

THE BOROUGH OF BEACHWOOD
PUBLIC NOTICE FOR THE SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS FOR THE PERIOD OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

NOTICE IS HEREBY GIVEN that sealed submissions will be received by the Municipal Clerk of the Borough of Beachwood by **Friday, October 28, 2016, at 10:00 a.m. at the** Municipal Complex located at 1600 Pinewald Road, Beachwood New Jersey 08722 for the following Professional Services:

Municipal Attorney
Municipal Auditor
Municipal Fee Accountant
Municipal Bond Counsel
Municipal Engineer
Municipal Planner
Municipal Labor Counsel
Municipal Prosecutor – Conflict Prosecutor
Municipal Public Defender – Conflict Public Defender
Conflict Judge
***Land Use Board Attorney**
***Land Use Board Engineer**
***Land Use Board Planner**

Standardized submission requirements and section criteria are on file and available in the Office of the Municipal Clerk and located on the Borough Website www.beachwoodusa.com under the Legal Notices Tab.

Submission information is detailed in this notice. **All submission packets must contain hourly rates and be clearly marked for the Professional Service under consideration.**

Municipal Services Package Proposals are to be in duplicate. Please also include a proposed contract with your proposal. Proposals shall be submitted as one (1) original and one (1) copy of their proposal, of which one must be unbound for further copying (if necessary) and 1 cd; and

****Land Use Services Package will be two (2) Hard copies and eleven (11) cd's .***

All Professional Service contractors are required to comply with the requirements of 52:32-44 (Business Registration of Public Contractors), N.J.S.A. 10:5-1, et seq. and N.J.A.C. 17:27 et seq. (Contract Compliance and Equal Employment Opportunities in Public Contracts).

Submissions by corporations and partnerships shall include a completed disclosure of ownership form (N.J.S.A. 52:25-24.2) and a non-collusion affidavit.

The Borough Council reserves the right to reject any and all submissions due to any defects or waive informalities and accept any submissions that in their judgment will be in the best interest of the Borough. The Borough Council shall award the contract or reject any and all submissions no at their annual re-organization which will be held on January 6th, 2017. All Professional Proposals not awarded will be kept on file and considered for any special project to be addressed in the 2017 Calendar Year.

Susan A. Minock, RMC
Municipal Clerk

**SPECIFICATIONS FOR PROFESSIONALS
BOROUGH OF BEACHWOOD**

**CONTRACT APPOINTMENTS SHALL BE FROM JANUARY 1, 2017 THROUGH
DECEMBER 31, 2017**

BOROUGH ATTORNEY

Borough Attorney agrees to perform professional legal services for an annual salary which would include the following required services:

1. Preparation of all resolutions as requested by any elected official or his or her designee.
2. Preparation of Borough ordinances (not exceeding ten (10) pages in length and including research and preparation of such ordinances,
3. Attendance and participation at meetings and conferences, not exceeding a total of eight (8) hours per month with any member or members of the governing body of the Borough or the designee at the attorney's office or within the Borough of Beachwood or at an office within the State of New Jersey, or any federal, state, county or local authority or agency.
4. Telephone conferences, routine correspondence, legal research (including preparation of opinion letter, if requested). review of correspondence, reports, documents, etc" pertaining to Borough business and prepared by persons other than an attorney,
5. Preparation of specifications and contracts not exceeding ten pages in length (and legal research pertaining to the preparation of said documents).
6. Receipt and review of processing of bankruptcy proofs of claims and various bankruptcy court orders and notices.
7. The following services shall be considered non-contract services and attorneys shall be compensated at an hourly rated to be quoted by the attorney for the year under consideration. Any bill or voucher submitted shall have an attached itemization of services rendered and the hours or fractions of hours thereof of the time spent by the attorney in rendering such non-contract services. These non-contract services shall include (1) attendance and participation at conferences or meetings in excess of eight hours per month; conferences or meetings held in the evening shall require a three hour minimum payment but day conferences or meeting shall require no minimums other than the actual time spent by the attorney; (2) litigation involving the Borough or any of its offices or employees in any Court or administrative agency of the State of new Jersey, including preparation of pleadings, interrogatories, discovery proceedings, motions, trials, pre trials and settlement conferences, interviews of parties or witnesses, legal research, preparation of briefs or memorandum of law and all other matters necessary or incidental to such proceedings. These services shall be compensated at the hourly rate submitted by the professional.
8. Tax title liens shall be foreclosed at a rate of \$_____. In case of redemption of a tax lien, the fee shall be \$_____ if the lien is redeemed prior to the filing of the complaint; \$_____ per lien if redeemed as of the filing of the complaint and \$_____ if redeemed after publication of the formal written notice of the complaint. The Borough shall pay for title searches and out of pocket expenses in connection therewith. If the foreclosure actually becomes contested, then the rate shall be \$_____ per hour.

9. Another extraordinary project involving bonding, interim financing and all ordinances, resolutions, correspondence, research and other services necessary and incidental thereto and shall be billed at the rate of \$_____ per hour, exclusive of fees charged by bond counsel.

10. Preparation of ordinances and specifications for contracts exceeding ten pages in length (said pages considered to be 8 1/2 x 13 inches double spaced) - \$_____ per hour.

11. Attendance at and participation in labor negotiations, mediation sessions, arbitration hearings and research and conferences related thereto- \$_____ per hour.

Municipal Labor Counsel

The Municipal Labor Counsel shall be an attorney at law of New Jersey and shall provide all necessary and desirable legal counsel and advice requested for labor cases before the Municipal Court of the Borough, such as, litigation involving the Borough or any of its offices or employees in any Court or administrative agency of the State of new Jersey, including preparation of pleadings, interrogatories, discovery proceedings, motions, trials, pre trials and settlement conferences, interviews of parties or witnesses, legal research, preparation of briefs or memorandum of law and all other matters necessary or incidental to such proceedings. These services shall be compensated at the hourly rate submitted by the professional.

Municipal Prosecutor

The Municipal Prosecutor shall be an attorney at law of New Jersey and shall provide all necessary and desirable legal counsel and advice requested for the prosecution of cases before the Municipal Court of the Borough, and shall conduct the prosecution of such cases except such crimes and offenses as it may be the duty county or state officer to prosecute.

Conflict Municipal Prosecutor

The Conflict Municipal Prosecutor shall be an attorney at law of New Jersey. The position of Conflict Municipal Prosecutor is created in the event the Municipal Prosecutor is unable to appear even for part of one court session. The duties for the Conflict Municipal Prosecutor shall be the same as those set forth for the Municipal Prosecutor.

Public Defender

The Public Defender shall be an attorney at law of New Jersey and shall interview all indigent defendants qualifying for assistance as provided under the standards established by the office of the Public Advocate of the State of New Jersey, and shall defend same in the Municipal Court of the Borough and provide such legal advice and counsel to such individuals as may be required in any proceedings before the Municipal Court of the Borough,

Conflict Municipal Public Defender

The Conflict Municipal Prosecutor shall be an attorney at law of New Jersey. The position of Conflict Municipal Public Defender is created in the event the Municipal Public Defender is unable to appear even for part of one court session. The duties for the Conflict Municipal Public Defender shall be the same as those set forth for the Municipal Public Defender.

Conflict Municipal Judge

The Conflict Municipal Judge shall be a judge of New Jersey. The position of Conflict Municipal Judge is created in the event the Municipal Judge is unable to appear even for part of one court session. The duties for the Conflict Municipal Judge shall be the same as those set forth for the Municipal Judge.

Borough Auditor

The Borough Auditor shall make the annual audit of the Borough financial records for the year ending December 31st, and serve as Borough Auditor for the calendar year under submission, and perform the duties prescribed by law all in accordance with generally accepted auditing standards and the laws and regulations of the State of New

Jersey regarding same. The Borough Auditor shall perform such duties and render such services as may from time to time be requested by the Borough Council, the Chief Financial Officer or the Borough Administrator.

Borough Fee Accountant

The Borough Fee Accountant shall prepare the Unaudited Financial Statement, When requested by the Director of Finance, shall prepare the document comprising the Municipal Budget (the "Budget") for introduction by the Governing Body and submission to the Division as required by State Statute, and perform the duties prescribed by law all in accordance with generally accepted auditing standards and the laws and regulations of the State of New Jersey regarding same. The Borough Fee Accountant shall perform such duties and render such services as may from time to time be requested by the Borough Council, the Chief Financial Officer or the Borough Administrator.

Bond Counsel

The Bond Counsel shall be an attorney at law of New Jersey. Bond Counsel performs and provides legal advice with regard to the following activities; the preparation of Bond Ordinances and the review of the adoption proceedings; the preparation and review of public finance resolutions, the preparation and issuance of Bond Anticipation, Special Emergency, and Tax Anticipation Notes; and the preparation and issuance of General Obligation Bonds. In addition Bond Counsel is responsible for the preparation and/or review of any Preliminary Official Statement and Official Statement of the Borough. Bond Counsel is also responsible for the preparation and/or review of any application to the Local Finance Board, and attendance at any related meetings of the Board.

Borough Planner

The Borough Planner shall be a New Jersey licensed professional planner. The Planner shall prepare all reports as requested by the Borough Council.

Borough Engineer

The Borough Engineer shall be a New Jersey licensed Professional Engineer. The Borough Engineer shall attend meetings of the Borough and provide general engineering advice as requested from time to time. The Borough Engineer shall further oversee and be responsible for capital projects as approved from time to time by the Borough Council.

Land Use Board Attorney

The Planning Board Attorney shall be an attorney at law of New Jersey. The Planning Board Attorney shall attend all regular and special Planning Board meetings, which shall include routine phone calls with staff. The Planning Board Attorney shall prepare and defend all litigation affecting the Planning Board, or any member of it, which is the result of decisions made on applications or in the normal performance of their official duties pursuant to the Municipal Land Use Law. The Planning Board Attorney shall provide legal advice, research and assistance on any other special matters which the Planning Board may require to be addressed by the attorney. The Planning Board Attorney shall draft all legal documents as may be required including preparation of documents, Developers Agreements, and review of deeds, covenants, easements, etc. The Planning Board Attorney shall represent or advise the Planning Board on any matter in which the Planning Board may have a present or future interest.

Land Use Board Planner

The Planner shall be a New Jersey licensed professional planner. The Planner shall prepare all reports as requested by the Land Use Board.

Land Use Board Engineer

The Engineer shall be a New Jersey licensed professional engineer. The Planning Board Engineer shall perform such duties as specified in New Jersey State Law and the Municipal Codes and Regulations and shall include, but not be limited to, attend all regular and special Planning Board meetings, which shall include routine phone calls with staff, review and report on all development and site plan applications and perform any additional non-escrow work such as ordinance review as requested by the Planning Board.

Borough of Beachwood
Borough Attorney
Request for Professional Services
Requirements

The attorney/law firm must have the following:

At least 10 years experience as a lawyer
Experience in labor and contract negotiations
Litigation and appeal experience
Real estate and land use law experience
Contract law experience
Legal defense experience
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.
Brief narrative of abilities
3 references
Cost per hour for attorney, paralegals and support staff
Cost per meeting attendance.
Itemized list of all other fees and charges
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
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

Borough of Beachwood
Auditor
Request for Professional Services
Requirements

The auditor/firm must have the following:

At least 5 years experience in public sector accounting
A working knowledge of utility budgets, bond financing
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Peer Review
Description of software used during audit process.
Brief narrative of abilities
3 references
Cost per audit
Itemized list of all other fees and charges
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
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

Borough of Beachwood
Municipal Fee Accountant
Request for Professional Services
Requirements

The fee accountant/firm must have the following:

At least 5 years experience in public sector accounting
A working knowledge of utility budgets, bond financing
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Description of software used during audit process.
Brief narrative of abilities
3 references
Cost per audit
Itemized list of all other fees and charges
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
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

Borough of Beachwood
Municipal Prosecutor
Request for Professional Services
Requirements

The attorney must have the following:

At least 5 years experience as a lawyer

At least 2 years experience as prosecutor

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour or session for attorney

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

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

Borough of Beachwood
Public Defender
Request for Professional Services
Requirements

The attorney must have the following:

At least 5 years experience as a lawyer

At least 2 years experience as public defender

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour or session for attorney

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm of the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood
Bond Counsel
Request for Professional Services
Requirements

The attorney must have the following:

At least 10 years experience as a lawyer

At least 5 years experience as bond counsel

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

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

Borough of Beachwood
Borough Engineer
Request for Professional Services
Requirements

The engineer/engineering firm must meet the following requirements:

At least ten (10) years experience in municipal engineering.
Licensed as a Professional Engineer and Professional Planner.
Certified Municipal Engineer.
Experience in public bidding and contract administration.
Experience in Land Use Planning and Law.
Knowledge of Municipal Grant Programs.
Knowledge of local, county state and federal regulations.
Experience with Ocean County, NJDOT and NJDEP
Experienced Planning Staff, Master Plan preparation experience, experience with Counsel on Affordable Housing.
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Proposal package to include:

Previous experience in municipality.
Additional services available.
Location of office serving municipality.
Resume of Engineers providing services.
Brief narrative of abilities
3 references
Cost per hour for Engineer and staff
Cost per meeting attendance.
Itemized list of all other fees and charges
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
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

Borough of Beachwood
Borough Planner
Request for Professional Services
Requirements

The planner/planning firm must meet the following requirements:

The Borough requires planning services for the representation of the Borough. The minimum threshold criteria that will be utilized for the evaluation of the responses shall be as follows:

Planning firm with at least five (5) years' experience in Municipal Land Use, with at least three of those years being from a similarly sized municipality. Experience must include attending and participating at Planning and/or Zoning Board meetings to advise the Boards on conformance with all applicable regulations.

Clearly label package as to position under submission:

Proposal package to include:

NJ MLUL

Master Plan Updates.

Drafting or amending land use ordinances for PB consideration

Familiar with Council on Affordable Housing (COAH) programs and Regional Contribution Agreements

Plan Review

Zoning conformance, positive and negative criteria for a variance and calculation of appropriate development fees.

Licensed as a professional planner by the State of New Jersey for a minimum of five (5) years;

Experience in preparation of planning of municipal master plan and enacting ordinances;

Experience in representing municipalities before the Council on Affordable Housing and preparing housing element and fair share plan;

Representation of governmental entities in the field of planning for a minimum of five (5) years; and

Knowledge of the Borough and its operations.

Borough of Beachwood
Land Use Attorney
Request for Professional Services
Requirements

The attorney/law firm must have the following:

At least 10 years experience as a lawyer
Experience in labor and contract negotiations
Litigation and appeal experience
Real estate and land use law experience
Contract law experience
Legal defense experience
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.
Brief narrative of abilities
3 references
Cost per hour for attorney, paralegals and support staff
Cost per meeting attendance.
Itemized list of all other fees and charges
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
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

***Eleven (11) copies of each package must be included for Land Use Board Services. And can be submitted on a computer disc, with one (1) Hard copy and eleven (11) disc copies**

Borough of Beachwood
Land Use Engineer
Request for Professional Services
Requirements

The engineer/engineering firm must meet the following requirements:

At least ten (10) years experience in municipal engineering.
Licensed as a Professional Engineer and Professional Planner.
Certified Municipal Engineer.
Experience in public bidding and contract administration.
Experience in Land Use Planning and Law.
Knowledge of Municipal Grant Programs.
Knowledge of local, county state and federal regulations.
Experience with Ocean County, NJDOT and NJDEP
Experienced Planning Staff, Master Plan preparation experience.
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Proposal package to include:

Previous experience in municipality.
Additional services available.
Location of office serving municipality.
Resume of Engineers providing services.
Brief narrative of abilities
3 references
Cost per hour for Engineer and staff
Cost per meeting attendance.
Itemized list of all other fees and charges
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
Statement as to whether any of the principals of the firm of the firm itself has received a target letter from a grand jury
Certification as to the truth of the above two statements

***Eleven (11) copies of each package must be included for Land Use Board Services. And can be submitted on a computer disc, with one (1) Hard copy and eleven (11) disc copies**

Borough of Beachwood

Request for Professional Services

Positions: Labor Counsel, Conflict Judge, Conflict Prosecutor, Conflict Public Defender, Land Use Planner

Requirements

The candidate must have the following:

Satisfy all requirements of the position

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of candidate and all those providing services.

Brief narrative of abilities

3 references

Billing rate for services

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

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

BOROUGH OF BEACHWOOD

Schedule "A"

FAIR & OPEN PUBLIC SOLICITATION PROCESS FOR PROFESSIONAL SERVICES

(Pursuant to N.J.S.A. 19:44A-20.5 et. seq. and in conformance with the **Municipal Ordinance #2005-26** which was approved by the Governing Body of the Borough of Beachwood December 21st, 2005, and attached herein)

The **standardized submission requirements** shall include:

- (i) Names and roles of individual(s) who will be assigned to perform the tasks and a description of their professional experience with Borough of Beachwood and/or experience with other municipalities and project similar to the matter being advertised.
- (ii) Professional licenses and/or certifications held by the individual(s) to be assigned to the work required.
- (iii) Educational background and experience of the individual(s) to be assigned to the work required.
- (iv) List of Professional References and Records of Success, including addresses and telephone contact number.
- (v) Description of the support staff available to the individual(s) to be assigned.
- (vi) Cost details, including the hourly rates of **ALL** individuals who will, or potentially could, perform services, all other 'charges' for extra services not included in the hourly rates, and, where appropriate, total cost of "not to exceed" amount.

The **selection criteria** to be used in awarding contracts shall include, but not be limited to:

- (i) Qualifications of all individuals who will perform the tasks and the amounts of their respective participation.
- (ii) Experience and reputation in the field.
- (iii) Ability to perform the task(s) in a timely fashion, including staffing and familiarity with the subject matter.
- (iv) Availability of the Professional Service entity personnel, facilities and other resources.
- (v) Professional Service entity financial stability and strength.
- (vi) Cost consideration including, but not limited to, standardized submission requirements, historical costs for similar contracts, expertise involved.
- (vii) Responsiveness to the Public Notice and Specifications; Submission demonstrates a clear understanding of the scope of work related objectives.
- (viii) Compliance with the submission documents.

Pursuant to N.J.S.A. 30A:11-3(b), ..."contracts for professional services pursuant to subparagraph (i) of paragraph (a) subsection (1) of section 5 of P.L. 1971, c.198 (N.J.S.A. 40A:11-5) may be awarded for a period not exceeding twelve (12) consecutive months".

This solicitation is for the length, effective from date of award by resolution of Borough Council **through to completion.**

The award of this contract is based upon funds being encumbered and contingent upon the availability of funds in the appropriate municipal budget.

BOROUGH OF BEACHWOOD

**STATEMENT OF INDIVIDUAL(S) OWNING 10% OR MORE
OF STOCK OR INTEREST IN THE BIDDER'S BUSINESS ENTITY**

In accordance with N.J.S.A.52:25-24.2, no corporation, partnership, limited partner ship, limited liability corporation, limited liability partnership, subchapter S corporation or sole proprietorship, shall be awarded a contract, unless prior to the receipt of the bid or accompanying the bid of the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, subchapter S corporation or sole proprietorship, there is submitted to the Borough of Beachwood, a statement setting forth the names and addresses of all stockholders who own ten (10%) percent or more of stock, of any class or of all individual partners who own a ten (10%) or greater interest in the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, subchapter S corporation or sole proprietorship. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning ten (10%) or greater interest in that partnership, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder and individual partner, exceeding the 10% ownership criteria established in this act has been listed. This form shall be submitted with the bid whether or not a stockholder or partner owns less than ten (10%) of the business submitting the bid.

Date: _____

LEGAL NAME OF BIDDER:

Check which business entity the bidder is:

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

Complete if the bidder is one of the 3 types of Corporations:

Date Incorporated: _____

Where Incorporated: _____

NOTE: If no Stockholder or partner owns 10% or more of the business submitting the bid, please sign and date this form.

_____/_____
SIGNATURE DATE

BUSINESS ADDRESS

_____/_____/_____/_____
STREET ADDRESS CITY STATE ZIP CODE
_____/_____
TELEPHONE NUMBER FAX NUMBER

Listed below are the names and addresses of all stockholders or individuals who own ten (10) percent or more of its stock of any classes, or who own ten (10) percent or greater interest therein.

NAME	ADDRESS
NAME	ADDRESS
NAME	ADDRESS
NAME	ADDRESS
NAME	ADDRESS

ORDINANCE #2005-26
AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY
ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL
SERVICES AGREEMENTS

WHEREAS, professional entities and other business entities are exempt from established New Jersey public bidding laws, specifically under the exception set forth in *N.J.S.A.* 40A:11-5; and

WHEREAS, the Beachwood Borough Council recognize that there is a need for a fair and open process for the awarding of professional service contracts and other contracts that fall under *N.J.S.A.* 40A:11-5, where other contracts and agreements are subject to public bidding, in order to address the concerns of taxpayers regarding political contributions and to engender trust in the process of local government and to ensure that quality public services are received; and

WHEREAS, the State of New Jersey has enacted *N.J.S.A.* 19:44A-20.5, which prohibits any municipality, agency, board, authority or instrumentality thereof from entering into a contract in excess of \$17,500.00 with a business entity that has made a political contribution reportable pursuant to *N.J.S.A.* 19:44A-1 et seq. to any municipal committee of a political party in that municipality, if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded, unless said contract is awarded pursuant to a fair and open process; and

WHEREAS, this Ordinance shall apply to those services and contracts not subject to public bidding laws, as described above, beginning January 1, 2006; and

WHEREAS, this Ordinance shall apply to all Municipal appointing authorities, to include the Beachwood Borough Council, Planning Board, and Municipal Utilities Authority.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Beachwood as follows:

SECTION 1. Fair and Open Process for Award of Professional Service Agreements.

- A. *Prohibited Contracts.* Notwithstanding any other provision of the law to the contrary, the Borough or any other board, authority, agency or instrumentality thereof, shall not enter into a contract that is exempt from public bidding under *N.J. S.A.* 40A: 11-5, when

such contract has an anticipated value in excess of \$17,500.00 as determined in advance and certified in writing by the Borough, board, authority, agency or instrumentality thereof, with a business entity, if, during the preceding one-year period, that business entity has made political contributions that are reportable by the recipient under *N.J.S.A. 19:44A-1 et seq.*, to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office in the Borough when the contract is awarded. This shall not apply to contributions made during 2005 as established by law.

B. Prohibited Contributions. A business entity that has entered into a contract having an anticipated value in excess of \$17,500.00 with the Borough, or any agency, board, authority or instrumentality thereof, shall not make a contribution that is reportable by the recipient under *N.J.S.A. 19:44A-1 et seq.*, during the term of the contract, to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded, during the term of the contract.

C. Fair and Open Process.

- (1) Contracts that are awarded pursuant to a fair and open process, as set forth herein, shall not be subject to the restrictions and prohibitions in Subsections A and B herein.
- (2) Any professional service entity or other business entity providing services to the Borough of Beachwood, without a requirement for public bidding in accordance with *N.J. S.A.. 40A: 11-5*, shall be subject to a fair and open process for selection. That fair and open process is set forth in subsection 3 below, which establishes criteria for the fair and open process for contract

awards.

(3) The fair and open process established by the Borough of Beachwood shall require the following:

(a) The solicitation of proposals for any professional position or service contract or other contract not subject to bidding pursuant to *N.J. S.A. 40A: 11-5*, which shall expire as of December 31 of that calendar year, shall be published and advertised by the municipal appointing authority or its designee either in two official newspapers of the Borough of Beachwood for publication of notices, or on the Borough's website, or both, not later than December 15. The published notice shall set forth the name of the position or contract which is to become open, and set forth the criteria to be considered and materials required to be submitted by the applicant.

(b) Should the applicant be a professional requiring licensure in the State of New Jersey, said applicant shall be licensed for a period not less than five (5) years.

(c) The applicant shall submit a "Certificate of Good Standing" or other similar document evidencing that the professional's license is not presently suspended or revoked.

(d) The applicant shall submit a resume which shall set forth information including, but not limited to, the following (as applicable to a business entity or individual professional):

(A) Full name and business address;

(B) A listing of all post high school education of the applicant;

(C) Dates of licensure in the State of New Jersey and any other State;

(D) A listing of any professional affiliations or memberships in any professional societies or

organizations, with an indication as to any offices held therein;

(E) The number of licensed professionals employed by affiliated with the business entity or the business entity which employs the applicant;

(F) A listing of all special accreditations held by the individual licensed professional or business entity;

(G) A listing of all public entities currently or previously served by the business entity or licensed professional, indicating the dates of service and position held.

(e) The applicant shall submit a compensation proposal, which shall include a flat fee or hourly rate or other proposal, as appropriate.

- (4) The Municipal appointing authority shall thereafter publicly select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law.
- (5) The awarded contract shall be published in the official newspaper of the Borough of Beachwood for publication of notices in accordance with N.J.S.A. 40A:11-5. The decision of the Borough of Beachwood as to what constitutes a fair and open process shall be final.

SECTION 2. This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

SECTION 3. This Ordinance shall supersede any prior inconsistent ordinances.