

FRANKLIN BOROUGH

REQUEST FOR PROPOSAL FOR BOROUGH ATTORNEY

Franklin Borough is soliciting Requests for Proposals to retain an attorney at law of New Jersey with experience in representing municipalities to represent Franklin Borough.

A. INTRODUCTION

Franklin Borough is seeking proposals to contract with an attorney at law of New Jersey to be the Borough Attorney to represent the Franklin Borough on all legal matters.

Compensation - please set forth an hourly rate (for both the principal, associate and administrative costs) on the form attached to furnish these legal services for the Borough. The Borough will consider other financial arrangements as may be proposed by the Attorney.

B. SCOPE OF WORK

The Attorney shall have such powers and perform such duties as are provided for the Office of Municipal Attorney by general law or ordinances of the Franklin Borough. He/she shall represent the Borough in all judicial and administrative proceedings in which the Borough or any of its officers or agencies may be a party or have an interest except where the Borough is represented by outside counsel or as otherwise directed. He shall give all legal counsel and advice where required by the Administrator, Mayor, Council or any member thereof and shall in general serve as the legal advisor to the Council and Administrator on all matters of Borough business. In furtherance of such general powers and duties, but without limitation thereto, the Borough Attorney shall have the following duties, functions and responsibilities and meet the following qualifications:

1. The Attorney must be currently licensed to practice law in, and a member in good standing of the Bar of, the State of New Jersey.
2. The Attorney shall be available to attend two Borough Council Meeting a month as directed by the Administrator generally held on the 2nd and 4th Tuesday of the month.
3. The Attorney shall draft or approve as to form and sufficiency all legal documents, contracts, ordinances and resolutions made, executed or adopted by or on behalf of the Borough.

4. The Attorney shall render written and verbal legal opinions upon any question of law submitted to him by the Administrator, Mayor, Council, 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 Mayor, Council and Administrator in the administration of Borough affairs.
5. The Attorney shall supervise and direct the work of such additional attorneys and technical and professional assistants as the Mayor & Council may authorize to provide assistance to the Borough.
6. When directed by the Administrator, the Attorney shall attend special meetings of the Mayor & Council and all other meetings.

C. MINIMUM REQUIREMENTS

1. The Attorney shall have five years of experience as a Municipal Attorney in the State of New Jersey.
2. The Attorney shall supply a list of three (3) professional references for whom services have been satisfactorily rendered including at least three (2) NJ municipalities.
3. Any Attorney or Firm that has represented a Party in litigation against Franklin Borough, its Officials, Employees, Boards, Agencies, etc., during the past 5 years will not be considered.
4. The Attorney and Firm shall carry professional liability insurance during the term of his/her retention.
5. The Attorney and Firm shall be subject to all applicable anti-pay-to-play requirements.

D. INSTRUCTIONS

Include a single page summary to include the following:

- References
- Hourly costs
- Areas of specialties

Interviews may be scheduled by the Borough at a mutually agreeable date and time beginning approximately one week after closing date for receipt of proposals.

A proposal shall include a cover/transmittal letter along with an individual and, where appropriate, a firm resume outlining the Attorney's credentials and experience and, if applicable, those of its firm. Also include: RFP Cost Form, Non-Collusion Affidavit and Employee Information Report Form AA302.

All respondents are placed on notice that they must comply with the Affirmative Action requirement contained at N.J.A.C. 17:27 et seq.; the American with Disabilities Act, Equal Opportunity for Individuals with Disability; and all requirements of P.L. 1975, c.127 (N.J.S.A. 10:5-31 through 10:5-38)

All proposals must be in a sealed envelope and clearly marked "Sealed Proposal-Borough Attorney. If the Proposal is sent by mail or overnight carrier, or is hand-delivered it shall be inserted into a single envelope and shall be addressed as set forth below.

Proposals must be received by 4:00 p.m. on Thursday, November 30, 2017.

One original and one copy of the proposal must be submitted.

All proposals are to be delivered to:

Mayor Nicholas Giordano
Franklin Borough
46 Main Street
Franklin, NJ 07416

And email to ngiordano@franklinborough.org

Questions and comments should be directed to Nicholas Giordano, Mayor, 973-827-9280 x105.

RFP COST FORM
FRANKLIN BOROUGH
BOROUGH ATTORNEY

Proposed Hourly Rate of Pay
\$ _____

Alternate proposal for Compensation (discretionary):

Signature

Type or Printed Name

Title

Firm Name

Address

Telephone

NON-COLLUSION AFFIDAVIT

STATE OF _____:

:SS

COUNTY OF _____:

I, _____ of the municipality of _____ in the County of _____ and the State of _____, being of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm _____ 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 in awarding the contract for the said project or item.

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 or vendor)
(N.J.S.A. 52:34-15).

Type or print name of affiant
under signature

Sworn and Subscribed to
before me this _____ day
of _____, 201

Notary Public (seal)

THIS FORM MUST BE NOTARIZED

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

(N.J.S.A. 10.5-31 et seq)

(N.J.A.C. 17:27)

GOODS, SERVICES and PROFESSIONAL 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, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, 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, affectional or sexual orientation, gender identity or expression, disability, nationality 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 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 received consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality 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 regulation 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 make good faith efforts to employ minority and women 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**.

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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, 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.

In conforming with the applicable employment goals, 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and service contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division 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 Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code N.J.A.C. 17:27.**

Name

Title

Firm Name

“NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS”

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44 (g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales or tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L. 2001, c.134 (C. 52:32-44 et al.) or subsection e. or f. of section 92 of P.L. 1977, c. 110 (C.5:12-92), or that provides false business registration information under the requirement of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.”

NJ BUSINESS REGISTRATION FORM MUST BE SUBMITTED WITH RFP

**FRANKLIN BOROUGH
REQUEST FOR PROPOSALS**

The Franklin Borough is seeking proposals to retain an attorney to be the Borough Attorney to represent the Franklin Borough on all legal matters.

Proposals can be obtained in the Administrator's Office, Borough of Franklin, 46 Main Street, Franklin, NJ 07416 or email clerk@franklinborough.org.

Proposal will be accepted up until 4:00 p.m. on November 30, 2017, to Mayor Nicholas Giordano, 46 Main Street, Franklin, NJ 07416 by mail or hand delivered and emailed to ngiordano@franklinborough.org.

The award of a contract for the described services will be made by the Franklin Borough based on the respondent's qualifications including, but not limited to the following: cost of services, references, knowledge and interpretation of the Franklin Borough's needs, and experience.

Nicholas Giordano, Mayor

BASIS OF AWARD

(To be completed by the Borough Evaluation Committee)

EVALUATION FACTORS

1. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned.
2. Knowledge of the Franklin Borough and the subject matter to be addressed under this engagement.
3. Relevance and Extent of Similar Engagement performed.
4. Technical Proposal contains all required information.
5. Reasonableness of Cost Proposal.