

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

The Township of Willingboro solicits statements of qualification of applicants for appointment to the following professional positions. Responses should address the general criteria and mandatory minimum criteria for the position sought. Unless otherwise required by law, all responses will be treated as confidential and reviewed only by the governing body. Responses must be received in the Office of the Township Clerk, Willingboro Township Municipal Complex, One Rev. Dr. M. L. King, Jr. Drive, Willingboro, NJ 08046, no later than 4:00 P.M. on December 1, 2022. All responses shall be opened and announced publicly by the Township Clerk immediately thereafter. The governing body will review responses, and all appointments will be announced at a public meeting. Unless otherwise noted, appointments shall be effective from January 1, 2023, through December 31, 2023.

**GENERAL PROPOSAL REQUIREMENTS**

The request for qualifications is to be formatted as follows to assure consistency:

- Section A. Understanding of the Scope of Services to be provided for the Township
- Section B. Qualifications & Experience
- Section C. Resume & Qualifications of Key Personnel
- Section D. Client Reference List
- Section E. Conflict of Interest(s): This section should disclose any potential conflicts of interest that the firm may have in performing these services for the Township
- Section F. Miscellaneous/Other information (This section is for any further pertinent data and information not included elsewhere in the RFQ and found necessary by the proposer).

**I. PLEASE PROVIDE AN ORIGINAL AND SEVEN (7) COPIES.**

**MISCELLANEOUS REQUIREMENTS**

1. The Township of Willingboro will not be responsible for any expenses incurred by any firm in preparing or submitting a proposal. All proposals shall provide a straightforward, concise delineation of the firm's capabilities to satisfy the requirements of this Request for Qualifications. Emphasis should be on completeness and clarity of content.
2. The contents of the proposal submitted by the successful firm(s) and this Request for Qualifications may become part of the contract for these services. The successful firms will be expected to execute said contract with the Township of Willingboro.
3. Proposals shall be signed in ink by the individual or authorized principal of the responding party. Proposals submitted shall be valid for a minimum of 60 days from the date of opening.
4. The Township of Willingboro reserves the right to reject any and all proposals received by reason of this Request for Qualifications, or to negotiate separately in any manner necessary to serve the best interests of the Township.

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5. Any selected firm is prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this Agreement or its rights, title, or interest therein or its power to execute such agreement to any other person, company, or corporation without the prior written consent of the Township.
6. The selected firm(s) shall be required to comply with the requirements of P.L. 1975, c.127 (see attached affirmative action language) and submit an employee information report or certificate of employee information report approval. This requirement will be addressed upon execution of the Agreement.
7. The selected firm(s) shall be required to provide a Business Registration Form(s).
8. The selected firm(s) may be required to provide Proof of Insurance.
9. All costs of responding to the RFQ, negotiating any contracts related thereto, complying with any requirements of the RFQ, including political reporting requirements shall be borne solely by the RFQ respondent.
10. Proposals will not be returned and shall become public records subject to Open Public Records Act (N.J.S.A. 47:1A-1, et seq.).

**EVALUATION OF PROPOSALS**

The proposal will be independently evaluated based on the criteria listed below:

- ❖ Proven record of experience, including referrals, in providing the type of services detailed herein.
- ❖ Ability to provide services in a timely manner.
- ❖ Personnel qualifications.
- ❖ Understanding of the services requested, including completeness and clarity of submission, and qualitative nature of the services proposed.

**SPECIFIC PROPOSAL REQUIREMENTS**

**TOWNSHIP ATTORNEY**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a municipal attorney who will be the chief, general legal officer of the Township. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey redevelopment law and municipal contract law. Any experience or knowledge of matters directly affecting the Township of Willingboro should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Manager. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Manager's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

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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.
3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must have sufficient support staff available to provide all general legal services required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts and other legal documents.

**TOWNSHIP LABOR COUNSEL**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm who will be the Township's primary representative in all matters relating to labor relations. Applicants should demonstrate knowledge of and experience in the representation of public employers. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative agencies of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of seven (7) years experience representing public employers in Labor relation matters.
3. Must have sufficient support staff to provide all services required by the Township including, but not limited to, legal research, preparation of legal memoranda, contracts and other legal documents.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list past and present public employers represented as Labor Counsel.

**TOWNSHIP BOND COUNSEL**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm who will be the primary legal representative of the Township in all matters relating to the issuance of public debt instruments including bonds and bond anticipation notes of the Township. Applicant should demonstrate knowledge of municipal bond and finance law. Any

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experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of ten (10) years experience representing municipal entities in connection with the approval of bond ordinances and the issuance of municipal bonds and/or notes.
3. Must maintain a bona fide office in the State of New Jersey.
4. Must have sufficient support staff to provide all services required by the Township including, but not limited to, the preparation of all documents necessary and incidental to the issuance of bonds and other municipal obligations.
5. Must list past and present public entities represented as Bond Counsel.

**TOWNSHIP TAX ATTORNEY**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a municipal tax attorney to handle the represent the Township of Willingboro in all tax related matters, including but not limited to tax appeals held before the tax court. Applicants should demonstrate knowledge of general New Jersey tax law. Any experience or knowledge of matters directly affecting the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

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, federal and tax courts in New Jersey, as well as, administrative agencies and the Office of Administrative Law.
2. Must have a minimum of five (5) years experience in the general representation of

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- municipal governments or municipal authorities in tax appeals.
3. Must list past and present municipal or government authorities represented.
  4. Must maintain a bona fide principal office in the State of New Jersey.
  5. Must have sufficient support staff available to provide all general legal services required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts, and other legal documents.

**TOWNSHIP PROSECUTOR**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a chief prosecutor who will be the legal representative of the State of New Jersey and the Township of Willingboro in the prosecution of cases before the Municipal Court of the Township of Willingboro. Applicants should demonstrate knowledge and experience in matters relating to prosecution matters before the municipal courts of the State of New Jersey, as well as a certification from the Prosecutor of Camden County to prosecute DWI cases consistent with current law. Any experience or knowledge of matters that directly affect the Township of Willingboro or its municipal court should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Manager. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Manager's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than five (5) years preceding appointment.
2. Must have a minimum of five (5) years experience appearing in municipal court matters in the State of New Jersey.
3. Must provide a description of availability for municipal court sessions as scheduled in Willingboro.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list other past and present municipal courts served as Prosecutor or Public Defender.

**TOWNSHIP PUBLIC DEFENDER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney at law who will be the principal public defender for those who qualify for public defender services in the Municipal Court of the Township of Willingboro. Applicant should demonstrate knowledge and experience in the defense of matters in the municipal courts of the State of New Jersey. Any experience or knowledge of matters that directly affect the Township of Willingboro or its municipal court should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than five (5) years preceding appointment.
2. Must have a minimum of five (5) years experience appearing in municipal and superior courts of the State of New Jersey.
3. Must maintain a bona fide principal office in the State of New Jersey.
4. Must provide a description of availability for municipal court sessions.
5. Must list other past or present municipal courts served as Public Defender or Prosecutor.

**TOWNSHIP SPECIAL COUNSEL**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm to represent the Township in both general and specific matters related to municipal governments on an as needed basis. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey redevelopment law and municipal contract law. Any experience or knowledge of matters directly affecting the Township of Willingboro should be addressed.

- **Please note:** Invoices and the Township’s voucher for legal fees and costs will be submitted on a monthly basis to Township Manager. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Manager's approval of the Attorney’s invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey for a period of not less than five (5) 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.
3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must have sufficient support staff available to provide all general legal services

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required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts, and other legal documents.

**TOWNSHIP HEARING OFFICER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney who will be the Township's hearing officer in all employment related disciplinary hearings, including civil service, police review hearings, and other administrative hearings. At the direction of the Township Manager, the Hearing officer will schedule and hold hearings either requested or required involving the major disciplinary matters of township employees. The appointee will also act as a hearing officer in matters in which factual appeals can be made to the Township Council of the Township of Willingboro. At the request of Township Manager, the appointee will hold hearings on grievances filed by Township labor unions in disputes involving collective bargaining agreements. Applicants should demonstrate knowledge of and experience in the conduct of administrative and employment related employment and police hearings, including disciplinary and civil service matters. All hearings shall be followed by a written decision outlining the facts as the Hearing Officer sees it from the hearing presentation within a reasonable amount of time, as required by law, following the hearing.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey, eligible to appear before state and federal courts and administrative agencies.
2. May be a retired Judge of the Superior Court of New Jersey or retired Administrative Law Judge with extensive experience in handling cases from the New Jersey Department of Personnel; or
3. Must have a minimum of seven (7) years handling public sector disciplinary hearings and grievance hearings involving public sector collective bargaining agreements.
4. Must have sufficient support staff to provide all services required by the Township including, but not limited to the preparation of any written decisions and other legal documents, as may be required in the hearing.
5. Must maintain a bona fide principal office in the State of New Jersey.
6. Must list all past and present public employers and any collective bargaining units represented as Labor Counsel.
7. Identify or advise of any potential conflicts of interest.

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**TOWNSHIP FORECLOSURE COUNSEL**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm who will be the Township's primary representative in all matters relating to foreclosure upon and acquisition of delinquent and vacant, and or abandoned properties. Applicants should demonstrate knowledge of and experience representing municipalities in civil foreclosure, condemnation, and property acquisition actions. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative agencies of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must demonstrate ability to provide the Township with all foreclosure legal services.
3. Must have sufficient support staff to provide all services required by the Township including, but not limited to, legal research, preparation of legal memoranda, contracts and other legal documents.
4. Must maintain a bona fide principal office in-the State of New Jersey.
5. Must list past and present public employers represented, including those represented as foreclosure counsel.

**TOWNSHIP FAIR SHARE HOUSING SPECIAL COUNSEL**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm to represent the Township in both general and specific matters related to municipal governments on an as needed basis. Applicants should demonstrate knowledge of and experience in the litigation of Mount Laurel cases, Affordable Housing requirements, Department of Community Affairs implementation of the Housing Elements and Fair Share Plans, general New Jersey municipal law, New Jersey redevelopment law and municipal contract law. Any experience or knowledge of matters directly affecting the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey for a period of not less than five (5) 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 representation of municipal governments in *Mount Laurel cases* and/or Fair share housing matters and matters before the former Council on Affordable Housing, now Department of Community Affairs.
3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must have sufficient support staff available to provide all general legal services required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts, and other legal documents.

**TOWNSHIP SUBSTITUTE/CONFLICT PROSECUTOR**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a conflict prosecutor who will be the legal representative of the State of New Jersey and the Township of Willingboro in the prosecution of cases where the Township's Municipal Prosecutor has a conflict before the Municipal Court of the Township of Willingboro. Applicants should demonstrate knowledge and experience in matters relating to prosecution matters before the municipal courts of the State of New Jersey, as well as a certification from the Prosecutor of Camden County to prosecute DWI cases involving the Alcotest 7110C. Any experience or knowledge of matters that directly affect the Township of Willingboro or its municipal court should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Manager. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Manager's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than five (5) years preceding appointment.
2. Must have a minimum of five (5) years experience appearing in municipal court matters in the State of New Jersey.

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3. Must provide a description of availability for municipal court sessions as scheduled in Willingboro.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list other past and present municipal courts served as Prosecutor or Public Defender.

**TOWNSHIP SUBSTITUTE CONFLICT PUBLIC DEFENDER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney at law who will be the conflict public defender for those who qualify for public defender services in the Municipal Court of the Township of Willingboro. Applicant should demonstrate knowledge and experience in the defense of matters in the municipal courts of the State of New Jersey. Any experience or knowledge of matters that directly affect the Township of Willingboro or its municipal court should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Manager. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Manager's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than five (5) years preceding appointment.
2. Must have a minimum of five (5) years experience appearing in municipal and superior courts of the State of New Jersey.
3. Must maintain a bona fide principal office in the State of New Jersey.
4. Must provide a description of availability for municipal court sessions.
5. Must list other past or present municipal courts served as Public Defender or Prosecutor.

**TOWNSHIP AUDITOR**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a firm of certified public accountants to act as municipal auditors for the Township of Willingboro. Applicant should demonstrate knowledge of municipal auditing laws and regulations and experience in providing advice to municipal entities on records compliance issues. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

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pay billings upon the Township Manager's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. The firm must employ a certified public accountant who has been licensed in that capacity for a period of not less than seven (7) years each prior to the date of appointment.
2. The firm must employ a registered municipal accountant licensed and qualified in that capacity for a minimum of five (5) years each prior to the appointment.
3. Must have a minimum of ten (10) years experience in providing auditing services to municipalities within the State of New Jersey.
4. Must maintain a current principal office within the State of New Jersey.
5. Must describe any special services available to municipal clients.
6. Must list all past and present municipal clients.

**TOWNSHIP/ CONSULTING ENGINEER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a firm or firms to provide consulting engineering services to the Township. Applicants should demonstrate knowledge and experience with respect to all aspects of engineering services required by a municipal entity. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed. The successful firm(s) shall comply with all applicable federal, state, and local statutes, rules, and regulations.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be certified to provide engineering services in the State of New Jersey.
2. Must have a minimum of five (5) years experience in providing consulting services to municipalities including demonstrated experience with road programs, drainage improvement projects, combined sewer projects, utility upgrades and replacement, public building improvement programs, recreational facilities, land surveying and mapping projects.
3. Must be experienced in obtaining permits and approvals from various state, county, and local regulatory agencies.
4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Township of Willingboro including, but not limited to civil engineers,

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- land surveyors, planners, environmental scientists, and construction administrators.
5. Must maintain a principal office location in close proximity to Willingboro to be able to respond to emergent matters promptly.
  6. Must be experienced in the preparation of grant applications.
  7. Must have project managers with at least five (5) years of municipal experience.
  8. Must list past and present municipalities served as Consulting Engineer.

**TOWNSHIP PLANNER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a Planner to act as the Township's Planner. The Planner will be responsible for providing general planning services to the Township as well as the Planning and Zoning Boards. Applicants should demonstrate knowledge and experience with respect to all aspects of general planning services and land use regulations required by a municipal entity. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be certified to provide planning services to a municipality in the State of New Jersey.
2. Must have a minimum of ten (10) years experience in providing planning services to municipalities including demonstrated experience with road programs, drainage improvement projects, combined sewer projects, utility upgrades and replacement, public building improvement programs, recreational facilities, land surveying and mapping projects.
3. Must be experienced in obtaining permits and approvals from various state, county, and local regulatory agencies with specific experience related to redevelopment and land use preferred.
4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Township of Willingboro including, but not limited to civil engineers, land surveyors, planners, environmental scientists, and construction administrators.
5. Must maintain a principal office location in close proximity to Willingboro to be able to respond to emergent matters promptly.
6. Must be experienced in the preparation of Municipal Master Plans.
7. Must list past and present municipalities and/or Planning and Zoning Boards served as Consulting Engineer.

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**TOWNSHIP REDEVELOPMENT COUNSEL**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm who will serve as Special Redevelopment Counsel. Applicants must display expertise in handling municipal redevelopment work, for purposes of advising Willingboro Township and providing required legal services related to the planned Big D Marina Redevelopment Project. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

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**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative agencies of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of five (5) years experience representing Townships in redevelopment matters or seven (7) years representing clients before Zoning or Planning Boards.
3. Must have sufficient support staff to provide all services required by the Township including, but not limited to, legal research, preparation of legal memoranda, contracts and other legal documents.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list past and present Townships represented as Solicitor.

**INSURANCE REQUIREMENTS**

Prior to commencing work under contract, the successful firm shall furnish the Township of Willingboro with a certificate of insurance as evidence that it has procured the insurance coverage required herein. A carrier approved by the Township of Willingboro must provide the coverage. Firms must give the Township of Willingboro a sixty (60) day notice of cancellation, non-renewal, or change in insurance coverage. The successful firm(s) shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Qualifications:

**PROFESSIONAL LIABILITY INSURANCE**

Minimum of \$1,000,000.00 errors and omissions per occurrence to be amended based upon the specific work and values involved.

**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE**

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- Statutory coverage for New Jersey
- \$100,000.00 Employer's Liability

**GENERAL LIABILITY INSURANCE**

Minimum of \$1,000,000.00 per occurrence to be amended based upon the specific work and values involved. The Township of Willingboro shall be named as additional insured with respect to general liability.

**AUTOMOBILE LIABILITY INSURANCE**

Minimum of \$ 1,000,000.00 per occurrence / \$1,000,000.00 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

**INDEMNIFICATION**

The selected firm(s) shall defend, indemnify, and hold harmless the Township of Willingboro, 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 connects with the firm's acts or omissions under this agreement.

**DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Proposer: \_\_\_\_\_

**PART 1**

Pursuant to Public Law 2012, c. 25(N.J.S.A. 52-32:55, et seq.) and N.J.S.A. 40A:11-2.1 any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person.

Or entity, nor any of its parents, subsidiaries, or affiliates (any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity), is identified on the department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the State of New Jersey, Department of Treasury, Division of Purchase and Property website at: <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>

Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Township finds a person or entity to be in violation of law, it shall take action as may be appropriate and provided by law, rule or contract, including but not limited to seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party. If the bidder submits a false certification, the Township shall report the name of the bidder to the New Jersey Attorney

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General, who shall determine whether to bring a civil action against the person or entity in accordance with N.J.S.A. 52:32-59.

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012 c. 25, that neither the bidder listed above nor any of the bidder's Parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012 c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate, and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

**PART 2**

You must provide a detailed, accurate, and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries, or affiliates, engaging in the Investment activities in Iran outlined above by completing the box below.

Name: \_\_\_\_\_ Relationship to Proposer: \_\_\_\_\_

Description of Activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duration of Engagement: \_\_\_\_\_ Anticipated Cessation date: \_\_\_\_\_

Proposer Contact Name: \_\_\_\_\_ Contact Phone Number: \_\_\_\_\_

Certification: I, being duly sworn upon my oath, hereby represent and *state* that *the* foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the Township is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Township to notify the Township in writing of any changes to the answers or Information contained herein.

I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal

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prosecution under the law and that it will also constitute a material breach of my agreement(s) with the Township and the Township at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

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

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

**FINANCIAL ADVISOR**

The Township seeks an Independent Financial Advisor to assist the Township in planning and developing the most economically beneficial and efficient financing strategy for "Township Projects" ("the Project"). It is anticipated that the Financial Advisor will coordinate the financing process through execution of the financing and provide any necessary follow up reporting and analysis after the completion of the transaction. It is expected that the Financial advisor will identify and analyze the best available options to finance the project based on cost-benefit and market analysis. It is further expected that the Financial Advisor will provide a range of financial or credit products to accomplish the Township's goals. It is anticipated that the Advisor will be expect to do any or all of the following:

1. set forth the time table and responsibilities;
2. Coordinate the financing Advise as to the most appropriate credit strategy to complete the project. Advise as to the structure of each financing including, but not limited to, amortization, type of debt, credit enhancements to be considered and recommend a plan of financing that will result in the issuance of obligations under terms most advantageous to the Township;
3. Assist in the preparation of important financing documents;
4. Where official statements are required, the advisor will coordinate with the township to meet investors, insurers and other required professionals needs;
5. Provide a clear and concise presentation to the Municipal officials and the general public where necessary of the finance options available, and make recommendations which are in the Township's best interest;
6. Review terms, conditions and structure of any proposed offerings undertaken, provide suggestions and modifications where appropriate;
7. Advise township in regard to most appropriate and advantageous method of financing project;
8. Advise on the market timing for the transaction. Prepare time schedules and distribution lists for transactions as requested;

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9. Review and assist in the development of all documents relevant to the completion of a successful transaction including, but not limited to, where necessary bond resolutions, trust indentures, bond agreements, loan agreements, lease agreements, broker dealer agreements, preliminary and final official statements;
10. Attend all pre-closings and review and comment on all closing documents;
11. For competitively bid bond issues or leases verify all bids, coordinate necessary documents for bid, identify the winning bidder and prepare final debt service schedules;
12. Provide alternative repayment options based upon analysis of the Township' current and projected debt service;
13. Develop comprehensive tax impact analysis based upon debt service (current and future), debt service aid, changes in operating budget resulting from proposed financing of project;
14. Attend meetings with Municipal officials, and or finance department staff and management, with regard to financing of project.

**The Response to the Request for Qualifications shall include:**

1. Description of Firm - Provide a history and description of your firm.
2. Experience - Please briefly summarize your experience on municipal financing issues as financial advisor for entities in the State of New Jersey. Also include, as a separate list, your experience as Financial Advisor to the Township or similar municipalities.
3. References - Provide three (3) references. Include the name of the issuer *for* whom you have provided similar services along with the contact person's name, title, address, telephone number and email address.
4. Investigations/Litigation - Provide details of any criminal or regulatory investigation or pertinent litigation pending against your firm or members of your firm.
5. Relationships - Disclose all affiliations and/or contractual relationships with underwriters or investment managers whether or not you believe these would have an effect on advice rendered.
6. Certificates Required - The respondent must submit the following certificates:
  - (i) Affirmative Action Employee Information Report or Certificate of Employee Information Report;
  - (ii) Proof of general liability insurance coverage and professional liability insurance coverage;
  - (iii) Proof of NJ Business Registration;
  - (iv) Corporate Ownership Statement;
  - (v) Ownership statement;
  - (vi) non-collusion affidavit;
  - (vii) Mandatory Equal Opportunity Statement; Mandatory Disclosure of Investment Activities with Iran. Additionally, the respondent must confirm they are properly registered with the Securities Exchange Commission and the

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Municipal Securities Rulemaking Board to provide advice to issuers of municipal debt. Ownership and Pay-to-Play disclosures may be required prior to entering in an agreement/contract.

7. Other Information - Please discuss any factors which you believe are relevant to the Township's selection of your firm.
8. Compensation - Please attach your fee schedule for providing the Scope of Services requested in this Request for Qualifications. Include a description and estimate of any out-of-pocket expenses related to this engagement.
9. A statement demonstrating understanding of the proposed scope of work requested
10. Project approach
11. Sample project work plan (a sample work plan from another entity is acceptable); it does not have to be specific to the Township.
12. Key dates and deliverables (example: turnaround time if the Township requested information)

**Administrative Agent**

**I. INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF RESPONSES**

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Manager. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Manager's approval of the Attorney's invoice and corresponding voucher.

**A. Submission of Responses: Time and Place**

One (1) original and seven (7) copies of the Response shall be submitted and received hand delivery or by courier, on or prior to the above referenced date and time. One (1) of the copies (original) shall be unbound (held by binder clip, suggested), for purposes of additional copies by the Township, should they be needed at a future date or interested party.

All Responses submitted will remain unopened until the time and date established in the RFP notice. Any Response or portions thereof that are submitted and received after the specified deadline will be marked "received late" and rejected by the Township for consideration under this RFP. Any Response marked "received late" will become property of the Township and will not be returned to the sender.

All Responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, id and as applicable. The Response and all related information must be bound (except for the original copy) and must be signed and acknowledged by the Respondent in accordance with the directions herein.

The Respondent are referred to the following sections hereof, which summarize the documents and required information pursuant to the RFP.

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**B. Cost of Preparation**

Each Respondent and all required information pursuant to the RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Township, its staff or its consultants of the reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information related in any way to the RFP.

**C. Withdrawal**

Respondent may request withdrawal of its Response prior to the date and time set for the opening of the Response provided that a written request to withdraw the Response is hand delivered to the Township by or on behalf of an accredited representative of the Respondent, or the request is delivered by certified US MAIL prior to the date and time set for the opening of the Response. The request for withdrawal of the Response must be received by the Township prior to commencement of the Response opening. While the Township will seek to honor such withdrawal request, the Township shall incur no liability for its failure to do so.

**D. Ownership of Materials**

Ownership of all data, materials and documentation originated and prepared for the Township pursuant to the contract shall belong exclusively to the Township. All data, reports, computerized information, programs and materials related to the RFP and Scope of Work shall be delivered to and become the property of the Township upon completion of the Scope of Work. The Respondent shall not have the right to use, sell, or disclose the total of the interior or final works products, or make available to third parties, without the prior written consent of the Township. All information supplied to the Township may be required to be supplied on CD-ROM media compatible with the Township's computer operating system.

**E. Disposal of Responses**

All Responses are the property of the Township upon receipt of same and will not be returned, unless procedures for withdrawal is complied with as referenced above. At the conclusion of the selection process, the Township may dispose of any and all copies of Responses received in whatever manner it seems appropriate. The Township will incur no liability in the unauthorized disclosure of proprietary information. In no event will the Township assume liability of any loss, damage or injury that ay result from any disclosure or use of marked data.

**F. Rejection of Proposals**

The Township reserves the right to reject any or all Responses, or to reject any Responses if the evidence submitted by, or investigation of such Respondent fails to satisfy the Township that such Respondent is properly qualified to carry out the obligations of the RFP and to complete the Scope of Work contemplated therein. The Township reserves the right to waive any minor informality in the RFP or Response(s).

**G. Evaluation Process**

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An evaluation team of Township representatives and/or consultants to the Township will review all proposals to determine if they satisfy the RFP requirements, determine if a proposal should be rejected and evaluate the proposals based upon the firm’s qualifications, experience, and understanding of the Scope of Work’s objective.

**H. Cost Liability and Additional Costs:**

The Township assumes no responsibility and liability for costs incurred by the Respondent prior to the issuance of an Agreement between the Township and Respondent. The liability of the Township shall be limited to the terms and conditions of the executed contract.

Awarded Respondent will assume responsibility for all costs not stated in their proposals. All unit rates, either stated in the proposal, or used as a basis for its pricing are required to be all-inclusive. Additional charges, unless agreed in writing in advance by the Township, are not to be billed and will not be paid and therefore rejected without prejudice.

**I. Commencement of Work:**

The Respondent agrees to commence work after the date of award by the Township and upon notice from the issuing Township department.

**J. Applicable State Laws**

If applicable, Respondent is responsible for compliance, “The Prevailing Wage Act,” C. 150, P.L. 1973 (N.J.S.A. 34:11-56.25) and C. 127, P.L. 1975 – Supplement to Law Against Discrimination (Affirmative Action), and for compliance with the provisions of C. 33, P.L. 1977, which requires that no corporation or partnership shall be awarded any municipal contract for the performance of any work or the furnishing of any materials and supplies, unless prior to the receipt of the bid of accompanying the bid of said corporation or partnership who own 10% or more of its stock of any class, or of all individual partners in the partnership who own a 10% or greater interest therein.

***New Jersey “Pay to Play” Law***

Pursuant to N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271, S.3) the State of New Jersey concerning “Pay-to-Play” issues, all contractors are being placed on notice of the following:

Disclosure of Contributions to New Jersey Election Law Enforcement Commission (ELEC).

N.J.S.A. 19:44A-20.27 establishes a new disclosure requirement for business entities. It requires that, when a business entity has received in any calendar year \$50,000 or more in public contracts with public entities, it must file an annual report with the ELEC. The report shall disclose any contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind:

- To a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or,
- To a political party committee, legislative leadership committee, political committee or continuing political committee.

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The report will include all reportable contributions made by the business entity during the 12 months prior to the reporting deadline. ELEC will be promulgating a form and procedures for filing commencing in January 2007. ELEC can also impose fines for failure to comply with this requirement. While the local unit has no role in this process, it is recommended that all bid or proposal specifications and contracts should include language notifying business entities of their potential obligation under the law. Such language could read as follows:

*Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining 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).*

**K. Non-Waiver of Conditions**

The failure of either party to insist upon strict performance of any provision of this RFP and/or Scope of Work in any one or more instances shall not constitute a consent to waiver of or excuse for any other different or subsequent breach of the same or other provision, nor as a result shall either party relinquish any rights which it may have under this RFP and/or Scope of Work. No terms or provisions hereof shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the waiving party.

**L. Submission Requirements**

**1. Completeness**

Each of the instructions set forth in this RFP must be followed in order for a Response to be deemed responsive to the RFP. In all cases, the Township reserves the right to determine, in its sole discretion, whether any aspect of the response meets the submission requirements of the RFP. The Township reserves the right to reject any Response that, in its sole judgment, does not comply with the submission guidelines set forth in this RFP herein.

**2. Number of Copies**

One (1) original and seven (7) copies of the Response shall be submitted and received by hand delivery or by courier, on or prior to the above referenced date and time. One (1) of the copies (original) shall be unbound (held by binder clip, suggested), for purposes of additional copies by the Township, should they be needed at a future date or interested party. The remaining 7 copies maybe reproductions and shall be bound. Respondents shall number each set of the documents sequentially (numbers 1-8, with number 1 being the original) on the upper right hand corner of each cover.

**3. Form of Response**

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The Respondent shall provide the appropriate information required for each Section of this RFP in accordance with the following content and format requirements:

- A. The Responses shall be concise, clear, factual, and complete with a minimum of extraneous material.
- B. The response shall be indexed and sectioned and shall be prefaced with a table of contents.
- C. The response documents shall be typed or printed on “8 ½ by 11” paper.
- D. Maps and drawings should be included, if applicable
- 1. Organization - Responses submitted in response to the RFP shall consist of the following:

**Section I:** Executive Summary, Letter of Intent. – The Response shall contain the Respondent's Executive Summary, Letter of Intent. The Executive Summary shall include a summary of all key points of the Response including Respondent's Proposed Implementation Plan.

**Section II:** General Information/Administrative – The Response shall contain the following information set forth in the following order:

- a. The name, address and telephone number of the Respondents primary business office. If the Respondent's primary business office is located outside of the State of New Jersey, give the address and telephone number of the designated contact location, if any, which will be responsible for participating in this selection process and the project.
- b. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the names, addresses, and telephone numbers of each company.
- c. Key personnel - Provide resumes of all key personnel, and any other information that would describe the strength and depth of your organization.
- d. Optional (if known at this time) - Whether the Respondent intends to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a Response. If so, identify such joint venture entity, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs a and b above. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.

In connection with the above, provide the following:

- i. A complete identification of all principals or officers of any entities, firms, arrangements associates, joint ventures, partnerships, or involvements described above;
- ii. Complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named; and
- iii. A complete list of all criminal charges and civil environmental complaints brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges and/or civil environmental complaints, if any

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- e. The Respondent shall submit a Project Organization Plan for this project. The plan should describe, in narrative form and as a chart, the Respondent's proposed organization structure for this project. The chart shall display:
  - i. The firm's name, mailing address, phone number, fax number, and website.
  - ii. The names, mailing addresses, phone numbers, fax numbers, and e-mail addresses of all principals to be assigned to the project. The person who will serve as the project manager shall be identified.
  - iii. The firm's involvement, their inter-relationships and responsibilities, if known;
  - iv. A description of the qualifications, including education and professional experience specifically related to this scope of work, of the firm and all individuals to be assigned to the project including their relationship to the firm;
  - v. The names, addresses and phone numbers of clients for whom the firm may have performed a similar contract/service and
- f. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent, its officers, directors, employees or principals or any of its subsidiaries or parent(s), their officers, directors, employees or principals is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, state, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.
- g. Describe briefly any occasion in which Respondent, any officer or principal Respondent with a proprietary interest therein, has ever been disqualified, removed or otherwise prevented from bidding on, participating in, or completing a federal, state, or local governmental project because of a violation of law or a safety regulation.
- h. Describe briefly any occasion in which Respondent has been in a position of default in a federal, state or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
- i. Has the Respondent or any of its officers refused to testify or waiver immunity before any state or federal grand jury relating to any public construction project within the last ten years? If so, provide details.
- j. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section should be provided regarding each of the respective organizations.

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**Section III:** Financial Qualifications. The Respondents shall provide the following information in this section of the Response:

- a. A list of three (3) financial references, including a banking reference, noting the names, addresses and telephone numbers.
- b. Financial statements (audited preferred) for the general partner or controlling entity of the Respondents team for the last three (3) years in order to provide information that will support the financial stability of Respondent's firm.
- c. Evidence of its ability to secure performance bonding capacity.
- d. Disclose any negative information that would be deemed material under generally accepted accounting practices and, in addition thereto, any history of bankruptcy, insolvency, receivership, or similar declaration or status determination with respect to individuals or entities associated with the Respondent or any entity or affiliate therefore or individuals, or entities that are principals of said respondent.
- e. Provide specific information on how Respondent's firm has financed major projects. Indicate the source and amount of debt and equity funds Respondent's firm has arranged in the past.
- f. Specifically indicate if Respondent's firm has provided its own equity in its projects and, if so, to what extent.

**Section IV: Technical Qualifications.**

In this section Respondents to the RFP shall demonstrate their ability to undertake the project by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Township reserves the right to conduct an independent investigation of the Respondent and its subcontractor's technical qualifications by contacting other project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications:

- a. Summary of Related Projects - Respondent shall include a description of its prior projects with particular emphasis on projects that are similar to the proposal for this subject RFP. The description may include visual and descriptive information sufficient to judge the quality and use of the project. For each project, Respondent shall provide the following information:
  - i. Description of each project in terms of use, size, cost, location, and other pertinent factors. Specify the scope, cost, time to completion, completion date and sources of funding for all projects.
  - ii. Description of Respondent's role and responsibilities during development.
  - iii. List of project partners, if any
  - iv. Method of financing, including names of institutions that provided debt and equity. Financial performance of the project, including return on the investment, returns on equity and return on gross revenue.
  - v. Project team, including planners, architects, engineers.

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- b. Current or Pending Projects - Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project and include a contact name, address and telephone number for each current client.
- c. Project References - Include three (3) references for clients for whom the Respondent has provided similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the project. Identify the client contact name, organization, type of work provided, and the contacts address, telephone number and e-mail (if applicable). Respondent shall indicate whether any of these clients were public entities.
- d. Supplemental Information – this section shall include any other information that, the Respondent determines will be relevant or useful for the Township to consider in evaluating Respondent's response.

**Section V. Required Forms and/or Documentation to be submitted as part of the Response to the RFP.**

a. **New Jersey Business Registration Certificate**

Failure to submit proof of the New Jersey Business Registration Certificate with this RFP shall be cause for rejection of a submitted Response.

b. **Insurance and Indemnification**

The successful Responder, upon award, shall be required to post with the Township Clerk evidence of a public liability insurance policy including personal injury and property damage coverage's with the coverage's to be no less than \$1,000,000.00 for recommended Single limits for bodily injury and property damage. The successful vendor shall provide a hold harmless agreement in favor of the Township. Sample of insurance coverage shall be submitted as part of the Response.

Proposer shall maintain sufficient insurance to protect against all claims under Workers Compensation, General Liability and Automobile and shall be subject to approval for adequacy of protection and certificates of such insurance shall be provided with the Township as additional insured.

c. **Documentation of experience of Administrative Agent**

Documentation shall be provided in the Response in regards to "Checklist for the approval of an Administrative Agent" found on COAH's website. Information shall be included, as appropriate, in the Response as stated on the Checklist.

**II. RESPONSE EVALUATION AND SELECTION**

A. Evaluation Criteria

Generally, the Township will identify Qualified Respondents giving due regard to past experience, the prior experience of Administrative Agent, as well as financial strength and other qualifications and

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experience which are deemed, at the sole discretion of the Township, to be relevant. Only those Respondents that are deemed qualified by the Township will be considered. Notwithstanding anything else stated herein, the Township reserves the right to select or reject a Respondent on any basis it deems appropriate or to waive any item or requirement set forth in this RFP. All responses will first be evaluated to assure that they meet the requirements of the RFP. Responses meeting the requirements set forth herein will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the project's goals, nature and scope;
- Level of creativity, innovativeness and resourcefulness of past projects;
- Firm, staff experience and qualifications with similar projects (development properties; joint venture or other partnerships; public entities);
- Project references;
- Firm financial strength and available capital;
- Innovativeness of development concepts and plans;
- Competency and thoroughness evidenced in the Response document;
- Demonstrated experience in a leadership role;
- Demonstrated ability in experience in the role of Administrative Agent for projects;
- Ability to provide superior qualified staff;
- Ability to assemble a team of recognized firms as part of the Administrative Agent team; and
- Overall, a qualified Respondent to this RFP must evidence, either directly or as part of an existing or proposed joint venture, partnership or other organization of firms or through the use of subcontractors, the technical ability, financial strength and the willingness to provide the required performance-related guarantees for the services contemplated in this RFP.

**B. Selection Process**

The Township intends to select one of the Qualified Respondents to undertake negotiations of an agreement that will set forth the obligations and responsibilities relating to the role of the Administrative Agent. Selection of a Qualified Respondent for negotiation of agreement will be based on the totality of the information contained in the Response Document, including information regarding the reputation and experience of the Respondent and their subcontractors, if any, and any other information independently obtained by or on behalf of the Township.

**C. Conditions**

By responding to the RFP, the Respondent acknowledges and consents to the following conditions relative to the submission, review, and consideration of its Response:

1. The issuance of the RFP is not intended to, and shall not be construed to, commit the Township or any other individual, consultant or entity to any obligation related hereto, including, but not limited to the execution of any agreement.
2. The Township reserves to itself the exclusive rights set forth in this RFP, hereof.
3. The issuance of the RFP and the means by which it is conducted is entirely at the discretion of the Township and is not mandated by any public bidding or other statute or regulation. By submitting

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a Response to this RFP, the Respondent accepts and consents to this selection process selected and implemented by the Township and the Respondent waives any and all claims to same.

4. Neither the Township, nor its staff, nor any of its consultants, will be liable for any claims or damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Responses or for participating in the RFP process.
5. Respondent also agrees that by "Response," it means all information and materials submitted or to be submitted by Respondent with respect to the RFP, regardless of whether such information is tangible or intangible and including, without limitation, all (a) documentation, pictures, drawings, notes, and revisions, and (b) intellectual property rights related thereto.
6. By submitting the Response to the Township, Respondent permits Township to use the proposal as it sees fit, including alteration, combination with other materials (including materials not submitted by Respondent), and public display and distribution. Respondent hereby grants, and represents and covenants that it will, in the future, grant to the Township an unlimited, perpetual, royalty-free, transferable, licensable, fully-paid up right to publicly display, distribute, use build, design, reproduce, and make derivative works from the Proposal.
7. All activities related to preparing a Response and the execution of an Agreement shall be subject to compliance with all applicable federal, state and local laws, affordable housing (COAH) regulations and/or other applicable requirements.
8. Failure of any Respondent to submit a Response that completely addresses the requirements of this RFP (including submittal of part of such Response of all documents required to be submitted under the terms of this RFP), at the times and in this manner specified in this RFP, may result in the rejection of the response at the sole discretion of the Township.
9. Respondents shall meet with Township representative(s) and the general public to discuss a Response upon request of the Township.
10. All documentation and information provided by the Township in conjunction with this RFP are believed to be accurate and correct, however, the Township makes no guarantees as to the accuracy of the information provided. By participating in this process every Respondent hereto agrees to and acknowledges its obligation and ability to perform whatever due diligence is necessary to inform itself fully as to any relevant or material information or lack thereof is available in making a response thereto, Respondents are instructed to notify the Township of any material information and/or lack of material information provided or omitted with respect to this RFP that it believes is not accurate and/or correct.

**D. Rights of the Township**

The Township reserves, holds and may exercise, at its sole discretion, the following rights, and options with regards to the RFP:

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1. To reject, for any reason, including non-compliance or partial compliance with the RFP, any and all Responses and components thereof and to eliminate any and all Responses responding to the RFP from further consideration for this selection.
2. To supplement, amend or otherwise modify this RFP.
3. To waive any technical or other non-conformance of this Responses, whether material or otherwise.
4. To change or alter the schedule for any event called for in this RFP.
5. To conduct investigations of any or all of the Respondents and their Responses as the Township deems necessary or convenient; to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to any facilities or projects referenced in its Response, and to request additional information to support the information included in any Response.
6. To decline to select any Respondent for any reason.
7. To decline to enter into an agreement for any reason
8. To abandon this selection process at the Township's convenience at any time, for any reason.
9. To select a Qualified Respondent to negotiate an agreement with the Township Council based on a Response that, in the Township's sole judgment, best serves the interests of the Township and the residents of Willingboro.
10. To designate or consult with another agency, group, consultant, individual or public body to act at any time during the term of the selection process in its place or on its behalf, consistent with applicable law.
11. To enter into an agreement with a Respondent, subject to final adoption of all necessary authorizations.

**III. SCOPE OF WORK**

The New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., hereinafter the "Act") allows the Township to implement a program to provide affordable housing units to low and moderate-income households desiring to live within the Township. The State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low and moderate-income units that are created under the Township's Fair Share Plan are occupied by low and moderate-income households for an appropriate period of time.

The Township will select an Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Township as included in this RFP and subsequent contract. Subject to the Court's and/or COAH's approval, the Township defines the following Scope of Work for the Administrative Agent hereby agree to the following terms and conditions

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

The Township and the Administrative Agent acknowledge that under the Township’s Fair Share Plan, COAH rules and regulations, and the Uniform Housing Affordability Controls (“UHAC”) regulations, the Administrative Agent is acting hereunder primarily as an agent of the Township. Anything herein to the contrary notwithstanding, however, the Township hereby delegates to the Administrative Agent, and the Administrative Agent hereby accepts, responsibility for enforcing substantive provisions of the Act, the Township’s Fair Share Plan, COAH rules and regulations and UHAC regulations. The Township, however, shall retain the ultimate responsibility for ensuring effective compliance with the Township’s Fair Share Plan, COAH rules and regulations, and UHAC regulations and the Administrative Agent will assist in this compliance and come under the supervision of the Township’s Municipal Housing Liaison.

For the term hereof, and without exception, this Scope of Work and subsequent Agreement shall govern the provision of affordability control services for the following affordable housing units located within the Township that fall under the jurisdiction of the Fair Housing Act, the Township’s Fair Share Plan, COAH rules and regulations and UHAC regulations.

The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth, including but not limited to the Township’s Fair Share Plan, COAH rules and regulations, and UHAC regulations, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
  - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15;
  - (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law;
  
- (2) Household Certification
  - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
  - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1, et. seq.;
  - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
  - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing agents' forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures;
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10 et. seq.
- (4) Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental;
  - (b) Instituting and maintaining an effective means of communicating information to low and moderate-income households regarding the availability of restricted units for resale or rental.
- (5) Processing requests from unit owners;
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
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- (c) Notifying the Township of an owner's intent to sell a restricted unit;
  - (d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
- (a) Securing annually from municipalities lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the Township's affordable housing trust fund or other appropriate municipal fund approved by the NJDCA;
  - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls;
  - (g) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder as directed by the Township Municipal Housing Liaison.

The Township shall:

- (1) Provide to the Administrative Agent the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison to the Administrative Agent on all matters related to this Scope of Work;
- (2) Review that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Rules and the provisions outline in this RFP;
- (3) Monitor the status of all restricted units in the Township's Fair Share Plan based on the information supplied and reports submitted by the Administrative Agent;
- (4) Compile, verify the monthly and annual reports supplied by the Administrative Agent, and submit annual reports as required by the Court or by COAH;
- (5) Attend meetings with affordable housing providers as arranged by the Administrative Agents, as applicable;

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
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- (6) Develop a Court or COAH approved, as applicable, Affirmative Marketing Plan and distribute to the Administrative Agent;
- (7) Monitor that all restricted affordable units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA) database. The Township and MUA shall promptly notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units;
- (8) Provide all reasonable and necessary assistance to the Administrative Agent in support of efforts to enforce provisions of the Township Fair Share Plan, the COAH Rules and regulations, as amended, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under this Scope of Work and subsequent Agreement.

The Township of Willingboro and/or the Planning Board assume(s) no responsibility for delays that result in proposals being delivered later than the scheduled time of opening.

**GENERAL PROPOSAL REQUIREMENTS**

The request for qualifications is to be formatted as follows to assure consistency:

- Section A. Understanding of the Scope of Services to be provided for the Planning Board
- Section B. Qualifications & Experience
- Section C. Résumé & Qualifications of Key Personnel
- Section D. Client Reference List
- Section E. Conflict of Interest(s): This section should disclose any potential conflicts of interest that the firm may have in performing these services for the Planning Board
- Section F. Miscellaneous /Other information: This section is for any further pertinent data and information not included elsewhere in the RFQ and found necessary by the proposer.

**PLEASE PROVIDE AN ORIGINAL AND NINE (9) COPIES**

**MISCELLANEOUS REQUIREMENTS**

- 1. The Planning Board will not be responsible for any expenses incurred by any firm in preparing or submitting a proposal. All proposals shall provide a straightforward, concise delineation of the firm's capabilities to attest to the requirements of this Request for Qualifications. Emphasis should be on completeness and clarity of content.

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
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2. The contents of the proposal submitted by the successful firm(s) and this Request for Qualifications may become part of the contract for these services. The successful firm(s) will be expected to execute said contract with the Township of Willingboro.
3. Proposals shall be signed in ink by the individual or authorized principal of the responding party. Proposals submitted shall be valid for a minimum of sixty (60) days from the date of opening.
4. The Planning Board reserves the right to reject any and all proposals received by reason of this Request for Qualifications, or to negotiate separately in any manner necessary to serve the best interests of the Planning Board. Firms whose proposals are not accepted will be notified in writing.
5. Any selected firm is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement of its rights, title, or interest therein or its power to execute such agreement to any other person, company or corporation without the prior written consent of the Township of Willingboro.
6. The selected firm(s) shall be required to comply with the requirements of P.L. 1975, c. 127 (see attached affirmative action language) and submit an employee information report or certificate of employee information report approval. This requirement will be addressed upon execution of the Agreement.
7. The selected firm(s) shall be required to provide a Business Registration Form(s).
8. The selected firm(s) may be required to provide Proof of Insurance.

**EVALUATION OF PROPOSALS**

The proposal will be independently evaluation on the basis of the criteria listed below:

- Proven record of experience, including referrals, in providing the type of services detailed herein
- Ability to provide services in a timely manner.
- Personnel qualifications
- Understanding of the services requested, including completeness and clarity of submission and qualitative nature of the services proposed.

**SPECIFIC PROPOSAL REQUIREMENTS**

**PLANNING BOARD ATTORNEY**

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

**GENERAL CRITERIA:** The Township of Willingboro Planning Board desires to appoint an attorney or firm who will serve as Solicitor/Attorney for the Planning Board. Applicants should demonstrate knowledge of and experience in the representation of Planning or Zoning Boards. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Clerk. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Clerk's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative agencies of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of five (5) years' experience representing Planning or Zoning Boards or seven (7) years representing clients before Planning or Zoning Boards.
3. Must have sufficient support staff to provide all services required by the Township including, but not limited to, legal research, preparation of legal memoranda, contracts and other legal documents.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list past and present Planning or Zoning Boards represented as Solicitor/Attorney.

**PLANNING BOARD ENGINEER**

**GENERAL CRITERIA:** The Township of Willingboro Planning Board desires to appoint a firm or firms to provide planning board engineering services to the Planning Board. Applicants should demonstrate knowledge and experience with respect to all aspects of engineering services and land use regulations required by a municipal entity. Any experience or knowledge of matters that directly affect the Township should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Clerk. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Clerk's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be certified to provide engineering services in the State of New Jersey.

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

2. Must have a minimum of five (5) years' experience in providing consulting engineering services to municipalities including demonstrated experience with road programs, drainage improvement projects, combined sewer projects, utility upgrades and replacement, public building improvement programs, recreational facilities, land surveying and mapping projects.
3. Must be experienced in obtaining permits and approvals from various state, county, and local regulatory agencies with specific experience related to redevelopment and land use preferred.
4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Township of Willingboro including, but not limited to civil engineers, land surveyors, planners, environmental scientists, and construction administrators.
5. Must maintain a principal office location in close proximity to Willingboro to be able to respond to emergent matters promptly.
6. Must be experienced in the preparation of grant applications.
7. Must have project managers with at least five (5) years of municipal experience.
8. Must list past and present municipalities and/or Planning and/or Zoning Boards served as consulting engineer.

**PLANNING BOARD PLANNER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a Planner to act as the Township's Planner. The Planner will be responsible for providing general planning services to the Township as well as the Planning and Zoning Boards. Applicants should demonstrate knowledge and experience with respect to all aspects of general planning services and land use regulations required by a municipal entity. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Clerk. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Clerk's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be certified to provide planning services to a municipality in the State of New Jersey.
2. Must have a minimum of ten (10) years experience in providing planning services to municipalities including demonstrated experience with road programs, drainage improvement projects, combined sewer projects, utility upgrades and replacement, public building improvement programs, recreational facilities, land surveying and mapping projects.

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
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3. Must be experienced in obtaining permits and approvals from various state, county, and local regulatory agencies with specific experience related to redevelopment and land use preferred.
4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Township of Willingboro including, but not limited to civil engineers, land surveyors, planners, environmental scientists, and construction administrators.
5. Must maintain a principal office location in close proximity to Willingboro to be able to respond to emergent matters promptly.
6. Must be experienced in the preparation of Municipal Master Plans.
7. Must list past and present municipalities and/or Planning and Zoning Boards served as Consulting Engineer.

**INSURANCE REQUIREMENTS**

Prior to commencing work under contract, the successful firm shall furnish the Township of Willingboro with a certificate of insurance as evidence that it has procured the insurance coverage required herein. A carrier approved by the Township of Willingboro must provide the coverage. Firms must give the Township of Willingboro a sixty (60) day notice of cancellation, non-renewal, or change in insurance coverage. The successful firm(s) shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Qualifications:

**PROFESSIONAL LIABILITY INSURANCE**

Minimum of \$1,000,000 errors and omissions per occurrence to be amended based upon the specific work and values involved.

**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE**

Statutory coverage for New Jersey

\$100,000 Employer's Liability

**GENERAL LIABILITY INSURANCE**

Minimum of \$1,000,000 per occurrence to be amended based upon the specific work and values involved. The Township of Willingboro shall be named as additional insured with respect to general liability.

**AUTOMOBILE LIABILITY INSURANCE**

Minimum of \$1,000,000 per occurrence / \$1,000,000 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

**INDEMNIFICATION**

The selected firm(s) shall defend, indemnify, and hold harmless the Township of Willingboro, 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 connects with the firm's acts or omissions under this agreement.

**EXHIBIT A**

**P.L. 1975, C. 127 (N.J.A.C. 17:27)**

**MANDATORY AFFIRMATIVE ACTION LANGUAGE  
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 or sex. 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 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 receive consideration for employment without regard to age, rate creed, color, national origin, ancestry, marital status 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 worker's 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.

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

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 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 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 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 or sex, 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 (N.J.A.C. 17:27).

**EXHIBIT "B"**  
**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**  
**(42 U.S.C. § 12101 et seq.)**

The CONTRACTOR and the OWNER do hereby agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "ACT") (42 U.S.C. §12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and

***PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
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activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the OWNER pursuant to this contract, the CONTRACTOR agrees that the performance shall be in strict compliance with the ACT. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the ACT during the performance of this contract, the CONTRACTOR shall defend the OWNER in any action or administrative proceeding commenced pursuant to this ACT. The Contractor shall indemnify, protect, and save harmless the OWNER, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The CONTRACTOR shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the OWNER grievance procedure, the CONTRACTOR agrees to abide by any decision of the OWNER, which is rendered pursuant to, said grievance procedure. If any action or administrative proceeding results in an award of damages against the OWNER or the OWNER incurs any expenses to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the CONTRACTOR shall satisfy and discharge the same at its own expense.

The OWNER shall, as soon as practicable after a claim has been made against it, give written notice thereof to the CONTRACTOR along with full and complete particulars of the claim. If any action or administrative proceedings is brought against the OWNER or any of its agents, servants, and employees, the OWNER shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the OWNER or its representatives.

It is expressly agreed and understood that any approval by the OWNER of the services provided by the CONTRACTOR pursuant to this contract will not relieve the CONTRACTOR of the obligation to comply with the ACT and to defend, indemnify, protect, and save harmless the OWNER pursuant to this paragraph.

It is further agreed and understood that the OWNER assumes no obligation to indemnify or save harmless the CONTRACTOR, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the CONTRACTOR expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the CONTRACTOR'S obligations assumed in this Agreement, nor shall they be construed to relieve the CONTRACTOR from any liability, nor preclude the OWNER from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

**ZONING BOARD ATTORNEY**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint an attorney or firm who will serve as Solicitor for the Zoning Board. Applicants should demonstrate knowledge of and experience in the representation of Zoning or Planning Boards. Any experience or knowledge of matters that directly affect the Township of Willingboro should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Clerk. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Clerk's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative agencies of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of five (5) years experience representing Zoning or Planning Boards or seven (7) years representing clients before Zoning or Planning Boards.
3. Must have sufficient support staff to provide all services required by the Township including, but not limited to, legal research, preparation of legal memoranda, contracts and other legal documents.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list past and present Zoning or Planning Boards represented as Solicitor.

**ZONING BOARD ENGINEER**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a firm or firms to provide planning and zoning board engineering services to the Township's Zoning Board. Applicants should demonstrate knowledge and experience with respect to all aspects of engineering services and land use regulations required by a municipal entity. Any experience or knowledge of matters that directly affect the Township should be addressed.

- **Please note:** Invoices and the Township's voucher for legal fees and costs will be submitted on a monthly basis to Township Clerk. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Clerk's approval of the Attorney's invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

1. Must be certified to provide engineering services in the State of New Jersey.
2. Must have a minimum of five (5) years experience in providing consulting engineering services to municipalities including demonstrated experience with road programs, drainage improvement projects, combined sewer projects, utility upgrades and replacement, public building improvement programs, recreational facilities, land surveying and mapping projects.
3. Must be experienced in obtaining permits and approvals from various state, county, and local regulatory agencies with specific experience related to redevelopment and land use preferred.
4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Township of Willingboro including, but not limited to civil engineers, land surveyors, planners, environmental scientists, and construction administrators.
5. Must maintain a principal office location in close proximity to Willingboro to be able to respond to emergent matters promptly.
6. Must be experienced in the preparation of grant applications.
7. Must have project managers with at least five (5) years of municipal experience.
8. Must list past and present municipalities and/or Zoning and/or Planning Boards served as consulting engineer.

**INSURANCE REQUIREMENTS**

Prior to commencing work under contract, the successful firm shall furnish the Township of Willingboro with a certificate of insurance as evidence that it has procured the insurance coverage required herein. A carrier approved by the Township of Willingboro must provide the coverage. Firms must give the Township of Willingboro a sixty (60) day notice of cancellation, non-renewal, or change in insurance coverage. The successful firm(s) shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Qualifications:

**PROFESSIONAL LIABILITY INSURANCE**

Minimum of \$1,000,000.00 errors and omissions per occurrence to be amended based upon the specific work and values involved.

**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE**

- Statutory coverage for New Jersey
- \$100,000.00 Employer's Liability

**GENERAL LIABILITY INSURANCE**

Minimum of \$1,000,000.00 per occurrence to be amended based upon the specific work and values involved. The Township of Willingboro shall be named as additional insured with respect to general liability.

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY  
ESTABLISHED QUALIFICATION CRITERIA**

**AUTOMOBILE LIABILITY INSURANCE**

Minimum of \$ 1,000,000.00 per occurrence / \$1,000,000.00 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

**INDEMNIFICATION**

The selected firm(s) shall defend, indemnify, and hold harmless the Township of Willingboro, 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 connects with the firm's acts or omissions under this agreement.

**DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Proposer: \_\_\_\_\_

**PART 1**

Pursuant to Public Law 2012, c. 25(N.J.S.A. 52-32:55, et seq.) and N.J.S.A. 40A:11-2.1 any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person.

Or entity, nor any of its parents, subsidiaries, or affiliates (any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity), is identified on the department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the State of New Jersey, Department of Treasury, Division of Purchase and Property website at: <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>

Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Township finds a person or entity to be in violation of law, it shall take action as may be appropriate and provided by law, rule or contract, including but not limited to seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party. If the bidder submits a false certification, the Township shall report the name of the bidder to the New Jersey Attorney General, who shall determine whether to bring a civil action against the person or entity in accordance with N.J.S.A. 52:32-59.

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012 c. 25, that neither the bidder listed above nor any of the bidder's Parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012 c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or

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representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate, and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

**PART 2**

You must provide a detailed, accurate, and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries, or affiliates, engaging in the Investment activities in Iran outlined above by completing the box below.

Name: \_\_\_\_\_ Relationship to Proposer: \_\_\_\_\_

Description of Activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duration of Engagement: \_\_\_\_\_ Anticipated Cessation date: \_\_\_\_\_  
Proposer Contact Name: \_\_\_\_\_ Contact Phone Number: \_\_\_\_\_

Certification: I, being duly sworn upon my oath, hereby represent and *state* that *the* foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the Township is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Township to notify the Township in writing of any changes to the answers or Information contained herein.

I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the Township and the Township at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

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

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

**SCHEDULE A**

The Township of Willingboro Planning Board (“Planning Board”) solicits statements of qualification for applicants for appointment to the following professional positions: Planning Board Attorney and Planning Board Engineer. Responses should address the general criteria and mandatory minimum criteria for the position sought. All responses will be treated as confidential and reviewed only by the Planning Board, unless otherwise required by law. Responses must be received in the Office of the Planning Board Secretary, Township of Willingboro, Municipal Complex, One Rev. Dr. M.L. King Jr. Drive, Willingboro, New Jersey 08046, no later than 12:01 PM on Saturday, October 31, 2020. All responses shall be opened and announced publicly, immediately thereafter by the Planning Board Secretary or his representative. Responses will be reviewed by the Planning Board members and all appointments will be announced at a duly-noticed public meeting. Unless otherwise noted appointments shall be for the period January 1, 2020 through December 31, 2020 and subject to the execution of an appropriate contract.

The Township of Willingboro and/or the Planning Board assume(s) no responsibility for delays that result in proposals being delivered later than the scheduled time of opening.

**OPRA ATTORNEY**

**GENERAL CRITERIA:** The Township of Willingboro desires to appoint a municipal attorney who will be the chief, OPRA legal officer of the Township. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey redevelopment law and municipal contract law. Any experience or knowledge of matters directly affecting the Township of Willingboro should be addressed.

- **Please note:** Invoices and the Township’s voucher for legal fees and costs will be submitted on a monthly basis to Township Clerk. Invoices and Township vouchers shall be submitted no later than the Tenth day of the preceding month. The Township will pay billings upon the Township Clerk's approval of the Attorney’s invoice and corresponding voucher.

**MANDATORY MINIMUM REQUIREMENTS:**

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.

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3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must have sufficient support staff available to provide all general legal services required by the Township including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts and other legal documents.