

**BOROUGH OF BLOOMINGDALE
101 HAMBURG TURNPIKE
BLOOMINGDALE, NJ 07403
MAYOR JONATHAN DUNLEAVY
LINDA J HUNTLEY COUNCIL PRESIDENT**

**REQUEST FOR QUALIFICATIONS AND RATES FOR 2012
(FAIR AND OPEN PUBLIC SOLICITATION PROCESS
IN ACCORD WITH N.J.S.A. 19:44A-20.4 et seq)
MUNICIPAL ATTORNEY**

ISSUE DATE: December 6, 2011

DUE DATE: December 20, 2011, 10:00 AM

Proposals shall be submitted to Ted M Ehrenburg, Borough Administrator
Borough of Bloomingdale, 101 Hamburg Turnpike, Bloomingdale, NJ 07403
no later than 10:00am December 20, 2011

NOTE: The Borough of Bloomingdale will consider proposal Statements only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for proposals.

GLOSSARY

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

“Borough” - refers to Borough of Bloomingdale.

“Proposal Statement” – refers to the complete responses to this RFP submitted by the Respondents.

“Qualified Respondent” – refers to those Respondent(s) who (in the sole judgment of the Borough) have satisfied the qualification criteria set forth in this RFP.

“RFP” – refers to this Request for proposals, including any amendments thereof or supplements thereto.

“Respondent” or “Respondents” – refers to the interested firm(s) that submit a PROPOSAL Statement(s).

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Borough is soliciting qualifications and rates statements, through a fair and open process, from interested persons and/or firms for the provision of Municipal Attorney services, as more particularly described herein. Through a Request for proposal process described herein, firms interested in assisting the Borough of Bloomingdale with the provision of such services must prepare and submit a proposal statement in accordance with the procedure and schedule in this RFP. The Borough of Bloomingdale will review proposal Statements only from those firms that submit a proposal Statement, which includes all the information required to be included as described herein (in the sole judgment of the Borough of Bloomingdale.) The Borough intends to select firm(s) that (a) possess the professional, financial and administrative capabilities to provide the proposed services, and (b) offer financial terms and conditions that are determined by the Borough to provide the greatest financial benefit to the taxpayers of Bloomingdale Borough.

Respondents deemed to have satisfied these requirements based upon price and other factors will be selected and the successfully firm to execute a contract with the Borough of Bloomingdale and said contract may only be awarded by the resolution of the Governing body of the Borough of Bloomingdale.

1.2. Procurement Process and Schedule.

The Borough of Bloomingdale has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each firm is provided an equal opportunity to submit a proposal statement. Responses to the RFP will be evaluated in accordance with the criteria set forth in later section(s) of this RFP, which will be applied in the same manner to each proposal statement received. The selection of Qualified Respondents for professional services is not subject to the 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.).

Proposal statements will be reviewed and evaluated by the Borough of Bloomingdale. Under no circumstances will a member of any review team review responses to an RFP for a service for which they or their firm submitted a response. The proposal statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFP. Based upon the totality of the information contained in the proposal statement, including information about the reputation and experience of each Respondent, and the Borough of Bloomingdale will (in its sole judgment) determine which Respondents are Qualified (from professional, administrative and financial standpoints.)

The RFP process commences with the issuances of this RFP. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Borough of Bloomingdale reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFP or the RFP process shall be directed, in writing, to the Borough's Designated Contact Person as set forth herein.

Subsequent to issuance of this RFP, the Borough of Bloomingdale (through the issuance of addenda to all firms that have received a copy of the RFP) may modify, supplement or amend the provisions of this RFP 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 Borough.

TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for proposal	<u>December 6, 2011</u>
2. Receipt of proposal statements	<u>December 20, 2011</u>
3. Review by committee and recommendation for appt. <u>meeting</u>	<u>January 2012 Reg.</u>

1.3. Conditions Applicable to RFP.

Upon submission of a proposal statement in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its proposals statement:

- The Borough of Bloomingdale reserves the right (in its sole judgment) to seek additional information, waive requirements or reject any Respondent that submits incomplete responses to this RFP.
- The Borough of Bloomingdale reserves the right (in its sole judgment) to determine those Respondents that are qualified to perform the services contemplated by this RFP.
- The Borough of Bloomingdale reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All proposal statements shall become the property of the Borough of Bloomingdale and will not be returned.

- All proposal statements will be made available to the public at the appropriate time, as determined by the Borough of Bloomingdale (in the exercise of its sole discretion: in accordance with law.
- Responses to this RFP are the property of the Borough of Bloomingdale and will be “public records: Responses that are labeled “confidential”, or that contain information identified as “confidential”, will not be acceptable for consideration by the Borough of Bloomingdale.
- The Borough of Bloomingdale may request Respondents to send representatives to the Borough of Bloomingdale for interviews.
- Any and all proposal statements not received on or before the time set herein for receipt may be rejected.
- Neither the Borough of Bloomingdale, 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 proposal statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a proposal statement or for participating in this procurement process.

1.4. Rights of the Borough of Bloomingdale

The Borough of Bloomingdale reserves, holds and my exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any proposal statement received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the Borough of Bloomingdale deems necessary or convenient, to clarify the information provided as part of the proposal statement and to request additional information to support the information included in any proposal statement.

- To suspend or terminate the procurement process described in the RFP at any time (in its sole discretion.) If terminated, the Borough of Bloomingdale 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 of Bloomingdale shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

1.5. Addenda or Amendments to RFP.

During the period provided for the preparation of proposal statement, the Borough of Bloomingdale may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Borough of Bloomingdale and will constitute a part of the RFP. All responses to the RFP shall be prepared with full consideration of the addenda issued prior to the designated submission date.

1.6. Cost of Preparation.

Each proposal statement and all information required to be submitted; pursuant to the RFP shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the Borough of Bloomingdale, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the proposal statement or other information required by the RFP.

1.7. Format.

Responses should cover all information requested in this RFP. Responses which in the judgment of the Borough of Bloomingdale fail to meet the requirement of the RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION II

2.1 Appointment of Municipal Attorney for the Borough of Bloomingdale

One attorney/ legal firm, shall be appointed by the Mayor and Council to serve as the official Municipal Attorney, for a term of one (1) year, to perform legal services for the Borough of Bloomingdale including but not limited to those services as described in Section III of this document.

SECTION III

3.1 Scope of Services

The Municipal Attorney (and other attorneys, if any) shall perform the following minimum duties as well as those prescribed by applicable law, subject to the review and approval of the Mayor and Council:

- a. Serve as legal advisor to the Mayor, Council, Business Administrator and Department Heads on all matters of Borough business relating to municipal services.
- b. Attorney(s) will provide legal services to the Bloomingdale Borough Council, the Borough Administrator, the Mayor, and employees of the Borough.
- c. Matters which may arise and be assigned to outside counsel may include the following:
- d. Furnish legal advice and representation to the Borough's elected officials and their staff.
- e. Prepare and review ordinances and resolutions, contracts and other documents for legal correctness and acceptability.
- f. Assist Borough officers and employees to maintain awareness of ethical standards and appearance of fairness standards and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
- g. Assist officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
- h. Prepare legal opinions at the request of the Borough.

- i. Provide the Borough Council, Borough Administration a legal perspective and advice on various governmental issues.
- j. Review, comment, and modify pending Borough contracts, easements, deeds and other Borough land transaction documents. Draw up legal documents covering purchases and sale of land.
- k. The Attorney may also be requested to attend Borough Council and Mayoral staff meetings. Attendance is determined by the Bloomingdale Borough Mayor and Council. Attendance is generally requested if there are matters of concern scheduled which could benefit by the Attorney's attendance.
- l. Have such other and different functions, powers and duties as may be provided by law.
- m. Interact with the Borough's Administration on related legal issues;

SECTION IV

4.1 Minimum qualification and Response Submission Requirements

In order for an individual's or firm's proposal to be considered by the Mayor and Council, interested parties submitting proposals in response to this solicitation must meet the following:

4.2.1 Minimum qualifications:

1. The individual has served in the role of Municipal attorney for a municipal entity or government entity in the State of New Jersey for a period of at least Two (2) years prior to the submission of this proposal;
2. That the attorney or law firm has sufficient staff to satisfy the scope of services described in this document;
3. That the attorney who is submitting the response to this proposal, is licensed and in good standing with the Bar Association of the State of New Jersey;
4. That the attorney has at least five (5)years experience in municipal matters pertaining to operation of government, litigation, ethics advice, preparation of

ordinance, contracts and resolutions and all matters as described further in section 3.1 scope of services.

5. The attorney or firm submitting the response to this proposal carries professional liability insurance in an amount of at least \$1,000,000.00 with a carrier that has AAA rating by Best Insurance Digest;
6. That the attorney or law firm submitting this proposal has not represented within the past three years and does not represent any adverse parties and claims whether administrative, civil, criminal, or otherwise, against the Borough of Bloomingdale.

4.2.2 **Minimum Requirements for Vendor Responses:**

1. Interested parties wishing to provide a proposal in response to the Borough of Bloomingdale's solicitation shall provide the following minimum information in its proposal, which proposal must be submitted at the location and within the time constraint set forth on page 1 of this document.
2. Full name and business address of entity or person submitting the proposal;
 - a. List of all individuals who, if selected, will provide services to the Borough of Bloomingdale, along with a summary of the post high school education and licenses held by each such person;
 - b. Number of years each attorney in the law firm submitting this proposal has provided representation to municipal entities in the State of New Jersey;
 - c. A description of the services that will be provided to the Borough of Bloomingdale, in addition to those set forth above;
 - d. A copy or description of the professional liability insurance policy maintained by the attorney or law firm for the calendar year 2011;
 - e. A statement and listing of professional service fees that the attorney or law firm would offer to the Borough of Bloomingdale, if the attorney or law firm were selected to be the attorney for the Borough of Bloomingdale;
 - f. A statement that the applicant complies with N.J.S.A 10:5-1, et. seq., (Law Against Discrimination) and P.L.1975, c. 127 (Affirmative Action Law of the State of New Jersey).
 - g. The name and addresses of at least three (3) references consisting of clients for which the applicant has provided services in the past five (5) years, which should include at least one (1) municipal entity client;

- h. A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years; and
 - i. The applicant shall provide the Borough of Bloomingdale with an original and two (2) copies of its proposal.
 - j.
- 3. An executed letter of intent (See Appendix A of this RFP)
- 4. The type of entity the organizations is.
- 5. Confirm the appropriate federal or state licenses to perform activities.
- 6. With their Qualification Statement, respondents must submit a New Jersey Business Registration Certificate (pursuant to N.J.S.A. 54A:7-1.2)
- 7. A Stockholder Disclosure Certificate, and any other requirements set forth herein.
- 8. REQUIRED AFFIRMATIVE ACTION EVIDENCE: The Provisions of Chapter 127, Public Laws of 1975, (N.J.A.C. 17-27) are applicable to this contract.
- 9. All successful vendors must submit within seven (7) days of the notice of intent to award or the signing of the contract, one of the following:
 - a. A photocopy of their Federal Letter of Affirmative Action Plan Approval
 - b. A photocopy of their Certificate of Employee Information Report or
 - c. A completed Affirmative Action Employee Information Report (AA302).

SECTION V

5.1 Basis of Award of Professional Services Contract

The Borough of Bloomingdale shall award all professional service agreements based upon proposals, merit, cost competitiveness, references and experience with issues confronting the Borough of Bloomingdale. The final determination will be based upon the most advantageous price and other factors to include technical, management and cost criteria as set forth herein. The specific basis of award will include:

- 5.1.1 Documented evidence that the firm fulfills all of the Minimum proposals as listed in Section 4.2.1., and all of the information required under section IV., including, but not limited to, insurance policy, Affirmative Action Compliance and professional service fees, are provided for review and consideration.

5.1.2 Technical Criteria:

1. Does the proposal demonstrate a clear understanding of the scope of work and related objectives?
2. Does the proposal document knowledge of the issues and operations of the Borough of Bloomingdale, and how the proposed services will address these issues?
3. Is the proposal complete and responsive to the specific requirements?
4. Has successful past performance of the firm and its principals been documented?

5.1.3 **Management Criteria:**

1. How well does the proposed scheduling timelines meet the borough's needs?
2. Does the firm document a record of reliability of timely delivery of deliverables?
3. Does the firm document municipal/State experience?
4. Does the firm document its availability to attend all scheduled/required public and special meetings?
5. To what extent does the firm rely on in-house resources vs. contracted services?
6. Is there the availability of in-house and contract resources documented?
7. Documentation of experience in performing similar work by employees?
8. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
9. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

5.1.4 **Cost Criteria:**

1. Relative Cost – How does the cost compare to other similarly scored proposals?
2. Full Explanation – Is the price and its component charges, fees, etc., adequately explained and documented?
3. Does the proposal include quality control and assurance programs?

4. Does the firm have the sufficient financial resources to meet its obligations?

All awards are and shall be subject to the availability of funds for the professional services in the 2012 Temporary and/or Final Budgets.

SECTION 6

6.1 INSTRUCTIONS AND DUE DATE

1. Proposal statements must be submitted in SEALED ENVELOPE and be received by the Borough Administrators office via mail or hand delivery by 10:00am prevailing time on **Tuesday December 20, 2011.** Proposal statements will NOT be accepted via facsimile or e-mail.
2. All submissions must be accompanied by a stockholder disclosure statement N.J.S.A. S.A. 52:25-24.2(P.L.1977 c33).

DESIGNATED CONTACT PERSON

**Ted M. Ehrenburg Business Administrator
Borough of Bloomingdale
101Hamburg Turnpike
Bloomingdale, N.J. 07403
Phone: 973-838-0778**

3. Respondents must submit an original and two (2) copies of their proposal statement and submission to the designated contact person or his designee.

APPENDIX A

LETTER OF INTENT

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

Mayor and Council of the Borough of Bloomingdale
101 Hamburg Turnpike
Bloomingdale, NJ 07403

[insert date]

Attn: Ted M. Ehrenburg, Borough Administrator

Re: [insert title of RFP]

Dear Mr. Ehrenburg

The undersigned, as Respondent, has submitted the attached proposal statement in response to a Request for proposals (RFP), issued by the Borough of Bloomingdale ("Borough"), dated [insert date], in connection with the services set forth above.

(Name of Respondent) HEREBY STATES:

1. The proposal statement contains accurate, factual and complete information. We affirm that the contents of our proposal statement (which proposal statement is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the proposal statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of the undersigned Respondent.

2. The undersigned Respondent is interested in being invited to respond to the Borough of Bloomingdale request for proposals (RFP). It is the intent of Respondent, to complete and submit a proposal statement for the provision of the services set forth above and to enter into a contract for said services if selected and awarded a contract by the Bloomingdale Borough Council.

3. The undersigned Respondent agrees to participate in good faith in the procurement process as described in the RFP and to adhere to the Borough of Bloomingdale Procurement schedule.

4. The undersigned Respondent agrees that all costs incurred by it (them) in connection with the preparation and submission of the proposal statement submitted in response to the RFP, or any negotiation which results there from shall be borne exclusively by the Respondent.

5. The undersigned Respondent hereby declares that the only persons participating in this proposal statements as Principals are named herein and that no person other than those herein mentioned has any participation in this proposal statement or in any contract to be entered into with respect thereto. Additional person may subsequently be include as participating principals, but only if acceptable to the Borough of Bloomingdale. The undersigned Respondent further declares that this proposal statement is made without connection with any other person, firm or parties who has submitted a proposal 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. The undersigned Respondent acknowledge and agrees that the Borough of Bloomingdale may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough of Bloomingdale shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFP.

7. The undersigned Respondent acknowledges that any contract executed with respect to the provision of the above referenced 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.

8. The undersigned Respondent acknowledges and agrees that it will be obligated to satisfy the requirements set forth in this RFP at the time of submission of its proposal statement. The Respondent hereby states that (as of the date hereof) it has a reasonable expectation that it will be able to satisfy such criteria and requirements as of the date of its submittal.

[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)

Typed name and Firm

Date

(If a joint venture, partnership or other formal organization is submitting a proposal statement, each participant shall execute this Letter of Intent.)