

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY
COUNTY OF UNION**

PUBLIC NOTICE

**Ms. Patricia Donahue
Township Clerk
Phone: 908-709-7210
Fax: 908-276-4859
E-mail: p-donahue@cranfordnj.org**

**NOTICE OF
REQUEST FOR PROPOSALS FOR**

Planning Board Attorney

The Township of Cranford is soliciting proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

Beginning on Thursday, October 21, 2021, submission packages may be obtained at the Township Clerk's Office, (908) 709-7210, during regular business hours, 8:30 A.M. to 4:00 p.m., Monday through Friday, excluding holidays, or by downloading the documents on the Township's website: <https://www.cranfordnj.org/bids>. **Registration on the Township's website is required.**

Sealed Request for Proposals (RFP's) shall contain: one original; one hard copy and one digital copy (i.e., USB stick or thumb drive) of the submission. Such RFP responses should be enclosed in an opaque sealed envelope, plainly marked, "**Planning Board Attorney**" and shall show the name and address of the bidder. RFP's may be hand delivered to the Clerk's Office in the Township Building or may be forwarded by personal service, certified mail, U.S. Post and other mail delivery services. The sealed envelope containing the proposal and marked as directed above, must be enclosed in another envelope properly addressed as follows:

Patricia Donahue,
c/o November 10th RFP Opening – **Planning Board Attorney**
Township Clerk
Township of Cranford
Municipal Building
8 Springfield Avenue
Cranford, NJ 07016

Notice is hereby given that sealed RFP responses will be received by the Township Clerk of the Township of Cranford, County of Union, State of New Jersey, at the Municipal Building, located at 8 Springfield Avenue, 2nd Floor, Cranford, New Jersey, 07016, **on Wednesday, November 10th, 2021, at 10:00 a.m.** or as soon thereafter as the matter may be heard, and publicly opened with the contents of same publicly announced for 2022 Planning Board Attorney.

Respondents shall comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.
A copy of a New Jersey Business Registration Certificate shall be included with the RFQP.

By order of the Township Committee:
Kathleen Prunty, Mayor
Jamie Cryan, Township Administrator
Patricia Donahue, Township Clerk

ORGANIZATION REQUESTING QUALIFICATIONS

TOWNSHIP OF CRANFORD
8 SPRINGFIELD AVENUE
CRANFORD, NEW JERSEY 07016

CONTACT PERSON

JAMIE CRYAN
TOWNSHIP ADMINISTRATOR
908-709-7206
J-CRYAN@CRANFORDNJ.ORG

PURPOSE OF REQUEST

The Township of Cranford (the "Township") is soliciting Proposals from interested persons and/or firms for the provision of professional services for calendar year 2022, as more particularly described herein. Through a Request for Proposal (RFP) process described herein, persons and/or firms interested in assisting the Township with the provision of such services must prepare and submit a Proposal in accordance with the procedure and schedule in this RFPQ. The Township will review Proposals only from those persons and/or firms that submit a Proposal which includes all the information required to be included as described herein, as determined in the sole and absolute discretion of the Township. The Township 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 Township to provide the greatest benefit to the taxpayers of Cranford. The services of successful respondents may be procured as soon as January 1, 2022.

DEFINED TERMS

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

"Township" - refers to the Township of Cranford.

"Proposal" - refers to the complete responses to this RFP submitted by the respondents.

"Qualified Respondent" - refers to a respondent who (in the sole and absolute discretion of the Township) has satisfied the qualification criteria set forth in this RFP.

"RFP" - refers to this Request for Proposal, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested persons and/or firm(s) that submit a Proposal.

CONTRACT FORM

If selected, a respondent shall be required to execute the Township's form contract, which includes, among other things, indemnification, insurance, termination and licensing provisions. A complete copy of a draft Township form contract is available upon request.

It is also agreed and understood that the acceptance of the final payment by a vendor shall be considered a release in full of all claims against the Township arising out of, or by reason of, the work done and materials furnished under the contract.

REQUIREMENTS OF THE QUALIFICATION STATEMENTS FOR LEGAL AND OTHER PROFESSIONAL SERVICES

1. TOWNSHIP OF CRANFORD FACTS AND FIGURES – The Township of Cranford is a legal, governmental entity. The Township was incorporated in 1871 and operates under N.J.S.A. 40A:63-1 et seq., the Township form of government. The Township is governed by a Township Committee. The Township Committee sets policy, adopts the operating and capital budgets for the Township, enacts ordinances and sets the direction of how the township of Cranford will provide government services. The Township Administrator carries out the policies adopted by the Township Committee.

The Township's population is approximately 23,600 and it consists of approximately 4.9 square miles of area. The Township provides a full range of municipal services.

The Township's Planning Board is established as per N.J.S.A. 40:55D-1 et. seq. and § 136-2 of the Township's Land Development Code. The Planning Board consists of nine members and two alternates and typically meets twice per month, as per the by-laws.

2. NATURE/ SCOPE OF SERVICES – The Township hereby solicits Requests for Proposals from Respondents that have expertise in providing the following professional services: Planning Board Attorney. Respondents must demonstrate that they satisfy all professional requirements and will have the continuing capabilities to perform these services.

3. SUBMISSION REQUIREMENTS - Respondents must have a minimum of seven (7) years of experience in the practice of law and preferably three (3) years serving as a Planning and/or Zoning Board Attorney. The successful firm must have significant experience in representing New Jersey municipal planning boards in land use matters. Respondents should submit a Proposal that contains the following:

- A.** The name of the respondent, the principal place of business and, if different, the place where the services will be provided;
- B.** A description of respondent's overall experience in providing the type of services sought in the RFP. At a minimum, the following information on past experience should be included as appropriate to the RFP: (i) description and scope of work by respondent; (ii) explanation of perceived relevance of the experience to the RFP; and (iii) the education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and

- titles;
- C.** A narrative statement of the respondent's understanding of the Township's needs and goals;
 - D.** A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The Township may obtain references from any of the parties listed;
 - E.** If the respondent has performed any services for the Township that are not yet complete, specifically list all open matters and describe all ongoing services;
 - F.** Include a statement that respondent will be an independent contractor and not an employee of the Township and include a statement that respondent will take such action as is reasonably necessary to ensure its independent contractor status. If Respondent is unable or unwillingly to make such statements, please explain why;
 - G.** A listing of all immediate relatives of the principal(s) of respondent who are Township employees or elected officials of the Township. 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;
 - H.** A statement that neither the firm nor any individuals assigned to this engagement are suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
 - I.** A statement that the respondent has adequate and appropriate staff to accommodate the meetings as per the by-laws.
 - J.** A statement that the respondent has the appropriate technology in order to attend meeting virtually, if necessary.
 - K.** A statement that the respondent has adequate experience with affordable housing issues.
 - L.** A certificate of insurance evidencing the respondent's Errors and Omissions Insurance with a limit of liability of an amount not less than \$2 million each claim and aggregate if respondent is a corporation, limited liability partnership, or limited liability company; or no less than \$1,000,000.00 each claim and aggregate if respondent is an individual, sole-proprietor, or single-member limited liability company.
 - M.** An Affirmative Action Statement (sample language attached);
 - N.** A completed Non-Collusion Affidavit (copy of form attached);
 - O.** A completed Owner Disclosure Information form (copy of form attached);

- P. A statement that the respondent will comply with the General Terms and Conditions required by the Township and enter into the Township's standard Professional Services Contract;
- Q. A copy of the respondent's Business Registration Certification & W9; and
- R. A completed Disclosure Statement (copy of form attached).

4. **COST PROPOSAL** - Respondents should submit a cost proposal that would include the hourly rates of each of the individuals who will perform the services and the time estimates for each individual, all expenses, and where appropriate, total cost of "not to exceed" amount. The Township does not provide payment for reimbursement for travel expenses. Note that the compensation will be fixed for the position of Planning Board Attorney. Respondents interested in the Planning Board position should include an hourly rate for services that may need to be performed outside the scope of routine services (e.g., to handle any litigation). The Township retains the right to negotiate a reduction to a respondent's cost proposal and shall be under no obligation, express or implied, to communicate any such negotiations with any other respondent.

5. **EVALUATION** – The Township has structured a procurement process that seeks to obtain the desired results described herein, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Proposal in response to the RFP. The Township will select the most advantageous proposal(s), if any and as determined in its sole and absolute discretion, based on all of the evaluation factors set forth at the end of this RFP. The Township will make the award(s), if any, that is in the best interest of the Township.

Proposals will be reviewed and evaluated by the Township and its legal and/or financial advisors (collectively, the "Review Team"). The Proposals will be reviewed to determine if the respondent has met the minimum professional, administrative and financial areas and other requirements described in this RFP. Each respondent must satisfy the objectives and requirements detailed in this RFP. The successful respondent shall be determined by an evaluation of the total content of the Proposal submitted. Under no circumstances will a member of the Review Team review responses to an RFP for an appointment that he/she or his/her firm submitted a response. Based upon the totality of the information contained in the Proposal, including information about the reputation and experience of each respondent, the Township will (in its sole and absolute discretion) determine which respondents are qualified from a professional, administrative and financial perspective. Each respondent that meets the requirements of the RFP (determined in the sole and absolute discretion of the Township) will be designated as a Qualified Respondent and may then be given an opportunity to provide services to the Township.

The RFP process commences with the issuance of this RFP. It is anticipated that certain Qualified Respondents will be selected to begin providing services to the Township as soon as January 1, 2022. There can be no assurance, however, that any Qualified Respondent will be selected.

All communications concerning this RFP or the RFP process shall be directed, in writing, to the Township's designated contact person:

Jamie Cryan
Township Administrator
Township of Cranford
8 Springfield Avenue
Cranford, New Jersey 07016

6. RESERVATION OF RIGHTS – The Township reserves the right to:

- A.** Not select any of the proposals;
- B.** Select only portions of a particular respondent's proposal for further consideration (however, respondents may specify portions of a proposal that they consider "bundled");
- C.** Supplement, amend or otherwise modify the RFP through issuance of Addenda to all prospective respondents who have received a copy of this RFP;
- D.** Change or alter the schedule for any events called for in this RFP upon the issuance of Addenda to all prospective respondents who have received a copy of this RFP;
- E.** Negotiate a reduction in or modification to a respondent's cost proposal or any other aspect of a Proposal;
- F.** Conduct investigations of any or all of the respondents, as the Township deems necessary or convenient, to clarify the information provided as part of the Request for Proposal and to request additional information to support the information included in any Proposal; and
- G.** To suspend or terminate the procurement process described in this RFP at any time (in its sole and absolute discretion). If terminated, the Township may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the respondents.

The Township shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

The Township shall not be obligated to explain the results of the evaluation process to any person or entity, including, without limitation, any respondent.

The Township may require respondents to demonstrate any services described in their proposal prior to award.

7. **LIMITATIONS** – This RFP is not an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Township by issuance of this RFP. The Township reserves the right at the Township’s sole discretion to refuse any submission.

8. **USE OF INFORMATION** - Any documentation, specifications, drawings, sketches, models, samples, data, computer programs, technical or business information and the like (“Information”) furnished or disclosed by the Township to the respondent in connection with this RFP shall remain the property of the Township. When in tangible form, all copies of such Information shall be returned to the Township upon request. Unless such Information was previously known to the respondent, free of any obligation to keep it confidential, or has been or is subsequently made public by the Township or a third party, it shall be held in confidence by the respondent, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

9. **GENERAL TERMS AND CONDITIONS** –

- A. The Township reserves the right to reject any Proposals in whole or in part or to waive any informalities in a Request for Proposal and, unless otherwise specified by the respondent, to accept any item, items or services in the proposals should it be deemed in the best interest of the Township to do so.
- B. In case of the failure by a successful respondent to perform, the Township may procure the articles or services from other sources, deduct the cost of the replacement from money due to the respondent under the contract and hold the respondent responsible for any excess cost occasioned thereby.
- C. The respondent shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.
- D. Each Proposal must be signed by the person authorized to do so.
- E. Proposers shall submit one (1) original copy with signatures, (1) hard copy, and one (1) portable document file (“pdf”) via non-returnable, pc compatible data storage (CD, flash drive) and may be hand delivered or mailed consistent with the provisions of the RFP procedures outlined herein. In the case of mailed proposals, the Township assumes no responsibility for Proposals received after the designated date and time and will return late Proposals unopened. Proposals will not be accepted by facsimile or e-mail. Proposals shall be in a sealed opaque envelope clearly marked “**Planning Board Attorney**”. To be considered, proposals shall be delivered to or received by the Township Clerk no later than **10:00 AM on Wednesday, November 10th, 2021**. RFP’s may be hand delivered to the Clerk’s Office in the Township Building or may be forwarded by personal service, certified mail, U.S. Post and other mail delivery services. The sealed envelope containing the proposal and marked as directed above, must be enclosed in another envelope properly addressed as follows:

Patricia Donahue,
c/o November 10th RFP Opening – “**Planning Board Attorney**”
Township Clerk
Township of Cranford
Municipal Building
8 Springfield Avenue
Cranford, NJ 07016

- F.** Respondents are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. See attached Exhibit A.
- G.** By submission of a Proposal, the respondent certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and a successful respondent shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Township harmless in any case of any such infringement.
- H.** No respondent shall influence, or attempt to influence, or cause to be influenced, any Township officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- I.** No respondent shall cause or influence, or attempt to cause or influence, any Township officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the respondent or any other person.
- J.** Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Township Counsel’s decision shall be final and conclusive.
- K.** All costs incurred by the respondent in connection with responding to this RFP shall be borne solely by the respondent. The Township of Cranford shall not be responsible for any expenditure of monies or other expenses incurred by the respondent.
- L.** The checklist, affidavits, notices and the like presented at the end of this RFP are a part of this RFP and shall be completed and submitted as part of a Proposal.
- M.** All Proposals shall become the property of the Township and will not be returned.
- N.** All Proposals will be made available to the public at the appropriate time, as determined by the Township (in the exercise of its sole and absolute discretion) and in accordance with law.
- O.** Neither the Township, nor their respective staffs, consultants or advisors (including, but not limited to, the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Proposal nor

will there be any reimbursement to respondents for the cost of preparing and submitting a Proposal or for participating in this procurement process.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

A contract, if any, shall be awarded based upon the following factors:

EVALUATION FACTORS

- A. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned**
- B. Knowledge of the Township of Cranford and the subject matter to be addressed under this engagement**
- C. Relevance and Extent of Similar Engagements performed**
- D. Qualification Statement contains all required information**
- E. Reasonableness of Cost Proposal**

PROPOSAL CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

INITIAL BELOW

- A. One (1) original and One (1) hard copy of a printed signed complete proposal _____
- B. One (1) PDF file delivered on PC compatible data storage (CD, flash drive) _____
- C. Non-Collusion Affidavit properly notarized _____
- D. Owners Disclosure Information Form, properly notarized, listing the names of all persons owning ten percent (10%) or more of the proposing entity _____
- E. Authorized signatures on all forms _____
- F. Business Registration Certificate(s) & W9 _____
- G. Disclosure Statement _____
- H. Affirmative Action Statement _____

Note: N.J.S.A 52:32-44 provides that the Township shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors prior to the time a contract, Purchase Order or other contracting document is awarded or authorized. The contracting party must also collect the state use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS

Name of Proposer: _____

Firm or Corporation _____

Print Name _____

Signature _____ Title _____

(revised 04/10)
EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor, 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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity shall include, but not 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 will send to each labor union with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this chapter 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 meet targeted county employment goals established in accordance with 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, and labor unions, that it does not discriminate on the basis of age, 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 personal testing conforms to 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 targeted 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 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractor(s) shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance 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 Division of Public Contracts Equal Employment Opportunity compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

) ss:

COUNTY OF)

I, _____ of the City of _____

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

I am _____ of the firm of _____, the respondent submitting making the Qualification Statement, and that I executed the said Qualification Statement with full authority so to do; and that said respondent has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the Qualification Statement; and that all statements contained in said Qualification Statement and in this Affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Qualification Statement and in the statements contained in this Affidavit in awarding any contract for the named services.

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

(Name of Respondent) (N.J.S.A. 52:34-15)

(Also type or print name of Affiant under signature)

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

A Notary Public of

My Commission Expires: _____

OWNER DISCLOSURE INFORMATION

Set forth below are the names and addresses of all owners of 10% or more of the proposing business entity.

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

NAME OF BUSINESS ENTITY

SIGNATURE

TITLE

Notary Public of

My Commission Expires: _____, 20____.

DISCLOSURE STATEMENT
(To be submitted with Qualification Statement)

- (a) Is or was anyone in your firm or company a member of the Township governing body within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes _____

No _____

Name

Position

Relationship

- (b) Has any principal/partner of your firm been convicted of an indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes _____

No _____

Name

Date

- (c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes _____

No _____

Name

Position

Term

Reason for censure:

- (d) Has the firm been found liable for professional malpractice in the last 5 years?

Yes _____

No _____

Reason for Action:

- (e) Has any member of your firm ever been barred from doing business with any state, township or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes _____

No _____

Name

State, Township or Municipality
Government

Date

- (f) Has your firm sued the Township of Cranford in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes _____

No _____

Name

Date

By _____ Title _____