

**GENERAL INFORMATION AND SPECIFICATIONS FOR PROSPECTIVE
CONTRACTORS SUBMITTING QUALIFICATIONS AND PROPOSALS
FOR 2012 CONTRACT FOR POSITION OF TOWNSHIP SOLICITOR**

- I. Invitation to Submit Qualifications and Proposal.** The Township of Upper Deerfield is requesting qualifications and proposals from individuals and/or firms for the following contract for the year 2012: Township Solicitor. The qualifications and proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, *et. seq.*
- II. Submitting and Delivery of Qualifications and Proposals.** Qualifications and proposals must be submitted on or before December 1, 2011 and may be submitted either by mail or in person by the prospective contractor or his agent. Qualifications and proposals must be enclosed in a sealed envelope and plainly marked "Qualifications and Proposal for 2012 Township Solicitor Contract" and the envelope also shall have plainly marked on it the name and address of the prospective contractor. Please submit 3 copies of your proposal.
- III. Time and Place for Acceptance of Qualifications and Proposals.** The Upper Deerfield Township Clerk has been designated as the person authorized to receive all qualifications and proposals. All qualifications and proposals must be submitted in sealed envelopes to the Township Clerk, Township of Upper Deerfield, 1325 Highway 77, Seabrook, New Jersey, 08302, either by mail or in person by the prospective contractor or his agent on or prior to December 1, 2011 at 10:00 a.m., prevailing time. The Township Clerk will record the date and time of receipt of all proposals on the sealed envelope. No proposal will be received after the time designated for receipt.
- IV. Contract Description and Qualifications.** The Township Solicitor shall perform all of the services customarily performed by a Township Solicitor of a municipality the size of the Township of Upper Deerfield. Such services include, but are not necessarily limited to, the following:
- a. Attend all regular and special meetings of the Township Committee;
 - b. Prepare all required resolutions and ordinances;
 - c. Receive, review and respond to all correspondence pertaining to the Township's legal matters;
 - d. Review, research and render such written and/or verbal legal opinions as the Township may require;
 - e. Assist Bond Counsel, if requested by Bond Counsel, in the preparation

- and processing of all bonding procedures;
- f. Render any and all other legal services required by the Township with the exception of litigation;
- g. Handle tax appeals before the County Board of Taxation and the Tax Court both of which will be considered litigation;
- h. Represent the Township in grievance arbitration, when asked by Labor Counsel, which will be considered litigation;
- i. Represent the Township at Construction Board of Appeals hearings and hearings under the Township's Demolition Ordinance, both of which shall be considered as litigation;
- j. Assist in the negotiation and preparation of collective bargaining agreements;
- k. Prepare deeds and attend closings of title with respect to sales of Township property.

The contractor shall possess all required State of New Jersey licenses or certifications.

The resumes or *curricula vitae* of all individuals who will perform services under the contract on behalf of the Township of Upper Deerfield shall be submitted with the prospective contractor's proposal.

The prospective contractor's proposal shall clearly set forth the proposed financial compensation to be paid to the contractor under the contract.

A proposed contract may be submitted with the contractor's proposal.

- V. Selection Process & Award of Contract.** Upon receipt of qualifications and proposals, the Township Clerk will transmit copies of each proposal to a review committee that consists of members of the Township Committee. Proposals will be evaluated on the basis of the most advantageous, price and other factors considered. The evaluation will consider:

- a. Minimum of ten years experience as a municipal solicitor and reputation of the prospective contractor in the field that is the

- subject matter of the contract;
- b. Knowledge of the Township of Upper Deerfield, issues that are unique to Upper Deerfield and the subject matter to be addressed under the contract;
- c. Availability to accommodate any required meetings of the Township of Upper Deerfield or its various departments;
- d. Compensation proposal; and
- e. Other factors as demonstrated to be in the best interest of the Township of Upper Deerfield.

Upon completion of the review process, the review committee shall transmit its findings and recommendations to the Township Committee which may award the subject contract on or about **January 6, 2012** by resolution.

V. Obligation of Prospective Contractor. At the time of receipt of proposals, each prospective contractor will be presumed to have read and to be thoroughly familiar with the contents of the notice of availability of requests for qualifications and proposals that has been posted on the Township of Upper Deerfield website and with the contents of this document. The failure or omission of any prospective contractor to receive or examine either document shall in no way relieve any prospective contractor from any obligation with respect to the proposal submitted.

VI. Investigation of Qualifications. The Township of Upper Deerfield will make such investigations as it deems necessary to determine the responsibility of the prospective contractor and the prospective contractor shall furnish the Township of Upper Deerfield all such information as may be requested by the Township of Upper Deerfield notwithstanding the fact that the release of such information to the Township of Upper Deerfield may result in the disqualification of the prospective contractor and the proposal submitted.

The Township of Upper Deerfield reserves the right to reject any proposal if the evidence submitted by, or the investigation of, such prospective contractor fails to satisfy the Township of Upper Deerfield that such prospective contractor properly is qualified to carry out the obligations of the contract for the work as provided and as described in this document.

VII. Signing of Proposal Documentation. The qualification and proposal documentation that is submitted by the prospective contractor shall be signed by the individual or on behalf of the entity to be bound by the contract.

VIII. New Jersey Business Registration Certificate. Business organizations or individuals doing business in New Jersey are required to register with the Department of Treasury, Division of Revenue. Prospective contractors submitting proposals shall submit a copy of their business registration certificate to the Township of Upper Deerfield at the time that the proposal is submitted to the Township. See N.J.S.A. 52:32-44b (1). Failure to comply with this paragraph shall result in disqualification of the prospective contractor.

IX. Miscellaneous.

- a. Nothing herein shall be construed as an obligation on the part of the Township of Upper Deerfield to award the subject contract under the fair and open procedures described above and the Township of Upper Deerfield, after review of qualifications and proposals that have been submitted, if deemed to be in the best interests of the Township of Upper Deerfield, specifically reserves the right to award the subject contract by utilizing the non-fair and open procedures that are set forth at N.J.S.A. 19:44A-20.5, *et. seq.*
- b. All contracts awarded by the Township of Upper Deerfield shall be governed by and interpreted in accordance with the Laws of the State of New Jersey.
- c. If awarded a contract, you or your company/firm shall be required to comply with the requirements of N.J.S.A. 10:5-31 *et seq.* and N.J.A.C. 17:27 (EEO in public contracts).
- d. For additional information contact: Roy Spoltore, Township Clerk/Administrator, Upper Deerfield Municipal Building, 1325 Highway 77, Seabrook, New Jersey, 08302, 856-451-3811.