

BOROUGH OF RINGWOOD

REQUEST FOR PROPOSAL FOR:

SPECIAL ENVIRONMENTAL COUNSEL

Bid Date and Time: Thursday, February 11, 2010 at 11 a.m.

Kelley A. Rohde, RMC
Borough Manager/Clerk

Richard J. Clemack, Esq.
Borough Attorney

**Borough of Ringwood
Bid Document Checklist**

Instructions to Bidders and Statutory Requirements

| Required by Borough of Ringwood | Submission Requirement | Page | Initial each checked entry and submit required form if necessary |
|--|--|-------------|---|
| X | Notice to Bidders | 3 | |
| X | Business Registration Certificate Form-mandatory with bid submission | 4 | |
| X | Photocopy of Affirmative Action Compliance Evidence and Language Read and Acknowledged | 5 | |
| X | Stockholder Disclosure Certification Form – Sign & Notarize | 7 | |
| X | Non-Collusion Affidavit Form – Sign & Notarize | 8 | |
| X | Bidders Information Sheet | 9 | |
| X | Acknowledgement of Receipt of Addenda, if any | 10 | |
| X | Bid Proposal Form | 16 | |

Bidders are requested to put the following mandatory submissions at the beginning of the Proposal:

1. *Business Registration Certificate*
2. *Bid Proposal Form*

NOTICE TO BIDDERS

BOROUGH OF RINGWOOD
MUNICIPAL BUILDING
60 MARGARET KING AVENUE
RINGWOOD, NEW JERSEY 07456

PLEASE TAKE NOTICE, that sealed proposals for the award of a fair and open process contract in accordance with N.J.S.A. 19:44A-20.4, et seq., will be received by the Borough of Ringwood at Municipal Building, 60 Margaret King Avenue, Ringwood, NJ 07456 until 11 a.m. prevailing time, Thursday, February 11, 2010 and then opened and read in the Council Chamber Area of Borough Hall for SPECIAL ENVIRONMENTAL COUNSEL.

A copy of the RFP may be obtained from the Borough Manager/Clerk, Municipal Building, 60 Margaret King Avenue, Ringwood, NJ 07456 or downloaded from the Borough's website at www.ringwoodnj.net.

Sealed envelope bearing the name and address of the bidder shall be endorsed "SPECIAL ENVIRONMENTAL COUNSEL". Each sealed proposal must be enclosed in a sealed envelope, bearing the name and address of the bidder and must be addressed to the **Borough of Ringwood** at the place and hour mentioned above.

KELLEY A. ROHDE, RMC
BOROUGH MANAGER/CLERK

1t: Sunday, January 10, 2010
The Suburban Trends
Fees

Revised Contract Language for BRC Compliance

Goods and Services Contracts (including purchase orders)

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract: 1) the contractor shall provide written notice to its subcontractors to submit proof of business registration to the contractor; 2) prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used; 3) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.

Construction Contracts (including public works related purchase orders)

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

- 1) the contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- 2) subcontractors through all tiers of a project must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect such proofs of business registration and maintain them on file;
- 3) prior to receipt of final payment from a contracting agency, a contractor must submit to the contacting agency an accurate list of all subcontractors and suppliers or attest that none was used; and,
- 4) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit, to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements are available by calling (609) 292-9292.

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY
DIVISION OF REVENUE
PO BOX 295
TRENTON, NJ 08646-0295

TAXPAYER NAME: _____ TRADE NAME: _____

TAXPAYER IDENTIFICATION NUMBER: **SAMPLE** SEQUENCE NUMBER: _____

ADDRESS: _____ ISSUANCE DATE: _____

EFFECTIVE DATE: _____

FORN-BRC(08-01)

12-4 Certificate is NOT assignable or transferable. It must be completed by 3-12-11 at 9:00 AM EST.

ATTEST: *J.P. & Tully*

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The successful professional service entity shall submit to the Borough of Ringwood, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division of Contract Compliance and distributed to the Borough of Ringwood to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Affirmative Action Employee Information Report (AA302) from the Borough of Ringwood during normal business hours.

The successful professional service entities must submit the white and canary copies of the AA302 (Employee Information Report) to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The pink *Public Agency* copy is submitted to the Borough of Ringwood, and the gold *Vendor* copy is retained by the professional service entity.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____

SIGNATURE: _____ PRINT NAME: _____

TITLE: _____ DATE: _____

N.J.S.A. 10:5-31 et seq, N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

GOODS, PROFESSIONAL SERVICES 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 or sex. Except with respect to affectional or sexual orientation, 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 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 or sex.

The contractor or subcontractors, 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 the labor union or workers representative of the contractors 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 the 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 its 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, or sex, and that it will discontinue to 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, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division 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 Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27**.

STOCKHOLDER DISCLOSURE CERTIFICATION

This Statement Shall be Included with Bid Submission

Name of Business: _____

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

OR

_____ I certify that no one the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- | | | |
|---|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation | | |

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: _____ **Name:** _____

Home Address: _____ **Home Address:** _____

Name: _____ **Name:** _____

Home Address: _____ **Home Address:** _____

Subscribed and sworn before me this _____ day of _____, 20__.

_____ (Affiant)

Notary Public
My Commission expires:

(Print Name & Title of Affiant)

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

SS.

COUNTY OF _____

I, _____ residing in _____ in the County of _____ and State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am a _____ of the firm of _____, the bidder making this Proposal for the bid entitled _____, and that I executed the said submission with full authority to do so; that said bidder has not, directly or indirectly, entered into any agreements, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with the above named project; and that all statements contained in said submission and in this affidavit are true and correct, and made with full knowledge that the Borough of Ringwood relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established, commercial or selling agencies maintained by _____.

Subscribed and sworn to before me

This _____ day of _____, 200__.

Notary Public of
My Commission Expires:

(Type or print name of Affiant)

BIDDER'S INFORMATION SHEET

Please fill in the following information and submit with your proposal:

COMPANY NAME _____

ADDRESS: _____

PHONE NUMBER: _____

FAX NUMBER: _____

FEDERAL ID NO.: _____

NAME OF PERSON PREPARING BID: _____

PHONE NUMBER: _____

CONTACT PERSON FOR CORRESPONDENCE REGARDING THE PROPOSAL

NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

PROJECT COORDINATOR

COMPANY NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

CELL PHONE NUMBER: _____

FAX NUMBER: _____

PERSON TO CONTACT: _____

E-MAIL ADDRESS: _____

BOROUGH OF RINGWOOD

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA

The undersigned Bidder hereby acknowledges receipt of the following Addenda:

| <u>Addendum Number</u> | <u>Dated</u> | <u>Acknowledge Receipt</u> |
|------------------------|--------------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

_____ **No Addenda were received.**

Acknowledged for: _____
(Name of Bidder/Company)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____

**BOROUGH OF RINGWOOD
REQUEST FOR PROPOSALS
SPECIAL ENVIRONMENTAL COUNSEL**

Pursuant to the Fair and Open Process described under *N.J.S.A. 19:44A-1, et seq.*, the Borough seeks Requests for Proposals (“RFP”) from law firms licensed to practice law in the State of New Jersey that wish to provide special counsel and litigation services to the Borough with regard to outside counsel needed due to special litigation issues, as directed by the Borough Attorney or other appropriate officials within the Borough for a contract period beginning on or about March 1, 2010 and ending February 28, 2011. All candidates are required to comply with *N.J.S.A. 10:5-31, et seq.* and *N.J.A.C. 17:27* as amended (Affirmative Action).

It is the intent of this RFP to obtain from interested and qualified legal firms a price proposal to act as Special Environmental Counsel to represent the Borough in any and all environmental litigation claims or administrative matters. Applicants are advised that the Borough shall select ten (1) firm.

1. GENERAL

It is the Borough of Ringwood’s intent that this RFP permit competition. It shall be the bidder’s responsibility to advise the Borough Manager/Clerk in writing of any language or requirement that inadvertently restricts or limits the requirements stated in the RFP to a single source. All questions relating to the RFP may be faxed to the Borough Manager/Clerk Kelley A. Rohde at 973 475-7102 not later than ten (10) days prior to the deadline for receipt of proposals as set forth in Paragraph 8A. Any questions which, in the opinion of the Borough warrant a return reply or an amendment to the RFP, will be furnished to all parties not less than five (5) days prior to receipt of proposals.

2. SCOPE OF SERVICES

Proposals must be made on the basis that it either meets or exceeds the requirements contained herein. All bidders must be capable of performing the services listed:

- A. Representation of the Borough of Ringwood with respect to any and all agency/administrative hearing, proceedings and/or investigations.
- B. Representation of the Borough of Ringwood with respect to any litigation involving any environmental claims of any nature whatsoever, including, but not limited to, hazardous waste, solid waste, ground water contamination, air pollution, landfill issues, and any and all pollution claims of any nature.
- C. Any other legal services that may be requested from time to time.

3. MINIMUM QUALIFICATIONS AND EXPERIENCE

- A. The applicant shall have been admitted to the Bar of the State of New Jersey for a minimum of ten (10) years.

- B. The applicant must also demonstrate a consistent pattern of successfully managing environmental matters before Courts and administrative agencies.
- C. The applicant must maintain an office within a reasonable distance to the Borough of Ringwood.
- D. The applicant must display a high degree of knowledge of EPA and DEP regulations as well as all applicable environmental laws and acts.
- E. The applicant must have a sufficient staff to perform the services set forth in Scope of Services in this RFP.
- F. The applicant must not have represented or is not currently representing a client whose interests are adverse to that of the Borough of Ringwood, thereby creating a conflict of interest. The period of time covered by this restriction is three years prior to the date of the proposal submitted in response to this RFP.
- G. The applicant must currently represent at least five (5) public entities in environmental matters.
- H. The applicant must maintain professional liability insurance in the minimum amount of One Million Dollars per occurrence (I Million aggregate).

4. COMPENSATION

- A. Payment to the successful bidder shall be based on a mutually-agreed to hourly fee for the performance of the services specified.
- B. All expenses and fees other than hourly compensation as set forth above shall be actual out of pocket expenses incurred by the Firm without any additions for overhead, etc.
- C. The Firm's hourly fees shall be paid upon receipt of a proper invoice and executed payment voucher.
- D. The Firm shall be paid an hourly rate as set forth in the awarded contract. Support staff's hourly rates shall differentiate among various employees based on qualifications and experience of said employees.
- E. The Firm shall not accept any compensation for related Borough activities from any source other than the fee paid by the Borough of Ringwood, unless agreed to by the Borough in advance.

5. CONTRACT TERMS AND CONDITIONS

- A. The term of this agreement is to be a period of 12 months commencing on the date of the award of the Contract by the Borough Council and ending March 1, 2010.

- B. Applicant's proposal shall remain valid for a period of ninety (90) days after submission and will be considered as a binding offer to perform the required services.
- C. Applicants shall comply with all Local, State and Federal directives, orders and laws as applicable to this proposal.
- D. The successful applicant shall not assign or transfer this agreement to any other person or company without prior consent and approval in writing from the Borough of Ringwood.
- E. More than one (1) proposal from the same Firm under the same or different name shall not be considered. An applicant submitting more than one (1) proposal will cause the rejection of all the proposals of said consultant. If there is a reason for believing that collusion exists among bidders, those proposals shall be rejected and participants shall not be considered for any future proposal submissions.
- F. All proposals and documents submitted to the Borough of Ringwood in response to this RFP shall become the property of the Borough and are subject to the open public records act of the State of New Jersey.
- G. Be advised that the Borough of Ringwood may secure background information based upon the references provided in this RFP.

6. PROPOSAL RESPONSE REQUIREMENTS

- A. Name, Federal LD. number, address, phone and fax numbers of firm submitting the proposal and a brief description of legal background such as years in business, size of staff and any affiliations.
- B. Name, title and address of principal/individual preparing this response and the contact person for the RFP.
- C. Name, title, address and phone number of members of the Firm to be assigned to the Borough.
- D. Description of the professional achievements of the principal who would be assigned to the Borough of Ringwood, such as educational background, professional affiliations, number of clients handled and number of years admitted to the Bar of the State of New Jersey. Resumes or summarized credentials may be attached.
- E. Provide a list of New Jersey public sector entities for which your firm has provided similar services to those contained herein, including name, title and phone number of the appropriate contact person within the entity.
- F. Copy of firm's Business Registration Certificate.

- G. Completed Proposal Form.
- H. Completed Affirmative Action Requirements.
- I. Signed and notarized the Non Collusion Affidavit.
- J. Stock Ownership Affidavit completed, if applicable.
- K. All respondents must be employees or owners of the firm.
- L. Proposed fees and hourly rates.
- M. The applicant may submit any supplemental information it deems important to the evaluation of his proposal and the reason why it should be considered in the overall evaluation of the proposal.
- N. The curriculums vitae of all attorneys who will be performing services for the Borough must be provided to the Borough.

7. PROPOSAL EVALUATION

A. GENERAL

- i. Responsiveness to the scope of services.
- ii. Organization of Proposal.

B. PERSONNEL

- i. Experience and qualifications of principal assigned to this project and of the firm's principals.

C. EXPERIENCE AND SERVICES OF FIRM

- i. History and experience with similar types of government entities.
- ii. Favorable references from public sector clients for which similar services have been provided.
- iii. Families with the Borough of Ringwood/Post-Representation.

D. TECHNICAL EXPERTISE

- i. Knowledge and skill in areas of report writing, negotiations, and valuations issues.

E. HOURLY RATES

F. COMMUNICATION SKILLS

- i. Ability to work and communicate effectively with Borough of Ringwood staff management, and any others as may be necessary.

G. LOCATION

- i. Proximity of office to the Borough of Ringwood.

8. AWARD OF CONTRACT

- A. The contract shall be awarded by the Governing Body within sixty (60) days but in no event later than ninety (90) days from the date that the sealed proposals are received by the Borough.
- B. All firms submitting a proposal shall be notified when a consultant has been selected.
- C. The Borough of Ringwood reserves the right to reject any and all proposals, to waive any irregularities or technicalities and to accept the proposal deemed most advantages to the Borough of Ringwood.
- D. Any questions regarding the scope of the Special Environmental Counsel proposal, please contact Richard J. Clemack, Borough Attorney, Borough of Ringwood at 973-838-4500.

PROPOSAL FORM

Name: _____

Signature: _____

Address: _____

Hourly Rate for providing services outlined herein \$ _____

Hourly Rate for additional services/personnel:

Description: _____ \$ _____

_____ \$ _____

Please provide one (1) original and one (1) Xerox or photocopy of your proposal. Thanks.