

BOROUGH OF POINT PLEASANT

OCEAN COUNTY

NEW JERSEY

CONTRACT # 2016-16

CONTRACT NAME: PROFESSIONAL PLANNER FOR THE BOROUGH

THE HONORABLE ROBERT A. SABOSIK, MAYOR

POINT PLEASANT BOROUGH COUNCIL

ANTOINETTE DEPAOLA, PRESIDENT

**William T. Borowsky
Pamela Snyder
John Wisniewski**

**Joseph Furmato, Jr.
Michael Thulen, Jr.**

**BOROUGH ADMINISTRATOR
Frank Pannucci, Jr., MPA**

**BOROUGH CLERK
Antoinette Jones, RMC**

**BOROUGH ATTORNEY
Jerry J. Dasti, Esq.**

**CHIEF FINANCIAL OFFICER
Himanshu R. Shah, CMFO**

CONSULTANT: _____

ADDRESS: _____

TEL. NO. _____

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NOTICE TO CONSULTANTS

The Borough of Point Pleasant invites proposals for:

Contract # 2016-16
PROFESSIONAL PLANNER FOR THE BOROUGH

Proposals will be opened and read in public for consideration by the Borough of Point Pleasant, 2233 Bridge Ave, Point Pleasant, New Jersey 08742 on Tuesday, December 1, 2015 at 11:00 a.m. **prevailing time**. All proposals shall be received at the Borough of Point Pleasant Clerks Office in the Borough Administration Building any time prior to 11:00 a.m. Proposals arriving after 11:00 a.m. will not be accepted.

All proposals shall be presented to the Borough of Point Pleasant by parties proposing or their agents previous to the time designated, or when called for by the Borough of Point Pleasant.

If you are interested in downloading Proposal Specifications, please go to www.ptboro.com and click on "Bidding Opportunities" on the home page. You may download the specifications for free. . If you do not have internet connection and need a copy of the specifications and drawings please make all requests to the Borough Clerk at (732) 892-3434 ext. 117 between the hours of 9:00 a.m. to 4:00 p.m. Monday through Friday.

Proposals shall be made on the standard proposal form and be enclosed in a sealed envelope addressed to the Borough Clerk at the above address. The name and address for the Consultant and the name of the proposal and number must be printed on the face of the envelope. Proposal package should not be disassembled or duplicated. One original, one copy and a CD/Flashdrive of the proposal must be submitted. Proposals will be rejected if not submitted within time, date and at place designated.

In all cases, in which a proposal is delivered by public or private mailing, or hand delivered, the following address and notation shall appear prominently on the front of the outside envelope:

Re: Contract # 2016-01
Contract Name: PROFESSIONAL PLANNER FOR THE BOROUGH
Borough Clerk
Borough of Point Pleasant
2233 Bridge Ave
Point Pleasant, NJ 08742

The proposal document shall be placed in an inside envelope which shall have the following endorsement in the upper right corner of the envelope:

Proposal for: Contract # 2016-01
PROFESSIONAL PLANNER FOR THE BOROUGH
Proposal opening date: Tuesday December 1, 2015
Proposal opening time: 11:00AM

Consultants who elect to utilize public or private mailing for delivery of proposal assume the burden of correctly addressing the envelope. Consultants shall comply with the Affirmative Action Requirements of P.L. 1975, C. 127 (N.J.A.C. 17:27), as amended from time to time, the Americans with Disabilities Act, and N.J.S.A. 52:25-24-2 P.L. 1977, Chapter 33.

The Borough Council reserves the right to reject any and all proposals for the above listed contract in whole and/or in part which do not comply with the specification and/or the statutory requirements. The Borough Council reserves the right to waive informalities as the Borough may deem to be in its best interest.

All Contract documents are to be submitted intact in accordance with proposal checklist. All erasures, interpolations, and other physical changes in the proposal form shall be signed or initialed by the Consultant.

By the order of the Borough of Point Pleasant
Antoinette Jones, RMC, CMR
Borough Clerk

EXHIBIT A

PROJECT SPECIFICATIONS & FEE PROPOSAL

A-1 PERIOD OF CONTRACT

A. This contract shall commence on January 1, 2016 and shall conclude on December 31, 2016.

B. PAYMENT- The Borough shall not make any payments in advance for the services required by the RFP.

A-2 INSURANCE/BACKGROUND CHECKS

The Consultant is responsible to conduct adequate background checks on all employees and/or sub Contractors working at Borough facilities. Consultants and/or sub contractors must be bonded, show proof of insurance coverage naming the Borough as an additional insured, and workers' compensation insurance.

A-3 INSURANCE

The Consultant shall maintain during the life of the contract, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the municipality. The Consultant shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the municipality prior to commencement of work. Consultant must maintain Workers' Compensation insurance in accordance with laws of the State of New Jersey. The Consultant shall also have and maintain Employers Liability Insurance.

Commercial General Liability insurance coverage, written on an occurrence basis must not be altered by any endorsements limiting coverage. Limits of liability shall not be less than \$1,000,000. Municipality must be named as an additional insured

A-4 DISCLOSURE REQUIREMENTS

Professional Service contractors are advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, s.3) if the contractor receives contracts in excess of \$50,000 from public entities in a calendar year. It is the contractor's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us."

EXHIBIT A
(CONTINUED)

**A-5 PROFESSIONAL PLANNER FOR THE BOROUGH CRITERIA FOR
SUBMISSION OF QUALIFICATIONS**

DESCRIPTION OF REQUIRED SERVICES

The Borough of Point Pleasant desires to appoint a firm or firms to provide consulting professional planning services to the Borough. Applicants should demonstrate knowledge and experience with respect to all aspects of municipal planning and land use regulations required by a municipal entity. Any experience or knowledge of matters that directly affect the Borough of Point Pleasant should be addressed.

EXHIBIT A
(CONTINUED)

A-6 MINIMUM QUALIFICATIONS

1. Must be a currently Licensed New Jersey Planner.
2. Must be a member of the American Institute of Certified Planners.
3. Must have a minimum of ten years' experience in providing consulting professional planning services to municipalities including demonstrated experience with the preparation of comprehensive plans and development ordinances, housing elements and fair share plans, redevelopment plans, and review of development applications.
4. Must be experienced in working with various State, County and local regulatory agencies.
5. Must have experience working with municipal land use boards in a community with demographics similar to the Borough of Point Pleasant.
6. Must list past and present municipalities served as consulting professional planner.
7. Must provide a detailed description of the company's qualifications and experience, including resumes of personnel who will be assigned to provide services to Point Pleasant Borough.

EXHIBIT A
(CONTINUED)

A-7 FEE PROPOSAL TO PROVIDE THE SERVICES OUTLINED ABOVE

This fair and open process proposal is for the Request for Qualification. Fee schedule is not required for this proposal. Fee schedule will be negotiated once the Borough selects the Professional Planner.

Borough reserves the right to choose more than one Professional Planner.

.

Signature _____

Company _____

.

.

EXHIBIT B

CONSULTANTS RESPONSE SECTION

In its proposal, the vendor must include responses to all of the following:

A. Failure to submit the following documents is a mandatory cause for the proposal to be rejected.

Required Items	INITIAL
B-1) An executive summary of not more than two pages identifying and substantiating why the vendor is best qualified to provide the requested services.	
B-2) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience, years and type of experience, and number of years with the vendor.	
B-3) A description of the vendor's experience in performing services of the type described in technical specification. Specifically identify client size and specific examples of similarities with the scope of services required under technical specification.	
B-4) The location of the office, if other than the vendor's main office, at which the vendor proposes to perform services required under technical specification. Describe your presence in New Jersey.	
B-5) Provide references including the contact names, titles, address and phone numbers.	
B-6) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Borough.	
B-7) Documentation that the vendor meets the minimum qualifications for the position as outlined in "Exhibit A".	

EXHIBIT C

PROPOSAL DOCUMENT SUBMISSION CHECKLIST

**Failure to submit the following documents may be a cause for the proposal to be rejected.
(N.J.S.A. 40A:11-23.1b.)**

Required with submission of proposal (Borough's checkmarks)		Initial each item
√	Non-Collusion Affidavit – Exhibit C-1	
√	Disclosure of Ownership Exhibit C-2	
√	Affirmative Action Exhibit C-3	
√	American with Disabilities Exhibit C-4	
√	Acknowledgement of Addenda Exhibit C-5	
√	Business Registration Certificate (N.J.S.A. 52:32-44/P.L. 2009 c.315)	

Required with submission of proposal (Borough's checkmarks)		Initial each item
√	Experience Sheet Exhibit C-6	
√	Resolution - Corporation Exhibit C-7	
√	Debarred, Suspended & Disqualification Exhibit C-8	
√	Pay to Play Certification Exhibit C-9	
	Fee Proposal A-7	

The following items, as checked, shall be required after award of the contract:

Certification of Insurance
Signed Contracts

____√____
____√____

SIGNATURE: **The undersigned hereby acknowledges and has submitted the above listed requirements.**

Name of CONSULTANT: _____ Signature: _____

EXHIBIT C-1

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OF _____ §:

I, _____ of the _____
of _____ in the County of _____

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

I am _____
of the firm of _____

The Consultant making the proposal for the above named project, attests that they execute the said
proposal with full authority to do so; that said Consultant has not directly or indirectly entered into any
agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive
proposals 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 _____ of _____
relies upon the truth of the statements contained in said proposal and in the
statements contained in this affidavit in awarding the contract for said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure
such contract upon 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 COMPANY (N.J.S.A. 52:34-15)

Subscribed and sworn to _____

Before me this _____ day _____

Of _____ 20 _____
(Also type or print name of affiant
under signature)

NOTARY PUBLIC OF

My Commission Expires _____

EXHIBIT C-2

DISCLOSURE OF OWNERSHIP

(If the Consultant is a sole proprietorship, check here and do not complete this statement.)

The UNDERSIGNED, as a Consultant, in accordance with N.J.S.A. 52:25-24.2, declares and submits this Statement of Ownership:

The Consultant is a Corporation Partnership Joint Venture

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.

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

Full Name of Individual (Stockholder) (Partner)	Home Address of Individual (Stockholder) (Partner)
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

THIS STATEMENT MUST BE INCLUDED WITH PROPOSAL SUBMISSION

Notes: Attach additional sheets in this format, if necessary.

Subscribed and sworn before me

This ____ day of _____ 20

(Notary Public)

My Commission expires:

Signature

Print Name

Title
(Corporate Seal)

EXHIBIT C-3

AFFIRMATIVE ACTION CERTIFICATION

If awarded a contract, all procurement and service contractors will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L.1975,C.127) N.J.A.C. 17:27. Within seven (7) days after receipt of the notification of intent to award the contract or receipt of the contract, whichever is sooner, the contractor should present one of the following to the Purchasing Agent:

1. A photocopy of a valid letter from the U.S. Department of Labor that the contractor has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from the date of letter).
OR
2. A photocopy of their approved Certificate of Employee Information Report.
OR
3. An Affirmative Action Employee Information Report (Form AA302)
OR
4. All successful construction contractors must submit within three days of the signing of the contract an Initial Project Manning Report (AA201) for any contract award that meets or exceeds the Public Agency bidding threshold (available upon request).

NO FIRM MAY BE ISSUED A CONTRACT UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27.

The following questions must be answered by all bidders:

1. Do you have a federally-approved or sanctioned Affirmative Action Program?

YES _____ NO _____

If yes, please submit a copy of such approval.

2. Do you have a State Certificate of Employee Information Report Approval?

YES _____ NO _____

If yes, please submit a copy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq (P.L.1975,c.127) and agrees to furnish the required documentation pursuant to the law.

COMPANY: _____

SIGNATURE: _____

TITLE: _____

Note: a contractor's bid must be rejected as non-responsive if a contractor fails to comply with Requirements of N.J.S.A. 10:5-31 et seq, within the time frame.

EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27 11

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq. as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

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

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C.17:27.

Signature

Date

Name and Title of Signer (Please Print or Type)

For goods, professional service and general service contracts, a letter of federal affirmative action plan approval, certificate of employee information report or an employee information report form (AA302) must be submitted at the time of Award. If the vendor/contractor does not submit one of these three (3) documents within the required time period the Owner may extend the time period to the fourteenth calendar day.

If by the fourteenth calendar day the Contractor does not submit the Affirmative Action Document, the Owner must declare the vendor/contractor as being non-responsive and award the contract to the next lowest responsible bidder.

IMPORTANT: This form must be completed by Bidder.

EXHIBIT C-4

AMERICANS WITH DISABILITIES ACT

Equal Opportunity For Individuals With Disabilities

The Consultant and the Borough of Point Pleasant do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S12101 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 thereto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Borough pursuant to this contract, the Consultant agrees that the performance shall be in strict compliance with the Act. In the event that the Consultant, its agents, servants, employees or sub- contractors violate or are alleged to have violated the Act during the performance of this contract, the Consultant shall defend the Borough in any action or administrative proceeding commenced pursuant to this Act. The Consultant shall indemnify, protect and save harmless the Borough, 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 Consultant 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 Borough grievance procedure, the Consultant agrees to a proposal by any decision of the Borough which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Borough or if the Borough incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the Consultant shall satisfy and discharge the same at its own expense.

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

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

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

EXHIBIT C-5

ACKNOWLEDGMENT OF REVISIONS OR ADDENDA

BOROUGH OF POINT PLEASANT

PROFESSIONAL PLANNER FOR THE BOROUGH

(Name of Project)

2016-16

(Project or Proposal Number)

Pursuant to N.J.S.A. 40A:11-23.1a, the undersigned CONSULTANT hereby acknowledges receipt of the following notices, revisions, or addenda to the proposal advertisement, specifications or proposal documents. By indicating date of receipt, Consultant acknowledges the submitted proposal takes into account the provisions of the notice, revision, or addendum. Note that the local unit's record of notice to Consultants shall take precedence and that failure to include provisions of changes in proposals may be subject for rejection of the proposal.

I _____, acknowledge receipt of the following addenda and or revisions. They are as follows:

Local Unit Reference Number or Title of Addendum/Revision	How Received (mail, fax, pick-up, etc.)	Date Received

Acknowledgement by Consultant:

Name of Consultant: _____

By Authorized Representative:

Signature: _____

Print Name and Title: _____

Date: _____

EXHIBIT C-7

RESOLUTION OF AUTHORIZATION IF CONSULTANT IS A CORPORATION

RESOLVED that _____ be authorized to sign and submit the proposal or proposal of this corporation for this project, and to include in such proposal the certificate as to non-collusion as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate Consultants shall be liable under the penalties of perjury. If awarded the contract(s), said individual is also authorized to sign and execute the Contract Agreement as the act and deed of such corporation.

The foregoing is a true and correct copy of the resolution adopted by _____ at a meeting of its Governing Body held on _____ day of _____, 20____.

SEAL OF CORPORATION

Secretary

MAILING ADDRESS _____

The terms used in this proposal, which are defined in the General Conditions of the Construction Contract included as part of the Contract Documents, have the meanings assigned to them in the General Conditions.

SUBMITTED on _____, 20____

EXHIBIT C-8

Debarred, Suspended and Disqualified Consultant Affidavit

STATE OF NEW JERSEY)
)
COUNTY OF)

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

I am _____, an officer of the firm(s) of _____, the Consultant making the proposal for the above named work; I executed the said proposal with full authority to do so; said Consultant at the time of making this proposal {as applicable, insert "is" or "is not"} _____ included on the State of New Jersey, State Treasurer's List of Debarred, Suspended and Disqualified Consultants; and all statements contained in said proposal and in this affidavit are true and correct and made with the full knowledge that Point Pleasant Borough as the Local Unit relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for said work:

- I. Has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal, state or local government agency within the past 3 years;
- II. Does not have a proposed debarment pending; and
- III. Has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

The undersigned further warrants that should the name of the firm making this proposal appear on the State Treasurer's List of Debarred, Suspended and Disqualified Consultants at any time prior to, and during the life of the contract, including the Guaranteed Period, that the Local Unit shall be immediately so notified by the signatory of this Eligibility Affidavit.

The undersigned understands that the firm making the proposal as a Consultant is subject to debarment, suspension and/or disqualification in contracting with the State of New Jersey and the Department of Environmental Protection if the Consultant, pursuant to N.J.A.C. 7:1-5.2, commits any of the acts listed therein, and as determined according to applicable law and regulation.

(Insert Exceptions - For any exception noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions. If no exceptions, insert "None".)

Subscribed and Sworn
Before me this _____ day _____
Of _____, 20_____

Name and address of Consultant

Name and Title of Affiant

Signed: _____

By: _____
Signature of Officer or Individual

If Consultant is:

An Individual

By _____ (SEAL)

(Individual's Name)

Doing business as _____

Business Address: _____

Phone Number: _____

A Partnership

By _____ (SEAL)

(Firm Name)

_____ (General Partner)

Business Address: _____

Phone Number: _____

A Corporation

By _____ (SEAL)

(Corporation Name)

_____ (State of Incorporation)

By _____

(Name of Person Authorized to Sign)

_____ (Title)

(Corporate Seal)

Attest _____

(Secretary)

Business Address: _____

Phone Number: _____

A Joint Venture

By _____

(Name)

_____ (Address)

By _____

(Name)

_____ (Address)

(Each joint venture must sign. The manner of signing for each individual, partnership, and corporation that is party to the joint venture should be in the manner indicated above)

EXHIBIT C-9

PAY TO PLAY CERTIFICATION

PURSUANT TO POINT PLEASANT BOROUGH MUNICIPAL REGULATIONS 27-2005

CERTIFICATION OF CEO/CFO/Accountant (Name/Title) : _____

BUSINESS ENTITY NAME: _____

_____(Name), of full age, does hereby certify as follows:

1. My name is _____, I hold the position of _____ at _____ (*name of business entity*).

2. I am familiar with Point Pleasant Borough Municipal Ordinance #27-2005, which is annexed hereto and made a part hereof. I acknowledge that no contract will be executed unless and until this form is filed.

3. The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that our business entity has not made and will not make any reportable contributions pursuant to P.L. 2004, c.19 which would bar the award of this contract. More specifically, our business entity has not made a contribution in excess of \$500.00 to any candidate for mayor or council, the Point Pleasant Borough or Ocean County party committees, or to any PAC referenced in the Municipal Regulation. Moreover, our business entity, including principals, partners and officers of the entity have not made contributions in the aggregate in excess of a total of \$3,000.00 for each election to all Borough municipal candidates and municipal office holders seeking reelection, who have or if elected would have ultimate responsibility for the award of the no bid contract, and to all Point Pleasant Borough or Ocean County political parties and PACs referenced in the Municipal Regulation.

4. On behalf of _____ (*name of business entity*), I hereby certify that we are not in violation of Municipal Regulation #27-2005.

5. We further acknowledge that we have a continuing duty to report any violations of these regulations that may occur during the negotiation or duration of a contract with the BOROUGH OF POINT PLEASANT.

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

(Name, Title)

EXHIBIT D

THE FOLLOWING DOCUMENTS ARE FOR INFORMATION ONLY

THEY ARE NOT TO BE SUBMITTED WITH YOUR RESPONSE

SAMPLE NOTICE OF AWARD

SAMPLE NOTICE TO PROCEED

SAMPLE AGREEMENT TO PROVIDE PROFESSIONAL SERVICES

MUNICIPAL PAY TO PLAY REGULATION 001-2006

MUNICIPAL FAIR AND OPEN PROCESS REGULATION 004-2006

SAMPLE
NOTICE OF AWARD

Dated _____, 2015

TO: _____
(CONSULTANT)
ADDRESS: _____
PROJECT: **PROFESSIONAL PLANNER FOR THE BOROUGH**

BOROUGH'S CONTRACT NO. 2016-16

You are notified that your proposal dated _____ for the above contract has been considered. You are the apparent successful Consultant and have been awarded a contract for _____. The contract price of your contract is \$ _____.

Three copies of each of the proposed contract documents (except drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within ten days of the date of this Notice of Award that is by _____.

1. You must deliver to the Borough three fully executed counted counterparts of the agreement including all the contract documents. Each of the contract documents must bear your signature.
2. Other:
 - a. Certificates of Insurance in not less than the required amounts.
 - b. Borough's co-insurance certificate in proper form and substance.

Failure to comply with these conditions within the time specified will entitle the BOROUGH to consider your proposal abandoned, to annul this Notice of Award and to declare your proposal security forfeited.

Within ten days after you comply with those conditions, BOROUGH will return to you one fully signed counterpart of the agreement and the contract documents attached.

BOROUGH OF POINT PLEASANT, NEW JERSEY
(BOROUGH)

BY _____
(Authorized Signature)

Antoinette Jones, RMC.
Borough Clerk

Receipt of this "Notice of Award" is acknowledged.

Consultant: _____

By: _____
(Printed Name) (Signature) (Date)

(Title)

Copy to Borough Administrator
(Use Certified Mail, Return Receipt Requested)

SAMPLE
NOTICE TO PROCEED

Dated _____, 20____

TO: _____
(Consultant)

ADDRESS: _____

BOROUGH CONTRACT NO.: 2016-16

CONTRACT FOR **PROFESSIONAL PLANNER FOR THE BOROUGH**

You are notified that the contract time under the above contract will commence to run on _____, 2015. By that date you are to start performing your obligations under the contract documents. In accordance with Article 3 of the Agreement, the dates of substantial completion and final completion are _____, 20__ and _____, 20__, respectively.

Before you may start any work at the site, Paragraph 2.7 of the General Conditions provides that you must deliver to the BOROUGH Certificates of Insurance, which each is required to purchase and maintain in accordance with the contract documents.

Also, before you may start any work at the site, you must
(add other requirements)

BOROUGH OF POINT PLEASANT
(BOROUGH)

By: _____
(Authorized Signature)

Robert A. Sabosik, Mayor

(Surety)

SAMPLE
AGREEMENT TO PROVIDE
BOROUGH PROFESSIONAL PLANNER

THIS AGREEMENT made and entered this ___ day of _____, 2015 by and between **THE BOROUGH OF POINT PLEASANT** with principal offices at 2233 Bridge Ave, Point Pleasant, New Jersey, 08742 (hereafter referred to as the "Borough") and _____, (hereafter referred to as the "firm").

W I T N E S S E T H

WHEREAS, the Borough OF Point Pleasant requires the services of _____ for the purpose of Borough Professional Planner; and

WHEREAS, the firm of _____ is recognized as capable and available to undertake such work; and

WHEREAS, the parties to this agreement wish to set forth the terms and conditions under which the said firm is engaged in written form.

NOW THEREFORE, in consideration of these premises and the terms and conditions of this agreement, **IT IS HEREBY AGREED:**

1. **FIRM ENGAGED:** _____, is hereby engaged by the Borough of Point Pleasant for the handling of the following matter.

2. **SCOPE OF SERVICES:** The services rendered by the firm shall be in accordance with (section) herein:

3. **FEE TO BE CHARGED:** The firm shall be paid a maximum fee not to exceed \$ _____ and hourly rate agreed upon according to the attached proposal of _____ dated _____ attached hereto and made a part hereof.

4. **BILLING RECORDS TO BE MAINTAINED, INVOICES:** In order to assure accurate billing records for the BOROUGH, outside counsel are asked to implement and adhere to the following procedures;

a. Please contemporaneously record: the date on which work is performed, a brief narrative description of work, the identity of the attorney or paralegal involved in performing the work, the time expended on original time sheets or time slips as to all in-office work (ie drafting, pleading, reviewing files, legal research, etc)

b. Record out of office work (court appearances, depositions, etc) in the same format as No. 1 above on the day following the date on which such work was performed.

c. Make original entries on time sheets or time records so that only one task is described for each entry of time expended.

d. Separately itemize costs advanced showing purpose and amount of the expense. Also please include the date incurred and check number.

e. Vouchers with vendor certification must have itemized and specific invoices attached in order to be approved for payment.

5. **TERM OF CONTRACT:** This agreement shall commence from January 1, 2016 to December 31, 2016.

6. **COPY OF THIS CONTRACT ON FILE:** A copy of this agreement shall be on file and made available for public inspection in the office of the Borough Clerk of the Borough of Point Pleasant pursuant to N.J.S.A. 40A:11-5(1), together with the authorizing resolution.

7. **AFFIRMATIVE ACTION:** The firm agrees to perform this contract according to the Affirmative Action Law, P.L. 1975, C.127, Rules and Regulations and the Mandatory Affirmative Action clauses attached hereto and made a part hereof as Exhibit A.

8. PREVIOUS CONTRACTS: Previous contracts authorizing the firm to perform work on the subject matter covered by this contract are hereby supplanted and replaced by this written contract. Any services rendered in connection with the said matter during the term of this contract shall be paid under authority of this contract and in accordance with its terms.

9. NOTICES: Notices from the firm to the Borough of Point Pleasant shall be mailed and/or delivered to both the BOROUGH Clerk of the Borough of Point Pleasant and the Borough Attorney of the Borough of Point Pleasant. Notice from the Borough of Point Pleasant to the firm shall be mailed and/or delivered to the firm's address listed on the first page of this agreement.

IN WITNESS WHEREOF the parties hereunto set their hands and seals on the day and year above first written.

BOROUGH OF POINT PLEASANT

By _____
Robert A. Sabosik, MAYOR

DATED:

ATTEST:

Antoinette Jones, RMC, CMR
Borough Clerk

By _____

ATTEST:

EXHIBIT I

FAIR AND OPEN PROCESS

I. PURPOSE AND INTENT

As outlined in the Municipal Regulation #27-2005 the following shall serve as the Borough's "Fair and Open Process". Through this "Fair and Open Process", the Borough of Point Pleasant shall seek and encourage vendors to submit "proposals" for all contracts in which the Borough is permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m)(the "Statute") from any Professional Business Entity, or for specific projects as needed.

However the following services are specifically excluded from the "Fair and Open Process".

1. All medical doctors, psychologists, and doctors of veterinarian medicine;
2. Professional artistic services;
3. Litigation support services required by the Municipal Prosecutor in carrying out his law enforcement duties, such as expert witnesses, court reporters, etc;
4. Litigation support services required by the PROFESSIONAL PLANNER FOR THE BOROUGH, such as expert witnesses, court reporters, etc.
5. Services provided by members of the clergy;
6. Financial Services;
7. Insurance Services;
8. All Statutory appointments and employees of the Borough and any agency, instrumentality or authority of the Borough.

II. NOTICE REQUIREMENTS

A. Notice of contracts as outlined in Section I. of this Executive Order shall be posted on the Borough Web Site or in the Official Borough Newspaper, at least 10 days prior to contracting for the goods or services. In addition, monthly notice may be sent to local newspaper(s) identifying that these contracts are posted on the Borough web site:

(1) Such Web Site postings, at a minimum, shall include:

- (a) Identification of the Contract to be awarded;
- (b) General description and scope of the Contract including criteria for selection, including any special criteria required for any particular project, also where in the Borough written copies can be obtained;
- (c) Location of the Contract if a specific location is required;
- (d) Deadline for submission of proposals;
- (e) Indication of how interested professionals or providers can apply for consideration;
- (f) The Borough's intention to award to more than 1 firm, if applicable; and
- (g) How the project will be purchased, (i.e. based on a time and/or materials bases; with a not to exceed amount, or lump sum pricing depending on the scope of services, or if the Borough is offering specific compensation for the services, or a combination of these).

(h) Notice that proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #27-2005.

III. PROPOSAL SUBMISSION REQUIREMENTS

In all cases, in which a proposal is delivered by public or private mailing, or hand delivered, the following address and notation shall appear prominently on the front of the outside envelope:

Re: Contract # 2016-16
PROFESSIONAL PLANNER FOR THE BOROUGH
Borough Clerks Office
Borough of Point Pleasant
2233 Bridge Ave
Point Pleasant, NJ 08742

The proposal documents shall be placed in an envelope which shall have the following endorsement in the upper right corner of the envelope:

Contract # 2016-16
Proposal for: **PROFESSIONAL PLANNER FOR THE BOROUGH**
Proposal opening date: Tuesday December 1, 2015
Proposal opening time: 11:00 a.m.

Proposal documents must include the following copies:

(a) One original paper copy clearly marked as the "ORIGINAL plus one full, complete and exact paper copy and one copy on CD/Flashdrive.

Faxed proposals will NOT be accepted.

Any inquiry concerning this notice must be directed ONLY in writing or via email to:

Borough Clerk
Point Pleasant Borough
2233 Bridge Ave
Point Pleasant, NJ 08742
Email:ajones@ptboro.com

All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Borough will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Borough reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Borough further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Borough reserves the right to re-solicit proposals.

IV. GENERAL & TECHNICAL SPECIFICATIONS

See Exhibit A

V. MINIMUM QUALIFICATIONS

See Exhibit A

VI. MANDATORY CONTENTS OF PROPOSAL

In its proposal, the vendor must include the following:

- 1) Contact Information: Provide the name and address of the firm, the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal.
- 2) Acknowledgement that the fees offered by the Borough for the specified services are acceptable or a proposal of fees to be charged as outlined in the solicitation for proposals.
- 3) An executive summary of not more than two pages identifying and substantiating why the vendor is best qualified to provide the requested services.
- 4) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience, years and type of experience, and number of years with the vendor.
- 5) A description of the vendor's experience in performing services of the type described in this FAIR AND OPEN PROCESS. Specifically identify client size and specific examples of similarities with the scope of services required under this FAIR AND OPEN PROCESS.
- 6) A description of resources of the vendor (i.e., background, location, experience, staff resources, financial resources, other resources, etc.).
- 7) The location of the office, if other than the vendor's main office, at which the vendor proposes to perform services required under this FAIR AND OPEN PROCESS. Describe your presence in New Jersey.
- 8) Provide references including the contact names, titles, address and phone numbers.
- 9) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Borough.
- 10) Proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #27-2005.
- 11) Completed data forms provided in Exhibit B. and attached hereto.
- 12) Documentation that the vendor meets the minimum qualifications for the position as outlined in "Exhibit A".

VIII. RECEIPT AND OPENING OF PROPOSALS

Proposals will be received by the Borough Clerk's office and processed in the same manner in which the office processes public bids. The Clerk's office will publicly open the proposals on the date, and at the time advertised in the Web Site notice, in the same manner in which the office opens public bids. After the public opening of the proposals is completed the Clerk's office will provide the Borough Administrator with copies of each proposal to be submitted to the Review Committee, as requested.

IX. REVIEW COMMITTEE

The Borough Review Committee shall consist of the Borough Administrator, Mayor, and any other person or persons, chosen by the Governing Body who possesses special knowledge in the subject area that could be of benefit to the selection process. No less than three individuals shall constitute a review committee.

X. INTERVIEW

The Borough Review Committee reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Borough reserves the right to request clarifying information subsequent to submission of the proposal.

XI. SELECTION PROCESS

All proposals will be reviewed by the BOROUGH Review Committee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy the minimum requirements, the Borough Review Committee will evaluate proposals based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- (a) The vendor's general approach to providing the services required under this Fair and Open Process.
- (b) The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this Fair and Open Process.
- (c) The qualifications and experience of the vendor's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this Fair and Open Process.
- (d) The overall ability of the vendor to mobilize, undertake and successfully complete the engagement within the timeline. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the vendor to perform the services required by this Fair and Open Process; the availability and commitment to the engagement of the vendor's management, supervisory and other staff proposed; the vendor's contract management plan, including the vendor's contract organizational chart.

XII. SELECTION CRITERIA AND CONTRACT

The Borough Review Committee will select the vendor deemed most advantageous to the Borough. This Borough Review Committee's selection shall be forward to the Governing Body for approval. Once approved by the Governing Body the contract between the Borough and the selected vendor(s) shall be comprised of the contract attached as Exhibit A, this FAIR AND OPEN PROCESS, any clarifications or addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.

XIII. REJECTION OF REVIEW COMMITTEES RECOMMENDATION

If the Governing Body rejects the recommendation of the Review Committee the process shall start over from the beginning.

XIV. IF NO PROPOSALS ARE RECEIVED

If no proposals are received after conducting the Fair and Open Process, the committee will make a recommendation for the appointment of a professional to the Governing Body as permitted in N.J.S.A. 40A:11-5(a)(i). Notwithstanding the above, all professionals receiving awards based on this sub-section must comply with the limitations on contributions imposed in the Borough's Pay to Play Ordinance.