

**LOWER ALLOWAYS CREEK
SALEM COUNTY
NEW JERSEY**

**PLANNING BOARD SOLICITOR
REQUEST FOR PROPOSAL**

Project Name: PLANNING BOARD SOLICITOR

Date Packet Available: December 20, 2011

RFP Due By: Tuesday January 17, 3:00 P.M.

RFP Submitted By: _____

NOTICE TO RESPONDENTS

NOTICE IS HEREBY GIVEN that proposals and qualifications are being solicited by the Lower Alloways Creek Planning Board to obtain Planning Board Solicitor services as described herein for the Township of Lower Alloways Creek. Individuals responding to this Request for Proposal should have extensive experience, a knowledgeable background and qualifications in the provision of the services described herein.

The RFP package for this service is available on the Township web site and at the LAC Municipal Building, 501 Locust Island Road, Hancocks Bridge, NJ 08038 during regular business hours (8:00 am to 4:30 pm.).

Interested respondents shall submit one (1) original and four (4) copies of their proposal of which one must be unbound for further copying (if necessary).

The Township Planning Board requires that the RFP response be submitted by January 17, 2012 prior to 3:00 pm. There will be a public reading of the names and prices of the respective proposals at 3:00 pm on January 17, 2012 in LAC Municipal Courtroom.

MUNICIPAL SOLICITOR

Section 1 - GENERAL CRITERIA: The LAC Planning Board desires to appoint an individual to provide Municipal Planning Board Solicitor services to the LAC Planning Board. Applicants should demonstrate knowledge of general New Jersey municipal law and specific knowledge as to New Jersey Land Use Law and municipal public contracts law. Any experience or knowledge of matters that directly affect the LAC Planning Board should be addressed.

Section 2 - FAIR AND OPEN PROCESS: The Township has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive environment to assure that each person and/or firm is provided an equal opportunity to submit a proposal in response to the RFP. Proposals will be evaluated in accordance with the criteria set forth in this RFP, which will be applied in the same manner to each proposal received.

Section 3 - SERVICES TO BE PROVIDED: The individual selected shall serve for a term on one (1 year as per N.J.S.A 40A:9-139. Additional appointments beyond that one year shall be at the discretion of the LAC Planning Board.

- 1. Attend all work sessions, action meetings and special meetings of the LAC Planning Board as directed by the LAC Planning Board.**
- 2. Provide guidance and legal advice to the LAC Planning Board.**
- 3. With the prior approval of the LAC Planning Board, the Solicitor shall have such powers and perform such duties as are provided by general law or Township ordinance.**

- 4. The Solicitor shall represent the Township in all judicial and administrative proceedings in which it or any of its officers or agencies may be a party or have an interest.**
- 5. The Solicitor shall give all legal counsel and advice where required by the, LAC Planning Board or any member thereof and shall, in general, serve as legal advisor to the LAC Planning Board on all matters of Township business.**
- 6. Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the LAC Planning Board.**
- 7. With approval of the LAC Planning Board, represent in any and all litigation, conduct appeals from orders, decisions or judgments affecting any interest of the Board as the Solicitor may, in his/her discretion, determine to be necessary or desirable or as directed by the LAC Planning Board.**
- 8. Subject to the approval of the LAC Planning Board, have power to enter into any agreement, compromise or settlement of any litigation in which the Board is involved.**
- 9. Subject to the approval of the LAC Planning Board, have power to enter into contract negotiations on behalf of the Board.**
- 10. Render opinions orally and or in writing, as the need requires, upon any question of law submitted to the Solicitor by the, LAC Planning Board or any member thereof with respect to their official powers and duties and perform such duties as may be necessary to provide legal counsel to the LAC Planning Board in the administration of municipal affairs.**
- 11. Supervise and direct the work of such additional attorneys and technical and professional assistants as the LAC Planning Board may authorize.**

Section 4- MANDATORY MINIMUM REQUIREMENTS:

The proposal submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications and requirements set forth in this RFP 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 proposal. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

The LAC Planning Board reserves the right to hold oral discussions with individuals and/or firms of their choice for clarification of their proposal. The LAC Planning Board further reserves the right to request additional information.

- 1. Must be licensed to practice law in the State of New Jersey for a period of not less than ten (10) years preceding the proposed appointment, and eligible to appear before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.**

- 2. Must have a minimum of five (5) years experience in the general representation of municipal governments or municipal authorities. Ten (10) years of experience preferred. Provide details of past municipal experience including municipality, position held and length of service.**
- 3. Must list present municipal or government authorities represented. Include a contact name, position and phone number.**
- 4. Must have sufficient support staff available to provide all general legal services required by the LAC Planning Board including, but not limited to, legal research, preparation of resolutions, preparation of contracts and other legal documents.**
- 5. Must maintain a bona fide principal office in the State of New Jersey.**
- 6. Provide resumes of partners, shareholders and associates in the firm expected to deliver legal services to the LAC Planning Board.**
- 7. Must describe any special services available to municipal clients.**
- 8. Description of any other factors the proposing party believes is relevant to its ability to provide the LAC Planning Board with superior service.**

Section 5 -COST PROPOSAL:

Respondent must provide a proposal for compensation or a schedule of fees to be charged for such professional services as detailed in Section 3 — Services to be Provided. If the respondent proposes to provide services for a flat fee or a fixed retainer, the proposal shall list with specificity the services that are not included. The proposal shall also state with specificity the fee that will be charged for such additional services and the basis for the compensation. Respondent must also list any benefits he/she wants from the LAC Planning Board in addition to monetary compensation.

Section 6 - NUMBER OF COPIES:

Respondent must provide one signed original and at least four copies of their Proposal of which one must be unbound (for photocopying purposes).

Section 7 - SUBMISSION DEADLINE:

Proposals must be received in a sealed envelope designating “LAC Planning Board Solicitor RFP” by the LAC Planning Board Secretary no later than 3:00 pm prevailing time on January 17, 2012 and must be mailed or hand-delivered to the Municipal Purchasing Agent of the Township of Lower Alloways Creek Township, 501 Locust Island Road, PO Box 157, Hancocks Bridge, NJ 08038. All responses shall be opened and announced publicly immediately thereafter by the Township Purchasing Agent or his representative.

Section 8- INSURANCE AND INDEMNIFICATION:

The Respondent awarded the contract must assume all risks connected with this work. The Respondent awarded the contract shall comply with all State Laws and Regulations concerning Worker’s Compensation and shall maintain such insurance as will protect the

Respondent against all claims for damages for personal injury, including death, and property damage which may arise during or as a result of the work done under this Contract, either by the Respondent awarded the contract or by any subcontractor or anyone directly or indirectly employed by either of them.

The Respondent awarded the contract shall not commence work under this Contract until all insurance required by this section has been obtained and such insurance has been approved to the LAC Planning Board, nor shall the Respondent allow any subcontractor to commence work until all similar insurance required of the subcontractor has been obtained and approved. The Respondent's insurance shall apply to and provide coverage for all subcontractors and/or suppliers unless the Respondent forwards to the Township the Certificate of Insurance for the subcontractor and/or supplier. Insurance coverage shall remain in effect until all work under the Contract has been accepted by the Township and at all, times thereafter when the Respondent may be replacing defective work.

The Respondent awarded the contract shall furnish the Township with proof of insurance by providing a Certificate of Insurance from the authorized agent. The LAC Planning Board shall be named as an additional insured. The Respondent awarded the contract shall give the Township 30 days written notice of any material change in, cancellation of, or expiration of the policies. Any insurance company providing coverage must be authorized to do business in the State of New Jersey.

The following insurance is required:

**Professional Liability— Minimum of \$1, 000,000 errors and omissions per occurrence
General Liability — Minimum of \$1,000,000 per occurrence based upon the specific work and values involved. The Township shall be named as additional insured with respect to general liability.**

Worker's Compensation and Employer's Liability — Statutory

Section 9 - INDEMNIFICATION: The selected individual or firm shall defend, indemnify and hold harmless the LAC Planning Board, its officers agents, and employees from any and all claims and costs of any nature whether for personal injury, property damage, or other liability arising out of or in any way connected with the individual or firm's acts or provisions under this proposal.

Section 10 - EVALUATION: The LAC Planning Board's objective in soliciting proposals is to enable it to select a respondent that will provide high quality and Cost effective services to the citizens of Lower Alloways Creek, The Township will consider proposals only from Respondents that, in the Planning Board's sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Township in the manner described in the RFP.

Proposals will be evaluated by the LAC Planning Board based on which is the most advantageous, price and other factors considered. The evaluation will consider:

1. Experience and reputation in the field;

2. Knowledge of the NJ Land Use Law and the subject matter to be addressed under this contract;

3. Availability to accommodate any required meetings of the LAC Planning Board

4. Compensation proposal;

5. Other factors, if determined to be in the best interest of the LAC Planning Board and its agencies.

The LAC Planning Board shall not be obligated to explain the results of the evaluation process to any Respondent.

**NOTICE FOR THE SOLICITATION OF A REQUEST FOR PROPOSALS AND
QUALIFICATIONS FOR PROFESSIONAL SERVICES**

Notice is hereby given that sealed qualifications for professional services in accordance with *N.J.S.A.* 19:44A-24, *et seq.*, and P.L. 2005 c.271, will be received by the Purchasing Agent of the Township of Lower Alloways Creek on Tuesday, January 17, 2012, no later than 3:00 pm. The sealed qualifications will be opened and recorded at the Township Municipal Building, 501 Locust Island Road, Hancocks Bridge, New Jersey on Tuesday January 17, 2012, at 3:00 pm, by the Qualified Purchasing Agent and witnessed and recorded by the City Clerk.

Qualifications for the following professional services will be accepted:
Planning/Zoning Board Solicitor

Each sealed qualification to be considered shall be returned with one (1) original and four (4) copies of the submission and shall provide hourly rates, and/or other terms and conditions, and the qualifications. The Request for Proposals and qualification shall comport to the criteria set forth in the Request for Proposal and Qualifications packet. The Request for Proposal and Qualifications packets may be obtained in the Office of the Purchasing Agent, 501 Locust Island Road, Hancocks Bridge, NJ 08038 , (856) 935-1549 ext. 621 or by email to kclour_cfo@comcast.net.

Irene Carney, Planning Board Secretary