



Borough of
Tinton Falls
New Jersey

SHANON RATHYEN, QPA
PURCHASING AGENT

556 TINTON AVENUE
TINTON FALLS, NJ 07724
732-542-3400 EXT. 252
732-542-3246 FAX
srathyen@tintonfalls.com
purchasing@tintonfalls.com

REQUEST FOR PROPOSALS FOR VARIOUS PROFESSIONAL SERVICES

PROPOSALS TO BE RECEIVED AT

3:00 PM on

TUESDAY, DECEMBER 6, 2022

**SHANON RATHYEN, QPA
PURCHASING AGENT**



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BOROUGH OF TINTON FALLS NOTICE OF REQUEST FOR PROPOSALS FOR VARIOUS PROFESSIONAL SERVICES

Notice is hereby given that, in accordance with NJSA 19:44-20.5 et seq. through a fair and open process, the Borough of Tinton Falls is requesting sealed proposals for the following:

- # 1-23 Borough Engineer
- # 2-23 Labor Counsel
- # 3-23 Bond Counsel
- # 4-23 Affordable Housing Counsel
- # 5-23 Special Conflicts Counsel for Conflict Issues
- # 6-23 Borough Appraiser
- # 7-23 Borough Planner (Borough & respective Boards can appoint different firms)
- # 8-23 Planning Board Counsel (Appointed by Planning Board)
- # 9-23 Zoning Board of Adjustment Counsel (Appointed by ZBA)
- #10-23 Planning Board Engineer (Appointed by Planning Board)
- #11-23 Zoning Board of Adjustment Engineer (Appointed by ZBA)
- #12-23 Zoning Officer

**DATE OF RECEIPT OF PROPOSALS:
TUESDAY, DECEMBER 6, 2022 at 3:00 PM**

Proposal packages may be obtained as PDF files from the Borough's website at www.tintonfalls.com (click on Departments, Finance & Purchasing then RFP's). If you prefer to have a proposal package mailed to you, please call me at 732-542-3400, Ext. 252 or email me at srathyen@tintonfalls.com.

Proposals/Submissions will be received by the Purchasing Agent, at the Borough of Tinton Falls, 556 Tinton Avenue, Tinton Falls, NJ on the date and time noted above. Firms do not need to be present and may mail or deliver the proposal package to the attention of the Purchasing Agent at the above address **prior** to the date and time above.

Respondents are required to comply with the requirements of N.J.S.A. 10:5-31 et seq, and N.J.A.C. 17:27 et seq., PL 2004, C.1. Successful contractors will also be required to comply with all terms imposed by NJ Election Laws NJSA 19:44A-20.27 subject to campaign funding limits and with the Borough of Tinton Falls "Pay to Play" Ordinance #05-1146.

SHANON RATHYEN, QPA
PURCHASING AGENT

TO BE PUBLISHED: THURSDAY, NOVEMBER 10, 2022

**BOROUGH OF TINTON FALLS
SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS
UNDER THE FAIR AND OPEN PROCESS**

STANDARDIZED SUBMISSION RULES AND INSTRUCTIONS

1. The Borough of Tinton Falls is soliciting proposals for the provision of professional services to the Borough for the contract year January 1, 2023 through December 31, 2023. Proposals will be accepted for the specific professional services set forth in the Public Notice, a copy of which is attached hereto.
2. The applicant understands and agrees that its proposal is submitted on the basis of the requirements prepared by the Borough. The applicant accepts the obligation to become familiar with these requirements.
3. Applicants are expected to examine the requirements with care. Ambiguities, errors, or omissions noted by applicants should be promptly reported in writing to the Borough Purchasing Agent. In the event the applicant fails to notify the Borough of such ambiguities, errors, or omissions, the applicant shall be bound by its proposal.
4. No oral interpretation of the meaning of the specifications will be made to any applicant. Every request for an interpretation shall be in writing and addressed to the Purchasing Agent. In order to be given consideration, written requests for interpretation must be received at least five (5) days prior to the date fixed for receipt of the proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications and will be distributed to all prospective applicants in accordance with NJSA 40A:11-23. All addenda so issued shall become part of the contract documents and shall be acknowledged by the applicant in the proposal. The Borough's interpretations or corrections thereof shall be final.
5. **All proposals shall be addressed to *Shanon Rathyen, Purchasing Agent at the Borough of Tinton Falls, 556 Tinton Avenue, Tinton Falls, New Jersey 07724* and shall be received in the Purchasing Department no later than **TUESDAY, DECEMBER 6, 2022 at 3:00 PM.** One original and one copy of the proposal shall be submitted. If applying for more than one category, please provide an original and one copy for EACH category.**
6. **The proposal form shall be submitted in a sealed envelope bearing the name and address of the applicant written on the face of the envelope and clearly marked with the contract title and number for which you are applying.**
7. It is the applicant's responsibility to see that proposals are presented to the Borough on the hour and at the place designated. Proposals may be hand delivered or mailed; however, the Borough disclaims any responsibility for proposals forwarded by regular or overnight mail. If the proposal is sent by overnight mail, the designation in paragraph 6 above must also appear on the outside of the delivery company envelope. **PROPOSALS RECEIVED AFTER THE DESIGNATED TIME AND DATE WILL BE RETURNED UNOPENED.**

8. All proposals shall include, at a minimum, the name, address, and all contact information of the person or firm making the proposal; a statement of qualifications, including all applicable professional licenses held; a statement of experience in rendering such professional services to public entities; references; and a proposal for compensation or a schedule of fees to be charged for such professional services.
9. All proposals will be evaluated by the Mayor and Borough Council of the Borough of Tinton Falls, with the exception of proposals rendered to the Tinton Falls Planning Board and Borough of Tinton Falls Zoning Board of Adjustment. Pursuant to the Municipal Land Use Law, such proposals will be forwarded to those bodies for evaluation and determination.
10. Proposals will be evaluated by the Mayor, Council, and Administration of the Borough of Tinton Falls on the basis of the proposals deemed to be most advantageous, price and other factors considered. The evaluation may consider:
 - a. Experience and reputation in the field of professional service;
 - b. Knowledge and experience with the Borough of Tinton Falls' form of government which is Mayor-Council Plan of the Optional Municipal Charter Law (NJSA 40:69A-1 et seq.);
 - c. Knowledge of the Borough of Tinton Falls and the subject matter to be addressed under the contract;
 - d. Availability to accommodate any required meetings;
 - e. Ability of the firm to perform the services on a timely basis, including staffing and familiarity with the subject matter;
 - f. Compensation proposal;
 - g. References; and
 - h. Other factors, if determined to be in the best interest of the Borough of Tinton Falls and its agencies.
11. Any applicant successfully awarded a contract must agree to indemnify and hold the Borough harmless from any liability to subcontractors and suppliers concerning payment for work performed or goods supplied and must also add the Borough of Tinton Falls as a named insured to any applicable insurance policies.
12. The successful respondent will be notified of the award of contract upon a favorable decision by the governing body.

GENERAL DESCRIPTION OF PROFESSIONAL SERVICES NEEDED

**The following are brief descriptions of some of the requirements necessary
and may include other functions as may be directed by the
Borough of Tinton Falls and their respective departments:**

Borough Engineer

The Borough Engineer shall be an individual or firm that is a licensed professional engineer in the State of New Jersey. The Borough Engineer is required to attend meetings of the Borough Council. The Borough Engineer is expected to handle engineering issues regarding the construction and/or maintenance of public property, infrastructure, and roadways, and to review and/or report on development or other applications, as required, pursuant to the Borough Code or as required by law.

Labor Counsel

The Borough's general labor counsel may be an individually licensed attorney or law firm that is responsible for individual labor and employment matters, such as, employee claims against the Borough, defense of employees and/or officers of the Borough in labor-related matters, disciplinary proceedings against employees, and PERC and other employee or labor-related administrative proceedings, including assisting in the negotiation, ratification, enforcement and/or defense of collective bargaining agreements.

Bond Counsel

The Borough's Bond counsel may be an individually licensed attorney or law firm with a significant background in local public finance that handles all matters in connection with public financing and indebtedness, including but not limited to the authorization, issuance, sale and delivery of Bonds and/or Bond anticipation notes for the Borough, including the preparation of any bond ordinances, the preparation of resolutions authorizing financing, the preparation and review of the notice of sale and the bond or bond anticipation notes, the assistance in the preparation and review of Official Statement, the preparation of all closing documents necessary for the issuance of bonds or bond anticipation notes, attendance at the closing of the bonds or bond anticipation notes, preparation and providing final approving opinions for bond or bond anticipation note issuances.

Affordable Housing Counsel

The Borough's Affordable Housing Counsel may be an individually licensed attorney or law firm with a significant background in addressing affordable housing issues, including addressing issues presented by the Borough's Director of Law, Planner, Administrative Agent and Affordable Housing Liaison before the New Jersey Council on Affordable Housing or in Superior Court on affordable housing matters. Such representation shall include, but not be limited to the formulation, enforcement and/or defense of the Borough Affordable Housing Plans, deeds and other affordable housing regulations.

Special/Conflicts Counsel for Conflict Issues

The Borough's Special/Conflicts Counsel for Conflict Issues may be an individually licensed attorney or law firm that handles special legal matters as directed by the Borough's Director of Law or where the Director of Law is conflicted, litigation, administrative proceedings, land use and real estate transactions, compliance and due diligence and provides counseling on non-routine and reoccurring legal matters that may require more extensive legal research and analysis for the Borough department heads. The Borough's Director of Law to which the Borough is affiliated with may serve as the general special counsel but must be appointed by separate resolution for the provision of professional legal services billed at an hourly rate.

Borough Appraiser

The appraiser shall be licensed by the State of New Jersey with either an MAI or SCGRE designations, and shall provide various appraisal services including valuation for acquisitions, easements and/or property interests and tax appeals before County and State.

Borough Planner (appointed separately by the Planning Board, Zoning Board of Adjustment & Borough. The Borough and respective Boards can appoint different firms.)

The Planner shall be licensed by the NJ Board of Professional Planners and AICP. The planner will review development applications and make recommendations in connection thereof as requested by the Planning Board or the Zoning Board of Adjustment. They will attend meetings of the Planning Board, Zoning Board of Adjustment and Borough Council as requested. They will prepare land development reports as may be requested by the Planning Board or the Zoning Board of Adjustment and may testify as a professional planning expert on behalf of the Borough in litigated matters as required.

Planning Board Counsel (appointed by Planning Board)

The Planning Board Counsel shall be a licensed attorney or law firm that will provide legal services to the Planning Board for the Borough of Tinton Falls as required under the Municipal Land Use Law and Land Use Ordinances of the Borough of Tinton Falls.

Zoning Board of Adjustment Counsel (appointed by Zoning Board of Adjustment)

The Zoning Board Counsel shall be a licensed attorney or law firm that will provide legal services to the Zoning Board of Adjustment for the Borough of Tinton Falls as required under the Municipal Land Use Law and Land Use Ordinances of the Borough of Tinton Falls.

Planning Board Engineer (appointed by Planning Board)

The Planning Board Engineer shall be a licensed professional engineer who will provide professional engineering services to the Planning Board for the Borough of Tinton Falls as required under the Municipal Land Use Law and Land Use Ordinances of the Borough, including conducting reviews and providing reports on all development and site plan applications as requested by the Planning Board.

Zoning Board of Adjustment Engineer (appointed by Zoning Board of Adjustment)

The Zoning Board of Adjustment Engineer shall be a licensed professional engineer who will provide professional engineering services to the Zoning Board of Adjustment for the Borough of Tinton Falls as required under the Municipal Land Use Law and Land Use Ordinances of the Borough of Tinton Falls including conducting reviews and providing reports on applications before the Zoning Board of Adjustment as requested by them.

Zoning Officer

The Borough's Zoning Officer shall be a firm or individual that currently holds an active Zoning Official Certificate from the Center for Government Services at Rutgers University. This is a part-time position. The Zoning Officer is required to have a thorough understanding of local ordinances, Municipal Land Use Law, and various permit applications. The role will require interaction with local residents and builders, as well as other municipal officials. The Zoning Officer will be required to interpret and enforce the Borough zoning ordinance and should be familiar with reading and understanding surveys, site plans, and other construction drawings.

STATUTORY AND OTHER REQUIREMENTS

A. Mandatory Affirmative Action Certification

No firm may be issued a contract unless it complies with the affirmative action regulations of N.J.S.A. 10:5-32 et seq. (Pl. 1975, c.127).

1. Procurement, Professional and Service Contracts All successful vendors must submit, within seven days after the receipt of the notice of intent to award the contract or the receipt of the contract, one of the following:
 - a. A photocopy of a valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of the letter), or
 - b. A photocopy of an approved Certificate of Employee Information Report, or
 - c. If the vendor has none of the above, the public agency is required to provide the vendor with an initial Affirmative Action Employee Information Report (AA-302).

B. Stockholder Disclosure

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or supplies, unless, prior to the receipt of the proposal or accompanying the proposal of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own ten percent or more of its stock of any class, or of all individual partners in the partnership who own a ten percent or greater interest therein. Form of Statement is enclosed and shall be completed and returned with proposal.

C. Non-Collusion Affidavit

The Non-Collusion Affidavit, which is enclosed with this RFP, shall be properly executed and submitted with the proposal.

D. New Jersey Business Registration Requirements Non-Construction Contracts

NJSA 52:32-44 requires that each vendor submit proof of business registration with the RFP package. Proof of registration shall be a copy of the Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue on-line at www.nj.gov/njbgs or by phone at 609-292-1730.

E. Pay-To-Play Disclosure Certification and Form

Successful contractors must also be required to comply with all terms imposed by NJ Election Laws NJSA 19:44A-20.27 subject to campaign funding limits and with the Borough of Tinton Falls "Pay to Play" Ordinance #05-1146.

The Borough reserves the right to reject any or all proposals if the evidence submitted by, or investigation of such respondent fails to satisfy the owner that such respondent is properly qualified to carry out the obligation of the RFP and to complete the work contemplated therein. The owner reserves the right to waive any minor informality in the RFP.

Notice of Award

The successful respondent will be notified of the award of contract upon a favorable decision by the Governing Body.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

COUNTY OF _____)

I, _____ of the Municipality of _____
(Print Name) (Print)

in the County of _____ and the State of _____

am of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
Print Title Print Name of Firm

the bidder making this Proposal enclosed and that I executed the said proposal with full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of Tinton Falls relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

Name of Firm

NJSA 52:34-15

Print Address

Witness

Authorized Signature

Subscribed and sworn to before me
this _____ day of _____, 20____
State of _____
County of _____

Print Name and Title

Signature of Notary Public

(SEAL)

My commission expires on _____

**BOROUGH OF TINTON FALLS
STOCKHOLDER DISCLOSURE CERTIFICATION
This Statement Shall Be Included with Bid Submission**

Name of Business _____

☐ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

☐ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- | | | |
|---|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation | | |

Sign and notarize the form below, and if necessary, complete the stockholder list below.

STOCKHOLDERS:

Name: _____ Name: _____

Home Address: _____ Home Address: _____

Name: _____ Name: _____

Home Address: _____ Home Address: _____

Subscribed and sworn before me this
_____ day of _____, 20____

Notary Public

(Name of Business)

My commission expires on: _____

(SEAL)

AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The contractor and the Borough of Tinton Falls, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, 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 of 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's 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 if the owner incurs any expense 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 proceeding 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.

PROPOSAL COVER SHEET

(ONE PER APPLICANT REQUIRED FOR ALL POSITIONS CHECKED)

Date: _____

Company Name: _____

Address: _____

Please check the box next to the professional service for which you are submitting a proposal. If applying for more than one category, please provide one original and one copy of the Proposal for EACH category. Thank you.

- _____ # 1-23 Borough Engineer
- _____ # 2-23 Labor Counsel
- _____ # 3-23 Bond Counsel
- _____ # 4-23 Affordable Housing Counsel
- _____ # 5-23 Special/Conflicts Counsel for Conflict Issues
- _____ # 6-23 Borough Appraiser
- _____ # 7-23 Borough Planner
- _____ # 8-23 Planning Board Counsel (Appointed by Planning Board)
- _____ # 9-23 Zoning Board of Adjustment Counsel (Appointed by ZBA)
- _____ #10-23 Planning Board Engineer (Appointed by Planning Board)
- _____ #11-23 Zoning Board of Adjustment (Appointed by ZBA)
- _____ #12-23 Zoning Officer

PROPOSAL

REQUEST FOR PROPOSAL FOR VARIOUS PROFESSIONAL SERVICES

TO THE BOROUGH OF TINTON FALLS BOROUGH COUNCIL:

The undersigned declares they have examined and fully understand the Borough's application process and other documents herein referred to, and if this proposal is accepted, to furnish and deliver services requested and to perform all work in accordance with the contract documents to be provided upon award.

FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX NO.: _____

EMAIL ADDRESS: _____

FEDERAL I.D. # OR SOCIAL SECURITY NO.: _____

SIGNATURE OF AGENT: _____

TYPE OR PRINT NAME OF AGENT: _____

SEAL IF A CORPORATION