

**BOROUGH OF PEAPACK & GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

**REQUEST FOR PROPOSALS
FOR
PROFESSIONAL SERVICES
LABOR COUNSEL**

**PROPOSALS TO BE RECEIVED BEFORE 3:00PM ON
THURSDAY, NOVEMBER 1, 2018**

**BOROUGH OF PEAPACK & GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

NOTICE OF REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES

NOTICE IS hereby given that, in accordance with NJSA 19:44-20.5 et seq. through a fair and open process that the Borough of Peapack & Gladstone is requesting sealed proposals for the following:

LABOR COUNSEL

DATE OF RECEIPT OF PROPOSALS: Before Thursday, November 1, 2018 at 3:00PM

Proposal packages may be obtained as PDF files from the Borough's website at www.peapackgladstone.org (click on Employment Opportunities in the right-hand column and then Request for Proposal). If you prefer to have a proposal package mailed to you, please call the Borough Clerk at 908-234-2250 x100 or email nbretzger@peapackgladstone.org.

Proposals/Submissions will be received at the Borough Clerk's Office on the date and time noted above. Firms do not need to be present and may mail or deliver proposal package to the attention of Christopher Tietjen, Borough Administrator at 1 School Street, PO Box 218, Peapack, NJ 07977 prior to the date and time above.

Nancy A. Bretzger
Borough Clerk

**BOROUGH OF PEAPACK & GLADSTONE
SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS
UNDER THE FAIR AND OPEN PROCESS**

STANDARIZED SUBMISSION RULES AND INSTRUCTIONS

1. The Borough of Peapack & Gladstone is soliciting proposals for the provision of professional services to the Borough for the contract period January 1, 2019 through December 31, 2019. Proposals will be accepted for the specific professional services set forth in the Public Notice, a copy of which is attached hereto.
2. The applicant understands and agrees that its proposal is submitted on the basis of the requirements prepared by the Borough. The applicant accepts the obligation to become familiar with these requirements.
3. Applicants are expected to examine the requirements with care. Ambiguities, errors or omissions noted by applicants should be promptly reported in writing to the Borough Clerk. In the event the applicant fails to notify the Borough of such ambiguities, errors or omissions, the applicant shall be bound by its proposal.
4. No oral interpretation of the meaning of the specification will be made to any applicant. Every request for an interpretation shall be in writing, addressed to the Borough Clerk. In order to be given consideration, written requests for interpretation must be received at least five (5) days prior to the date fixed for receipt of the proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications and will be distributed to all prospective applicants in accordance with NJSA 40A:11-23. All addenda so issued shall become part of the contract documents and shall be acknowledged by the applicant in the proposal. The Borough's interpretations or corrections thereof shall be final.
5. The proposal shall be addressed to Christopher Tietjen, Borough Administrator at the Borough of Peapack & Gladstone, 1 School Street, PO Box 218, Peapack, NJ 07977 and shall be received in the Clerk's Office no later than November 1, 2018 at 3:00PM. One original and one copy of the proposal shall be submitted.
6. The proposal form shall be submitted in a sealed envelope bearing the name and address of the applicant written on the face of the envelope.
7. It is the applicant's responsibility to see that proposals are presented to the Borough on the hour and at the place designated. Proposals may be hand delivered or mailed; however, the Borough disclaims any responsibility for proposals forwarded by regular or overnight mail. If the proposal is sent by the overnight mail, the designation in paragraph 6 above must also appear on the outside of the delivery company envelope.

PROPOSALS RECEIVED AFTER THE DESIGNATED TIME AND DATE WILL BE RETURNED UNOPENED.

8. All proposals shall include, at a minimum, the name, address and all contact information of the person or firm making the proposal; a statement of qualifications, including all applicable professional licenses held; a statement of experience in rendering such professional services to public entities; references; and a proposal for compensation or a schedule of fees to be charged for such professional services.
9. All proposals will be evaluated by the Mayor and Borough Council of the Borough of Peapack & Gladstone.
10. Proposals will be evaluated by the Mayor, Council and Administration of the Borough of Peapack & Gladstone on the basis of the proposals deemed to be most advantageous, price and other factors considered. The evaluation may consider:
 - a. Experience and reputation in the field of professional services;
 - b. Knowledge and experience with the Borough of Peapack & Gladstone form of government which is Borough form of government (NJSA 40:69A-1 et seq.);
 - c. Knowledge of the Borough of Peapack & Gladstone and the subject matter to be addressed under the contract;
 - d. Availability to accommodate any required meetings;
 - e. Ability of the firm to perform the services on a timely basis, including staffing and familiarity with the subject matter;
 - f. Compensation proposal;
 - g. References; and
 - h. Other factors, if determined to be in the best interest of the Borough of Peapack & Gladstone and its agencies.
11. Any applicant successfully awarded a contract must agree to indemnify and hold the Borough harmless from any liability to subcontractors and suppliers concerning payment for work performed or goods supplied and must also add the Borough of Peapack & Gladstone as a named insured to any applicable insurance policies.
12. The successful respondent will be notified of the award contract upon a favorable decision by the governing body.

13. Certificate of Professional Liability Insurance in a minimum of \$1,000,000 to be submitted with the proposal submission.

GENERAL DESCRIPTION OF PROFESSIONAL SERVICES NEEDED

The following is a brief description of some of the requirements necessary and may include other functions as may be directed by the Borough of Peapack & Gladstone and their respective departments:

LABOR COUNSEL

The Borough's general labor counsel may be an individually licensed attorney or law firm that is responsible for individual labor and employment matters, such as, employee claims against the Borough, defense of employees and/or officers of the Borough in labor-related matters, disciplinary proceedings against employees, and PERC and other employee or labor-related administrative proceedings, including assisting in the negotiation, ratification, enforcement and/or defense of collective bargaining agreements.

STATUTORY AND OTHER REQUIREMENTS

A. Mandatory Affirmative Action Certification

No firm may be issued a contract unless it complies with the affirmative action regulations of N.J.S.A. 10:5-32 et seq. (Pl. 1975, c. 127)

1. Procurement, Professional and Service Contracts All successful vendors must submit, within seven days after the receipt of the notice of intent to award the contract or the receipt of the contract, one of the following:
 - a. A photocopy of a valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of the letter), or
 - b. A photocopy of an approved Certificate of Employee Information Report, or
 - c. If the vendor has none of the above, the public agency is required to provide the vendor with an initial Affirmative Action Employee Information Report (AA-302).

B. Stockholder Disclosure

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the proposal or accompanying the proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock of any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. Form of statement is enclosed and shall be completed and returned with proposal.

C. Non-Collusion Affidavit

The Non-Collusion Affidavit, which is enclosed with this RFP, shall be properly executed and submitted with the proposal.

D. New Jersey Business Registration Requirements Non-Construction Contracts

NJSA 52:32-44 requires that each vendor submit proof of business registration with the RFP package. Proof of registration shall be a copy of the Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue on-line at www.nj.gov/njbgs or by phone at 609-292-1730.

The Borough reserves the right to reject any or all proposals if the evidence submitted by, or investigation of such respondent fails to satisfy the owner that such respondent is properly

qualified to carry out the obligation of the RFP and to complete the work contemplated therein. The owner reserves the right to waive any minor informality in the RFP.

NOTICE OF AWARD

The successful respondent will be notified of the award of contract upon a favorable decision by the Governing Body.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

COUNTY OF _____)

I, _____ of the Municipality of _____
(Print Name) (Print)

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

I am _____ of the firm of _____
Print Title Print Name of Firm

the bidder making this Proposal enclosed and that I executed the said proposal with full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of Peapack & Gladstone relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

Name of Firm NJSA 52:34-15

Print Address

Witness

Authorized Signature

Subscribed and sworn to before me
this ___ day of _____, 20__
State of _____
County of _____

Print Name and Title

Signature of Notary Public

(SEAL)

My commission expires on _____

**BOROUGH OF PEAPACK & GLADSTONE
STOCKHOLDER DISCLOSURE CERTIFICATION
This Statement Shall be Included with Bid Submission**

Name of Business _____

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

OR

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

Check the box that represents the type of business organization:

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

Sign and notarize the form below, and if necessary, complete the stockholder list below.

STOCKHOLDERS:

Name _____	Name _____
Home Address _____	Home Address _____
_____	_____

Name _____	Name _____
Home Address _____	Home Address _____
_____	_____

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

Name of Business

Notary Public

My commission expires on _____ (SEAL)

**BOROUGH OF PEAPACK & GLADSTONE
INSURANCE REQUIREMENT AND ACKNOWLEDGEMENT FORM**

Certificate(s) of Insurance shall be filed with the Borough 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

AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The contractor and the Borough of Peapack & Gladstone, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans Will 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 commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any all suits, claims, losses, demands, or damages, of whatever kind of 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 provisions of the Agreement or otherwise at law.

**BOROUGH OF PEAPACK & GLADSTONE
PROFESSIONAL SERVICE ENTITY INFORMATION FORM**

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

Name: _____

Address: _____

Telephone No: _____ Social Security No: _____

E-Mail: _____ 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: _____

Telephone No: _____ Federal ID No.: _____

E-Mail: _____ Fax No.: _____

Social Security No: _____

Signature of authorized agent: _____

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

State under whose laws incorporated: _____

Location of principal office: _____

Telephone No: _____ Federal ID No.: _____

E-Mail: _____ 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 PEAPACK & GLADSTONE

SUBMISSION REQUIREMENTS

1. Name, address, phone and fax number of firm. If multiple sites, list all, and indicate corporate office.
2. Biography or history of the firm, staffing (i.e. number of engineers, other professionals of various types and clerical staff)
3. List of principals and/or partners
4. List of people that would be assigned to Borough of Peapack & Gladstone matters, including a summary of their education, qualifications, expertise and years of experience.
5. List of references from at least (2) municipalities for which the firm has provided similar services, including name, address, phone number and contact information.
6. Provide prior experience, if any, the firm may have been providing such services to the Borough of Peapack & Gladstone, and specify in what capacity.
7. List of municipalities currently under contract with the firm.
8. Provide a fee schedule by title for all firm members and employees.
9. Availability to accommodate required meetings of appropriate Council, Board or agency.

BOROUGH OF PEAPACK & GLADSTONE

CHECKLIST

SUBMISSION DATE: Thursday, November 1, 2018 at 3:00PM

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

- 1. Non-Collusion Affidavit _____
- 2. Disclosure of Ownership Form _____
- 3. Insurance Requirement Acknowledgement Form _____
- 4. Mandatory Equal Employment Opportunity Notice Acknowledgment _____
- 5. Copy of your Business Registration Certificate as issued by the State of New Jersey, Department of Treasury, Division of venue _____
- 6. Professional Service Entity Information Form _____
- 7. Qualifications Requirements _____
- 8. Acknowledgment of Addenda (if addenda issued) _____

Reminder:

Please submit proposal to Christopher Tietjen, Borough Administrator, 1 School Street, PO Box 218, Peapack, NJ 07977 or at the Clerk’s Office, 1 School Street, Peapack, NJ 07977

BOROUGH OF PEAPACK & GLADSTONE

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 and N.J.A.C. 17:27 et seq.

The successful professional service entity shall submit to the Borough of Peapack & Gladstone, 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 vender 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 distributed to the Borough of Peapack & Gladstone 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 Peapack & Gladstone during normal business hours.

The successful professional service entity(s) 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 Peapack & Gladstone, 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 response 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 PEAPACK & GLADSTONE

ACKNOWLEDGMENT 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

