

TOWNSHIP OF BERKELEY

Request for Proposals for Professional Services

Township Conflict Attorney
Township Public Defender
Township Conflict Public Defender
Township Capital Projects Engineer
Township Cardiologist

Pursuant to the provisions of the resolution, this document shall serve as a "Request for Proposals" to all interested persons. The governing body intends to award a 12 month contract for the services of Township Conflict Attorney, Township Public Defender, Township Conflict Public Defender, Township Capital Projects Engineer, and Township Cardiologist. All Proposals must be submitted to Gerd Trommer, Berkeley Township Purchasing Agent, at Berkeley Township Purchasing Department, 627 Pinewald-Keswick Road, P. O. Box B, Bayville, New Jersey, 08721, sealed proposals must be submitted to the Township Purchasing Agent on or before January 3, 2019, at or before 10:00 AM. All proposals must include the following minimum information to be considered:

- Name of the individual(s) to be assigned to perform the tasks.
- Professional experience of the individual(s) to be assigned including a listing of experience with Berkeley Township and/or experience with other municipalities.
- A statement concerning the ability of the firm/individual to perform tasks assigned by the Township in a timely fashion.
- Professional licenses held by the individual(s) to be assigned.
- Educational background and experience of the individual(s) assigned.
- A description of the support staff available to the individual(s) to be assigned.
- A copy of the Certificate of Insurance, issued by an insurance carrier licensed in the State of New Jersey, for the firm/company showing the amount of professional liability insurance and all other coverage in place as of 11/15/2018.
- A list of professional references with addresses and telephone contact number.
- Detailed hourly rates for ALL staff that will be or potentially could be assigned and any other "charges" for extra services not included in hourly rates.
- A comparison of the hourly rates charged to other municipalities for similar work to be undertaken for Berkeley Township.
- Any known potential conflicts of interest that may result in the individual/firm becoming disqualified from working for Berkeley Township.
- Completion of Affirmative Action information.
- Submission of a copy of your Business Registration Certificate
- Location of office serving Municipality
- Resume of individuals providing services
- Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last five (5) years
- A statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury
- Certification as to the truth of the above two statements
- Submission of an Affidavit of Compliance with Berkeley Township Ordinance §2-92.1, et seq.
- All proposals must be contained in a sealed envelope with the names and addresses of the parties submitting the proposals and marked Sealed Proposal and the position sought.

It should be noted that all submissions shall be kept on file during the term of the related contract and shall be public records after the deadline for the submission of the proposals.

Proposals must be enclosed in a sealed envelope, bearing the name and address of the vendor, the professional service, and must be addressed to the Township of Berkeley Purchasing Department, to the attention of Gerd Trommer.

Interested vendors are advised that the Township does not have responsibility for the delivery of U.S. Mail, or any other private mail carrier. PACKAGE or ENVELOPE MUST BE ENDORSED: RFP 2019 – REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES.

Please submit only one copy of your proposal.

Questions can be directed to 732-244-7400 X 1228.

Gerd Trommer
Berkeley Township Purchasing Agent

TOWNSHIP OF BERKELEY

NOTICE TO CONTRACTORS

PLEASE TAKE NOTICE that the Township of Berkeley hereby solicits proposals for the below listed professional services. Sealed proposals must be submitted to the Township Purchasing Agent on or before January 8, 2019, at or before 10:00 a.m. Proposals may be submitted in person at the Municipal Building, 627 Pinewald-Keswick Road, Bayville, New Jersey, or sealed proposals may be mailed in advance to the attention of the Purchasing Agent, Township of Berkeley, 627 Pinewald-Keswick Road, P.O. Box B, Bayville, New Jersey, 08721. All proposals must be contained in a sealed envelope with the names and addresses of the parties submitting the proposals and marked Sealed Proposal and the **position sought**.

Any persons having questions should contact Gerd Trommer, Purchasing Agent, at 732-244-7400 X 1228, at the Berkeley Township Municipal Building, 627 Pinewald-Keswick Road, Bayville, New Jersey, 08721. The proposal documents are available on the Township's website or from the Township Purchasing Agent, Gerd Trommer.

Persons awarded a Contract under these procedures are required to comply with the requirements of Business Entity Disclosure Certification, Equal Employment Opportunity Laws and Regulations, Americans with Disabilities Act of 1990, Public Law 2004 Chapter 19, New Jersey Local Unit Pay to Play Law N.J.S. 19:44A-20.4, et seq., and the New Jersey Campaign Contributions and Expenditure Reporting Act (N.J.S.A. 19:44-1, et seq.) as well as the Berkeley Township Ordinance Section 2-92.1 governing professional services.

Township Conflict Attorney
Township Public Defender
Township Conflict Public Defender
Township Capital Projects Engineer
Township Cardiologist

Gerd Trommer, Berkeley Township Purchasing Agent

732-244-7400 X 1228

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
TOWNSHIP OF BERKELEY**

Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address

Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signed: _____ Title: _____

Print Name: _____ Date: _____

Subscribed and sworn before me this ___ day of _____, 2____.

My Commission expires:

 (Affiant)

 (Print name & title of affiant) (Corporate Seal)

EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C.127)
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;

The contractor or subcontractor, where applicable will, in all solicitations or advertisements, for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex;

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising that labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies, including but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance and EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance and EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

COMPANY _____

SIGNATURE _____

TITLE _____

DATE _____

AFFIDAVIT

The undersigned has read Berkeley Township's Public Contracting Reform Ordinance No.013-28-OA banning political donations. The Professional Business Entity has been awarded a Professional Service Contract with the Township of Berkeley. The Professional Business Entity and any subsidiary hereby certify that it shall be in a material breach of the terms of the government Contract if the Professional Business Entity violates, or aides or abets a violation or knowingly conceals or misrepresents contributions given or received, or makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution all as set forth in Ordinance No. 13-28-OA adopted by the Township of Berkeley.

Sworn and subscribed to before me
this _____ day of _____, 2____.

NOTARY PUBLIC

ORDINANCE NO. 13-28-OA

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY, SO AS TO
AMEND CHAPTER II ENTITLED "ADMINISTRATION" TO
AMEND VARIOUS SECTIONS**

June 24, 2013

BE IT ORDAINED by the Mayor and Township Council of the Township of Berkeley, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter II of the Township Code of the Township of Berkeley, entitled "Administration," is hereby amended so as to amend §2-73.5, entitled "Public Bidding Procedure", which shall read as follows:

§2-73.5 Public Bidding Procedure

All purchases shall conform to the provisions of the Local Public Contracts Law and any regulation issued thereunder. All purchase contracts of thirty-six thousand (\$36,000.00) dollars or more shall conform to the requirements of public bidding in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and related Procurement Laws, P.L. #1999, c.440.

In those circumstances pursuant to N.J.S.A. 40A:11-4 exceeding thirty-six thousand (\$36,000.00) dollars, which requires public bidding only the Township Council shall award such a contract. Sealed bids shall be received by the Business Administrator or qualified purchasing agent, which shall be opened by the Administrator or purchasing agent at the Town Hall at a time to be determined by the Administrator or purchasing agent.

SECTION 2. Chapter II of the Township Code of the Township of Berkeley, entitled "Administration," is hereby amended so as to amend §2-92, entitled "Public Contracting Reform", which shall read as follows:

§2-92 PUBLIC CONTRACTS

The purpose of this chapter is to comply with and adopt the provisions of Chapter 19, P.L. 2004, as amended P.L. 2005, c. 51, and Chapter 271, P.L. 2005 (the "Pay to Play Acts").

§2-92.1 Definitions.

As used in this chapter, unless otherwise noted, the following terms shall have the meanings indicated, as delineated within N.J.S.A. 19:44A-20.7:

BUSINESS ENTITY

Any natural or legal person, business corporation, professional services corporation, limited-liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this state or of any other state or foreign jurisdiction.

INTEREST

The ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate.

§2-92.2 Prohibition on awarding public contracts to certain contributors.

A. The Township of Berkeley, and any agency or instrumentality thereof, shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the Township, with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), to any Berkeley Township committee of a political party, if a member of that political party is serving in an elective public office of Berkeley when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded; and

B. A business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Township of Berkeley, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), to any Berkeley Township committee of a political party, if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded during the term of that contract.

C. No such committee as referenced in Subsection A or B above shall accept such a contribution from a business entity during the term of the business entity's contract with the Township of Berkeley, unless it was awarded under a fair and open process.

§2-92.3 Certain contributions deemed as contributions by business entity.

When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under Section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

§2-92.4 Return of excess contributions.

If a business entity makes a contribution that would cause it to be ineligible to receive a public contract, or, in the case of a contribution made during the term of a public contract, that would constitute a violation of the Pay to Play Acts, the business entity may request, in writing, within 60 days of the date on which the contribution was made, that the recipient thereof repay the contribution and, if repayment is received within those 60 days, the business entity would again be eligible to receive a contract, or would no longer be in violation, as appropriate.

§2-92.5 Public exigency.

Nothing contained in this chapter shall be construed as prohibiting the awarding of a contract when the public exigency requires the immediate delivery of goods or performance of emergency services as determined in accordance with N.J.S.A. 40A:11-6.

§2-92.6 Duty to report contributions.

Prior to awarding any contract, except a contract that is awarded pursuant to a fair and open process, the Township of Berkeley shall require the business entity to which the contract is to be awarded to provide a written certification that it has not made a contribution that would bar the award of a contract pursuant to this act. A business entity shall have a continuing duty to report to the Election Law Enforcement Commission any contributions that constitute a violation of this act that are made during the duration of a contract.

§2-92.7 Violations; civil penalties.

Violations of this chapter shall result in penalties as prescribed within N.J.S.A. 19:44A-20.10 and 19:44A-20.11.

§2-92.8 Fair and open process utilized to award contracts with anticipated value in excess of \$17,500..

A. The Township shall award all contracts with a business entity having an anticipated value in excess of \$17,500 on the basis of the fair and open process herein, in accordance with N.J.S.A. 19:44A-20.7. For purposes of this section, contracts awarded by public bidding pursuant to N.J.S.A. 40A:11-4, and competitive contracting pursuant to N.J.S.A. 40A:11-4.1 to 40A:11-4.5, shall be deemed to have satisfied the Township's "fair and open process." This section shall not apply to any contract for which the entity is regulated by the state so as to prohibit or restrict said entity from making political contributions.

B. Fair and open process defined.

(1) Requests for proposal shall be published by the posting of a public notice at least 10 days prior to the awarding of any contract herein.

(a) The public notice shall be:

[1] Prominently posted in the public place reserved for Sunshine Law notices; and

[2] Mailed, telephoned, telegrammed, faxed, or hand delivered to at least two newspapers designated to receive such notice because they have the greatest likelihood of informing the public within the municipality, one of which shall be the official newspaper of the municipality; and

[3] Filed with the Township Clerk.

(b) The public notice shall, at minimum, include:

[1] A description of the goods or services needed, including, where appropriate, a description of tasks involved.

[2] Threshold qualification requirements setting the highest possible minimum standards for qualifying to compete for the particular goods or services and tasks involved.

[3] Notice that the selection criteria are on file and available at a stated location in the Township.

[4] Deadline and place for all submissions.

(2) The selection criteria to be used in awarding a contract or agreement for goods or services shall include:

(a) Name and business address of proposed contractor. For service contracts, the names and roles of the individuals who will perform the task, and a

description of their experience with projects similar to the matter being advertised.

(b) References which include evidence of successful transactions for provision of similar goods or services.

(c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

(d) Cost details. For service contracts, include the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.

(e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation (services only).

(f) Other relevant experience.

(g) Ability to perform the task or provide goods in a timely fashion.

(h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities.

(3) All submissions shall be kept on file during the term of the related contract, and shall be public records after the deadline for the submission of proposals.

(4) Contracts awarded under this section shall be publicly announced and awarded.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.