



January 17, 2020

RE: Request for Proposals for Professional Services

I am herewith enclosing a copy of Chapter 40 of our Municipal Code Article I, Prohibition on Award of Contracts to Certain Contributors and Article II, Fair and Open Process which was codified by the Little Egg Harbor Township governing body on Thursday, March 15, 2007.

The township has established a procedure for competitive negotiation for all professional service contracts to be awarded by the governing body, or any applicable board. Please be advised that contracts to be awarded on the basis of qualification based competitive negotiation. Although the cost of services will be a factor in the decision making process, the qualifications of the firm will have substantial weight in the process as well. Pursuant to the provisions of the Municipal Code, this letter shall serve as a "Request for Proposals" to all interested persons. The governing body, intends to award a contract for the remainder of calendar year 2020, for **Conflict Public Defender** during the Little Egg Harbor Township Meeting scheduled for February 13, 2020.

All Proposals must be submitted to the Office of the Township Clerk, 665 Radio Road, no later than, Monday, February 3, 2020, by 12:30 p.m. One original submission package is all that is needed. The township reserves the right to reject any proposal not received by that date & time. All proposals must include the following minimum information to be considered:

- Name of the individual(s) to be assigned to perform the tasks.
- Professional experience of the individual(s) to be assigned including a listing of experience with Little Egg Harbor Township and/or experience with other municipalities.
- A statement concerning the ability of the firm/individual to perform tasks assigned by the township in a timely fashion.
- Professional licenses held by the individual(s) to be assigned.
- Educational background and experience of the individual(s) to be assigned.
- A description of the support staff available to the individual(s) to be assigned.
- A copy of a Certificate of Insurance, issued by an insurance carrier licensed in the State of New Jersey, for the firm/company showing the amount of professional liability insurance and all other coverage in place as of January 1, 2020.
- A list of professional references with addresses and telephone contact numbers.
- Detailed hourly rates for ALL staff that will be or potentially could be assigned and any other "charges" for extra services not included in hourly rates.
- A comparison of the hourly rates charged to other municipalities for similar work to be undertaken for Little Egg Harbor Township.
- Any known potential conflicts of interest that may result in the individual / firm becoming disqualified from working for Little Egg Harbor Township for any reason.
- Completion of attached Affirmative Action information (See Exhibit "A").
- A copy of your Business Registration Certificate.
- W-9 Form

Pursuant to the provisions in the Municipal Code, notice is hereby given as follows:

All submissions shall be kept on file during the term of the related contract and shall be public record after the deadline for the submission of the proposals. In the event that compliance with part or all of the requirements of the ordinance is impracticable with regard to a particular contract or agreement, the Township Committee may waive part or all of the requirements by a majority vote of the full committee, setting forth with specificity the reasons such waiver is required. The governing body will not consider proposals from individuals/firms without municipal government experience.

No minimum payment is implied or guaranteed.

Any questions concerning the information contained in the Request for Proposals must be addressed to Rodney R. Haines, Chief Financial Officer. Thank you for your interest.

Sincerely,

Rodney R. Haines, CMFO
Chief Financial Officer

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE 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, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter 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 make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race,

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 targeted 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, race, 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 services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Company _____
Signature _____
Title _____
Date _____

Chapter 40. Ethics

Article I. Prohibition on Award of Contracts to Certain Contributors

§40-1. Purpose.

The purpose of this ordinance is to comply and adopt the provisions of Chapter 19, P.L. 2004, as amended P.L. 2005, c. 51, and Chapter **271**, P.L. 2005 (the "Pay to Play Acts").¹

[1] *Editor's Note: See N.J.S.A. 19:44A-20.3 et seq.*

§40-2. Definitions.

As used in this chapter, unless otherwise noted, the following terms shall have the meanings indicated, as delineated within N.J.S.A. 19:44A-20.7:

BUSINESS ENTITY

Any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this state or of any other state or foreign jurisdiction;

INTEREST

The ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

§40-3. Prohibition on awarding public contracts to certain contributors.

- A.** The Township of Little Egg Harbor, and any agency or instrumentality thereof, shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the Township, with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), to any Little Egg Harbor Township committee of a political party, if a member of that political party is serving in an elective public office of Little Egg Harbor when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded; and
- B.** A business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Township of Little Egg Harbor, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L.

1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), to any Little Egg Harbor Township committee of a political party, if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded during the term of that contract.

C. No such committee as referenced in Subsection A or B above shall accept such a contribution from a business entity during the term of the business entity's contract with the Township of Little Egg Harbor, unless it was awarded under a fair and open process.

§40-4. Certain contributions deemed as contributions by business entity.

When a business entity is a natural person, a contribution by that person's spouse or child residing therewith shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

§40-5. Return of excess contributions.

If a business entity makes a contribution that would cause it to be ineligible to receive a public contract, or in the case of a contribution made during the term of a public contract that would constitute a violation of the Pay to Play Acts, the business entity may request, in writing, within 60 days of the date on which the contribution was made, that the recipient thereof repay the contribution and, if repayment is received within those 60 days, the business entity would again be eligible to receive a contract, or would no longer be in violation, as appropriate.

§ 40-6. Public exigency.

Nothing contained in this chapter shall be construed as prohibiting the awarding of a contract when the public exigency requires the immediate delivery of goods or performance of emergency services as determined by the State Treasurer.

§ 40-7. Violations and penalties; civil penalties.

Violations of this chapter shall result in penalties as prescribed within N.J.S.A. 19:44A-20.10 and 19:44A-20.11.

Article II. Fair and Open Process

§40-8. Fair and open process utilized to award contracts with anticipated value in excess of \$17,500.

A. The Township shall award all contracts with a business entity having an anticipated value in excess of \$17,500 on the basis of the fair and open process herein, in accordance with N.J.S.A. 19:44A-20.7. For purposes of this article, contracts awarded by public bidding pursuant to N.J.S.A. 40A:11-4, and competitive contracting pursuant to N.J.S.A. 40A:11-4.1 to 40A:11-4.5, shall be deemed to have satisfied the Township's "fair and open process." This article shall not apply to any contract for which the entity is regulated by the state so as to prohibit or restrict said entity from making political contributions.

B. Fair and open process defined.

(1) Requests for proposal shall be published by the posting of a public notice at least 10 days prior to the awarding of any contract herein.

(a) The public notice shall be:

[1] Prominently posted in the public place reserved for Sunshine Law notices;

[2] Mailed, telephoned, telegrammed, faxed, or hand delivered to at least two newspapers designated to receive such notice because they have the greatest likelihood of informing the public within the municipality, one of which shall be the official newspaper of the municipality; and

[3] Filed with the Township Clerk.

(b) The public notice shall, at minimum, include:

[1] A description of the goods or services needed, including, where appropriate, a description of tasks involved.

[2] Threshold qualification requirements setting the highest possible minimum standards for qualifying to compete for the particular goods or services and tasks involved.

[3] Notice that the selection criteria are on file and available at a stated location in the Township.

[4] Deadline and place for all submissions.

(2) The selection criteria to be used in awarding a contract or agreement for goods or services shall include:

(a) Name and business address of proposed contractor. For service contracts, the names and roles of the individuals who will perform the task, and a description of their experience with projects similar to the matter being advertised.

(b) References which include evidence of successful transactions for provision of similar goods or services.

(c) Description of ability to provide the goods or services in a timely fashion (for service contracts, include staffing, familiarity, and location of key staff).

(d) Cost details. For service contracts, include the hourly rates of each of the individuals who will perform services, time estimates for each individual, all expenses, and where appropriate, total cost of "not to exceed" amount.

(e) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation (services only).

(f) Other relevant experience.

(g) Ability to perform the task or provide goods in a timely fashion.

(h) Cost consideration, including, but not limited to, as applicable, historical costs for similar goods or services, expertise involved and comparable costs for comparable public entities.

(3) All submissions shall be kept on file during the term of the related contract, and shall be public records after the deadline for the submission of proposals.

(4) Contracts awarded under this article shall be publicly announced and awarded.