<u>NOTE:</u> The Zoning Board of the City of Orange Township will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

REQUEST FOR QUALIFICATIONS FOR THE PROVISION OF LEGAL SERVICES – ZONING BOARD ATTORNEY

ISSUE DATE: November 18, 2021

DUE DATE: November 30, 2021

Issued by the

Zoning Board of Adjustment of the City of Orange Township

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GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

"Zoning Board" - refers to the Zoning Board of the City of Orange Township.

<u>"Qualification Statement"</u> - refers to the complete responses to this RFQ submitted by the Respondents.

<u>"Qualified Respondent"</u> - refers to those Respondents who (in the sole judgment of the City Zoning Board) have satisfied the qualification criteria set forth in this RFQ.

<u>"RFQ"</u> - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

<u>"Respondent"</u> or <u>"Respondents"</u> - refers to the interested firm(s) that submit a Qualification Statement.

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SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Zoning Board of the City of Orange Township is soliciting Qualification Statements from interested persons and/or firms for the provision of legal services – Zoning Board Attorney, as more particularly described herein. Through the Request for Qualification process described herein, persons and/or firms interested in assisting the Zoning Board with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ.

The Zoning Board will review Qualification Statements only from those interested persons and/or firms that submit a Qualification Statement that includes all the information required to be included as described herein (in the sole judgment of the Zoning Board). The Zoning Board intends to qualify person(s) and/or firm(s) that (a) possess the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Zoning Board to provide the greatest benefit to the taxpayers of Orange Township.

1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the "New Jersey Local Unit Pay-to-Play" Law, N.J.S.A. 19:44-20.4 et seq., however. The Zoning Board has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the Zoning Board. The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Under no circumstances will a member of the review team review responses to an RFQ for a job for which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Zoning Board will (in its sole judgment) determine which Respondents are qualified (from professional, administrative and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Zoning Board) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Zoning Board.

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The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Zoning Board reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Zoning Board's Designated Contact Person, in writing or jlanier@orangenj.gov..

Designated Contact Person:

Joyce Lanier
Zoning Board Secretary
City of Orange Township
29 North Day Street
Orange, New Jersey 07050
(973) 952-6344 (office)
(973) 789-7668 (cell)

Qualification Statements must be submitted to, and be received by, the Zoning Board, via mail or hand delivery, by 12:00 Noon on November 30, 2021.

ANTICIPATED PROCUREMENT SCHEDULE

1. Issuance of Request for Qualifications November 18, 2021

2. Receipt of Qualification Statements/Opening of Bids November 30, 2021

3. Appointment of Zoning Board Attorney January 07, 2022

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1.3. Conditions Applicable to RFQ.

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute a Request for Proposals ("RFP"), nor does it commit the Zoning Board to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Zoning Board reserves the right in its sole judgment to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- The Zoning Board reserves the right in its sole judgment to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to this RFQ.
- The Zoning Board reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the Zoning Board and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Zoning Board (in the exercise of its sole discretion) in accordance with law.
- The Zoning Board may request Respondents to send representatives to the Zoning Board for interviews.
- Any and all Qualification Statements not received by the Zoning Board by 12:00 Noon on November 23, 2019 will be rejected.
- Neither the Zoning Board, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

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1.4. Rights of The City Zoning Board.

The Zoning Board reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- To conduct investigations of any or all of the Respondents, as the Zoning Board deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion). If terminated, the Zoning Board may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- The Zoning Board shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

1.5. Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Zoning Board may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Zoning Board and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the proposed submission date.

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1.6. Cost of Proposal Preparation.

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the Zoning Board of the City of Orange Township, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7. Proposal Format.

Responses should cover all information requested in the Questions to be answered in this RFQ.

Responses which in the judgment of the Zoning Board fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

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SECTION 2

SCOPE OF SERVICES

2.1

Pursuant to the Fair and Open Process described under N.J.S.A. 19:44A-1, et seq., the Town seeks Request for Proposals ("RFP") from law firms licensed to practice law in the State of New Jersey that wish to provide general counsel and litigation services to the Town and its Zoning Board of Adjustment ("Board") as directed the Board for a contract period beginning on January 1, 2022 and ending December 31, 2022. The successful firm must have significant experience in representing New Jersey municipal Zoning Boards of Adjustment in land use matters. If warded a contract, your company/firm shall be required to comply with the requirements of N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27. The successful firm will provide the Town and/or the Board with legal guidance relating to, but not necessarily limited to:

- 1. Legal research and/or advisory opinions as needed;
- 2. Represent the City and/or the Board in land use matters in federal and state courts and administrative forums:
- 3. Review, analyze and advise the Board on any applications before it;
- 4. Research, review and/or draft land use resolutions and ordinances;
- 5. Attend all meetings of the all Board including conferences calls, regular, and any special board of adjustment meetings;
- 6. Attend meetings of the City Commissioners and/or Board Committees upon request:
- 7. Conduct programs on specified land use issues for appropriate elected officials, city employees, Board members or other persons upon request;
- 8. Notify the City and the Board of changes in land use law or regulations, as wellas Court decisions, that impact the City and the Board; and
- 9. Any other matters as directed by the City or the Board.
- 10. Representing the township Zoning Board of Adjustment in litigation in the state of new jersey and in any and all other proceedings wherein the attorney's professional services may be required and wherein the zoning board of adjustment is a party or its rights or interests are involved. This shall include but not be limited to all court appearances, all work associated with any litigation, including initiating suit or defending any suit, as duly authorized by the zoning board of adjustment.
- 11. Keeping the zoning board of adjustment and administration advised of the character and progress of legal proceedings, claims and other matters handled by the attorney, and keeping a record of all such proceedings in connection with same, for and on behalf of the zoning board.

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Each candidate shall submit proof of business registration with the New Jersey Division of Taxation (P.L. 2004, C.57), Business Entity Disclosure Certification and must comply with the Affirmative Action requirement contained at N.J.A.C. 17:27 *et seq*.

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SECTION 3

SUBMISSION REQUIREMENTS

3.1 **General Requirements.**

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

3.2 Administrative Information Requirements.

The Respondent shall, as part of its Qualification statement, provide the following information:

- a. A summary page containing information requested in this Qualification Statement.
- b. An executed Letter of Qualification (See Appendix A to this RFQ).
- c. Name, address and telephone number of the firm or firms submitting the Qualification statement pursuant to this RFQ, and the name of the key contact person.
- d. A description of the business organization (i.e., corporation, partnership, join venture, etc.) of each firm, its ownership and its organizational structure.
 - 1. Provide the names and <u>business</u> addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "Principals" means a person possessing an ownership, interest in the firm. If the Respondent is a corporation, "Principals" shall include each investor with a share of operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.
 - 2. If a firm is a partially or a fully-owned subsidiary of another firm, identify the parent company(s) and describe the nature and extent of the parent's approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - If the Respondent is a partnership, joint venture or similar organization, provide comparable information as required in (b) above, (Executed Letter of Qualification), for each member of the partnership, joint venture or similar organization.

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- e. An executed Letter of Intent (See Appendix B).
- f. The number of years your organization has been in business under the present name.
- g. The number of years the business organization has been under the current management.
- h. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
- i. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
- j. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
- k. Provide appropriate federal and state licenses to perform activities.

SECTION 4

COMPENSATION

4.1

Compensation for the Calendar Year 2022 has been fixed by the municipality at \$5000.

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SECTION 5

EVALUATION

5.1 <u>Evaluation Objective.</u>

The Zoning Board's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost effective services to the City of Orange Township and its citizens. The Zoning Board will consider Qualification Statements only from firms or organizations that, in the Zoning Board's judgment, have demonstrated the capability and willingness to provide high quality services to the City Zoning Board in the manner described in this RFQ.

To be responsive, Qualification Statements must provide all requested information and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, signed and acknowledged by the Respondent.

5.2 <u>Evaluation Criteria.</u>

Proposals will be evaluated by the Zoning Board on the basis of the most advantageous, all relevant factors considered. The evaluation will consider:

- 1. Experience and reputation in the field;
- 2. Knowledge of the Zoning Board of the City of Orange Township and the subject matter addressed under the contract:
- 3. Availability to accommodate the required meetings of the Zoning Board;
- 4. Ability to perform the task in a timely fashion, including staffing and familiarity with the subject matter
- 5. Ability to work under compensation terms determined by the municipality.
- 6. Other factors demonstrated to be in the best interest of the Zoning Board.

APPENDIX A LETTER OF QUALIFICATION

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

Joyce L. Lanier **Zoning Board Secretary**

(Type Name of Firm)

(Signature of Chief Executive Officer)	(Signature of Chief Financial- Officer)	
(Respondent shall sign and complete the spaces peach company sign),	provided below. If a joint venture, appropriate officers	of
herein by reference) are accurate, factual and com	atement (which Qualification Statement is incorporated plete to the best of our knowledge and belief, and the three upon express understanding that any false statement indent.	at
Qualifications (RFQ) issued by the Zoning Board of	Statement submitted in response to the Request for the City of Orange Township, ("City Zoning Board" Coning Board's need for (insert service) for the contract of the co	"),
Dear Ms. Lanier:		
orange, ne er ee i		
City of Orange Township 29 North Day Street Orange, NJ 07031		

*If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Qualification.

(Type Name of Firm)

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APPENDIX B LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

Joyce L. Lanier Zoning Board Secretary City of Orange Township 29 North Day Street Orange Township, NJ 07031

Dear Ms. Lanier:

The undersigned	d as Respondent, has (have) submitted the attached Qualification Statement in
response to a Request for	or Qualifications (RFQ) issued by the Zoning Board of the City Orange Township
("Zoning Board"), dated	, in connection with the City of Orange Township Zoning Board's
need for (Insert Service)	•

(Name of Respondent) HEREBY STATES:

- 1. The Qualification Statement contains accurate, factual and complete information.
- 2. (Name of Respondent) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Zoning Board's procurement schedule.
- 3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the (RFQ), or any negotiation which results therefrom shall be borne exclusively by the Respondent.
- 4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein, and that no person other than those herein mentioned has any participation in the Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the City Zoning Board. (Name of Respondent) declares that the Qualification Statement is made without connection to any other person, firm or parties who has submitted a Qualification Statement except as expressly set forth below, and that it has been prepared and has been submitted in good faith and without collusion or fraud.
- (Name of Respondent) acknowledges and agrees that the Zoning Board of the City of Orange Township may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Zoning Board shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.
- 6. (Name of Respondent) acknowledges that any contract executed with respect to the provision of (insert service) must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

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LETTER OF INTENT cont.

7.	(Respondent shall sign and complete the spofficers of each company shall sign).	ace provided below. If a joint venture, appropriate
		(Signature of Chief Executive Officer)
		(Typed Name and Title)
		(Typed Name of Firm)
ted:		

Dated

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^{*} If a joint venture, partnership or other formal organization is submitting a Qualification Statement, each participant shall execute this Letter of Intent.

BUSINESS ENTITY DISCLOSURE CERTIFICATION

FOR NON-FAIR AND OPEN CONTRACTS Required Pursuant To N.J.S.A. 19:44A-20.8

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.

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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)

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BUSINESS ENTITY DISCLOSURE CERTIFICATION

FOR NON-FAIR AND OPEN CONTRACTS Required Pursuant To N.J.S.A. 19:44A-20.8

Part I - Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that

(Contractor)	and with this promote the NI I C A 40,444 A at any the first promote the first promo
	contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to tract in the one-year period preceding the date of reorganization to an
	int candidates committee; or political party committee representing the
	/ NSHIP as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).
Dwayne D. Warren	
Kerry J. Coley	
Tency A. Eason	
Harold J. Johnson, Jr	
Weldon M. Montague, III	
Clifford R. Ross Jamie Summers-Johnson	
Adrienne Wooten	
Adrienne Wooten	
Part II – Ownership Disclosure Certification	
	ames and home addresses of all owners holding 10% or more of the
issued and outstanding stock of the undersigned	
issued and outstanding stock of the undersigned.	u• □
Check the box that represents the type of bus	siness entity:
	□Sole Proprietorship □Subchapter S Corporation
□Limited Partnership □Limited Liability C	
Name of Stock or Shareholder	Home Address
Part 3 – Signature and Attestation:	
	esented in whole or part this affirmation and certification, I and/or the busines
entity, will be liable for any penalty permitted under l	
Name of Business Entity:	
G: 1	m: d
Signed:	Title:
Print Name	Date:
Time I vanies	Bute.
Subscribed and sworn before me the	day of
Subscribed and sworn before me the, 20 .	day of
	day of(Affiant)
	day of
	day of(Affiant)
	day of(Affiant)
	day of(Affiant)

NOTE: To receive addenda or modification to this Request for Qualifications, please provide Joyce L. Lanier, **jlanier@orangenj.gov** with Respondent's name, e-mail, address, phone number, and fax number upon receipt of this document.