

THE BOROUGH OF EAST RUTHERFORD

REQUEST FOR QUALIFICATIONS

The Borough of East Rutherford is soliciting Qualification Statements from interested persons and/or firms for the provision of the professional services listed below. Through a Request for Qualification (“RFQ”) process, persons and/or firms interested in assisting the Borough with the provision of such service must prepare and submit a Qualification Statement in accordance with the procedure and schedule in the RFQs. The Borough will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described (in the sole judgment of the Borough). The Borough intends to qualify (a) persons and/or firm that (a) possess the professional, financial and administrative capabilities to provide the proposed service, and (b) agree and meet the terms and conditions determined by the Borough that provide the greatest benefit to the taxpayers of East Rutherford.

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 seq.* 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 Borough has structured a procurement process that seeks to obtain the desired results, 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. The factors to be considered by the Borough include, but are not limited to: (i) experience and reputation in the profession; (ii) knowledge of the subject matter to be addressed under contract; (iii) availability to accommodate any required meetings of the Borough or Borough agency; (iv) any other factors demonstrated to be in the best interest of the Borough of East Rutherford.

Instruction and Qualification documents may be picked up at the Office of the Borough Clerk, One Everett Place, East Rutherford, New Jersey 07073 or downloaded from the municipal website www.eastrutherfordnj.net. Completed Qualification Statements must be submitted to, and be received by, Mrs. Danielle Lorenc, Municipal Clerk, One Everett Place, East Rutherford, New Jersey 07073 on or before 10:00 a.m. on Friday, February 19, 2010. Respondents are instructed to label the outside of the envelope or package to the effect that the enclosure consists of a Qualification Statement in response to this request for the professional service. Qualification Statements will not be accepted by facsimile transmission or email. The responses will be opened after 10:00 a.m. on Friday, February 19, 2010 in the Office of the Borough Clerk.

The professional services for which the Borough seeks Qualification Statements are:

Planning Board Attorney

The instructions for Qualification Statements are filed in the office of Mrs. Danielle Lorenc, Borough Clerk, One Everett Place, East Rutherford, New Jersey 07073, and may be inspected by prospective Respondents during regular business hours.

Completed Qualification Statements must be submitted in the manner designated above, must be enclosed in sealed envelopes bearing the name and address of the Respondent, and the name of the service on the outside, addressed to the Borough of East Rutherford.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST RUTHERFORD.

**Danielle Lorenc, RMC
Borough Clerk**

NOTE: The Borough of East Rutherford will consider proposals 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 Qualifications.

REQUEST FOR QUALIFICATIONS
FOR THE PROVISION OF THE FOLLOWING
PROFESSIONAL SERVICES FOR 2010:

Planning Board Attorney

ISSUE DATE: January 29, 2010

DUE DATE: February 19, 2010

Issued by:

Borough of East Rutherford

**THE SUBMISSION DEADLINE FOR QUALIFICATION STATEMENTS
PURSUANT TO THIS RFQ IS
February 19, 2010
UNLESS EXTENDED BY THE BOROUGH**

GLOSSARY

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

“Borough” – refers to the Borough of East Rutherford.

“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 Township) 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 firms that submit a Qualification Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1 Introduction and Purpose.

The Borough is soliciting Qualification Statements from interested persons and/or firms for the provision of municipal professional service, as described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Borough with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Borough will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described herein, in the sole judgment of the Borough. The Borough intends to qualify persons and/or firms that (a) possess 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 East Rutherford.

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 seq.* 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 Borough has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that persons and/or firms are 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 2 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 Borough and its designated advisors (collectively, the “Review Committee”). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative, and financial areas described in this RFQ. Under no circumstances will members of the Review Committee review responses to an RFQ for a position which they or their 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 Borough will, in its sole judgment, determine which Respondents are qualified from professional, administrative and financial standpoints. Each Respondent that meets the requirements of the RFQ, in the sole judgment of the Borough, will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Borough.

The RFQ process commences with the issuance of this RFQ. The subsequent steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Borough reserves 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:

Mrs. Danielle Lorenc
Borough Clerk
One Everett Place
East Rutherford, NJ 07073

Qualification Statements must be submitted to, and be received by, the Borough, via mail or hand delivery, by 10:00 a.m. on February 19, 2010. Qualification Statements will not be accepted by facsimile transmission or email.

Subsequent to issuance of the RFQ, the Borough (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 Borough.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Receipt of Qualification Statements	February 19, 2010
2. Opening of Qualification Statements	After February 19, 2010
3. Appointment of Professional Consultants	Within 60 days of receipt of Qualification Statements

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, 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 issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Borough 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 these procurements.

- The Borough 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 Borough reserves 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 Borough and will not be returned.
- The Borough may request Respondents to send representatives to the Borough for interviews.
- Any and all Qualification Statements not received by the Borough by 10:00 a.m. on February 19, 2010 will be rejected.
- Neither the Borough, nor its respective staff, consultants, or advisors, including but not limited to the Review Committee, 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 Borough 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.
- To waive any technical nonconformance 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 the 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.

1.5 Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Borough may issue addenda, amendments, or answers to written inquiries. Those addenda will be noticed by the Borough 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 proposal submission date.

1.6 Cost of Proposal Preparation.

Each proposal 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 Borough, 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 Proposal Format.

Responses should cover all information requested in Sections 3.1 and 3.2 of this RFQ.

Responses which, in the judgment of the Borough, 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.

Qualification Statements shall remain open for a period of 60 calendar days from the submission deadline date. The Borough will either award a contract within the applicable time period or reject all proposals. Notwithstanding that, however, the Borough may extend the decision to award or reject all proposals beyond the 60 days when the proposals of any Respondent who consent thereto may, at the request of the Borough, be held for consideration for such longer period as may be agreed.

SECTION 2

SCOPE OF SERVICES

It is the intent of the Borough to solicit Qualified Statements from Respondents that have expertise in the provision of the following professional service: Planning Board Attorney. Firms or persons responding to this RFQ must be able to demonstrate that they will have the continuing capabilities to perform these services.

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. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Section 3.2 Information Requirements.

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

Each interested firm (a "Respondent") shall submit the following information:

1. An executed Letter of Qualification. (See Appendix "A" attached hereto).
2. An executed Letter of Intent. (See Appendix "B" attached hereto).
3. A completed and executed Form AA302 issued by the State of New Jersey, Department of the Treasury, Division of Contract Compliance.
4. Name, address and telephone number of the Respondent and the name of the key contact person.
5. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of the Respondent, its ownership and its organizational structure.

a. The names and business addresses of all Principals of the Respondent. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.

b. If Respondent is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the Respondent.

c. If Respondent is 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 organization.

d. A statement that Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.

6. Prior municipal experience in said field, which should include a statement of the Respondent's knowledge of the Borough and availability to attend required meetings.

7. The number of years Respondent has been in business under the present name and under the current management.

8. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice or breach of contract. If yes, please explain.

9. Whether 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. List all federal and state licenses held by Respondent necessary to perform the requested services.

11. Describe those portions of the Respondent's services, if any, that Respondent presently anticipates subcontracting out to a subcontractor if awarded. (A subcontractor means any business organization that is not a contractor that **knowingly** provides goods or performs services for a contractor or another subcontractor in the fulfillment of a contract issued by a contracting agency where the cost of the subcontractors work exceeds 15% of the contracting unit's bid threshold. Please note that **if** you identify any subcontractors in your response you must provide a copy of a Business Registration Certificate for such subcontractor; we are **not** asking you to identify subcontractors at this time).

12. A list of Respondent's municipal government or other public entity clients, during the last 3 years.

13. A list of Respondent's private sector clients during the last 3 years.

14. Resumes of Respondent's key employees, and an indication of which employees are proposed to be directly working with the Borough.

15. A narrative statement of the Respondent's understanding of the Borough's needs and goals.

16. A list of all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. 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.

17. A listing of all other engagements where services of the type proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government, including the Borough. Contact information for the recipients of the similar services must be provided. The Borough may obtain information from any of the parties listed.

18. A listing of all professional organization memberships.

19. At least four (4) references who have knowledge of your services.

20. Proposed cost, details, including the hourly rates of each of the individuals who perform the services and the time estimates of each individual.

21. Any other information that Respondent deems relevant.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit an original and five (5) copies of their Qualification Statement to the Designated Contact Person:

Mrs. Danielle Lorenc
Borough Clerk
One Everett Place
East Rutherford, NJ 07073

Qualification Statements must be received by the Borough no later than 10:00 a.m. on February 19, 2010, and must be mailed or hand delivered. Qualification Statements forwarded by facsimile or email will not be accepted.

To be responsive, Qualifications 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, signed, and acknowledged by the Respondent.

SECTION 5

EVALUATION

The Borough's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality services to the citizens of East Rutherford. The Borough will consider Qualification Statements only from firms or organizations that, in the Borough's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Borough in the manner described in this RFQ.

Proposals will be evaluated by the Borough on the basis of the most advantageous, all relevant factors considered. The evaluation will consider:

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

The Borough shall not be obligated to explain the results of the evaluation process to any Respondent.

APPENDIX A

LETTER OF QUALIFICATION

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

[insert date]

Mrs. Danielle Lorenc
Municipal Clerk
One Everett Place
East Rutherford, NJ 07073

Dear Mrs. Lorenc:

The undersigned have reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Borough of East Rutherford (“Borough”), dated February 19, 2010, in connection with the Borough’s need for (professional service).

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference) are 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 offices of each company shall sign.)

(Signature of Chief Executive Officer)

(Signature of Chief Financial 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]

Mrs. Danielle Lorenc
Borough Clerk
One Everett Place
East Rutherford, NJ 07073

Dear Mrs. Lorenc:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications ("RFQ"), issued by the Borough of East Rutherford ("Borough"), dated February 19, 2010, in connection with the Borough's need for (professional service).

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual, and complete information.
2. (Name of Respondent) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough's procurement schedule.
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 Borough. (Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm, or parties who have 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 Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough 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 and agrees that any contract executed with respect to the provision of (professional service) 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 offices 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 Qualification.