

**REQUEST FOR PROPOSAL (RFP)
FOR
MUNICIPAL CONFLICT ATTORNEY – CY2021**

ISSUED BY:

BOROUGH OF PENNS GROVE

Date Issued: November 24, 2020

Responses Due by: 10:00 a.m. – December 18, 2020

SHARON R. WILLIAMS, MUNICIPAL CLERK

Borough of Penns Grove

1 State Street, Penns Grove, NJ 08069

Phone – (856) 299-0098, ext. 103

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swilliams@pennsgrove-nj.org

REQUEST FOR PROPOSALS
MUNICIPAL CONFLICT ATTORNEY

The **Borough of Penns Grove** (referred hereafter as MUNICIPALITY) is seeking professional service proposals from qualified firms to provide **LEGAL COUNSEL** to the Borough of Penns Grove, when conflicts occur.

I. Proposal Submission

Each Applicant shall submit in a sealed and labeled envelope one original **unbound** paper copy, clearly marked as the “**RFQ ORIGINAL**” plus ten (10) **bound** full, complete and exact paper copies. The proposal must be addressed to:

Borough of Penns Grove
Attn: Sharon R. Williams, Municipal Clerk
1 State Street
Penns Grove, NJ 08069

The proposal must be received by: December 18, 2020 – 10:00 a.m.

Faxed or E-Mailed proposals will NOT be accepted or considered.

All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). The MUNICIPALITY shall not be responsible for any costs associated with the oral or written presentation of the proposals. The MUNICIPALITY reserves the right to reject any and all responses, with or without cause, or waive any irregularities or informalities in the proposals. The MUNICIPALITY further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all applicants submitting responses. In the event that all proposals are rejected, the MUNICIPALITY reserves the right to re-solicit for proposals.

II. Questions

Any inquiry concerning this RFP should be directed in writing to:

Sharon R. Williams, Municipal Clerk
1 State Street
Penns Grove, NJ 08069
856-299-0098, ext. 103
856-299-3411
swilliams@pennsgrove-nj.org

Position and Term:

The Borough of Penns Grove requests proposals from attorneys licensed in the State of New Jersey interested in servicing in the position for Conflict Attorney from January 1, 2021 until December 31, 2021.

Fair and Open Process:

These proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5. Applicants who meet with the Minimum Requirements for the position as set forth below, and are willing to provide the described services for the disclosed compensation, shall be evaluated on the basis of experience and qualifications as set forth in the criteria described below.

Proposals must be made in the manner designated therein, and must be enclosed in a sealed envelope bearing the name and address of the bidder and the name of the project on the exterior, addressed to Sharon R. Williams, Municipal Clerk, Borough of Penns Grove, 1 State Street, Penns Grove, New Jersey 08069 to be received no later than 10:00 am on Friday, December 18, 2020, prevailing time. All proposals received shall be publicly opened and announced by the Clerk or her designee on Friday, December 18, 2020 at 10:00 am at 1 State Street, Penns Grove, New Jersey 08069.

Proposals will thereafter be received by the Borough Council of the Borough of Penns Grove, who shall award the contract for the services. The award of the Contract will be based on the following criteria: (i) responsiveness to the Qualification Evaluation and other required submissions; (ii) general experience and reputation in the field; (iii) specific experience/knowledge of the Borough of Penns Grove and the subject matter to be addressed under the Contract; (iv) qualifications and experience which most closely match the needs of the Borough; (v) availability to accommodate meeting and interface requirements with the Borough Council and Borough Officials for meetings, phone conferences, attendance at events and office consultations; (vi) office resources, including backup staff, which are deemed most adequate to service the needs of the Borough; and (vii) the applicant who is deemed otherwise most advantageous based on all information submitted or gathered in connection with the proposal.

The Borough reserves the right to: (i) not select any of the applicants; (ii) require applicants to submit to a personal interview and/or submit additional or clarifying information; (iii) to reject any or all proposals; (iv) to waive any informalities in the proposals; and (v) procure the articles or services from other sources if deemed most advantageous to the objectives of the Borough.

The Borough's determination of the applicant who is most advantageous to the goals and objectives of the Borough shall be final and conclusive.

The award of the contract shall be determined by majority vote on a resolution to be read by title at an open public meeting.

No applicant shall influence, or attempt to influence or cause to be influenced, any Borough Official, Officer or employee to use his/her official capacity in any manner which might tend to

impair the objectivity or independence of judgment. No applicant shall cause or influence, or attempt to cause or influence, any Borough Official, Officer or employee to secure unwarranted privileges or advantages.

Minimum Requirements:

Must be fully licensed and in good standing to practice law in the State of New Jersey.

Description of Services:

Serve as conflict legal counsel for the Borough of Penns Grove. Attend Borough Council meetings as requested. Interface with the Borough Clerk if needed for conflict representation. Must be available for consultation with various Borough Officials, including Municipal Court Administrator, Zoning Officer, Code Officials, Borough Engineer, Borough Treasurer, Tax Collector, Tax Assessor, etc. Serves as legal counsel as needed to various Borough Boards. Represents the Borough and/or Borough Officials in all litigation matters where the Borough Solicitor has a conflict and requests the services of the Conflict Counsel except where counsel is provided by insurance coverage and in such instances, serves as principal contact with appointed counsel. Represents Borough in some Tax Appeals before the County Board of Taxation and/or Tax Court. Interfaces with Borough Labor Counsel, Bond Counsel and Borough Auditor as requested.

Compensation:

Compensation shall be based on a professional services contract to be submitted with the applicant's proposal.

The applicant awarded the Contract will be entitled to bill for services rendered in connection with projects funded through various grant sources or third party escrows. It is anticipated that the annual value of this Contract will exceed \$17,500.00.

Qualifications Evaluation:

1. Minimum Requirements. Please attach resume and/or other documentation demonstrating compliance with the "Minimum Requirements" detailed above.
2. Please describe your experience with regard to the Open Public Meetings Act.
3. Please describe your experience with regard to Resolution and Ordinance preparation.
4. Please describe your experience with regard to the Local Lands and Building Law.
5. Please describe your experience with regard to Title 19, including specifically serving as counsel to the Municipal Clerk in the capacity they serve in the primary and general election function.

6. Please describe your experience with Local Public Contract Law.
7. Please describe your experience with Government Ethics Law.
8. Please describe your experience with Local Redevelopment and Housing Law.
9. Please describe your experience with Labor Law, negotiation of labor contracts, handling of disciplinary matters and handling labor matters before the PERC, at arbitration and before an Administrative Law Judge.
10. Please describe your knowledge and experience in representing the Municipal Tax Assessor. Include specifics of experience with tax appeal practice before the County Board of Taxation and/or the Tax Court. Include any experience you may have with regard to revaluations.
11. Please describe your knowledge and experience with regard to the In Rem Foreclosure process.
12. Please describe whether there is any disciplinary proceedings pending against you in any jurisdiction or whether discipline has been previously imposed against you in any jurisdiction. If discipline has previously been imposed, state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, specify the jurisdiction, the charges and the likely time of their disposition.
13. Disclose and describe whether you have ever been sued for malpractice.
14. Disclose and describe any arrests or convictions against you.
15. What is the location of your Office? In Penns Grove Borough; in Salem County or out of Salem County.
16. Describe the resources of your office. Include details of support staff. Include information on other qualified attorneys in your office who would be available to Borough Officials in the event you were absent or unavailable.
17. Please include Fee Schedule.