

**BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**RESOLUTION NO. 2018-XXX**

**RESOLUTION ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN  
PROCESS FOR THE SELECTION OF VARIOUS PROFESSIONAL SERVICE  
AGREEMENTS FOR CALENDAR YEAR 2019**

**WHEREAS**, the Borough Council of the Borough of Neptune City requires certain Professional Services to be provided to the Borough of Neptune City during 2019; and

**WHEREAS**, N.J.S.A. 19:44A-20.4 establishes procedures for municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

**WHEREAS**, the Borough Council of the Borough of Neptune City believes it is in the best interest of the Borough of Neptune City to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough; and

**WHEREAS**, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to publish a Legal Notice and establish Award Criteria in furtherance of the Borough's issuance of a Request for Qualifications/Proposals; and

**WHEREAS**, the Borough Council of the Borough of Neptune City has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

**WHEREAS**, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made according to law and then published in accordance with N.J.S.A. 40A:11-5.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Neptune City as follows:

1. All appointments for the following Professional Services for 2019 shall be subject to a fair and open process:
  - a. Borough Auditor
  - b. Borough Attorney
  - c. Borough Labor Attorney
  - d. Borough Bond Counsel
  - e. Borough Engineer
  - f. Borough Planner

- g. Borough Insurance Consultant
  - h. Borough Prosecutor
  - i. Alternate Borough Prosecutor
  - j. Borough Public Defender
  - k. Alternate Borough Public Defender
  - l. Land Use Board Attorney
  - m. Land Use Board Engineer
  - n. Land Use Board Planner
2. The Borough Clerk or Administrator shall cause the Legal Notice, attached hereto as Exhibit A, to be published in the Borough's official newspaper(s) and on the Borough's website stating that a full listing of all professional service appointments subject to a fair and open process, together with the Award Criteria established for the consideration of qualification, shall be available at the Borough Administrator's Office beginning no later than December 12, 2018.
  3. The Award Criteria, attached hereto as Exhibit B, shall be available at the Borough Administrator's Office beginning no later than December 12, 2018.
  4. Responses to the Request for Qualifications/Proposals shall be due no later than 3:00 p.m. on December 27, 2018.
  5. Commencing 3:01 p.m. on December 27, 2018, the Borough Clerk or Administrator of the Borough of Neptune City shall publicly open and announce all submissions in the Borough Council Chambers at Neptune City Borough Hall.
  6. Nominations for appointments to the above-listed positions shall be made by the Mayor at the Borough's Reorganization Meeting on January 1, 2019, whereupon a majority vote of the Borough Council will be required to confirm said appointments for the above-listed positions.
  7. In the event that the Mayor shall fail to nominate, or the Borough Council shall fail to confirm the Mayor's nominations on January 1, 2019, then the Borough Council shall make said appointments no earlier than January 31, 2019 in accordance with N.J.S.A. 40A:60-5 and N.J.S.A. 40A:60-6.
  8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

**BE IT FURTHER RESOLVED** that those positions listed above are those positions which the Borough of Neptune City Council reasonably believes shall be subject to appointment for the year 2019. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough of Neptune City. Accordingly, inclusion of a position above is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

**BE IT FURTHER RESOLVED**, that the Borough Council of the Borough of Neptune City has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 19:44A-20, et seq.

Adopted: December 10, 2018

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Tamara Brown  
Borough Clerk

**BOROUGH OF NEPTUNE CITY  
REQUEST FOR QUALIFICATIONS / PROPOSALS  
FOR PROFESSIONAL SERVICES**

The Borough of Neptune City is soliciting qualified proposals for professional services for the following positions:

- Borough Auditor
- Borough Attorney
- Borough Labor Attorney
- Borough Bond Counsel
- Borough Engineer
- Borough Planner
- Borough Insurance Consultant
- Borough Prosecutor
- Alternate Borough Prosecutor
- Borough Public Defender
- Alternate Borough Public Defender
- Land Use Board Attorney
- Land Use Board Engineer
- Land Use Board Planner

All proposals are being solicited through a fair and open process in accordance with the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20-4 et seq.

RFQ/RFP Award Criteria may be obtained from the Borough of Neptune City website at <http://www.neptunecitynj.com> or from the Borough Clerk Tamara Brown, 106 West Sylvania Avenue, Neptune City, NJ 07753; (732) 776-7224 – Ext. 41; [tammybrown@neptunecitynj.com](mailto:tammybrown@neptunecitynj.com).

All submissions shall include nine (9) copies of the proposal for review by the Borough Administration and Mayor & Council.

Submission deadline:	December 27, 2018 at 3:00 PM
Submission contact:	Henry Underhill, Borough Administrator
Submission location:	Borough of Neptune City 106 West Sylvania Avenue, Neptune City, NJ 07753
Form of submission:	All submissions shall be submitted in a sealed envelope clearly marked "Response to RFQ for [Name of Position]"

**BOROUGH OF NEPTUNE CITY  
2019 PROFESSIONAL SERVICES AGREEMENTS  
AWARD CRITERIA**

**CRITERIA 1: QUALIFICATIONS**

The applicant must specify the qualifications that the applicant asserts would address the services required. The qualifications would include, but not necessarily be limited to, education, advanced academic credentials, certifications, licenses, awards, formal recognitions, and affiliations.

**CRITERIA 2: EXPERIENCE**

The applicant must provide evidence of a minimum of four (4) years' experience in performing the required services.

**CRITERIA 3: ABILITY TO PERFORM**

The applicant must demonstrate that his or her firm, company, or professional practice maintains the requisite staff and/or infrastructure to perform the required services for the Borough of Neptune City.

**CRITERIA 4: DOCUMENTATION**

The applicant must provide copies of the following:

1. State of New Jersey Business Registration;
2. Certificate of Employee Information Report and requirements for Affirmative Action, pursuant to P.L. 1975, C. 127 (N.J.A.C. 17:27) (See Exhibit A);
3. Certificate of Insurance
4. Stockholder Disclosure Certification (See Exhibit B);
5. Disclosure of Investment Activities with Iran, P.L. 2012, C.25 (See Exhibit C); and
6. Identify the individual(s) expected to provide the services to the Borough of Neptune City from your firm, should your firm be selected.

**CRITERIA 5: COMPENSATION**

The applicant must propose compensation for the services required. The basis for the proposed compensation must be demonstrated. An hourly rate must be submitted to cover any non-flat fee or included costs. The basis for the proposed compensation must be demonstrated.

**CRITERIA 6: REFERENCES**

The applicant must provide three professional or business related sources of reference.

**PROPOSALS DUE BY 3:00 PM, THURSDAY, DECEMBER 27, 2018**

**PROPOSALS SHALL BE SUBMITTED TO:**

**Henry Underhill, Administrator  
Borough of Neptune City  
106 West Sylvania Avenue  
Neptune City, New Jersey 07753**

**BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**Mandatory Equal Employment Opportunity Language - N.J.S.A. 10:5-31 et. seq., N.J.A.C. 17:21-11**  
**GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS**

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

- The contractor or subcontractor, where applicable, will not discriminate against an 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 are 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 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 principals 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 target employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

**The contractor shall submit to the public agency, after notification of award but prior to execution of 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](http://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**

\_\_\_\_\_  
**Print or Type Name and Title**

\_\_\_\_\_  
**Date**

- 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.

**EXHIBIT B: STOCKHOLDER CERTIFICATION**

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

**BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**Stockholder Disclosure Certification**

**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.

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

**Check the line that represents the type of business organization:**

Sole Proprietorship                       Partnership                       Corporation                       Limited Partnership

Limited Liability Partnership                       Subchapter S Corporation                       Limited Liability Corporation

**Stockholders:**

**Names(s) and Home Address:**

- 1) \_\_\_\_\_  
\_\_\_\_\_
- 2) \_\_\_\_\_  
\_\_\_\_\_
- 3) \_\_\_\_\_  
\_\_\_\_\_
- 4) \_\_\_\_\_  
\_\_\_\_\_
- 5) \_\_\_\_\_  
\_\_\_\_\_
- 6) \_\_\_\_\_  
\_\_\_\_\_
- 7) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Print or Type Name and Title  
Corporate Seal:

State of New Jersey  
County of \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

## **NEW JERSEY BUSINESS REGISTRATION**

### **REQUIREMENTS – Non-Construction**

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A. 5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

Other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are not acceptable.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG can be filed online at: <http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>



EXHIBIT C – DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Part I CERTIFICATION

Bidders **MUST COMPLETE** part 1 by checking **EITHER BOX**. Failure to check a box will render the proposal non-responsive.

Pursuant to Public Law 2012, c. 25, 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, 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 Division's 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 Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK EITHER BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the person/entity listed above nor any of the entity'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

OR

I am unable to certify as above because I or the bidding entity 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 II

Please provide further information related to investment activities in Iran

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 boxes below.

PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, USE ADDITIONAL PAGES

Check here if you need to make additional entries, and use additional pages

Name: \_\_\_\_\_ Relationship to Bidder/Vendor: \_\_\_\_\_

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

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

Bidder/Vendor: \_\_\_\_\_ Contact Name: \_\_\_\_\_ Contact 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 below-referenced person or entity. I acknowledge that the Borough of Eatontown 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 contracts with the Borough of Eatontown to notify the Borough of Eatontown in writing of any changes to the answers of 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 agreements(s) with the Borough of Eatontown and that the Borough of Eatontown at its option may declare any contract(s) resulting from this certification void and unenforceable.

Bidder/Vendor: \_\_\_\_\_

\_\_\_\_\_

Signature

Print or Type Name and Title

Date