

## Notice of Request for Proposals and Qualifications for Professional Service Contracts

Please take notice that the Governing Body of the City of Burlington is Requesting Proposals and Qualifications for Professional Services as listed below for the term of January 1, 2019 through December 31, 2019.

Accepting RFP/RFQ's for the following:

### **Governing Body of the City of Burlington** Alcoholic Beverage Control Counsel

A Descriptive Request for Proposals and Qualifications for the above Professional Service setting forth the scope of service sought and any proposal requirements may be obtained from the City of Burlington website [www.burlingtonnj.us](http://www.burlingtonnj.us) or by contacting Cindy A. Crivaro, the Municipal Clerk located at 525 High Street, Burlington, NJ 08016. Any questions should be directed to David H. Ballard, Administrator at (609) 386-0200 ext.133.

Proposals will be evaluated in the manner and on the basis of most advantageous, price and other factors considered, in accordance with criteria set forth in the Request for Proposals.

**All proposals are to be submitted in sealed envelopes specifying the Professional Service for which the proposal is to be submitted by 10:00 AM on Thursday, December 27, 2018** to: Cindy Crivaro, Municipal Clerk, City of Burlington, 525 High Street, Burlington, New Jersey 08016.

All proposals will be unsealed and opened on Thursday, December 27, 2018, at 10:00 AM in the City of Burlington Council Chamber located at 525 High Street, Burlington, NJ which opening shall be opened to the public.

The RFP/RFQ's are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A:20.5 et seq.

### GENERAL INFORMATION

1. The City of Burlington reserves the right to revise any part of the RFP/RFQ by issuing an addendum to the RFP/RFQ.
2. Issuance of this RFP/RFQ in no way constitutes a commitment by City of Burlington to award a contract. City of Burlington reserves the right to accept or reject, in whole or part, all qualifications statements submitted and/or cancel this announcement if it is determined to be in the City of Burlington's best interest.
3. City of Burlington is not liable for any costs incurred by prospective proposer/respondents prior to issuance of or entering into a contract. Costs associated with developing the qualifications statement, preparing for oral presentations, and any other expenses incurred by the proposer/respondent in responding to this RFP/RFQ are entirely the responsibility of the proposer/respondent, and shall not be reimbursed in any manner by City of Burlington.
4. City of Burlington shall not be liable for any errors in qualifications statements. City of Burlington reserves the right to make corrections or amendments to the RFP/RFQ due to errors

identified in qualifications statements by City of Burlington or the proposer/respondent. City of Burlington at its option, has the right to request clarification or additional information from the proposer/respondents; if requested, such information shall be provided within fourteen (14) days of request.

5. City of Burlington reserves the right to enter into a Contract without further discussion of the qualifications statement submitted based on the initial offer received. City of Burlington reserves the right to contract for all or a partial list of services offered in the qualifications statement. The RFP/RFQ and qualifications statement of the selected proposer/respondent shall become part of any contract initiated by City of Burlington.
6. The selected proposer/respondent shall be expected to enter into a contract. In no event shall a proposer/respondent submit its own standard contract terms and conditions as a response to this RFP/RFQ. If the selected proposer/respondent fails to sign all contract documents within ten (10) calendar days of delivery, City of Burlington may elect to cancel the award and award the contract to the another proposer/respondent.
7. Pay to Play: The proposer/respondent is advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, s.3) if the proposer/respondent receives contracts in excess of \$50,000 from public entities in a calendar year. It is the proposer/respondent's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

## **I. PROPOSAL CONTENTS**

Proposals should include the following minimum information:

1. Existing positions or contracts with the municipality.
2. The proposed supervisory and proposed personnel intended to be used to provide the services required by the scope of work and general manner in which personnel will be used to address the Scope of Work.
3. The experience and qualifications of the firm and/or key personnel in each of the areas specified in the scope of work. This should include experience in representing municipalities or similar agencies in such areas as well as general experience in serving in positions similar to the one being sought.
4. Experience with and knowledge and familiarity of the Municipality and the subject matters of the Scope of Work as they relate to the Municipality.
5. Resources available the firm/candidates and ability to perform the scope of work in a timely, efficient and professional manner without the need to out source.
6. Availability to accommodate required meetings.
7. Other factors shown to be beneficial to the municipality.
8. Compensation Proposal. As it is difficult to estimate the total number of hours that will be required to perform the scope of work and in order for fair comparison, candidates are to provide the following information concerning compensation and cost:
  - a. The hourly rate or flat rate to be charged with respect to each area of service within the Scope of Work. If a different rate or fee will be charged dependent upon level of experience or standing, such as partner, associate, etc., such should be specified. The flat rate to be charged should be broken down with respect to each area of service within the Scope of Work.

- b. In the event the rates and fees will vary over the course of the anticipated contract, the proposed rates/fees should be reflected as applicable to each relevant time period.
  - c. The items of costs to be charged such as telephone, copy, facsimile, postage and delivery charges together with the manner and/or rates to be charged.
9. Copy of New Jersey Business Registration Certificate. All firms (and their subcontractors) competing for Municipal contracts must provide a copy of their Business Registration Certificate at the time the proposal is submitted.
  10. Submit: eleven (11) complete copies of each for Land Use Board Solicitor/Attorney, Land Use Board Engineer and Land Use Planner; ten (10) complete copies for Historic Preservation Commission Professional Consultant; (3) complete copies for all others.

## **II. INSURANCE**

Prior to the commencement of a contract, the successful proposal will be required to furnish a copy of their professional liability insurance certificate evidencing valid insurance coverage. Insurance coverage should be in place at the start of the contract term and must be maintained continuously for the duration of the contract. Any lapses in insurance coverage must be reported to the City immediately.

## **III. AFFIRMATIVE ACTION**

P.L. 1975, C. 127 (N.J.A.C. 17:27) Mandatory Affirmative Action Language for Procurement, Professional and Service Contracts; during the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, 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, affectional or sexual orientation. 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 selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

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, affectional or sexual orientation.

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 workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time. The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (NJAC 17:27).

The contractor has attached a copy of their current "Certificate of Employee Information Report" to this Agreement; or contractor agrees to complete the Affirmative Action Employee Information Report, form AA-302 and forward same to the Affirmative Action Office within thirty (30) days of the date of this Agreement.

#### **IV. EVALUATION CRITERIA for RFP/RFQ's**

1. Use of personnel and approach to scope of work
2. Experience, qualifications and reputation in relation to areas within the Scope of Work
3. Experience with and knowledge and familiarity of the Municipality and the subject matters of the Scope of Work as they relate to the Municipality
4. Resources available within the firm and their ability to perform the scope of work in a timely, efficient and professional manner without the need to out source.
5. Availability to accommodate required meetings
6. Other factors shown by the candidates to be beneficial to the Municipality or which the Municipality determines to be relevant

7. Overall advantages of the candidates considering all factors as a whole.
8. Compensation Proposal.

**V. ALCOHOLIC BEVERAGE CONTROL COUNSEL (2 copies)**

REVIEW AND AWARD Proposals will be evaluated by the Mayor of the City Burlington in accordance with the criteria set forth in this Request for Proposals and Qualifications. Award will be based upon selection, appointment and recommendation of and by the Mayor with the advice and consent of the Common Council of the City of Burlington to be provided by resolution of the Common Council adopted at a public meeting of the Common Council.

SCOPE OF WORK The successful candidates will be expected to provide legal services in the subject area in an efficient, timely and professional manner with no outsourcing. The applicant must be licensed to practice law in the State of New Jersey and be a member of the Bar in good standing.