

**NOTE:** The Borough of Norwood 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 – SPECIAL CONFLICT COUNSEL**  
**PROFESSIONAL SERVICES FOR 2017**

**ISSUE DATE: November 10, 2016**

**DUE DATE: December 12, 2016**

**Issued by:**  
**Borough of Norwood**

## GLOSSARY

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

"Borough" - refers to the Borough of Norwood

"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.

"RFP" – refers to a request for proposals for competitive contracting as authorized by N.J.S.A. 40A:11-4.1 TO 4.5

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

"Respondent" or "Respondents" - refers to the interested firm(s) that submits 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 Legal Services – SPECIAL CONFLICT COUNSEL, 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 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 Norwood.

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

The selection of Qualified Respondents is not subject to the public bidding or competitive contracting provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the fair and open process authorized by the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq., however. The Borough has structured a procurement process that seeks to obtain the desired results described above, while establishing a 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. Respondents agree to at all times abide by all requirements of New Jersey law, including, but not limited to the aforementioned “Pay to Play” laws, as well as any and all relevant Executive Orders and the New Jersey Election Law Enforcement Commission disclosure requirements.

Qualification Statements will be reviewed and evaluated by the Borough and its legal and/or financial advisors (collectively, the "Review Team"). 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 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 Borough 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 Borough) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Borough.

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 all potential Respondents.

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

**Designated Contact Person:**

Ms. Lorraine McMackin  
Borough Clerk/Administrator  
Office of the Borough Clerk  
455 Broadway  
Norwood, NJ 07648

**Qualification Statements must be submitted to and be received by the Borough via mail or hand delivery, by 3:00 p.m. Prevailing Time on December 12, 2016. Qualification Statements will not be accepted by facsimile transmission or e-mail. The Qualification Statements will be publicly opened in the Office of the Borough Clerk at 3:30 p.m. on December 12, 2016.**

Subsequent to issuance of this RFQ, the Borough (through the issuance of addenda to all 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**

	<b>ACTIVITY</b>	<b>DATE</b>
1.	Issuance of Request for Qualifications	November 10, 2016
2.	Receipt of Qualification Statements	December 12, 2016
3.	Public Opening of Qualification Statements	December 12, 2016
4.	Completion of Evaluation of Qualification Statements by the Mayor and Council	Prior to January 4, 2017
5.	Approval of Professional Services Resolutions by Borough Council	Prior to January 4, 2017

### **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 an 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 by 3:00 p.m. Prevailing Time on December 12, 2016 will be rejected.
- Neither the Borough, nor their respective staffs, consultants or advisors 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 proposal submission date.

#### **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 Borough, 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 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 to solicit Qualification Statements from Respondents that have expertise in the provision of Legal Services – SPECIAL CONFLICT COUNSEL. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.

**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:

1. An executed Letter of Qualification (See Appendix A to this RFQ).
2. 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.
3. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
  - (a) Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, a "Principal" is a person possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principal" shall include any investor who would have any amount of operational control over the Respondent and any stockholder having an ownership interest of 10% or more in the firm.
  - (b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.

- (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
  - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance (such as the Respondent's Employee Information Report).
- 4. An executed Letter of Intent (See Appendix B).
  - 5. The number of years your organization has been in business under the present name.
  - 6. The number of years the business organization has been under the current management.
  - 7. Any judgments, claims or suits within the last five (5) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
  - 8. 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.
  - 9. Confirm appropriate federal and state licenses to perform activities. Submit a copy of the Firm's Business Registration Certificate.

### **3.3 Professional Information Requirements.**

a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

- 1. Description and scope of work by Respondent
- 2. Name, address and contact information of references
- 3. Explanation of perceived relevance of the experience to the RFQ

b. Describe the services that Respondent would perform directly.

c. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.

d. Does the Respondent normally employ union or non-union employees?

e. Résumés of key employees



f. A narrative statement of the Respondent's understanding of the Borough's needs and goals.

g. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

## SECTION 4

### INSTRUCTIONS TO RESPONDENTS

#### 4.1 **Submission of Qualification Statements.**

Respondents must submit one (1) copy of their Qualification Statement to the Designated Contact Person:

Ms. Lorraine McMackin  
Borough Clerk/Administrator  
Office of the Borough Clerk  
455 Broadway  
Norwood, NJ 07648

Qualification Statements must be received by the Borough no later than 3:00 p.m. (prevailing time) on December 12, 2016, 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 signed and acknowledged by the Respondent and submitted as one cohesive package for each position. The Borough prefers that Qualification Statements be clipped or stapled so that they can be easily scanned, but this is not a requirement.

## **SECTION 5**

### **EVALUATION**

The Borough'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 citizens of Norwood. The Borough will consider Qualification Statements only from firms or organizations that, in the Borough's 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.

Proposals will be evaluated by the Borough 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 Borough and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Borough; and
4. Other factors demonstrated to be in the best interest of the Borough.



**APPENDIX B**  
**LETTER OF INTENT**

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

[insert date]

Ms. Lorraine L. McMackin, RMC, CMC  
Borough Clerk/Administrator  
Office of the Borough Clerk  
455 Broadway  
Norwood, NJ 07648

Dear Ms. McMackin:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Borough of Norwood ("Borough"), dated November 10, 2016 in connection with the Borough's need for (insert services).

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agrees) 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. (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.
5. (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 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 services] 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.

(Respondent shall sign and complete the spaces provided below. This Letter of Qualification must be signed by an officer of Respondent empowered to sign and commit the Respondent. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: \_\_\_\_\_

**RESPONDENT INFORMATION FORM**

If the Respondent is an **INDIVIDUAL**, sign name and give the following information:

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

If individual has a TRADE NAME, give such trade name: \_\_\_\_\_

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

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If the Respondent is a **PARTNERSHIP**, give the following information:

Name of Partner who will represent the Borough:  
\_\_\_\_\_

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

Signature of authorized agent: \_\_\_\_\_

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If the Respondent is **INCORPORATED**, give the following information:

Name of Corporation: \_\_\_\_\_

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

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

Name of principal who will represent the borough:  
\_\_\_\_\_

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**TO BE COMPLETED BY ALL RESPONDENTS:**

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

Telephone No.: \_\_\_\_\_

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

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

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

**Borough of Norwood, Bergen County**

**SUBMISSION FORM**

*Note: Attach additional sheets as necessary.*

**1. Names and roles of the individuals who will perform the services and description of their education, municipal experience and experience with projects similar to the services contained herein including their education, degrees and certifications:**

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**2. References and record of success of same or similar service:**

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**3. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff):**

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4. A list of anticipated reimbursable expenses and the rate charged for each.

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5. Cost details, including the hourly rates of each of the individuals who will perform services, and all expenses or whether a fixed fee is proposed and if so, why:

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6. Number of years of municipal experience\_\_\_\_\_

7. Number of years firm has been in business\_\_\_\_\_

8. Resume of principal to be appointed and any senior management personnel who will have supervisory responsibility for staff.

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9. A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years;

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10. Confirmation of the appropriate federal and state licenses to perform activities;

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11. The applicant shall provide the Borough of Norwood with one (1) copy of its proposal. \_\_\_\_\_

*Note: Attach additional sheets as necessary.*

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

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

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

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

**EQUAL EMPLOYMENT OPPORTUNITY**  
**N.J. S. A. 10: 5-31 et seq. and N.J.A.C. 17:27 et seq.**  
**GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS**

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, affectional or sexual orientation, or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated fairly during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex. 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 non-discrimination 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, affectional or sexual orientation, or sex.

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 any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., 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 established in accordance with N.J.A.C. 17: 27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27- 5.2.

Borough of Norwood, Bergen County

CHECKLIST

**SUBMISSION DATE: BY 3:00 PM December 12, 2016**

*The following items shall be provided with the receipt of sealed submissions:*

- \_\_\_\_1. Respondent Information Form
- \_\_\_\_2. Submission Form
- \_\_\_\_3. Equal Employment Opportunity
- \_\_\_\_4. Copy of Respondent's Business Registration Certificate
- \_\_\_\_5. Authorized signatures on all forms