TOWNSHIP OF BERKELEY HEIGHTS

REQUEST FOR PROPOSALS FOR

PLANNING BOARD ENGINEERING SERVICES

TOWNSHIP OF BERKELEY HEIGHTS

Contract Term

January 1, 2017 through December 31, 2017

<u>SUBMISSION DEADLINE</u>

10:15 a.m.
December 15, 2016

ADDRESS ALL PROPOSALS TO:

PLANNING BOARD OF THE TOWNSHIP OF BERKELEY HEIGHTS
c/o ANA MINKOFF, TOWNSHIP CLERK
29 PARK AVENUE
BERKELEY HEIGHTS, NEW JERSEY 07922

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL

PLANNING BOARD OF THE TOWNSHIP OF BERKELEY HEIGHTS
29 PARK AVENUE
BERKELEY HEIGHTS, NJ 07922

CONTACT PERSON

CONNIE VALENTI,
PLANNING BOARD SECRETARY
908-464-2700 EXT.2124

PURPOSE OF REQUEST

The Planning Board of the Township of Berkeley Heights is requesting proposals from qualified individuals to provide Planning Board Engineering Services. Proposals will be evaluated in accordance with the criteria set forth in this RFP.

PERIOD OF CONTRACT

January 1, 2017 through December 31, 2017

CONTRACT FORM

The successful proposer shall be required to execute the Township's form contract, which includes the indemnification, insurance, termination and licensing provisions. A complete copy of a draft Township form contract is available from the Township Clerk upon request.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the Township arising out of, or by reason of, the work done and materials furnished under this Contract.

DETAILED REQUIREMENTS OF THE REQUEST FOR PROPOSALS FOR PLANNING BOARD ENGINEERING SERVICES

1. TOWNSHIP OF BERKELEY HEIGHTS FACTS AND FIGURES

The Township's population is approximately 13,000 and it consists of approximately 6.9 square miles of area. The Township employs approximately 100 people in about 8 departments and agencies. It owns an administration and courthouse building, police facilities, firehouse, a library, and parks and recreation facilities.

The Township's operating budget is approximately $18 million. It provides significant and diverse services to its residents, including those in senior, disabled, veterans and other communities.

2. THE PLANNING BOARD OF THE TOWNSHIP OF BERKELEY HEIGHTS

The Planning Board consists of eleven (11) Members including The Mayor, a Representative from the Governing Body, a Township Official, and eight (8) other Township residents, two (2) of whom are designated as Alternates.

The scheduled meetings for the Planning Board are on the first Wednesday and third Wednesday of the month from 7:30PM to 10:30PM. It meets twice a month for eight (8) months a year and once a month in July, August, November and December. Special Meetings can be held on other nights when the need arises. The calendar for 2017 is available from the Board Secretary upon request.

3. NATURE/ SCOPE OF SERVICES

The Planning Board of the Township of Berkeley Heights is requesting proposals from qualified individuals to provide Engineering Services.

It has been the practice of the Planning Board of the Township of Berkeley Heights that Engineering fees are paid entirely from Applicants' Escrow on an hourly basis.

While the Planning Board understands that one (1) individual may not be able to attend all meetings, it is strongly preferred that one (1) individual be designated as the Board Engineer and another Engineer will act as a substitute on rare occasions only.

Such services to be provided by the Board Engineer include:

A. Attendance at scheduled and/or Special Meetings.
B. Review of submitted applications as to their completeness and compliance with Township Ordinances relative to engineering aspects.
C. Preparation of Reports on all applications.
D. Answering engineering questions when posed by the Board.
E. Offering engineering opinions when requested by the Board.
F. Providing Compliance Review Letters relative to Resolution condition requirements.
G. Reviewing and approving Developer Agreement requirements.
H. Reviewing, approving and signing final submitted plans.
I. Arranging for Inspection Services of various Board projects by qualified Inspectors.

4. STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL

A proposer must have a minimum of ten (10) years experience providing engineering services and a minimum of five (5) years servicing the Planning Board or Zoning Board of Adjustment in the Township of Berkeley Heights and/or other communities.

A proposer must possess a valid P.E. (Professional Engineer) license in the State of New Jersey.

A listing of other communities in which Professional Engineering services were provided to a Planning Board or Zoning Board of Adjustment must be submitted.

A proposer must also demonstrate substantial experience in preparation of:

A. Application Review and Fee determination according to Township Ordinance.
B. Reviews of applications and submission of Engineering Reports.
C. Compliance Review Letters including Bonding requirements and conformance with conditions of the Resolution.

A proposer must also demonstrate a thorough familiarity with NJSA 40 and 40A, the Land Use Procedures Code of the Township of Berkeley Heights and the local government structure, including the form of Government the Township of Berkeley Heights has recently adopted.

5. COST PROPOSAL

Proposers are required to submit a cost proposal, including:

A. The cost of retainer, if any and what services would be provided if a retainer is offered.

B. The hourly rate for the above outlined Scope of Services, including Inspection Services.

C. NOTE: The Planning Board and the Township do not provide payment for or reimbursement of travel expenses.

7. PROPOSAL EVALUATION

The Planning Board will select the most advantageous proposal based on all of the evaluation factors set forth at the end of this RFP. The Planning Board will make the award that is in the best interest of the Township.

Each proposal must satisfy the objectives and requirements detailed in this RFP. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Planning Board reserves the right to:

A. Not select any of the proposals;

B. Award a contract for the requested services at any time within 60 days of the selection of the most advantageous proposal; every proposal should be valid through this time period.

The Planning Board shall not be obligated to explain the results of the evaluation process to any proposer.

Proposers are encouraged to submit documents demonstrating their qualifications and experience in Item **4. STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL**, as stated above as part of their submittal.

6. PROPOSAL LIMITATIONS

This RFP is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Planning Board by issuance of this RFP. The Planning Board reserves the right at the Board's sole discretion to refuse any proposal submitted.

7. USE OF INFORMATION

Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the Planning Board to the proposer in connection with this RFP shall remain the property of the Planning Board. When in tangible form, all copies of such information shall be returned to the Planning Board upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the Planning Board or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

8. GENERAL TERMS AND CONDITIONS

A. The Planning Board reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the Planning Board to do so.

B. In case of failure by the successful proposer, the Planning Board of the Township of Berkeley Heights may procure the articles or services from other sources, deduct the cost of the replacement from money due to the proposer under the contract and hold the proposer responsible for any excess cost occasioned thereby.

C. The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.

D. Proposers will be required to sign in when picking up the Bid Package.

E. Each proposal must be signed by the person authorized to do so.

F. The contract shall be in effect through December 31, 2017, unless otherwise stated.

G. Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. In the case of mailed proposals, the Planning Board assumes no responsibility for proposals received after the designated date and time and will return late proposals unopened. Proposals will not be accepted by facsimile or e-mail.

H. In accordance with Affirmative Action Law, P.L. 1975, c.127 (N.J.A.C. 17:27) with implementation of July 10, 1978, successful proposer must agree to submit individual employer certifications and number or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the contractor agrees as follows: (a) the contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause: (b) 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, sex or handicap; (c) the contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.

I. By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Township and/or the Planning Board harmless in any case of any such infringement.

J. No proposer shall influence, or attempt to influence, or cause to be influenced, any Township officer, Township employee or Planning Board Member to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer, employee or Board Member.

K. No proposer shall cause or influence, or attempt to cause or influence, any Township officer, Township employee or Planning Board Member to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.

L. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Planning Board's decision shall be final and conclusive.

M. The Planning Board and/or the Township of Berkeley Heights shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.

N. The checklist, affidavits, notices and the like presented at the end of this Request for Proposals are a part of this Request for Proposals and shall be completed and submitted as part of this proposal.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

(To be completed by the Planning Board)

EVALUATION FACTORS

A. Relevance and Extent of Qualifications and Experience

1. 10 or more years of representing Planning Boards or Boards of Adjustment
2. Availability to attend meetings on first Wednesday and third Wednesday of the month
3. Representation by an individual
4. Ability to provide Inspection Services

B. Knowledge of the Township of Berkeley Heights and the subject matter to be addressed under this engagement

C. Relevance and Extent of Similar Engagements performed

1. Submission of at least one (1) sample Fee Determination Letter
2. Submission of at least one (1) sample Engineering Review Letter.
3. Submission of at least one (1) Compliance Review Letter.
4. A list of other communities in which services were performed by the proposer within the last five (5) years.
5. Submission of at least five (5) Inspection Reports

C. Technical Proposal contains all required information

Non-Collusion Affidavit properly notarized.
Owners Disclosure Statement
Business Registration Certificate
Partnership Disclosure Statement
Affirmative Action Statement

D. Reasonableness of Cost Proposal

Retainer fee, if applicable
Hourly rate

REQUEST FOR PROPOSALS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

Please initial below, indicating that your proposal includes the itemized document.
A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

INITIAL BELOW

A. An original and five (5) signed copies of your complete proposal. _____ **(initial)**

B. Non-Collusion Affidavit properly notarized _____ **(initial)**

C. Owners Disclosure Statement, properly notarized, listing the names of all persons owning ten (10) percent or more of the proposing entity. _____ **(initial)**

D. Authorized signatures on all forms. _____ **(initial)**

E. Business Registration Certificate(s) _____ **(initial)**

F. Partnership Disclosure Statement _____ **(initial)**

G. Affirmative Action Statement _____ **(initial)**

Note: N.J.S.A 52:32-44 provides that the Township shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS.

NAME OF PROPOSER:

_____

Person, Firm or Corporation

_____

BY: (NAME) (TITLE)

EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

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 or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the 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 or sex.

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

The contractor or subcontractor, where applicable, agrees to comply with 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 employ minority and women workers consistent with the applicable Township employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable Township employment goals determined by the Division, pursuant to 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, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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.

Exhibit A (Continued)

In conforming with the applicable 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 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

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division 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 Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
TOWNSHIP OF BERKELEY HEIGHTS ss:

I AM _____

OF THE FIRM OF _____

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;

2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;

3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE TOWNSHIP OF BERKELEY HEIGHTS 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 ENGAGEMENT; AND

4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER, (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY

OF_____ 20_____.

_____
(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

_____
NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20_____.

OWNER DISCLOSURE INFORMATION

Set forth below are the names and addresses of all owners of 10% or more of the proposing business entity.

Name: _____ Name: _____

Address: _____ Address: _____

_____ _____

Name: _____ Name: _____

Address: _____ Address: _____

_____ _____

Name: _____ Name: _____

Address: _____ Address: _____

_____ _____

Name: _____ Name: _____

Address: _____ Address: _____

_____ _____

_____
NAME OF BUSINESS ENTITY

_____
SIGNATURE TITLE

_____
Notary Public of

My Commission Expires: _____, 20_____.

PARTNERSHIP DISCLOSURE STATEMENT
(To be submitted with proposal)

(a) Is or was anyone in your firm or company a member of the Berkeley Heights Planning Board or a Berkeley Heights Township Committee member within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes_____ No_____

_____ _____ _____
Name Position Relationship

(b) Has any principal/partner of your firm been convicted of a indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes_____ No_____

_____ _____
Name Date

(c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes_____ No_____

_____ _____ _____
Name Position Term
Reason for censure:

(d) Has the firm been found liable for professional malpractice in the last 5 years?

Yes_____ No_____

Reason for Action:

(e) Has any member of your firm ever been barred from doing business with any state, county or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes_____ No_____

_____ _____ _____
Name State, County or Municipality Government Date

(f) Has your firm sued the Township of Berkeley Heights in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes_____ No_____

_____ _____
Name Date