



## Borough of Lavallette Planning Board

### Request for Proposal 2019 Calendar Year

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#### **Subject: Planning Board Attorney**

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#### **Introduction**

The Borough of Lavallette is a town of approximately 2,300 residents on the barrier island between Point Pleasant Beach, NJ in the north and Seaside Heights, NJ in the south that expands to around 30,000 in the summer time. Because of its size Lavallette has a nine-member, combined Planning /Zoning Board. The Planning Board has a long history of reviewing planning applications and other land use matters on behalf of the residents of Lavallette. The Board reviews applications for discretionary projects and conducts public hearings on land use related matters. The Board also serves as an advisory body to the Borough Council on certain land use issues. Today, it acts primarily as a Zoning Board of Adjustment. The Board is currently seeking proposals from qualified individuals or firms licensed to do business in the State of New Jersey for a Planning Board attorney to review applications for conformity to the application procedure and determine inconsistencies (Bulk & Use variances) with the land use regulations of the Borough of Lavallette.

#### **NOTICE TO BIDDERS**

Bidders are cautioned to read these specifications carefully and to execute all required documents and sign their proposals. All prices must be written in ink or typewritten and signatures must be in ink. Failure to comply with the provisions of this notice will result in rejection of the qualifications and proposal.

Qualifications and proposal shall be enclosed in a sealed envelope addressed to the Borough of Lavallette Planning Board with the front of the envelope plainly marked with the name and address of the bidder and name of item being bid on. Eleven (11) copies of bid forms properly signed and executed and eleven (11) copies of all other documents are required. The required forms are enclosed for your convenience and **MUST BE USED** when submitting a proposal.

No proposals shall be accepted after the hour specified. Additional bid forms and instructions may be procured from the Planning Board Office of the Borough of Lavallette. Any prospective bidder who wishes to challenge the bid specification shall file such challenge in writing with the Municipal

Clerk no later than three (3) business days prior to the opening of the bids. Challenges filed after that time shall be considered void and having no impact on the Borough of Lavallette Planning Board or the award of the contract.

## **Scope of Work**

The Planning Board receives about two dozen applications each year acting primarily as a Zoning Board of Adjustment and holds one regular public meeting each month to consider applications. The selected attorney is expected to attend each regular public meeting and special or executive meetings as requested to provide legal advice regarding applications, preparation of resolutions for matters heard, reports or opinions as requested, reviewing of matters involving previously approved applications and other specialized duties and responsibilities of the Planning Board such as the handling of litigation involving the Planning Board and in connection with special projects. Copies of all resolutions shall also be sent to the applicant and their representatives. Other special planning projects may also be required. This contract will cover the period January 1, 2019 to December 31, 2019.

## **Qualifications**

Respondent submittals must include a statement of qualifications documenting the relevant qualifications, experience and competence of the firm as well as information summarizing the relevant experience and qualifications of the personnel involved in relation to the contractual services anticipated. Individuals directly involved in providing the contractual services must have comparable legal experience in the state of New Jersey for a minimum of five (5) years.

- a. Qualification, Experience and Competency of Firm: Information must be included summarizing and documenting the qualifications, experience and competence of the firm. Respondents are encouraged to include a representative list with names and addresses of clients/references with which the responding firm has contracted with for similar work. A firm's reputation will be a major factor in the selection. The successful firm will be required to submit an Affirmative Action statement per N.J.A.C. 17:27. The successful firm shall maintain a minimum of \$1,000,000 Professional Liability Insurance. Each bidder shall submit a copy of its business Registration Certificate with its bid.
- b. Personnel Qualifications and Availability: Respondents must identify and summarize the relevant experience of personnel that would actually provide the anticipated contractual services. The Planning Board will consider the qualifications of these individuals. The use of locally based personnel and any relevant knowledge will also be considered.
- c. Project Proposal: Respondents must provide a proposal outlining the process by which the Scope of Work will be handled including any time frames in which the work will be completed. The proposal must include the following elements:
  1. A detailed work plan showing time lines
  2. An organizational chart showing key personnel assigned to this work
  3. An estimate of personnel hours required to review a typical application
  4. A proposed time line for completing each review, and
  5. The cost of proposed "Extras" including telephone calls, printing, mailing, faxes, etc.
- d. Proposed Cost: Respondents must propose a total cost to perform the proposed work, either on an hourly basis or other means, broken down to each element listed above.
- e. Mandatory Equal Employment Opportunity Language: N.J.S.A. 10-5-31 et.seq. (P.L. 1975, C.127) N.J.A.C. 17:276

## Selection Process

The Planning Board’s objective is to select the highest qualified firm for the services to be rendered, at compensation determined as fair and reasonable to the Borough of Lavallette’s Planning Board. To accomplish this objective, respondents will be evaluated according to the following criteria:

	<u>Maximum Points</u>
1. Qualifications, Experience and Competence of Firm	55
2. Personnel Qualifications and Availability	25
3. <u>Estimate of Cost, including “Extras”</u>	<u>20</u>
Maximum Total Points	100

The Planning Board reserves the right to reject any, and all applicants if the requirements as set forth herein are not met or if the Planning Board deems a respondent less qualified on the basis of the Board’s overall analysis of the criteria outlined above. The Planning Board further reserves the right in its sole discretion to select the respondent it considers most favorable to the Planning Board’s interest.

**Submission Deadline: November 28, 2018 by 11 a.m.**

### **Submission of Proposal:**

Proposals can be mailed to Joyce Deutsch, Secretary, Borough of Lavallette Planning Board, 1306 Grand Central Ave., Lavallette, NJ 08735 or hand delivered to the Planning Board Office (2<sup>nd</sup> floor).



In accordance with the Instructions to Bidders and request for qualifications and proposal, the undersigned hereby certify that they have read and understand the same and propose to furnish the services as specified. The undersigned hereby certifies that this proposal is genuine and is made without collusion with any person, firm or corporation making a proposal for the same service.

Company \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

**AFFIRMATIVE ACTION AGREEMENT**

The Contractor here agrees that during the performance of an agreement with the Planning Board of the Borough of Lavallette, it will in all respects comply with Chapter 127 of the Public Law of 1975 and further states agreement as follows:

A. The Contractor will not discriminate against any employee or applicant for employment because of his age, race, creed, color, national origin, ancestry, marital status or sex. 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 or sex. Such action shall include, but not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

B. The Contractor 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 or sex.

C. The Contractor will send to each labor union or representative of workers with which he has a Collective Bargaining Agreement or other agreement 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.

Company \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

**AFFIDAVIT FOR AFFIRMATIVE ACTION**

STATE OF \_\_\_\_\_ )

: SS.:

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_ being duly sworn, deposes and says that he/she resides at:

\_\_\_\_\_ and that he/she is the \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Partnership/Corporation)

who signed the above Proposal or Bid, that during the course of this contract, he will agree to the Plan for Affirmative Action as outlined in the NOTICE TO BIDDERS, and more particularly detailed in the contract documents.

\_\_\_\_\_  
(Signature of Affiant)

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public)

## AMERICANS WITH DISABILITIES ACT

### Equal Opportunity for Individuals with Disabilities

The CONTRACTOR and the Planning Board of the BOROUGH OF LAVALLETTE do hereby agree that the provisions of title II of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. 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 thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the Planning Board of the BOROUGH OF LAVALLETTE 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 Planning Board of the BOROUGH OF LAVALLETTE in any action or administrative proceeding commenced pursuant to this Act. The CONTRACTOR shall indemnify, protect and save harmless the Planning Board of the BOROUGH OF LAVALLETTE, 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 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.

The Planning Board of the BOROUGH OF LAVALLETTE 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 Planning Board of the BOROUGH OF LAVALLETTE or any of its agents, servants and employees, the COUNTY shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the Planning Board of the BOROUGH OF LAVALLETTE or its representatives.

It is expressly agreed and understood that any approval by the Planning Board of the BOROUGH OF LAVALLETTE 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 Planning Board of the BOROUGH OF LAVALLETTE pursuant to this paragraph

It is further agreed and understood that the Planning Board of the BOROUGH OF LAVALLETTE 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 provision 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 Planning Board of the BOROUGH OF LAVALLETTE from taking any other actions available to it under any other provisions of this Agreement or otherwise at law. The Planning Board of the BOROUGH OF LAVALLETTE does not discriminate on the basis of handicapped status in the admission or access to, or treatment, or employment in its programs or activities.



The Planning Board of the BOROUGH OF LAVALLETTE shall allow access to any books, documents, papers and records of the contractor, which are directly pertinent to that specific contract.

Compliance is required with all applicable standards, orders, or requirements issued under 306 of the Clean Air Act, Section 508 of the Clean Water Act, Executive Order 11738 and Environmental Protection Agency Regulations (40 CRF, Part 15) which prohibits the use under non-exempt federal contracts, grants or loans of facilities included on the EPA list of violating facilities.

I HEREBY CERTIFY COMPLIANCE WITH THE FOREGOING.

Partnership  
The undersigned is a Corporation under the law of the State  
Individual  
of \_\_\_\_\_, having principal offices  
at \_\_\_\_\_.

\_\_\_\_\_  
NAME OF COMPANY, CORPORATION OR INDIVIDUAL  
-Please Print-

SIGNED BY: \_\_\_\_\_

\_\_\_\_\_  
-Print Name and Official Title-

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

\_\_\_\_\_  
-Include Zip Code-

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

FEDERAL IDENTIFICATION NO. \_\_\_\_\_

**AFFADAVIT FOR COMPLIANCE WITH CHAPTER 20A OF THE  
CODE OF THE BOROUGH OF LAVALLETTE**

STATE OF \_\_\_\_\_ )

: SS.:

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being duly sworn, disposes and says that I am (the  
owner), (partner), (president), \_\_\_\_\_ of/at  
(Other)

\_\_\_\_\_, respondent to the request for proposal for the  
(Corporate / Firm Name)

position of Planning Board Attorney of the Borough of Lavallette, New Jersey who signed the  
above

Request for Qualifications and Proposal, dated \_\_\_\_\_ and the

\_\_\_\_\_ is in full compliance with **CHAPTER 20A OF**  
(Corporate / Firm Name)

**THE BOROUGH CODE OF THE BOROUGH OF LAVALLETTE** entitled “Public

Contracts”.

\_\_\_\_\_  
Signature of Affiant

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Notary Public)



PLANNING BOARD  
OF THE BOROUGH OF LAVALLETTE  
REQUEST FOR PROPOSAL CHECKLIST

Professional Service: \_\_\_\_\_

Submission Date: \_\_\_\_\_

The following items, as indicated by initialing, shall be provided with the receipt of sealed submissions:

- Non-Collusion Affidavit
- Statement of Qualifications
- Representative List
- Affirmative Action Affidavit
- Proof of Professional Liability Insurance
- NJ Business Registration Certificate
- Scope of Work Proposal
- Proposed Compensation Costs/Fees
- Mandatory Equal Employment Opportunity Notice
- Affidavit of Compliance with Chapter 20A
- Request for Proposal Checklist

**CHAPTER 20A OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED  
“PUBLIC CONTRACTS”**

The Borough of Lavallette has adopted rules and regulations pertaining to contributions made by certain professional business entities to various elected officials, candidates, campaign committees and political action committees. These regulations are commonly referred to as “Pay-to-Play”. Below is a copy of the provisions contained in Chapter 20A.

**Chapter 20A**

**CONTRACTS, PUBLIC**

**[HISTORY: Adopted by the Mayor and Council of the Borough of Lavallette 3-20-2006 by Ord. No. 2006-01 (989). Amendments noted where applicable.]**

**§ 20A-1. Prohibition on awarding public contracts to certain contributors.**

- A. Any other provisions of law to the contrary notwithstanding, the Borough of Lavallette shall not enter into an agreement or otherwise procure professional, banking, insurance coverage and/or any other consulting services from any professional business entity if that entity has made any contribution of money, including in-kind contributions, to any Lavallette Borough municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Lavallette Borough party committee, or to any Ocean County party committee or to any candidate seeking the office of Ocean County Freeholder, Surrogate or Sheriff, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties in excess of the thresholds specified in Subsection D within one calendar year immediately preceding the date of the contract; or
- B. No professional business entity which enters into negotiations for or agrees to any contract or agreement with the Borough of Lavallette for the rendering of professional, banking, insurance coverage or any other consulting services shall make any contribution of money, including in-kind contributions, to any Lavallette Borough municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Lavallette Borough or Ocean County party committee, or to any candidate seeking the office of Ocean County Freeholder, Surrogate or Sheriff, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties. No contribution shall be made in excess of Subsection D below.
- C. For purposes of this chapter, a “professional business entity” seeking a public contract means an individual, including the individual’s spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own any of the equity in the corporation or business or partnership, trust, partners and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

- D. Anyone meeting the definition of “professional business entity” under this section may annually contribute a maximum of \$300 each for any purpose to each and every candidate for Mayor or Council, or \$300 to the Lavallette Borough party committee, or \$500 to an Ocean County party committee, or \$500 to a single or joint campaign account for Ocean County Freeholder, or \$500 to a candidate for Surrogate, or \$500 to a candidate for Sheriff, or \$500 to a PAC referenced in this chapter, without violating Subsection A or B of this section.
- E. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
  - (1) The Lavallette Borough Council and the Mayor of the Lavallette Borough, if the contract requires approval or appropriation from the Council;
  - (2) The Mayor of the Borough of Lavallette, if the contract requires approval of the Mayor or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- F. (Reserved)
- C. All provisions of § 20A-1 are subject to the provisions of § 20A-2 of this chapter below.

**§ 20A-2. Contributions made prior to the effective date. [Amended 10-16-2006 by Ord. No. 2006-23 (1011)]**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or any candidate for Ocean County Freeholder, Ocean County Sheriff or Ocean County Surrogate, or municipal or County party committee or PAC referenced in this chapter, shall be deemed a violation of this section, nor shall an agreement for property, goods or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this chapter.

**§ 20A-3. Contribution statement by professional business entity. [Amended 10-16-2006 by Ord. No. 2006-23 (1011)]**

- A. Prior to awarding any contract or agreement to procure services, including but not limited to banking or insurance coverage services, with any professional business entity, the Borough shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder has not made a contribution in violation of § 20A-1 of this chapter.
- B. The professional business entity shall have a continuing duty to report any violations of this chapter that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to execution of the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any other provision of law.

**§ 20A-4. Return of excess contributions.**

A professional business entity or Borough candidate or officeholder or municipal or county party committee or PAC referenced in this chapter may cure a violation of § 20A-1 of this chapter if, within 30 days, excluding Sundays, after contribution and award of a contract, the professional business entity notifies the Borough Council in writing and seeks and receives reimbursement of a contribution from the Borough candidate or municipal political party or PAC referenced in this chapter.

**§ 20A-5. Penalty.**

A. It shall be a breach of the terms of the Borough of Lavallette professional service agreement for a business entity to:

- (1) Make a contribution in violation of this chapter;
- (2) Knowingly conceal or misrepresent a contribution given or received;
- (3) Make contributions through intermediaries for the purpose of concealing or misrepresenting the sources of the contribution;
- (4) Make any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of the Borough of Lavallette;
- (5) Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make any contribution which, if made by the business entity itself, would subject that entity to the restrictions of this chapter;
- (6) Fund contributions to be made by third parties, including consultants, attorneys, family members and employees;
- (7) Engage in any exchange of contributions to circumvent the intent of this chapter; and/or;
- (8) Directly or indirectly, through or by any person or means, do any act which would subject that entity to the restrictions of this chapter.

B. Furthermore, any professional business entity who violates Subsection A (2) through (8) shall be disqualified for eligibility for future Lavallette Borough contacts for a period of two calendar years from the date of the violation.