

## **NOTICE**

TO ALL INTERESTED PARTIES. PLEASE BE ADVISED THAT THE BOROUGH OF PENNS GROVE (HEREAFTER "BOROUGH"), A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY, WILL BE ACCEPTING QUALIFICATION STATEMENTS IN RESPONSE TO REQUESTS FOR QUALIFICATIONS FOR THE FOLLOWING LEGAL SERVICES:

**LITIGATION COUNSEL:** THE BOROUGH IS SEEKING QUALIFIED LEGAL COUNSEL TO RENDER LEGAL SERVICES UNDER CIRCUMSTANCES WHERE IT IS DETERMINED THAT EXPERIENCED LITIGATION QUALIFIED COUNSEL IS NECESSARY FOR DEFENSE OR AFFIRMATIVELY INITIATED LITIGATION REPRESENTING THE BOROUGH OF PENNS GROVE.

QUALIFICATION STATEMENTS MUST BE RECEIVED BY THE BOROUGH **NO LATER THAN 11:00 A.M. ON TUESDAY, MARCH 2, 2021**, AND MUST BE MAILED/RECEIVED OR HAND-DELIVERED TO THE BOROUGH OF PENNS GROVE, ATTENTION SHARON WILLIAMS, PENNS GROVE BOROUGH HALL, 1 STATE STREET, PENNS GROVE, NEW JERSEY 08069. **QUALIFICATION STATEMENTS FORWARDED BY FACSIMILE OR EMAIL TRANSMISSIONS WILL NOT BE ACCEPTED.** QUALIFICATIONS SENT EITHER BY MAIL OR COURIER SERVICE MUST BE RECEIVED BY THE OFFICE OF THE BOROUGH CLERK **NO LATER THAN 11:00 A.M. ON TUESDAY, MARCH 2, 2021**. THE BOROUGH SHALL NOT BE RESPONSIBLE FOR THE LOSS, NON-DELIVERY, OR PHYSICAL CONDITION OF QUALIFICATION STATEMENTS SENT BY MAIL OR COURIER SERVICE. QUALIFICATION STATEMENTS MUST BE SUBMITTED INDIVIDUALLY IN A SEALED ENVELOPE STATING SEAL BID/QUALIFICATION STATEMENT.

COPIES OF THE BOROUGH'S REQUEST FOR QUALIFICATIONS CAN BE OBTAINED BY CONTACTING SHARON WILLIAMS AT THE BOROUGH OF PENNS GROVE, PENNS GROVE BOROUGH HALL, 1 STATE STREET, PENNS GROVE, NEW JERSEY 08069. TELEPHONE NUMBER: (856) 299-0098. OR THE BOROUGH WEBSITE: **[WWW.PENNSGROVE-NJ.ORG](http://WWW.PENNSGROVE-NJ.ORG)**.

QUALIFICATION STATEMENTS ARE BEING SOLICITED THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH THE PAY-TO-PLAY LAW, N.J.S.A. 19:44A-20.4 ET SEQ., AND MUNICIPAL ORDINANCE OF THE BOROUGH OF PENNS GROVE.

QUALIFIED RESPONDENTS WILL BE APPROVED BY RESOLUTION OF THE BOROUGH OF PENNS GROVE BOROUGH COUNCIL.

# **BOROUGH OF PENNS GROVE**



## **REQUEST FOR QUALIFICATIONS FOR LITIGATION COUNSEL SERVICES FOR THE BOROUGH OF PENNS GROVE**

**BOROUGH OF PENNS GROVE**

### **SUBMISSION DEADLINE**

**11:00A.M.**

**TUESDAY, MARCH 2, 2021**

**ADDRESS ALL QUALIFICATION STATEMENTS TO:**

**SHARON WILLIAMS  
The BOROUGH OF PENNS GROVE  
1 State Street  
PENNS GROVE, New Jersey 08069  
(856) 299-0098**

## **GENERAL INFORMATION & SUMMARY**

### **ORGANIZATION REQUESTING PROPOSAL**

The BOROUGH OF PENNS GROVE  
Municipal Council  
1 State Street  
PENNS GROVE, New Jersey 08069

### **CONTACT PERSON**

SHARON WILLIAMS  
BOROUGH Clerk  
BOROUGH OF PENNS GROVE  
1 STATE STREET  
PENNS GROVE, New Jersey 08069  
(856) 299-0098  
SWILLIAMS@PENNSGROVE-NJ.ORG

### **PURPOSE OF REQUEST**

The BOROUGH OF PENNS GROVE (hereafter the “BOROUGH”) is requesting proposals from qualified individuals and firms to provide Litigation Counsel Services for the BOROUGH OF PENNS GROVE. Proposals will be evaluated in accordance with the criteria set forth in this Request for Qualifications (RFQ). If selected, the governing body will approve a resolution listing the individual and/or firms as approved Litigation Counsel based on an hourly rate of compensation established by the BOROUGH of PENNS GROVE. **The contract term will not exceed one (1) year from the date of the award.**

### **FORM AS TO SELECTION**

If selected to provide services, the successful Respondent shall be forwarded a letter of engagement that shall be binding on the Respondent and Respondent’s law firm, which includes indemnification, insurance, termination and licensing provisions. It is also agreed and understood that the acceptance of the representation shall be considered a release in full of all claims against the BOROUGH arising out of, or by reason of, the work done and materials furnished under this award.

**DETAILED REQUIREMENTS OF THE  
REQUEST FOR QUALIFICATIONS FOR  
LITIGATION COUNSEL**

**GLOSSARY**

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

"BOROUGH" - refers to the BOROUGH OF PENNS GROVE.

"Qualification Statement"- refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the BOROUGH) have satisfied the qualification criteria set forth in this RFQ.

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

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

**SECTION 1**

**INTRODUCTION AND GENERAL INFORMATION**

**1.1. Introduction and Purpose.**

The BOROUGH is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the BOROUGH with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The BOROUGH will review Qualification Statements only from those persons and/or firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the BOROUGH).

The BOROUGH intends to qualify person(s) and/or firm(s) that (a) possesses 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 BOROUGH to provide the greatest benefit to the taxpayers of the BOROUGH.

## **1.2. Procurement Process and Schedule.**

The selection is in accordance with the "New Jersey Local Unit Pay-to-Play" Law and municipal ordinances establishing the "pay-to-play" criteria. The BOROUGH has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive fair and open 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 members of the BOROUGH Council in consultation with the BOROUGH Attorney. The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the members of the BOROUGH Council in consultation with the BOROUGH Attorney will determine which Respondents are qualified (professionally, administratively and financially).

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 BOROUGH reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the BOROUGH's Designated Contact Person, in writing.

Qualification Statements must be submitted to, and be received by the Office of the BOROUGH Clerk via mail or hand delivery, by 11:00 A.M. on Tuesday, March 2, 2021.

**Qualification Statements will not be accepted by facsimile or e-mail transmissions.**

Subsequent to issuance of this RFQ, the BOROUGH (through the issuance of addenda to all persons and/or firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the BOROUGH.

**TABLE 1**

**ANTICIPATED PROCUREMENT SCHEDULE**

**ACTIVITYDATE**

**1.1.** Issuance of Request for Qualifications: Friday, February 19, 2021.

**1.2.** Receipt of Qualification Statements: Tuesday, March 2, 2021.

**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 a RFQ and does not constitute a Request for Proposals (RFP).
- \* This RFQ does not commit the BOROUGH 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 BOROUGH 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 BOROUGH 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 the requirements of this RFQ.
- \* The BOROUGH 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 BOROUGH and will not be returned.

- \* All Qualification Statements will be made available to the public at the appropriate time, as determined by the BOROUGH (in the exercise of its sole discretion) in accordance with law.
- \* The BOROUGH may request Respondents to send representatives to the BOROUGH for interviews.
- \* Any and all Qualification Statements not received by the BOROUGH Clerk, SHARON WILLIAMS by 11:00 A.M. on Tuesday, March 2, 2021, will be rejected.
- \* Neither the BOROUGH, nor its officers, officials or employees 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.

#### **1.4. Rights of BOROUGH.**

The BOROUGH 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 in 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 BOROUGH 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 BOROUGH may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- \* The BOROUGH 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 BOROUGH may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the BOROUGH 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 Qualification Statement submission date.

**1.6. Cost of Qualification Statement Preparation.**

Each Qualification Statement 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 BOROUGH, its officers, officials or employees 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. Qualification Statement Format.**

Qualification Statements must cover all information requested in this RFQ. Qualification Statements which in the judgment of the BOROUGH 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.

**SECTION 2**

**SCOPE OF SERVICES**

It is the intent of the BOROUGH Council to solicit Qualification Statements from Respondents that have expertise in the provision of professional legal services as described below and as set forth in the attached Notice of Solicitation for Responses.



Respondents must demonstrate that they will have the continuing capabilities to perform these services.

The BOROUGH Council of the BOROUGH of PENNS GROVE Township is seeking an attorney and/or law firm that will handle litigation matters as directed by the BOROUGH Council when it is deemed necessary by the Borough Attorney.

The Litigation Counsel Attorney (and other attorneys, if any) shall perform the following duties:

- A. Defend claims relative to the BOROUGH;
- B. File lawsuits and defend same on behalf of the BOROUGH;
- C. Prepare reports, provide advice, counsel and legal opinions to the BOROUGH regarding issues that arise, that include, but are not limited to: litigation, regulations, legislation, state statues and municipal code;
- D. Interact with the BOROUGH Administration on related legal issues;
- E. Interact with the BOROUGH's insurance carrier, regarding liability issues;
- F. Attend meetings as requested by the BOROUGH Attorney & Council.

### **SECTION 3**

#### **SUBMISSION REQUIREMENTS**

##### **3.0. Minimum Qualifications:**

###### **Minimum Qualifications and Response Requirements**

In order for an individual's or firm's proposal to be considered by the Council, interested parties submitting proposals in response to this solicitation must meet the following:

- A. Licensed Attorney in the State of New Jersey. Must have at least 10 years of experience in all phases of municipal law and practice and extensive knowledge experience in the application of Title 40 and 40A of New Jersey;
- B. Must have at least 10 years of experience defending municipal clients in employment matters in the State of New Jersey. Attorney shall be familiar with relevant federal, state and local laws. Attorney shall be familiar with privacy

rights, sexual discrimination, employment termination, harassment, leaves of absence, retirement, wages and overtime, and discrimination issues based on age, gender, ethnic origin, and claims for retaliation including CEPA and other areas relevant to employment law;

- C. Must be an experienced trial attorney and have 10 years of experience prosecuting and defending civil matters in State and Federal Courts;
- D. Must have a working familiarity with Criminal Law and Practice and able to provide advice in these areas;
- E. Must be familiar with N.J.S.A. Title 34 and N.J.A.C. Chapter 12;
- F. The attorney or firm submitting the response to this proposal carries professional liability insurance in an amount of at least \$1,000,000.00 with a carrier that has AAA rating by Best Insurance Digest;
- G. The attorney or law firm submitting this proposal does not represent any adverse parties and claims whether administrative, civil, criminal, or otherwise, against the BOROUGH OF PENNS GROVE the OFFICERS OF PENNS GROVE and PENNS GROVE Municipal Council.

### **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.**

All statements of qualifications and proposals for this RFQ shall include at a minimum the following information:

1. Names of the individuals who will perform the required tasks;
  - a. Identify the person who will be primarily responsible for these services required by the BOROUGH OF PENNS GROVE;

- b. Identify persons who will serve as backup to the primary person. Attach a resume of both the primary and backup contact persons.
2. List of references;
  - a. Provide the names and addresses and telephone numbers of persons who can verify your experience and record of success.
3. Ability to provide services in a timely manner;
  - a. Describe staffing;
  - b. Describe familiarity with the services required in the BOROUGH OF PENNS GROVE;
  - c. Identify the business address of the key staff that will be responsible for providing services under the contract.
4. Whether or not the respondent has any pending or prior disciplinary matters and/or has had a suspension of license. If so, provide an explanation concerning the disciplinary matter and/or suspension. Attach any opinions if any were generated.
5. Certification that the respondent is not currently suspended from the practice of law.
6. Respondent shall provide a brief description of the cases which the law firm has disposed of in the last year. **No Respondent will be considered who has represented any adverse parties and claims whether administrative, civil, criminal or otherwise, against the BOROUGH OF PENNS GROVE and the Municipal Council of PENNS GROVE Township.**

## SECTION 4

### INSTRUCTIONS TO RESPONDENTS

#### Submission of Qualification Statements.

Respondents must submit an original and five (5) copies of their Qualification Statement to the Designated Contact Person:

Qualification Statements must be received by the BOROUGH no later than 11:00 A.M. Tuesday, March 2, 2021, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted.

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, and signed and acknowledged by the Respondent.

## **SECTION 5**

### **EVALUATION**

The BOROUGH's objective in soliciting Qualification Statements is to enable it to select a Respondent that will provide high quality and cost effective services to the citizens of PENNS GROVE. The BOROUGH will consider Qualification Statements only from Respondents that, in the BOROUGH's sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the BOROUGH in the manner described in this RFQ.

Qualification statements will be evaluated by the BOROUGH on the basis of which is most advantageous, experience and other factors considered. The evaluation will consider:

1. Experience and reputation in the field; and
2. Knowledge of the municipal corporations; and
3. Availability to accommodate the required meetings of the BOROUGH; and
4. Litigation experience and results in the areas of law described in Section 2 of this RFQ; and
5. Pertinent government experience; and
6. Other factors demonstrated to be in the best interest of the BOROUGH.

The BOROUGH will select the most advantageous Qualification Statements based on all of the evaluation factors set forth in this RFQ. The BOROUGH will make the award(s) that is in the best interest of the BOROUGH.

Each Qualification Statement must satisfy the objectives and requirements detailed in this RFQ except as otherwise stated. Successful Respondents shall be determined by an evaluation of the total content of the Qualification Statement submitted. The BOROUGH reserves the right to not select any of the Qualification Statements.

The BOROUGH shall not be obligated to explain the results of the evaluation process to any Respondent

## **SECTION 6**

### **GENERAL TERMS AND CONDITIONS**

1. The BOROUGH reserves the right to reject any or all Qualification Statements, if necessary, or to waive any informalities in the Qualification Statements, and, unless otherwise specified by the Respondent, to accept any item, items or services in the Qualification statement should it be deemed in the best interest of the BOROUGH to do so.
2. Each Qualification Statement must be signed by the person authorized to do so.

3. Qualification Statements may be hand delivered or mailed consistent with the provisions of the legal notice to Respondents. In the case of mailed Qualification Statements, the BOROUGH assumes no responsibility for Qualification Statements received after the designated date and time and will return late Qualification Statements unopened. Qualification Statements will not be accepted by facsimile or e-mail.
4. In accordance with Affirmative Action Law, P.L. 1975/ c.127 (N.J.A.C. 17:27) with implementation of July 10, 1978, successful Respondents must agree to submit individual employer certifications and numbers or complete Affirmative Action employee information report (form AA-302). Also, during the period of engagement, the contractor agrees as follows: (a) The contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or 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, sex or handicap. 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 section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause: (b) 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, sex or handicap; (c) 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 worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.
5. No Respondent shall influence, or attempt to influence, or cause to be influenced, any BOROUGH officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
6. No Respondent shall cause or influence, or attempt to cause or influence, any BOROUGH officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.

7. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the BOROUGH Attorney's decision shall be final and conclusive.
8. The BOROUGH shall not be responsible for any expenditure of monies or other expenses incurred by the Respondent in making its proposal.

**END OF GENERAL INSTRUCTIONS**

**ALL OF THE  
FOLLOWING  
DOCUMENTS  
MUST BE  
INCLUDED  
WITH  
PROPOSAL**



BOROUGH OF PENNS GROVE

CHECKLIST

**PROFESSIONAL SERVICE: Litigation Counsel**

**SUBMISSION DATE: Tuesday, March 2, 2021– 11:00 A.M.**

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

Non-Collusion Affidavit .....	_____x_____
Disclosure of Ownership Form .....	_____x_____
Insurance Requirement Acknowledgement Form .....	_____x_____
Mandatory Equal Employment Opportunity Notice Acknowledgement ...	_____x_____
Copy of your Certificate of Employee Information Report .....	_____x_____
Copy of your Business Registration Certificate as issued by the State of New Jersey, Department of Treasury, Division of Revenue .....	_____x_____
Professional Service Entity Information Form .....	_____x_____
Qualification Submission Form .....	_____x_____
Acknowledgement of Corrections, Additions or Deletions Form .....	_____x_____
Statement of Indebtedness Form .....	_____x_____
Agreement for Payment of Commodity/Service Form .....	_____x_____
Letter of Intent .....	_____x_____
Letter of Qualification .....	_____x_____

Reminder: Please submit one (1) original and five (5) copies of the sealed submission.

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY )

) SS:

COUNTY OF )

I, \_\_\_\_\_ of the BOROUGH/Township of \_\_\_\_\_

in the County of \_\_\_\_\_ and the State of \_\_\_\_\_

of full age, being duly sworn according to the law on my oath depose and say that:

I am, \_\_\_\_\_ (Title)

(a partner, or officer of the firm of, etc.)

of the firm of \_\_\_\_\_

the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; 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 PENNS GROVE, NJ 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 Contractor)

\_\_\_\_\_  
(Also type or print name of affiant under signature)

Subscribed and sworn to

before me this \_\_\_\_\_ day

of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public of: \_\_\_\_\_

My commission expires: \_\_\_\_\_

# OWNER DISCLOSURE CERTIFICATION

This Statement Shall Be Included with RFQ 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 issued 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.

OR

I certify that there are no stockholders

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Other (describe) \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_ day of

\_\_\_\_\_,  
20 \_\_.

\_\_\_\_\_  
(Affiant)

(Notary Public)

\_\_\_\_\_  
(Print name & title of affiant)

My Commission expires:

(Corporate Seal)

**BOROUGH OF PENNS GROVE**  
**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 Municipal Council.

The minimum amount of insurance to be carried by the selected 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.

\*Vendor / Firm shall not commence operations until Township has been furnished original certificate(s) of Insurance and certified original copies of endorsements or policies of insurance in the amounts and/or minimum coverage(s) required in this proposal.

Acknowledgement of Insurance Requirement:

\_\_\_\_\_

(Signature) \_\_\_\_\_ (Date)

\_\_\_\_\_

(Printed Name and Title)

# AFFIRMATIVE ACTION AFFIDAVIT

(Items No. 2 through Item No. 6 to be completed  
by firms with less than 50 employees)

STATE OF NEW JERSEY )  
COUNTY )

I, \_\_\_\_\_ of the (BOROUGH, Town, Borough of  
\_\_\_\_\_ )  
in the County of \_\_\_\_\_, State of \_\_\_\_\_ of full age, being duly sworn  
according to law on my oath depose and say that:

1. I am (President, partner, owner) of the firm \_\_\_\_\_  
a bidder making a proposal upon the above named project. We have fifty (50) or more employees and have  
forwarded an Affirmative Action Plan to the State. \_\_\_\_Yes \_\_\_\_No

2. \_\_\_\_\_ does not have 50 employees or more inclusive of  
all officers and employees of every type.

3. I am familiar with the affirmative action requirements of P.L. 1975, c 127 and rules  
and regulations issued by the Treasurer, State of New Jersey pursuant thereto.

4. \_\_\_\_\_ has complied with all the affirmative action  
requirements of the State of New Jersey including those required by P.L. 1975, c 127 and the rules and  
regulations issued by the Treasurer, State of New Jersey pursuant thereto.

5. I am aware that if \_\_\_\_\_ does not comply with P.L. 175,  
c 127 and rules and regulations issued pursuant thereto, that no monies will be paid by the State of New  
Jersey, County of \_\_\_\_\_, (BOROUGH, Town, Borough) of \_\_\_\_\_  
until an affirmative action plan is approved . I am also aware that the contract may be terminated and the  
\_\_\_\_\_ may be debarred from all public contracts, for a period of up to five (5)  
years.

6. In the event my workforce increases to 50 employees, I must contact the State Affirmative  
Action Office and complete and Employees Information Report.

**Subscribed and sworn to**

Before me this \_\_\_\_ day  
\_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
**Signature of Authorized Representative**

\_\_\_\_\_  
**(Seal) Notary Public of New Jersey**

\_\_\_\_\_  
**Name and Title**

**MUST BE SUBMITTED WITH BID PROPOSAL**

**AFFIRMATIVE ACTION REGULATIONS:**

- A. Procurement of Service Contract: The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.4 (a) provided that said subsection shall be applied subject to the terms of subsection 3.4 (d) of said Regulations.

The parties to this contract agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said section 5.3.

- B. Construction Contract: The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.4 (a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.4 (a) provided that said subsection shall be applied subject to the terms of subsection 3.4 (d) of said regulations.

The parties to this contract agree to incorporate into this contract the mandatory language of subsections 7.4 (a) and (b) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of subsections 7.4 (a) and (b).

Signature \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
ZIP CODE

**NOTE: FORM MUST BE RETURNED WITH THE RFQ.**

**BOROUGH OF PENNS GROVE**  
**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.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

If individual has a TRADE NAME, give such tradename:

Trading As: \_\_\_\_\_ Telephone: \_\_\_\_\_

.....  
If the professional service Entity is a **PARTNERSHIP**, sign name and give the following information:

Name of Partners: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Federal I.D. No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Signature of authorized Agent: \_\_\_\_\_

.....  
If the professional service Entity is an **INCORPORATED**, sign name and give the following information:

State under whose laws incorporated: \_\_\_\_\_

Location of principal office: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Federal I.D. No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

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

.....  
Telephone No.: \_\_\_\_\_ Name of Corporation: \_\_\_\_\_

Signature: \_\_\_\_\_ By: \_\_\_\_\_

## QUALIFICATION AFFIDAVIT

The BOROUGH OF PENNS GROVE reserves the right to reject the bid of any bidder who has previously failed to perform properly or to complete on time, contracts of a similar nature; who is not qualified to perform the contract; or who has repeatedly or without good cause failed to pay bills or otherwise failed to perform its obligations to subcontractors, materialmen, employees of this or any other government body or agency in similar contracts. In determining the lowest responsible bidder and its qualifications, the following elements, in addition to those above mentioned, will be considered; Whether the bidder (1) maintains a permanent place of business; (2) has adequate plant and equipment available to do the work properly and expeditiously; (3) has suitable financial resources to meet the obligations incident to the work; (4) has appropriate technical experience.

Each bidder must supply the following certified statement. Failure to do so shall be deemed a material defect in the bid, resulting in rejection of the bid:

State of New Jersey )  
County of \_\_\_\_\_) SS:

I am the (President, Partner, Owner) of \_\_\_\_\_  
\_\_\_\_\_, the bidder herein.

I know that the bidder, \_\_\_\_\_, has not previously failed to perform properly, or complete on time, contracts of a nature similar to that bid upon; is qualified to perform the contract; has not repeatedly or without just cause failed to pay bills or otherwise failed to perform its obligations to sub-contractors, materialmen, employees, of this or any other government or agency in similar contracts.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Subscribed and Sworn to  
Before me this \_\_\_\_\_ day  
Of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Notary Public of: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

11/99

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print/Type Title



**BOROUGH OF PENNS GROVE  
SUBMISSION FORM**

1. 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:

---

---

---

---

---

---

---

---

---

---

2. References and record success of same 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 all expenses:

---

---

---

---

---

---

---

---

---

---

---

---

Note: Attach additional sheets as necessary.

Firm \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Representative (Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

**BOROUGH OF PENNS GROVE**

**ACKNOWLEDGEMENT OF 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 of affiant and Title, under Signature)

\_\_\_\_\_  
(Date)

**STATEMENT OF INDEBTEDNESS**

Bidders shall provide as part of their bid a statement under oath that (a) they are not indebted to the BOROUGH OF PENNS GROVE, (b) are not in breach of any contract previously awarded by the BOROUGH and (c) are not a party to any pending action either at law or equity in which they are asserting an affirmative claim for damages or other relief against the BOROUGH OF PENNS GROVE.

Failure to provide the required statement shall disqualify the bidder.

\_\_\_\_\_  
(Name of Contractor)

\_\_\_\_\_  
(Type or print name of affiant under signature)

Subscribe and sworn to

Before me this \_\_\_\_\_ day

Of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**BOROUGH OF PENNS GROVE**

**PENNS GROVE, NEW JERSEY**

**AGREEMENT FOR PAYMENT OF COMMODITY**

The contractor or vendor realizes that as a Municipality, payment cannot be made on a bill presented basis.

Therefore, the contractor or vendor, hereby agrees to accept payment within a reasonable time after presentation of invoice and properly executed documentation as well as signed vouchers pertaining to same.

Payment in the normal circumstance should not exceed 60 days.

\_\_\_\_\_  
**Name of Official for Company**

\_\_\_\_\_  
**Name of Company or Business**

\_\_\_\_\_  
**Address**

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

## LETTER OF INTENT

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

[insert date]

SHARON WILLIAMS  
Office of the BOROUGH Clerk  
BOROUGH OF PENNS GROVE  
1 State Street  
PENNS GROVE, New Jersey 08069

**RE: Request for Qualifications  
Special Conflict Counsel Services**

Dear Ms. Williams:

The undersigned as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the BOROUGH of PENNS GROVE (hereafter "BOROUGH"), dated (insert date), in connection with the BOROUGH's need for **Special Conflict Counsel Services**.

**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 BOROUGH'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 this 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 BOROUGH.
5. **(Name of Respondent)** declares that this Qualification Statement is made without connection with 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.

6. **(Name of Respondent)** acknowledges and agrees that the BOROUGH may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the BOROUGH 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.
7. **(Name of Respondent)** acknowledges that any letter of engagement executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Typed Name of Firm\*)

Dated:

\* If joint venture, partnership or other formal organization is submitting a qualification statement, each participant shall execute this Letter of Intent.

## LETTER OF QUALIFICATION

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

[insert date]

SHARON WILLIAMS  
Office of the BOROUGH Clerk  
BOROUGH OF PENNS GROVE  
1 State Street  
PENNS GROVE, New Jersey 08069

**RE: Request for Qualifications  
Special Conflict Counsel Services**

Dear Ms. Williams:

The undersigned have reviewed the Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the BOROUGH of PENNS GROVE, dated (**insert date**), in connection with the BOROUGH's need for [**insert services**].

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of (**Name of Respondent**).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief  
Executive Officer)

(Signature of Chief  
Financial Officer)

(Typed Name and Title)

(Typed Name and Title)

(Typed Name of Firm\*)

(Typed Name of Firm\*)

Dated: Dated:

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