

Borough of Union Beach

**COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

PROFESSIONAL SERVICES SOLICITATION

FAIR & OPEN PUBLIC SOLICITATION PROCESS

PROFESSIONAL SERVICE: EACH TITLE DONE AS A SEPARATE PACKAGE

SUBMISSION DATE: TUESDAY, DECEMBER 11, 2018 AT 10:00 A.M.

PUBLIC NOTICE TO PROFESSIONAL SERVICES ENTITIES

INFORMATION FOR PROFESSIONAL SERVICES ENTITIES

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
(EXHIBIT A)

BUSINESS REGISTRATION OF CONTRACTORS
WITH GOVERNMENTAL AGENCIES

STANDARDIZED SUBMISSION REQUIREMENTS

SUBMISSION DOCUMENTS

BOROUGH OF UNION BEACH

PUBLIC NOTICE FOR THE SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS FOR THE PERIOD OF **JANUARY 1, 2019 THROUGH DECEMBER 31, 2019**

NOTICE IS HEREBY GIVEN that sealed submissions will be received by the Municipal Clerk, or designated representative, for the Borough of Union Beach, County of Monmouth, State of New Jersey on Tuesday, December 11, 2018 at **10:00 A.M.** prevailing time, in the Borough Clerk's Office, 650 Poole Avenue, Union Beach, NJ 07735 then publicly opened and read aloud for the following:

- **Borough Attorney**
- **Special Legal Counsel/Tax Counsel- Commercial**
- **Special Counsel**
- **Special Labor Counsel/Police**
- **Municipal Bond Counsel**
- **Municipal Auditor**
- **Financial Advisor Services**
- **Municipal Court Prosecutor**
- **Municipal Court Alternate Prosecutor**
- **Public Defender**
- **Municipal Planning Board Attorney**
- **Municipal Planning Board Engineer**
- **Municipal Planning Board Planner**

Standardized submission requirements and selection criteria are on file and available in the Municipal Clerk's Office.

Submission packages may be obtained at the Borough Clerk's Office, (732)264-2277 during regular business hours, 9:00 AM to 4:30PM, Monday through Friday, excluding holidays, and on-line at UBNJ.net.

All professional service contractors are required to comply with the requirements of N.J.S.A. 52:32-44 (Business Registration of Public Contractors), N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. (Contract Compliance and Equal Employment Opportunities in Public Contracts).

Submissions by Corporations and Partnerships shall include a completed Disclosure of Ownership form (N.J.S.A. 52:25- 24.2) and shall include a completed Non-Collusion Affidavit.

The Borough Council reserves the right to reject any or all submissions due to any defects or waive informalities and accept any submissions that in their judgment will be in the best interest of the Borough. The Borough Council shall award the contract or reject all submissions no later than 60 days from receipt of same except for those positions with the Planning Board. The Planning Board shall award the contract or reject all submissions no later than January 31, 2019.

Dated: November 9, 2018

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PUBLIC NOTICE FOR THE SOLICITATION OF A PROFESSIONAL SERVICE CONTRACT APPOINTMENTS SHALL BE FROM **JANUARY 1, 2019 THROUGH DECEMBER 31, 2019**

The following is a description of the professional services needed, including, where appropriate, a description of tasks involved:

Borough Attorney

The Borough Attorney shall be an attorney at law of New Jersey, but need not be a resident of the Borough. With the prior approval of the Council, the Attorney shall have such powers and perform such duties as are provided for by the office of Borough Attorney by general law or ordinances of the Borough. The Attorney shall represent the Borough in all judicial and administrative proceedings in which the Borough or any of its officers or agencies may be a party or have an interest. The Attorney shall give all legal counsel and advice, where required by the Administrator, Council or any member thereof and shall, in general, serve as the legal advisor to the Council and Administrator on all matters of Borough business. In furtherance of such general powers and duties, but without limitation thereto, the Borough Attorney shall:

- 1) Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Borough.
- 2) With the approval of Council, conduct appeals from orders, decisions or judgments affecting any interest of the Borough as the Attorney may in his/her discretion determine to be necessary or desirable, or as directed by Council.
- 3) Subject to the approval of the Council, have the power to enter into any agreement, compromise or settlement of any litigation in which the Borough is involved.
- 4) Render opinions in writing upon any question of law submitted to the Attorney by the Administrator, Council, or any member thereof, or the head of any department, with respect to their official powers and duties and shall perform such other duties as may be necessary to provide legal counsel to the Council and Administrator in the administration of municipal affairs.
- 5) Supervise and direct the work of such additional attorneys and technical professional assistants as the Council may authorize for special or regular employment in or for the Borough.
- 6) Have such other different functions, powers and duties as may be provided by Charter, general law or ordinance.

Special Legal Counsel, Tax Counsel-Commercial

Shall perform all legal services required in order to defend and/or prosecute real property tax appeals relating to those ongoing real property tax appeals and such other appeals or tax matters that may be filed against and/or by the Borough of Union Beach and such ongoing municipal tax matters in which the Borough has required legal representation by counsel other than the Borough Attorney.

Special Labor Counsel

The Special Labor Counsel shall be an attorney at law of New Jersey, but not a resident of the Borough. With the prior approval of the Council, the Labor Attorney shall have such powers

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and perform such duties as are provided for by the office of Labor Attorney by general law or ordinances of the Borough. The Attorney shall represent the Borough in all Labor related judicial and administrative proceedings in which the Borough or any of its officers or agencies may be a party or have an interest. The Labor Attorney shall give all legal counsel and advice, where required by the Administrator, Council or any member thereof and shall, in general, serve as the legal advisor to the Council and Administrator on all Labor related matters of Borough business.

Municipal Bond Counsel

The Bond Counsel shall be an attorney at law of New Jersey. Bond Counsel performs and provides legal advice with regard to the following activities: the preparation of Bond Ordinances and the review of the adoption proceedings; the preparation and review of public finance resolutions, the preparation and issuance of Bond Anticipation, Special Emergency, and Tax Anticipation Notes; and the preparation and issuance of General Obligation Bonds. In addition Bond Counsel is responsible for the preparation and/or review of any Preliminary Official Statement and Official Statement of the Borough. Bond Counsel is also responsible for the preparation and/or review of any application to the Local Finance Board, and attendance at any related meetings of the Board.

Municipal Auditor

The Borough Auditor shall make the annual audit of the Borough financial records for the year ending December 31, 2018 and to serve as Borough Auditor for the calendar year 2019 and perform the duties prescribed by law all in accordance with generally accepted auditing standards and the laws and regulations of the State of New Jersey regarding same. The Borough Auditor shall perform such duties and render such services as may from time to time be requested by the Borough Council, the Chief Financial Officer or the Borough Administrator.

Financial Advisor Services

The Financial Advisor shall perform to the best of their abilities and qualifications, the professional services necessary to assist the Borough in establishing a more efficient and economical management of finances.

Municipal Court Prosecutor

The Municipal Prosecutor shall be responsible for the prosecution of all cases filed in that municipality, irrespective of whether the complaint was filed by a police officer or by a private citizen, including cross complaint situation. In addition, the prosecutor should have complete responsibility for providing discovery to the defendant or to defendant's counsel consistent with Court rules. Also must be a Lawyer in good standing with the New Jersey Bar Association.

Public Defender

To represent indigent defendants in proceedings over which the Borough Municipal Court has jurisdiction. Duties shall include the representation of any defendant charged with an offense in Municipal Court who is indigent as determined by the magistrate, and to handle all phases of the assigned defense, including discovery, pre-trial and post-trial motions and proceedings; and such other duties as imposed by statute, rule regulation, ordinance, the rules of

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professional conduct, court orders or directives and the like. Minimum Qualifications: At least 2 years' experience preferred as Public Defender or in related experience in Municipal Court; must be admitted to and a member in good standing of the Bar of the State of New Jersey.

Municipal Planning Board Attorney

The Planning Board Attorney shall be an attorney at law of New Jersey. The Planning Board Attorney shall attend all regular and special Planning Board meetings, which shall include routine phone calls with staff. The Planning Board Attorney shall prepare and defend all litigation affecting the Planning Board or any member of it, which is the result of decisions made on applications or in the normal performance of their official duties pursuant to the Municipal Land Use Law. The Planning Board Attorney shall provide legal advice, research and assistance on any other special matters, which the Planning Board may require to be addressed by the attorney. The Planning Board Attorney shall draft all legal documents as may be required including preparation of documents, Developers Agreements, and review of deeds, covenants, easements, etc. The Planning Board Attorney shall represent or advise the Planning Board on any matter in which the Planning Board may have a present or future interest.

Municipal Planning Board Engineer

The Planning Board Engineer shall be a New Jersey licensed professional engineer. The Planning Board Engineer shall perform such duties as specified in New Jersey State Law and the Municipal Codes and Regulations and shall include, but not be limited to, attend all regular and special Planning Board meetings, which shall include routine phone calls with staff, review and report on all development and site plan applications and perform any additional non-escrow work such as ordinance review as requested by the Planning Board.

Municipal Planning Board Planner

The Planning Board Planner shall provide general planning services on behalf of the Planning Board. The Planning Board Planner shall attend all regular and special Planning Board meetings, which shall include routine phone calls with staff. The Planning Board Planner shall review all plans forwarded for review by the Planning Board, conduct site inspections, prepare written reports of all findings and recommendations and attend such meetings as requested by the Planning Board, and employ at their expense such personnel as are deemed necessary to carry out the duties prescribed for the office of municipal planners. The Planning Board Planner shall review and report on planning issues other than development review as requested by the Planning Board Chairman or designee. The Planning Board Planner shall render opinions orally or in writing upon any question of planning submitted to them by the Planning Board Chairman or designee, or anyone else authorized by the Planning Board Chairman or designee to submit such questions. The Planning Board Planner shall perform such other and different functions, powers, and duties, as may be requested by the Planning Board Chairman.

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INFORMATION FOR PROFESSIONAL SERVICES ENTITIES **(FAIR & OPEN PUBLIC SOLICITATION PROCESS)**

1B.1 RECEIPT AND OPENING OF SUBMISSIONS

1B.1.1 OWNER AND PROJECT

The Borough of Union Beach, Monmouth County, New Jersey (hereinafter called the "OWNER") invites submissions for the service(s) mentioned in the Public Notice for Solicitation.

1B.1.2 TIME AND PLACE OF SUBMISSION OPENINGS

Borough Clerk and/or his designated representative will receive submissions at the time and place mentioned in the Public Notice for Solicitation, and at such time and place will be publicly opened and read aloud.

1B.1.3 SUBMISSIONS NOT IN COMPLIANCE

The OWNER may waive any informality or reject any and/or all submissions, in accordance with the *Fair and Open Public Solicitation Process for Professional Service(s)* pursuant to Borough of Union Beach Ordinances.

1B.1.4 WITHDRAWING SUBMISSIONS

Submissions forwarded to the Borough Clerk and/or his designated representative before the time of opening of submissions may be withdrawn upon written application of the professional services entity who shall be required to produce evidence showing that they are or they represents the principal or principals involved in the submission. Submissions may not be withdrawn within twenty-four (24) hours of the stipulated time of opening of submissions. Once submissions have been opened, they must remain firm for a period of sixty (60) days.

1B.2 QUALIFICATIONS OF PROFESSIONAL SERVICES ENTITIES

1B.2.1 INDIVIDUALS PERFORMING TASKS

Name and roles of the individuals who will perform the tasks and descriptions of their education and experience similar to the services contained herein.

1B.2.2 PAST PERFORMANCE

Documented past performance of same and/or similar service.

1B.2.3 REFERENCES

References and record of success of same or similar service.

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1B.2.4 DESCRIPTION OF ABILITIES

Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).

1B.2.5 COST DETAILS

If applicable, cost details including the hourly rates of each of the individuals who will be performing services, and all expenses.

1B.2.6 TECHNICAL PROCESS AND EQUIPMENT

Description of technical process and equipment used in performing the task(s).

1B.3 PREPARATION OF SUBMISSIONS

1B.3.1 COMPLETION OF SUBMISSIONS

Each submission must be provided on a Standardized Submission Form as supplied in the submission package, and signed by the professional services entity or principal thereof and shall contain the name, address, and telephone number of the professional Services entity. All prices and amounts must be written in ink or preferably typewritten. Each signatory to the submission must initial all erasures or corrections. ***Each submission shall be contained in a sealed envelope addressed to the Borough of Union Beach, 650 Poole Avenue, Union Beach, N.J. 07735. The envelope shall specify the Appointment and Title for which the submission is provided. The submission is to be clearly marked "Sealed Submission Enclosed" and must be delivered at the place and time required or mailed so as to be received prior to the opening time set in the advertisement. Submissions received after the hour herein named or in unsealed envelopes shall not be considered.***

The Owner will not be responsible for submissions forwarded through the U.S. Mail or any delivery service if lost in transit at any time before submission opening, or if hand-delivered to incorrect location.

The submission shall be accompanied by all forms listed in the Checklist and be completed in their entirety.

1B.3.2 ERRORS IN SUBMISSIONS

If applicable, in the event there is a discrepancy between the unit prices and the extended totals, the unit prices shall govern or if between the correct sums of the extended totals and the total submission submitted, the correct sum shall govern. Amounts written in words shall govern over the amounts written in numerals.

1B.4 TIME FOR AWARD OF CONTRACT

The contracting unit shall award the contract or reject all submissions within such time as may be specified in the invitation for submission, but in no case more than 60 days, except that the submissions of any professional services entities who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed.

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The award of the Contract for this service will not be made unless the Borough's Chief Financial Officer has certified the necessary funds in a lawful manner.

1B.5 MODIFICATIONS OF SUBMISSIONS

Any professional services entity may modify his submission by mail, courier or hand delivery at any time prior to the scheduled closing time for receipt of submissions. The OWNER, prior to the closing time, must receive such communication. The communication should not reveal the submission price but should provide the addition to or subtraction from or other modification so that the OWNER will not know the final price(s) or term(s) until the sealed submission is opened.

1B.6 REJECTION OF SUBMISSIONS

1B.6.1 MULTIPLE SUBMISSIONS NOT ALLOWED

More than one submission from an individual, a firm or partnership, a corporation or association of principals under the same or different names shall not be considered.

1B.6.2 UNBALANCED SUBMISSIONS

Submissions, which are obviously unbalanced, may be rejected at the option of the OWNER.

1B.6.3 RIGHT TO REJECT SUBMISSIONS

The right is reserved to reject any or all submissions in whole or in part if not in compliance with the standardized submission requirements.

1B.6.4 METHOD OF AWARD OF SUBMISSIONS

The right is reserved by the Borough of Union Beach to award submissions on a *"service by service" basis, "per project" basis, in part or in whole* as determined by the Owner.

1B.6.5 RIGHT TO WAIVE INFORMALITIES RESERVED

The owner expressly reserves the right to waive any informality in any submission, and to accept the submission, which in the OWNER'S judgment serves its best interests.

1B.7 PROFESSIONAL SERVICES ENTITY REFERRED TO LAWS

The attention of the professional services entity is especially directed to the provisions of Federal, State, County and Local Government statutes and regulations that may apply to the work.

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1B.8 PAYMENT

Checks are processed by the Borough of Union Beach's Finance Department approximately on the 4th week of each month. It is necessary that the approved signed vouchers be accompanied by an invoice and be submitted in advance of these dates.

1B.9 TRANSITIONAL PERIOD

In the event that a new contract has not been awarded prior to the contract expiration date, it shall be incumbent upon the professional services entity to continue the contract under the same terms and conditions until a new contract(s) can be completely operational. At no time shall this transition period extend more than ninety (90) days beyond the expiration date of the contract.

1B.10 FACSIMILE DOCUMENTS PROVIDED IN A SUBMISSION

Under no circumstances, on submission documents requiring authorized signatures, will the OWNER accept documents provided through facsimile machines.

1B.11 CONTRACT COMPLIANCE AND EQUAL EMPLOYMENT OPPORTUNITY IN PUBLIC CONTRACTS

Professional services entities are required to comply with the requirements of **N.J.S.A. 10:5-31 et seq.**
and **N.J.A.C. 17:27 et seq.**

1B.12 GENERAL REQUIREMENTS/INFORMATION

The professional services entity shall guarantee any or all material and services supplied under these specifications. Defective or inferior items shall be replaced at the expense of the professional services entity.

It is understood by the professional services entity that this submission is provided on the basis of standardized submission requirements prepared by BOROUGH OF UNION BEACH and the fact that any professional services entity is not familiar with these standardized submission requirements or conditions will not be accepted as an excuse.

NO MINIMUM PAYMENT IS IMPLIED OR GUARANTEED.

BOROUGH OF UNION BEACH reserves the right to cancel any contract entered into upon thirty (30) days written notice.

Contract Term: Pursuant to **N.J.S.A. 40A:11-3(b)**, ..."contracts for professional services pursuant to subparagraph (i) of paragraph (a) subsection (1) of section 5 of P.L. 1971, c.198 (**N.J.S.A. 40A:11-5**) may be awarded for a period not exceeding twelve (12) consecutive months".

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This solicitation is for a one (1) year contract for services, from **January 1, 2019 through December 31, 2019.**

1B.13 ADMINISTRATION OF PUBLIC RECORDS

Records received, retained, retrieved or transmitted under the terms of this contract may constitute public records of the Borough of Union Beach as defined by N.J.S.A. 47.3-16 and are legal property of the Borough of Union Beach. The vendor(s) named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

The Secretary of State and the Commissioner of Community Affairs recognize that earlier privatization contracts may need to be revisited for consistency with these guidelines. Those contracts shall be reviewed by the originating local governmental unit and DARM to determine if a public records provision should be incorporated and/or modified. Where appropriate, the local governmental units shall attempt to negotiate with the vendor a revision to the contract to ensure proper and uninterrupted maintenance of crucial public records.

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EXHIBIT A

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

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or 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 attempt in good faith to employ minority and female workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex, and that it will discontinue 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 applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, 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 subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

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ATTENTION ALL PROFESSIONAL SERVICE ENTITIES

On June 29, 2004, Governor McGreevey signed P.L. 2004, c.57, Business Registration of Contractors with Government Agencies, into law. Effective September 1, 2004, all business organizations that do business with a local contracting agency (i.e. Borough of Union Beach) are required to be registered with the State of New Jersey, Department of Treasury, Division of Revenue, and provide proof of that registration to the contracting agency before the contracting agency may enter into a contract with the business.

A "Business Organization" means an individual, partnership, association, joint stock company, trust, corporation or other legal business entity or successor thereof.

The Borough of Union Beach strongly suggests that a copy of the Business Registration Certificate issued by the NJ Department of Treasury, Division of Revenue, shall be provided at the time any submission is received.

Further information may be obtained by visiting the following web site at the State of New Jersey: www.nj.gov/treasury/revenue/busregcert.htm

Goods & Services Contracts (including purchase orders):

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

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

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency.

BOROUGH OF UNION BEACH

AMERICANS WITH DISABILITIES ACT OF 1990 **EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITY**

The CONTRACTOR and the BOROUGH OF UNION BEACH (herein referred to as the Borough) do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S12101 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 thereto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the BOROUGH pursuant to this contract, the CONTRACTOR agrees that the performance shall be in strict compliance with the Act. In the event 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 BOROUGH in any action or administrative proceeding commenced pursuant to this Act. 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'S 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 BOROUGH shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the BOROUGH 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 Act 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 at law.

BOROUGH OF UNION BEACH

STANDARDIZED SUBMISSION REQUIREMENTS & SELECTION CRITERIA ***(FAIR & OPEN PUBLIC SOLICITATION PROCESS FOR PROFESSIONAL SERVICES)***

The Borough of Union Beach is seeking sealed submissions in response to a Public Notice for the Solicitation of a Professional Service Contracts.

The standardized submission requirements shall include:

1. Names and roles of the individuals who will perform the services/tasks and descriptions of their experience with projects similar to the services contained herein including their education, degrees and certifications.
2. References and record of success of same or similar service.
3. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
4. Cost details, including the hourly rates of each of the individuals who will perform services and time estimates for each individual, all expenses and total cost of "not to exceed" amount.

The selection criteria to be used in awarding contracts shall include:

Qualifications of the individuals who will perform the services/tasks and the amounts of their respective participation.

1. Experience and references.
2. Ability to perform the services/tasks in a timely fashion, including staffing and familiarity with the subject matter.
3. Cost consideration - including, but not limited to, historical costs for similar professional services, expertise involved and comparable costs for comparable public entities.

Please Note this Additional Requirement:

All Professional services entities shall submit one (1) original and one (1) copy of their sealed submission, on or before **December 11, 2018, at 10:00 a.m.**

After the submission opening, a PDF file of the submission for Borough Professionals shall be e-mailed to boroughclerk@unionbeachnj.gov

Professional services entities submitting sealed bids for all Planning Board Professionals shall submit one (1) original and one (1) copy clearly marked Planning Board to the Borough of Union Beach, 650 Poole Avenue, Union Beach, NJ 07735 by the above date.

BOROUGH OF UNION BEACH

CHECKLIST

SUBMISSION DATE: December 11, 2018 at 10:00 a.m.

The following items, as indicated below (X), shall be provided with the receipt of sealed submissions:

- | | |
|---|------------------|
| 1. Non-Collusion Affidavit | <u> X </u> |
| 2. Disclosure of Ownership Form | <u> X </u> |
| 3. Insurance Requirement Acknowledgement Form | <u> X </u> |
| 4. Mandatory Equal Employment Opportunity Notice Acknowledgement | <u> X </u> |
| 5. Copy of your <i>Business Registration Certificate</i> as issued by the State of New Jersey,
Department of Treasury, Division of Revenue..... | <u> X </u> |
| 6. Professional Service Entity Information Form | <u> X </u> |
| 7. Qualifications Submission | <u> X </u> |
| 8. Acknowledgement of Addenda (if addenda issued)..... | <u> X </u> |

Reminder

Please submit one (1) original and one (1) additional copy of the sealed submission. See specific instructions for Borough submissions and Planning Board submissions.

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NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY:

COUNTY OF _____ : SS.
_____ :

I, _____ of
the _____ of _____

In the County of _____ and the State of New Jersey, of full age, being duly sworn according to law on my oath depose and say that:

I am _____

Of the firm of _____

the Professional Service Entity making the submission for the above named Service, and that I executed the said submission with full authority to do so; that said Professional Service Entity has not, directly or indirectly, entered into any agreements, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with the above named Service; and that all statements contained in said submission and in this affidavit are true and correct, and made with full knowledge that the Borough of Union Beach relies upon the truth of the statements contained in said submission and in the statements contained in this affidavit in awarding the contract for said Service.

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 establish, commercial or selling agencies maintained by:

Name of Professional Service Entity

Subscribed and sworn to before me
This _____ day of _____, 20____

My Commission expires _____

Notary Public, State of _____

Type or print name of affiant and Title under signature

BOROUGH OF UNION BEACH

DISCLOSURE OF OWNERSHIP FORM

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individual who own 10% or more of the stock or interest in the corporation or partnership”.

1. If the professional service entity is a *partnership*, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the professional service entity is a *corporation*, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

COMPLETE ONE OF THE FOLLOWING STATEMENTS:

I. Stockholders or Partners owning 10% or more of the company providing the submission:

NAME:

ADDRESS:

No Stockholder or Partner owns 10% or more of the company providing this submission:

SIGNATURE: _____ DATE: _____

Submission is being provided by an individual who operates as a sole proprietorship:

SIGNATURE: _____ DATE: _____

Submission is being provided by a corporation or partnership that operates as a (check one of the following):

_____ Limited Partnership

_____ Limited Liability Corporation

_____ Limited Liability Partnership

_____ Subchapter S Corporation

SIGNATURE: _____ DATE: _____

BOROUGH OF UNION BEACH

INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT FORM

Certificate(s) of Insurance shall be filed with the Borough's Clerk's Office upon award of contract by the Borough Council.

The minimum amount of insurance to be carried by the Professional Service Entity shall be as follows:

PROFESSIONAL LIABILITY INSURANCE

Limits shall be a minimum of \$1,000,000.00 for each claim and \$1,000,000.00 aggregate each policy period.

Acknowledgement of Insurance Requirement:

(Signature)

(Date)

(Printed Name and Title)

BOROUGH OF UNION BEACH

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

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

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

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

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

OR

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

OR

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

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

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

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

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

COMPANY: _____

SIGNATURE: _____ PRINT NAME: _____

TITLE: _____ DATE: _____

BOROUGH OF UNION BEACH

PROFESSIONAL SERVICE ENTITY INFORMATION FORM

If the Professional Service Entity is an **INDIVIDUAL**, sign name and give the following information:

Name: _____

Address: _____

Social Security No.: _____ Email: _____

Telephone No.: _____ Fax No.: _____

If individual has a TRADE NAME, give such trade name:

Trading As: _____ Telephone No.: _____

If the Professional Service Entity is a **PARTNERSHIP**, give the following information:

Name of Partners: _____

Firm Name: _____

Address: _____

Federal I.D. No.: _____ Email: _____

Telephone No.: _____ Fax No.: _____

Signature of authorized agent: _____

BOROUGH OF UNION BEACH

If the Professional Service Entity is **INCORPORATED**, give the following information:

State under whose laws incorporated: _____

Location of principal office: _____

Name of Corporation: _____

Federal I.D.No.: _____ Email: _____

Telephone No.: _____ Fax No.: _____

Name of agent in charge of said office upon whom notice may be legally served:

Telephone No.: _____

Name of Corporation: _____

Signature: _____

By:

Title: _____ Address: _____

BOROUGH OF UNION BEACH

SUBMISSION FORM

Names and roles of the individuals who will perform the services and description of their education and experience with projects similar to the services contained herein including their education, degrees and certifications:

1. References and record of success of same or similar service:

2. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff):

3. Cost details, including the hourly rates of each of the individuals who will perform services, and all expenses:

NOT TO EXCEED AMOUNT TOTAL FOR THE YEAR 2019 \$ _____

Note: Attach additional sheets as necessary.

Firm _____ Date: _____

Authorized Representative (Print): _____

Signature: _____ Title: _____

Telephone #: _____ Fax #: _____

BOROUGH OF UNION BEACH

ACKNOWLEDGEMENT OF ADDENDA – CORRECTIONS, ADDITIONS AND DELETIONS FORM

I, _____

of the firm _____

hereby acknowledge that any corrections, additions and/or deletions have been initialed and dated in this Submission Package.

(Signature)

(Type or Print name of affiant and Title, under signature)

(Date)

*TO BE SUBMITTED IF AN ADDENDA IS ISSUED.

End of Submission Package