

BOROUGH OF HOPATCONG

REQUEST FOR PROPOSALS **PROFESSIONAL SERVICES**

MUNICIPAL PROSECUTOR, TAX MAP REVISION, RISK MANAGER, LAND SURVEYOR,
LAND USE ATTORNEY, MUNICIPAL PLANNER, MUNICIPAL ENGINEERS,
MUNICIPAL AUDITOR, GRANT WRITER, MUNICIPAL ATTORNEY,
LABOR ATTORNEY, BOND ATTORNEY, IT SERVICES

The Borough of Hopatcong, a municipal corporation in the County of Sussex and the State of New Jersey, having its offices at 111 River Styx Road, Hopatcong, New Jersey, through a non-fair and open process, is soliciting competitive proposals from qualified proposers interested in providing (TITLE) Services.

The purpose of this RFP is to allow for the award of a contract based on qualifications, merit, references, and cost effectiveness.

Submission Deadline: December 1, 2016

Number of Proposals to be Sent: An Original and 10 Copies

Address all Proposals to: Catherine Schultz, Borough Clerk
Borough of Hopatcong
111 River Styx Road
Hopatcong, NJ 07843

The Proposal Documents may be examined and obtained, at no cost, at the Borough of Hopatcong Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, between the hours of 9:00 a.m. and 4:30 p.m.

Proposals must be returned in a sealed envelope bearing the proposer's name and address written on the face of the envelope and clearly marked:

REQUEST FOR PROPOSAL FOR (Service Provided) – Attn: Catherine Schultz, Borough Clerk.”

Proposals may be hand delivered or mailed. In the case of mailed proposals, the Borough assumes no responsibility for proposals received after the above-stated designated date and time. Proposals received after the designated date and time for receipt will not be accepted and will be returned unopened. Proposals will not be accepted by facsimile or e-mail.

There is no specific proposal form required; therefore proposers may submit their proposal in letter form or any similar method. Each proposal and all required forms must be signed by a person authorized to do so. Proposals must cover all information requested in this RFP. Responses which in the judgment of the Borough fail to meet the requirements of the RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected. All communications concerning this RFP or the RFP process shall be directed, in writing, to the Borough Clerk. The Borough's decision shall be final and conclusive.

During the period provided for the preparation of responses to this RFP, the Borough may issue addenda or answers to written inquiries. Addenda will be posted on our website and noticed by the Borough and will constitute part of the RFP. All responses shall be prepared with full consideration of any addenda issued.

Proposer must complete and submit the Acknowledgement of Receipt of Addenda.

The Borough, in its sole discretion, reserves the right to reject any or all proposals and to waive any and all irregularities as is in the best interest of the Borough.

Appointment : Appointment shall be by Mayor and Borough Council for a term of one (1) year. The appointee shall receive such compensation as shall be agreed upon by Mayor and Borough Council for services rendered.

The purpose of this is to summarize some of the more important provisions of the requested proposals. Prospective proposers are cautioned not to rely solely on this summary, but to obtain and read the Proposal Documents in their entirety.

By Order of the Borough of Hopatcong

Catherine Schultz, Borough Clerk

1. **Mandatory Contents Of Proposal.** In response to this RFP each proposer shall provide at a minimum the following information:

A. Proposal Information:

- **Contact Information:** Provide the name and address of the individual or firm as well as the name, telephone number, fax number and e-mail address of the individual responsible for the preparation of the proposal.
- **Dates of licensure** in the State of New Jersey and any other state as to the professional discipline requested to serve the needs of Borough.
- A fee proposal setting forth a fee for the requested services and an hourly rate additional services defined beyond the scope of regular services.
- An executive summary of not more than three (3) pages identifying and substantiating why the proposer is best qualified to provide the requested services.
- A staffing plan listing those persons who will be assigned to the engagement if the proposer is selected, including the designation of the person who would be the primary person responsible under the engagement. This portion of the proposal should include the relevant resume information for all individuals who will be assigned to this engagement. This shall include, at a minimum, a description of the individual's qualifications, including education, licensure, years of professional experience and number of years with the proposer.
- A list of all previous public sector entities served by the proposer, including dates of service and position(s) held.
- A detailed description of the proposer's experience in performing the requested services. Specifically, identify client size and specific examples of similar scope of services under this RFP.
- A list of references including contact names, title and phone numbers.
- A list of any professional affiliations or membership in any professional societies or organizations, with an indication as to any offices held.
- A list of any and all ethics or disciplinary charges assessed against you and/or the firm and the details surrounding same including the disposition of the charge(s).
- Any additional information that you would like the Borough to consider in evaluating your proposal.

B. Insurance. Proposer, as a member of a profession that is subject to suit for professional malpractice, shall provide written documentation of insurance for professional liability/malpractice coverage with limits as to liability that will be in place to protect the Borough of Hopatcong. The insurance company provided said coverage shall be authorized to do business in the State of New Jersey and acceptable to the Borough.

C. Proof of Business Registration Certificate. Proposer must submit a Business Registration certificate as required by N.J.S.A. 52:32-44.

D. Shareholder Disclosure Form. Proposer must complete and submit the Shareholder Disclosure Form attached hereto as Exhibit B.

- E. **Affirmative Action.** In accordance with the laws of the State of New Jersey, all contracting entities must comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. Proposer is required to complete and submit the Affirmative Action Affidavit at Exhibit C. Appendix A contains mandatory Affirmative Action Language which shall appear in any contract with the Borough.
- F. **Affidavit of Non-Collusion.** Proposer shall properly execute and submit the Affidavit of Non-Collusion attached hereto as Exhibit D.
- G. **Pay to Play.** Prior to execution of the contract, the successful proposer will be required to complete a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Hopatcong in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, as well as any other necessary documentation to demonstrate compliance with New Jersey Pay to Play laws.

The successful proposer is further advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, s.3) if the successful proposer is awarded contracts in excess of \$50,000, from public entities in a calendar year. It is the successful proposer's responsibility to determine if filing is necessary. See Exhibit E.

5. **Americans with Disabilities Act of 1990.** Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Proposers are required to read Americans with Disabilities language attached to this RFP at Exhibit F and agree that the provisions of Title II of the Act are made a part of the contract. The successful Proposer will be obligated to comply with the Act and to hold the owner harmless.
6. **Signature Page.** Proposer shall complete and submit the signatory page attached as Exhibit G, which shall be signed by an authorized representative of the Proposer and evidence the Proposer's acceptance of the terms and conditions of this RFP.
7. **RFP Document Checklist.** Proposer must complete and submit the RFP Document Checklist attached hereto as Exhibit H.

EVALUATION CRITERIA AND BASIS FOR AWARD OF CONTRACT

The Borough shall award all professional service agreements based upon qualifications, merit, references, and cost effectiveness. The specific evaluation criteria will include:

1. Qualifications of the individual or firms who will perform the requested services.
2. Experience and references;
3. Cost competitiveness;
4. Other factors the Mayor & Borough Council deem to be in the best interest of the Borough of Hopatcong and its taxpayers.

A final award shall be made by Resolution adopted by a majority of the Mayor and Borough Council based upon the proposal made to the Borough that has been determined to be **the most advantageous to the Borough, all factors considered**. The Borough reserves the right to conduct an interview or interviews with any qualified proposer to discuss the scope of the professional services as outlined in the proposer's proposal. The Borough further reserves the right to negotiate the terms and conditions with any qualified proposer before making its determination and appointment.

BOROUGH OF HOPATCONG

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA
Exhibit A

The undersigned proposer hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

No addenda were received:

Acknowledged for: _____
(Name of Proposer)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
BOROUGH OF HOPATCONG
(EXHIBIT B)

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.** *While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
 Required Pursuant To N.J.S.A. 19:44A-20.8  
**HOPATCONG BOROUGH**  
**(EXHIBIT B)**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the \_\_\_\_\_ has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding **January 4, 2017** to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the **Borough of Hopatcong** as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

|                    |            |
|--------------------|------------|
| Sylvia Petillo     | John Young |
| Richard Bunce      |            |
| Michael Francis    |            |
| Marie Galate       |            |
| Frank Padula       |            |
| Richard Schindelar |            |

**Part II – Ownership Disclosure Certification**

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

**Check the box that represents the type of business entity:**

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

| Name of Stock or Shareholder | Home Address |
|------------------------------|--------------|
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |
|                              |              |

**Part 3 – Signature and Attestation:**

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

Name of Business Entity: \_\_\_\_\_

Signature of Affiant: \_\_\_\_\_ Title: \_\_\_\_\_

Name of Affiant : \_\_\_\_\_ Date: \_\_\_\_\_

|                                                               |                            |
|---------------------------------------------------------------|----------------------------|
| Subscribed and sworn before me this ____ day of _____, 2____. | _____                      |
| My Commission expires:                                        | (Witnessed or attested by) |
|                                                               | _____                      |
|                                                               | (Seal)                     |





## **BOROUGH OF HOPATCONG**

### **DISCLOSURE OF CONTRIBUTIONS (Pay-to-Play) Exhibit E**

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

**BOROUGH OF HOPATCONG**  
**AMERICAN WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**  
**Exhibit F**

The contractor and Hopatcong Borough (owner) do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 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 there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commences pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, 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 owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner 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 owner 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 owner or any of its agents, servants, and employees, the owner shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

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

It is further agreed and understood that the owner 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 owner from taking any other actions available to it under any other provision of the Agreement or otherwise at law.

**BOROUGH OF HOPATCONG**

**SIGNATORY PAGE**  
Exhibit G

The undersigned, having examined this RFP and having all full knowledge of the conditions under which the services described herein must be performed, hereby accepts the terms and conditions of this RFP.

NAME OF THE PROPOSER: \_\_\_\_\_

NAME OF AUTHORIZED SIGNATORY: \_\_\_\_\_

AUTHORIZED SIGNATORY SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

CONTACT ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**BOROUGH OF HOPATCONG**

**DOCUMENT CHECKLIST**  
Exhibit H

This form should be submitted with the proposal. It is provided for proposer's use in assuring compliance with all required documents.

| Required                            | Submission Requirements                                                            | Initial each required entry and if required submit the item |
|-------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Stockholder Disclosure Certification (Exhibit B)                                   |                                                             |
| <input checked="" type="checkbox"/> | Affidavit of Non-Collusion (Exhibit D)                                             |                                                             |
| <input checked="" type="checkbox"/> | New Jersey Business Registration Certificate                                       |                                                             |
| <input checked="" type="checkbox"/> | Acknowledgement of Receipt of Addenda (Exhibit A)                                  |                                                             |
| <input checked="" type="checkbox"/> | Evidence Demonstrating Proposer Meets Minimum Qualifications                       |                                                             |
| <input checked="" type="checkbox"/> | Affirmative Action Affidavit and Mandatory Affirmative Action Language (Exhibit C) |                                                             |
| <input checked="" type="checkbox"/> | Signatory Page (Exhibit G)                                                         |                                                             |

**Appendix 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 identify 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 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 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, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.*

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

*In conforming with the 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, race, creed, 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](http://www.state.nj.us/treasury/contract_compliance))*

*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.***