrator by mail, via hand delivery or courier service, or in person upon appointment by 10:00am on December 14, 2021. Qualifications Statements received after this time will not be considered. The Borough will not bear responsibility for delays for any reason.

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

forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

*In reference to the electronic copy:

- Together with each written Qualification Statement, the Boroughs must receive on CD/DVD or USB Drive upon which contains a secure copy of the complete Qualification Statement in .PDF, WordPerfect, or Microsoft Word Format. All submitted digital media shall become the property of the Boroughs.
- In the event of any discrepancy between a written Qualification Statement and the information contained on the digital media, the information contained in the written Qualification Statement shall be presumed to be the accurate information upon which the Boroughs will rely on in its evaluation.
- The presumption that the written Qualification Statement is the accurate Statement shall be rebuttable. The Boroughs may choose to rely on the written Qualification Statement or on a combination of the written Qualification Statement and the digital media.
- In the event that the digital media is not submitted with the written Qualification Statement, the Borough may demand that a digital copy be submitted within three (3) business days of the demand. The Borough may also waive the submission of the digital media.

SECTION 5

EVALUATION

The Boroughs' objective in soliciting Qualification Statements is to select an individual who will provide high quality and cost effective professional services to the citizens of the Boroughs of Essex Fells and North Caldwell. The Boroughs will consider Qualification Statements only from individuals that, in the Boroughs' judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Boroughs in the manner described in this RFQ.

Qualification Statements will be evaluated by the Boroughs 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 Boroughs and the subject matter addressed under the scope of services of this RFQ;
3. Availability to accommodate the required meetings of the Boroughs;
4. Familiarity with current Borough issues;
5. Familiarity with the form of government under which the Boroughs of Essex Fells and North Caldwell operate;
6. Other factors demonstrated to be in the best interest of the Boroughs.

SECTION 6

COST AND EXPENSES AND DUTIES

A Qualified Respondent will be awarded a contract by the North Caldwell Mayor and Council after conferring with the Borough of Essex Fells. A Qualified Respondent who is awarded a contract to serve in their applicable professional service shall perform duties and receive compensation based on hourly rates and schedules of fees submitted with the proposal or as negotiated with the Boroughs. Any services not included as part of any resulting contract scope of services must be approved and authorized by the Boroughs before such work is initiated. The Boroughs shall pay for such approved services, at the rate or cost agreed upon between the Boroughs and the professional, provided the respondent has included a schedule of fees for additional services with the RFQ.

APPENDIX A

LETTER OF QUALIFICATION

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

[insert date]

Kevin O'Sullivan
North Caldwell Borough Administrator
141 Gould Avenue
North Caldwell, New Jersey 07006

Dear Mr. O'Sullivan:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Boroughs of Essex Fells and North Caldwell, dated _____, in connection with the Boroughs' need for _____ of the Boroughs of Essex Fells and North Caldwell.

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 (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Financial Officer)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Typed Name and Title)

(Type Name of Firm)*

(Type Name of Firm)*

Dated: _____

Dated: _____

* If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.

APPENDIX B

LETTER OF INTENT

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

[insert date]

Kevin O'Sullivan
North Caldwell Borough Administrator
141 Gould Avenue
North Caldwell, New Jersey 07006

Dear Mr. O'Sullivan:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Boroughs of Essex Fells and North Caldwell, dated _____, in connection with the Borough's need for _____ of Boroughs of Essex Fells and North Caldwell.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Boroughs' procurement schedules.
3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals 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 be included as participating Principals, but only if acceptable to the Boroughs. (Name of 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.

5. (Name of Respondent) acknowledges and agrees that the Boroughs may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Boroughs 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.

6. (Name of Respondent) acknowledges that any contract executed with respect to the provision of [insert 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.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Type Name of Firm)*

Dated:_____

* If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Intent.

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

APPENDIX G

APPENDIX H