

## TOWNSHIP OF BERKELEY

### Request for Proposals for Professional Services

Pursuant to the provisions of the resolution, this letter shall serve as a "Request for Proposals" to all interested persons. The governing body intends to award contracts for the services enumerated on the attached "Schedule A" prior to February 15, 2012. All Proposals must be submitted to Annemarie Werthmann, Berkeley Purchasing Agent, at Berkeley Township Purchasing Department, 627 Pinewald-Keswick Road, P. O. Box B, Bayville, New Jersey, 08721, sealed proposals must be submitted to the Township Purchasing Agent on or before December 16, 2011, at or before 2:00 p.m. The Township reserves the right to reject any proposals not received by that date. All proposals must include the following minimum information to be considered:

- Name of the individual(s) to be assigned to perform the tasks.
- Professional experience of the individual(s) to be assigned including a listing of experience with Berkeley Township and/or experience with other municipalities.
- A statement concerning the ability of the firm/individual to perform tasks assigned by the Township in a timely fashion.
- Professional licenses held by the individual(s) to be assigned.
- Educational background and experience of the individual(s) assigned.
- A description of the support staff available to the individual(s) to be assigned.
- A copy of the Certificate of Insurance, issued by an insurance carrier licensed in the State of New Jersey, for the firm/company showing the amount of professional liability insurance and all other coverage in place as of 1/1/12.
- A list of professional references with addresses and telephone contact number.
- Detailed hourly rates for ALL staff that will be or potentially could be assigned and any other "charges" for extra services not included in hourly rates.
- A comparison of the hourly rates charged to other municipalities for similar work to be undertaken for Berkeley Township.
- Any known potential conflicts of interest that may result in the individual/firm becoming disqualified from working for Berkeley Township.
- Completion of attached Affirmative Action information.
- Submission of a copy of your Business Registration Certificate
- Location of office serving Municipality
- Resume of individuals providing services
- Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last five (5) years
- A statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury
- Certification as to the truth of the above two statements
- Submission of an Affidavit of Compliance with Berkeley Township Ordinance §2-92.1, et seq.

It should be noted that all submissions shall be kept on file during the term of the related contract and shall be public records after the deadline for the submission of the proposals.

Each proposal must be enclosed in a sealed envelope, bearing the name and address of the vendor, and must be addressed to the Township of Berkeley Purchasing Department, to the attention of Annemarie Werthmann.

Interested vendors are advised that the Township does not have responsibility for the delivery of U.S. Mail, or any other private mail carrier. PACKAGE or ENVELOPE MUST BE ENDORSED: RFP 2012 – REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES.

Please submit only one copy of your proposal. If you are submitting proposals for more than one appointment, submit one copy of the pertinent information that would apply to each proposal and list the appointments for which you are applying.

Should you have any questions, please feel free to contact me at 732-244-7400.

Thank you for your interest in Berkeley Township.

Sincerely,

Annemarie Werthmann  
Berkeley Township Purchasing Agent

SCHEDULE A  
Current List of Professionals

Special Counsel for Affordable Housing  
Labor Counsel  
Alternate Labor Counsel  
Bond Counsel  
Township Prosecutor  
Conflict Prosecutor  
Township Public Defender  
Conflict Public Defender  
Township Auditor  
Township Engineer  
Conflict Engineers  
Consulting Engineers  
Capital Projects Engineer  
Township Planner  
Conflict Planner  
Township Attorney  
Conflict Attorney  
Special Counsel  
Open Space Planner  
Affordable Housing Consultant  
Appraisal Services for Real Estate and Tax Appeals  
Township Physicians  
Worker's Compensation Doctors  
Risk Manager – Insurance  
Architect Services - As Needed  
Zoning and Planning Board's Attorney, Engineer and Planner

**BUSINESS ENTITY DISCLOSURE CERTIFICATION  
TOWNSHIP OF BERKELEY**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that \_\_\_\_\_ has not made and will not make any reportable contributions pursuant to Berkeley Township Ordinance § 2-92.1, et seq. that would bar the award of this contract in the two year period preceding January 1, 2010 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Berkeley.

Pride in Berkeley, PAC	Berkeley Republican Municipal Committee
Berkeley GOP PAC	Ocean County Republican Committee
Ocean County Democratic Committee	Committee To Elect Amato for Mayor CTE Amato for Mayor
Berkeley Township Victory Committee 2011	Committee to Elect John Bacchione Committee to Elect Toms Grosse Committee to Elect Robert Ray

**Part II – Ownership Disclosure Certification**

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

**Check the box that represents the type of business entity:**

- Partnership     
  Corporation     
  Sole Proprietorship     
  Subchapter S Corporation  
 Limited Partnership   
 Limited Liability Corporation     
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: \_\_\_\_\_  
 Signed: \_\_\_\_\_ Title: \_\_\_\_\_  
 Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn before me this ___ day of _____, 2011.	_____ (Affiant)
My Commission expires:	_____ (Print name & title of affiant) (Corporate Seal)

**EXHIBIT A**  
**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C.127)**  
**N.J.A.C. 17:27**

**GOODS, PROFESSIONAL SERVICE 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 and gender identity or expression, 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, gender identity or expression, disability, nationality 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 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, 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 that 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 county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county 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 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, 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 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, 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

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance and EEO 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 Div. of Contract Compliance and EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

COMPANY \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

# AFFIDAVIT

The undersigned has read Berkeley Township's Public Contracting Reform Ordinance #04-26-OAB banning political donations. The Professional Business Entity has been awarded a Professional Service Contract with the Township of Berkeley. The Professional Business Entity and any subsidiary hereby certify that it shall be in a material breach of the terms of the government Contract if the Professional Business Entity violates, or aides or abets a violation or knowingly conceals or misrepresents contributions given or received, or makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution all as set forth in Ordinance No. 04-26-OAB adopted by the Township of Berkeley.

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Sworn and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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NOTARY PUBLIC

**PUBLIC CONTRACTING REFORM ORDINANCE**

Be It Enacted by the Township of Berkeley:

Preamble

**Whereas**, professional business entities are exempt from public bidding requirements, and

**Whereas**, it has become common for professional business entities to make substantial political contributions to the election campaigns of the local government elected officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements which are not subject to public bidding; and

**Whereas**, substantial local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions raise reasonable concerns of the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received, and

**Whereas**, pursuant to **N.J.S.A. .40A:11-5 AND N.J.S.A 40:48-2**, municipalities have the right to establish rules and procedures for contracting with professional business entities,

**Now therefore, be it resolved**, that the policy of the Township of Berkeley will be to create such a regulation which states that a professional business entity which makes political contributions to municipal candidates and municipal and county political parties shall be ineligible to receive a public professional service contract from the Township of Berkeley.

SECTION 1

**Prohibition on Awarding Public Contracts to Certain Contributors**

(a) Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution including in-kind contributions, to a campaign committee of any Township of Berkeley municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Township of Berkeley or County of Ocean party committee, or to any political action committee that is organized for the primary purpose of promoting or supporting Township of Berkeley municipal candidates or municipal officeholders (PAC) within two calendar years immediately preceding the date of the contract or agreement.

(b) No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consulting services shall knowingly solicit or make any contribution of money, or pledge of a contribution including in-kind contributions, to any Township of Berkeley candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Township of Berkeley or County of Ocean party committee, or to any PAC that is organized for the primary purpose of promoting or supporting Township of Berkeley municipal candidates or municipal officeholders between the time of first communications between that business entity and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

(c) For purposes of this ordinance, a "professional business entity" is any entity seeking or performing a public contract for professional, banking or insurance coverage services or any other no-bid consulting services and

which may be an individual including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

(d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

- 1) The Township of Berkeley Council, if the contract requires approval or appropriation from the Council.
- 2) The Mayor of Township of Berkeley, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of contract is appointed by the Mayor.

## SECTION 2

### **Contributions Made Prior to the Effective Date**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal or county party committee or PAC referenced in this ordinance shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

## SECTION 3

### **Contribution Statement by Professional Business Entity**

- (a) Prior to awarding any contract or agreement to procure professional services, or banking or insurance coverage services or any other no-bid consulting services, with any professional business entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offer or has not made a contribution in violation of Section I of this Ordinance;
- (b) The professional business entity shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

## SECTION 4

### Return of Excess Contribution

A professional business entity or Township Candidate or officeholder or Municipal or County party Committee or PAC referenced in this ordinance may cure a violation of Section I of this ordinance, if, within thirty (30) days after the general election, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township Candidate or Municipal or County political party or PAC referenced in this ordinance.

## SECTION 5

### Penalty

- (a) All Township of Berkeley agreements with professional business entities shall provide that it shall be a material breach of the terms of the government contract for a professional business entity as defined in Section 1 (c) to violate, or to aide or abet a violation, of Section 1 (a) or (b) or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contribution through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- (b) Any professional business entity as defined in Section 1 (c) who knowingly fails to reveal a contribution made in violation of this ordinance, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Berkeley Township contracts for a period of four (4) calendar years from the date of the violation.

## SECTION 6

### Severability and Repealer

- (a) If any section, subsection , sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance. The drafters of this ordinance and the voters signing the initiative petition supporting the passage of this ordinance hereby declare that they would have signed the initiative petition supporting the passage of this ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional, invalid or unenforceable.
- (b) And any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.