

REQUEST FOR PROPOSALS

SOLICITOR FOR COMBINED PLANNING AND ZONING BOARD

BOROUGH OF WEST CAPE MAY

SUBMISSION DEADLINE:

January 23, 2019

10:00am

ADDRESS ALL PROPOSALS TO:

Borough of West Cape May
Attn: Suzanne Schumann, Municipal Clerk
732 Broadway
West Cape May, New Jersey 08204

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL:

Borough of West Cape May
732 Broadway
West Cape May, New Jersey 08204

CONTACT PERSON:

Please direct all questions in writing to:

Borough of West Cape May
Attn: Suzanne Schumann, Municipal Clerk
732 Broadway
West Cape May, New Jersey 08204
Phone: (609) 884-1005 ext 100
sschumann@westcapemay.us

PURPOSE OF REQUEST:

The Borough of West Cape May Board of Adjustment desires to appoint a Municipal Board Solicitor who will provide legal guidance to the combined Planning and Zoning Board. Any experience or knowledge of matters directly affecting the Borough of West Cape May should be addressed.

PERIOD OF CONTRACT:

Duration of Calendar Year 2019

CONTRACT FORM:

The successful proposer shall be required to execute the Borough's form contract, which includes the indemnification, insurance, termination and licensing provisions set forth in this Request for Proposal.

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

**DETAILED REQUIREMENTS OF THE
REQUEST FOR PROPOSAL FOR
MUNICIPAL LAND USE BOARD SOLICITOR**

Purpose:

The following procedures are designated to provide for a fair and open process in awarding professional services based on qualifications, merit and cost effectiveness through accessible advertising. Services include annual appointments and day-to-day programs, projects and contracts.

Scope of Services – BOARD SOLICITOR FOR COMBINED PLANNING AND ZONING BOARD

Any persons or firms interested in providing professional services to the Borough of West Cape May (“Borough”) as defined in the New Jersey Statutes, N.J.S.A. 40A:11-2(6).

1. **Appointment of Municipal Land Use Board Solicitor.** The Board Solicitor shall be appointed by the Borough of West Cape May Combined Planning and Zoning Board (“Board”) pursuant to the provisions of the New Jersey Municipal Land Use Law.
2. **Duties.** The Board Solicitor shall:
 - a. Review and aid in the preparation of Resolutions and Legal documents pertaining to the Municipal Land Use Board.
 - b. Attend all regular, work, executive, special and continued sessions of the Municipal Land Use Board or its subcommittees as required by the Board.
 - c. Conduct legal research and render legal opinions and assistance to the Municipal Land Use Board officials.
 - d. Assist, when necessary, any other Borough Attorney or Attorney the Borough may engage.
 - e. Representation of the Municipal Land Use Board in litigation.
 - f. Cooperate with Borough Council and the Borough Solicitor regarding any matters pertaining to the Municipal Land Use Board.
 - g. Prepare or cause to be prepared plans, studies, and/or reports which the Board may request, and assist in any matter that the Municipal Land Use Board determines necessary.
 - h. The Municipal Land Use Board Solicitor shall coordinate their efforts or the firm’s efforts with the Borough’s Construction Office and the Office of the Municipal Clerk to effectuate the intent and objectives of the Municipal Land Use Law of New Jersey referenced as *N.J.S.A. 40:55D-1 et seq.*

**Applicant’s/Proposer’s Responsibility to
Borough’s Request for Proposals for Professional Services**

The applicant/proposer shall, in response to the Borough’s Request for Proposal, at a minimum, include the following information:

1. Qualification requirements to compete for the needed service or activity as set forth in the “duties and responsibilities” of the position defined in the Borough’s Request for Proposal. Qualifications, at a minimum,, shall include requirements defined as follows:
 - a. Full name and business address;
 - b. Listing of all post high school education of the applicant and/or members of a professional firm seeking to provide professional services as described within the body of the Request for Proposal.
 - c. Dates of licensure in the State of New Jersey and any other state as to the professional discipline requested to serve the needs of the Borough of West Cape May.
 - d. A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held.
 - e. The number of licensed professionals employed (if a professional firm) and/or affiliated with the professional entity seeking to provide services to the Borough. A description of each individual’s qualifications, including education, licensure and years of professional experience.
 - f. A listing of all previous Public Sector entities served by the applicant/proposer licensed professional including dates of service and position(s) held.
 - g. Proposed cost of the service(s) or activities, including the hourly rate of individuals who will perform services or activities. The proposed cost should include:
 - i. Meetings
 - ii. Site visits and expenses
 - iii. Expenses for travel, postage and telephone excluded from the hourly rate
 - iv. Additional services defined beyond the scope of regular services
 - h. **Insurance.** The applicant/proposer, as a member of a professional which is subject to suit for professional malpractice, shall provide documentation that insurance for professional liability/malpractice coverage with limits as to liability acceptable to the Borough.
 - i. **Financial Disclosure.** The applicant/proposer is a “professional”, if required by law, shall file a Financial Disclosure Statement pursuant to Local Government Ethics Law, *N.J.S.A. 40A:9-22(1) et. seq.*

**BASIS OR AWARD OF CONTRACT
AGREEMENT FOR PROFESSIONAL SERVICES**

The Borough shall award all professional service contracts or agreements based on qualification, merit and cost competitiveness. Selection criteria will include:

1. Qualifications of the individual or firms who will perform the service or activity.
2. Experience and references.
3. Ability to perform the service or activity in a timely fashion, including staffing and the staff's familiarity of the service or activity.
4. Cost Competitiveness.
5. The Borough reserves the right to conduct an interview or interviews with the prospective Professional to discuss the scope of the professional services as outlined in the applicant's/proposer's proposal.
6. All awards or waivers will be by resolution acted on by the Borough at a Borough Planning Zoning Board meeting.
7. All awards are subject to availability of funds.
8. This policy will include, but not be limited to, all of the above listed requirements.

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 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 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 the 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 afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted Borough employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted Borough 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, 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 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

The contractor and its subcontractors 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
COUNTY OF CAPE MAY

ss:

I am _____

of the Firm of _____

UPON MY OATH, I DEPOSE AND SAY:

1. That I executed the said proposal with full authority so to do;
2. That this proposer has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with this engagement;
3. That all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of West Cape May relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said engagement; and
4. That no person or selling agency has been employed to solicit or secure this engagement agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial of selling agencies of the proposer. (n.j.s.a.52: 34-25)

(Type or print name of Affiant under signature)

Subscribed and sworn to before me this _____ day of _____, 2019.

Notary public of the State of New Jersey

My Commission expires: _____ 20 _____

**STOCKHOLDER DISCLOSURE
CERTIFICATION N.J.S.A. 52:25-24.2 (P.L.
1977 c.33)**

**FAILURE OF THE BIDDER/RESPONDENT TO SUBMIT THE REQUIRED
INFORMATION IS CAUSE FOR AUTOMATIC REJECTION**

CHECK ONE:

- 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.
- I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check which business entity applies:

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

Complete if the bidder/respondent is one of the 3 types of Corporations:

Date Incorporated: _____ Where incorporated: _____

Business Address:

Street Address	City	State	Zip
Telephone #	Fax#	Email	

Listed below are the names and addresses of all stockholders, partners or individuals who own 10% or more of its stock of any classes, or who own 10% or greater interest therein.

Name	Home Address
Name	Home Address
Name	Home Address

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY: Yes No

Signature: _____ Date: _____

Printed Name and Title: _____

Sworn and
scribed before
me this _____ day of ___ 20 19

AMERICANS WITH DISABILITIES ACT
Equal Opportunities for Individuals with Disabilities

The Contractor and the Borough of West Cape May do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the "ADA") (42 U.S.C. Section 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereunto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Township pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the ADA. In the event that the Contractor, its agents, servants, employees or subcontractors violate or are alleged to have violated the ADA during the performance of this contract, the Contractor shall defend the Borough in any action or administrative proceeding commenced pursuant to this ADA. The Contractor shall indemnify, protect and save harmless the Borough, its agents, servants and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Borough grievance procedure, the Contractor agrees to abide by any decision of the Borough which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Borough or if the Borough incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the Contractor shall satisfy and discharge the same at its own expense.

The Borough shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Borough or any of its agents, servants, and employees, the Township shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Township or its representatives.

It is expressly agreed and understood that any approval by the Borough of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the ADA and to defend, indemnify, protect, and save harmless the Borough pursuant to this paragraph.

It is further agreed and understood that the Borough assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the Contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the Contractor's obligations assumed in this agreement, nor shall they be construed to relieve the Contractor from any liability, nor preclude the Borough from taking any other actions available to it under any other provisions of this agreement or otherwise by law.

Name of Proposer: _____ Date: _____
(Person, Firm or Corporation)

By: _____
Signature Name Title

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

RFP Title: _____

Proposer: _____

PART 1: CERTIFICATION

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury as a person or entity engaging in investment activities in Iran. If the Department of Treasury finds person or entity to be in violation of the principles which are the subject of this law, action shall be taken as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the person or entity. **Failure to complete the certification will rendered a respondent's proposal as non-responsive.**

I certify, pursuant to Public Law 2012, c. 25, that the person or entity listed above, for which I am authorized to submit a proposal, nor any of the proposer's parents, subsidiaries, or affiliates (check each box if appropriate):

_____ is not providing goods or services of \$20,000,000 or more in the energy sector of Iran, including a person or entities that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran, AND

_____ is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in Part 2 below to the Borough of West Cape May under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

**PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT
ACTIVITIES IN IRAN**

Where appropriate, provide a detailed, accurate and precise description of the activities of the proposer, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below. Please provide thorough answers to each question. Provide an attachment if you need to make additional entries.

Name: _____

Relationship to Proposer: _____

Description of Activities:

Duration of Engagement: _____

Anticipated Cessation Date: _____

Proposer Contact Name: _____

Contact Phone Number: _____

PART 3: CERTIFICATION

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the Borough of West Cape May is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Borough to notify the Borough in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the Borough of West Cape May and that the Borough at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____

Signature: _____

Title: _____ Date: _____

“PAY-TO-PLAY” LAW

**CERTIFICATION BY A BUSINESS ENTITY OR INDIVIDUAL
THAT HAS NOT MADE A CONTRIBUTION
THAT WOULD BAR AWARD OF A CONTRACT FOR OVER \$17,500
UNLESS AWARDED PURSUANT TO A “FAIR AND OPEN” PROCESS**

**(TO BE ATTACHED TO BID SPECIFICATIONS AND PROPOSALS FOR
CONTRACTS HAVING ESTIMATED VALUE IN EXCESS OF \$17,500 UNLESS “FAIR
AND OPEN” PROCESS IS FOLLOWED)**

(Name of Business Entity or Individual)

seeks to be awarded a contract by the Borough of West Cape May and hereby certifies under penalty of perjury that such entity or individual has not made and will not make any contribution(s) that would bar the award of a contract pursuant to an act concerning campaign contributions by certain business entities seeking or holding a municipal contract (the New Jersey “Pay-to-Play Law”). This certification is made and submitted in fulfillment of the requirement of *N.J.S.A. 19:44A-20.8* of the Pay-to-Play Law which reads as follows:

Prior to awarding any contract, except a contract that is awarded pursuant to a fair and open process, a State agency in the Legislative Branch, a county or a municipality 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.

Said business entity or individual has not made (and will not make) prior to January 1, 2013, and will not make during the term of the contract, reportable contributions (currently those in excess of \$300 per *N.J.S.A. 19:44A-8.d.* and *N.J.A.C. 19:25-10.2, et seq.*) to any municipal committee of a political party in West Cape May Borough if a member of that political party is serving in an elective public office in West Cape May Borough when the contract is awarded, or to any candidate committee of any person serving in an elective public office of West Cape May Borough when the contract is awarded.

I hereby certify that all of the foregoing statements made by me are true; I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

Name:

Title:

Company:

**BOROUGH OF WEST CAPE MAY
PLANNING-ZONING BOARD
2019 REGULAR AND WORK SESSION MEETING DATES**

The Regular meetings of the Planning-Zoning Board will be held on the second Tuesday of each month beginning at 7:00 p.m. (*except where a different start time is indicated). The work session meetings of the Board are held on the fourth Tuesday of each month beginning at 7:00 p.m.

Regular Meeting Dates

January 8, 2019 (Reorg)
February 12, 2019
March 12, 2019
April 9, 2019
May 14, 2019
June 11, 2019
July 9, 2019 (*begins at 7:30 pm)
August 13, 2019 (*begins at 7:30 pm)
September 10, 2019
October 8, 2019
November 12, 2019
December 10, 2019

Work Session Meeting Dates

January 22, 2019
February 26, 2019
March 26, 2019
April 23, 2019
May 28, 2019
June 25, 2019 (*begins at 7:30 pm)
July 23, 2019 (*begins at 7:30 pm)
August 27, 2019 (*begins at 7:30 pm)
September 24, 2019
October 22, 2019
November 26, 2019
December 24, 2019

**2020 Reorganization Meeting
January 14, 2020**

All Board meetings will be held in the courtroom at the Municipal Building at 732 Broadway. Unless otherwise specifically provided by law, the listed meetings are open to the public.
