

**BOROUGH OF NORTH CALDWELL
PLANNING BOARD
REQUEST FOR QUALIFICATIONS**

The Borough of North Caldwell's Planning Board is soliciting Qualification Statements from interested persons and/or firms for the provision of **Board Attorney** professional services.

Through a Request for Qualification ("RFQ") process, persons and/or firms interested in assisting the Board with the provision of such service must prepare and submit a Qualification Statement in accordance with the procedure and schedule in the RFQs. The Board 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 Board). The Board intends to qualify a person(s) and/or firm that (a) possess(es) the professional, financial and administrative capabilities to provide the proposed service, and (b) agree(s) and meet the terms and conditions determined by the Board that provide the greatest benefit to the taxpayers of North Caldwell.

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 Board has 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 Board 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 Board or Borough agency; (iv) any other factors demonstrated to be in the best interest of the Planning Board of the Borough of North Caldwell.

Instruction and Qualification documents may be inspected during regular business hours and/or picked up from the Office of the Borough Clerk, 141 Gould Avenue, North Caldwell, New Jersey 07006 or downloaded from the municipal website www.northcaldwell.org. Completed Qualification Statements must be submitted to, and be received by, Kevin O'Sullivan, Board Secretary, 141 Gould Avenue, North Caldwell, New Jersey 07006 on or before 11:00 a.m. on Wednesday, December 30, 2020. 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 11:00 a.m. on Wednesday, December 30, 2020 in the Office of the Borough Administrator.

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 North Caldwell Planning Board.

BY ORDER OF THE PLANNING BOARD OF THE BOROUGH OF NORTH CALDWELL.

NOTE: The Planning Board of the Borough of North Caldwell 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 RFQ.

**Kevin O'Sullivan, Secretary
Planning Board**

BOROUGH OF NORTH CALDWELL

REQUEST FOR QUALIFICATIONS

For The Provision of

Professional Legal Services for 2021

PLANNING BOARD ATTORNEY

ISSUE DATE: Thursday, December 10, 2020

DUE DATE: Wednesday, December 30, 2020

Issued by:

Borough of North Caldwell Planning Board

**THE SUBMISSION DEADLINE FOR QUALIFICATION STATEMENTS
PURSUANT TO THIS RFQ IS
WEDNESDAY, DECEMBER 30, 2020 by 11:00a.m.
UNLESS EXTENDED BY THE BOARD**

GLOSSARY

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

“Board” – refers to the Planning Board of the Borough of North Caldwell.

“Borough” – refers to the Borough of North Caldwell.

“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 Borough) 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 Board 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 Board with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Board 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 Board. The Board 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 Board to provide the greatest benefit to the taxpayers of North Caldwell.

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 Board 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 Board 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 Board 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 Board, will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Board.

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 Board 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 Board's Designated Contact Person, in writing.

Designated Contact Person:

Kevin O'Sullivan
Board Secretary
Planning Board
141 Gould Avenue
North Caldwell, NJ 07006

Qualification Statements must be submitted to, and be received by, the Board Secretary, via mail, hand delivery or courier service, by 11:00a.m. prevailing time on Wednesday, December 30, 2020. Qualification Statements will not be accepted by facsimile transmission or email.

Subsequent to issuance of the RFQ, the Board (through the issuance of addenda to all individuals/firms that have received a copy of the RFQ) may modify, supplement, or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by, and in the sole judgment of the Board.

Any firm submitting a proposal shall identify the individual who will be exclusively performing the contract work. The evaluation done by the Board will be focused upon the qualification of the individual identified but the Board reserves the right to evaluate other key members of the firm during the selection process.

**TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE**

| ACTIVITY | DATE |
|--|--|
| 1. Receipt of Qualification Statements | Wednesday, December 30, 2020 by 11:00a.m. |
| 2. Opening of Qualification Statements | Wednesday, December 30, 2020 after 11:00a.m. |
| 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 Board to issue an RFP.

- This RFQ does not commit the Board to award a contract.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Board 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 Board 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 Board 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 Board and will not be returned.
- The Board may request Respondents to send representatives to the Board for interviews.
- Any and all Qualification Statements not received by the Board by 11:00 a.m. prevailing time on Wednesday, December 30, 2020 will be rejected.
- Neither the Board, 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 Board.

The Board 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 Board 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 Board may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Board shall be under no obligation to complete all or any portion of the procurement process described in this RFQ. Any agreement entered into shall be construed, governed by, and interpreted in accordance with the laws of the State of New Jersey.

1.5 Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Board may issue addenda, amendments, or answers to written inquiries. Those addenda will be noticed by the Board 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 Qualifications 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 Board, its staff, or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7 Qualification Statement Format.

Responses should cover all information requested in this RFQ.

Responses which, in the judgment of the Board, 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 Board will either award a contract within the applicable time period or reject all proposals. Notwithstanding that, however, the Board 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 Board, be held for consideration for such longer period as may be agreed.

SECTION 2 SCOPE OF SERVICES

It is the intent of the Board to solicit Qualified Statements from Respondents that have expertise in the provision of legal professional services as 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. An executed Letter of Compliance with Administrative Controls. (See Appendix "C" attached hereto).
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.) with whom the Respondent is affiliated including the ownership and its organizational structure.

- (a) Provide the names and business addresses of all Principals of any firm with whom a Respondent who submits a Qualification Statement is affiliated. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more of the firm.
 - (b) If a firm is partially owned or a fully-owned subsidiary of another firm, Respondent shall identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - (c) If the Respondent is affiliated with a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
6. 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.
 7. The resume of the individual who will be assigned to provide legal services to the Board.
 8. The number of years that the individual, identified by the Respondent to provide the contract work, has been engaged in the practice of law.
 9. Prior municipal experience in said field, which should include a statement of the Respondent's knowledge of the Board, understanding of the Board's needs and availability to attend required meetings.
 10. 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.
 11. List all federal and state licenses held by Respondent necessary to perform the requested services.
 12. 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).

13. A list of Respondent's municipal government or other public entity clients, during the last three (3) years with a particular focus on listing any such experience with representation of Planning Board.
14. Resumes of Respondent's key employees, and an indication of which employees are proposed to be directly working with the Board.
15. 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.
16. A listing of all professional organization memberships.
17. Fee proposal for 2021.
18. Any other information that Respondent deems relevant.
19. The following documents must also be submitted with the RFQ:
 - (a) Pay to Play Rider (see Appendix D).
 - (b) Stockholder or Partnership Disclosure Statement (see Appendix E).
 - (c) Business Entity Disclosure Certification (see Appendix F).
 - (d) Form W-9 Department of Treasury Internal Revenue Service (see Appendix G).
 - (e) Affirmative Action Compliance/Mandatory Equal Opportunity Language – Exhibit A (see Appendix H).
Respondent shall include their Employee Information Report with this submission.
 - (f) Disclosure of Investments in Iran Certification (see Appendix I).
 - (g) New Jersey Business Registration Certificate.
 - (h) Certificate of Insurance indicating Professional Malpractice Insurance of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate.
 - (i) Acknowledgement of any Receipt of Changes to RFQ Documents Form.

NOTE: All of the documents described in (a) to (i) above should be included together at the end of the Request for Qualifications.

SECTION 4 INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit one (1) original and two (2) copies of their Qualification Statement to the Designated Contact Person:

Kevin O'Sullivan
Board Secretary
Planning Board
141 Gould Avenue
North Caldwell, NJ 07006

Qualification Statements must be received by the Board no later than 11:00 a.m. on Wednesday, December 30, 2020, and must be mailed, hand-delivered or delivered by courier service. Qualification Statements forwarded by facsimile or email will not be accepted. Qualification Statements received after this time will not be considered. The Board will not bear responsibility for delays of any reason.

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 Board'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 the Borough of North Caldwell. The Board will consider Qualification Statements only from firms or organizations that, in the Board'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 Board on the basis of the most advantageous, all relevant factors considered. The evaluation will consider but may not be limited to the following factors:

1. Prior municipal or land use experience as it pertains to the legal needs of a Planning Board and reputation in the field.
2. Knowledge of the Board, the Borough and the subject matter addressed under the scope of services of this RFQ.
3. Availability to accommodate the required meetings of the Board.
4. Other factors demonstrated to be in the best interest of the Board and the Borough.

The Board 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]

Kevin O’Sullivan
Board Secretary
Planning Board
141 Gould Avenue
North Caldwell, NJ 07006

Dear Mr. O’Sullivan:

The undersigned have reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Planning Board of the Borough of North Caldwell (“Borough”), dated December 30, 2020, in connection with the Board’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]

Kevin O'Sullivan
Board Secretary
Planning Board
141 Gould Avenue
North Caldwell, NJ 07006

Dear Mr. O'Sullivan:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications ("RFQ"), issued by the Planning Board of the Borough of North Caldwell ("Board"), dated December 30, 2020, in connection with the Board'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 Board'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 Board. (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 Board may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the

Board 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.

APPENDIX C
LETTER OF COMPLIANCE WITH ADMINISTRATIVE CONTROLS

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

[insert date]

Kevin O'Sullivan
Board Secretary
Planning Board
141 Gould Avenue
North Caldwell, NJ 07006

Dear Mr. O'Sullivan:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications ("RFQ"), issued by the Planning Board of the Borough of North Caldwell ("Board"), dated December 30, 2020, in connection with the Board's need for (professional service).

(Name of Respondent) HEREBY STATES:

1. (Name of Respondent) agrees (agree) to perform (professional service) activities in compliance with the administrative process established by the Board, currently and in the future.
2. (Name of Respondent) agrees (agree) to perform all (professional service) activities at the direction of the Board and/or its Secretary.
3. (Name of Respondent) acknowledges (acknowledge) that services shall not be performed until confirmation from the Board Secretary that funds are in place to compensate for said services.
4. (Name of Respondent) agrees (agree) to provide review letters, reports, and other correspondence in connection with applications and other Board matters in a reasonable amount of time, to allow for review by the applicant/applicant professionals, other Board professionals, Board members, and the general public.
5. (Name of Respondent) agrees (agree) to utilize any electronic platforms utilized by the Board for the review, transmission, and storage of documents. (Name of Respondent) will not be responsible for the cost of any Board platform or any associated licensing.
6. (Name of Respondent) agrees (agree) to provide, at no cost, a bi-weekly status report to the Board Secretary on all activities being performed on behalf of the Board. (Name of Respondent) acknowledges the Secretary will determine the required format of the report and

may include conveyance through written report, electronic communication, in-person meeting, and/or teleconference.

6. (Name of Respondent) agrees (agree) to attend all required meetings, application pre-hearing conferences, and public hearings.

(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.