

## NOTICE

TO ALL INTERESTED PARTIES. PLEASE BE ADVISED THAT THE CITY OF EAST ORANGE (HEREAFTER "CITY"), A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY, WILL BE ACCEPTING QUALIFICATION STATEMENTS IN RESPONSE TO REQUESTS FOR QUALIFICATIONS FOR THE FOLLOWING LEGAL SERVICES:

1. LITIGATION/DEFENSE COUNSEL SERVICES: THE CITY IS SEEKING LITIGATION AND DEFENSE COUNSEL SERVICES AS IT IS FREQUENTLY CALLED UPON TO PROVIDE OUTSIDE COUNSEL FOR THE DEFENSE AND REPRESENTATION OF THE CITY, OFFICERS AND EMPLOYEES. THE SUBJECT MATTER OF SUCH LITIGATION INCLUDES, BUT IS NOT LIMITED TO: TORT CLAIMS ACT, N.J.S.A. 59:1-1 ET SEQ., CONSCIENTIOUS EMPLOYEE PROTECTION ACT, N.J.S.A. 34:19-1 ET SEQ. (CEPA) CLAIMS, LAWS AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 ET SEQ. (LAD) CLAIMS, 42 U.S.C. SEC. 1983 ACTIONS CONTRACT MATTERS AND/OR CHALLENGES TO GOVERNMENT ACTIONS.
2. WORKERS COMPENSATION COUNSEL SERVICES: THE CITY IS SEEKING LITIGATION AND DEFENSE COUNSEL SERVICES WITH KNOWLEDGE AND SUBSTANTIAL EXPERIENCE IN WORKERS'/WORKMEN'S COMPENSATION LAW. THE LEGAL REPRESENTATION SOUGHT BY THE CITY INCLUDES: DEFENSE AND REPRESENTATION OF THE CITY IN WORKERS' COMPENSATION LAWSUITS PURSUANT TO N.J.S.A. 34:15-1 ET SEQ.
3. SPECIAL CONFLICT COUNSEL SERVICES: THE CITY IS SEEKING QUALIFIED SPECIAL LEGAL COUNSEL TO RENDER LITIGATION AND DEFENSE COUNSEL SERVICES AND WORKERS COMPENSATION SERVICES (AS OUTLINED IN SECTIONS 1 AND 2 ABOVE) UNDER CIRCUMSTANCES WHERE THERE EXISTS A CONFLICT OF INTEREST, NONAVAILABILITY, A SCHEDULING CONFLICT, OR WHERE THERE IS A DETERMINATION THAT THE MATTER MAY BE MORE EFFECTIVELY HANDLED BY SPECIAL LEGAL COUNSEL.

QUALIFICATION STATEMENTS MUST BE RECEIVED BY THE CITY NO LATER THAN 1:00 P.M. ON TUESDAY, NOVEMBER 24, 2015, AND MUST BE MAILED OR HAND- DELIVERED TO THE EAST ORANGE OFFICE OF PROCUREMENT, ATTENTION LISA L. JACKSON, EAST ORANGE CITY HALL, 44 CITY HALL PLAZA, EAST ORANGE, NEW JERSEY 07018. QUALIFICATION STATEMENTS FORWARDED BY FACSIMILE OR EMAIL TRANSMISSIONS WILL NOT BE ACCEPTED. QUALIFICATIONS SENT EITHER BY MAIL OR COURIER SERVICE MUST BE RECEIVED BY THE OFFICE OF PROCUREMENT NO LATER THAN 1:00 P.M. ON TUESDAY, NOVEMBER 24, 2015. THE CITY SHALL NOT BE RESPONSIBLE FOR THE LOSS, NON-DELIVERY, OR PHYSICAL CONDITION OF QUALIFICATION STATEMENTS SENT BY MAIL OR COURIER SERVICE. QUALIFICATION STATEMENTS MUST BE SUBMITTED INDIVIDUALLY IN A SEALED ENVELOPE.

COPIES OF THE CITY'S REQUEST FOR QUALIFICATIONS CAN BE OBTAINED BY CONTACTING LISA JACKSON AT THE EAST ORANGE OFFICE OF PROCUREMENT, EAST

ORANGE CITY HALL, 44 CITY HALL PLAZA, EAST ORANGE, NEW JERSEY 07018.  
TELEPHONE NUMBER: (973) 266-5162. FACSIMILE (862) 444-0101.

QUALIFICATION STATEMENTS ARE BEING SOLICITED THROUGH A FAIR AND OPEN  
PROCESS IN ACCORDANCE WITH THE PAY-TO-PLAY LAW, N.J.S.A. 19:44A-20.5 ET SEQ.,  
AND MUNICIPAL ORDINANCE OF THE CITY OF EAST ORANGE.

QUALIFIED RESPONDENTS WILL BE APPROVED BY RESOLUTION OF THE EAST ORANGE  
CITY COUNCIL.



**CITY OF EAST ORANGE**

**REQUEST FOR QUALIFICATIONS FOR:  
LITIGATION/DEFENSE COUNSEL SERVICES  
WORKERS' COMPENSATION COUNSEL SERVICES &  
SPECIAL CONFLICT COUNSEL SERVICES**

**SUBMISSION DEADLINE**

**1:00 P.M.**

**TUESDAY, NOVEMBER 24, 2015**

**ADDRESS ALL QUALIFICATIONS STATEMENTS TO:**

**Lisa L. Jackson  
Office of Procurement  
The City of East Orange  
44 City Hall Plaza  
East Orange, New Jersey 07019  
(973) 266-5162**

## **GENERAL INFORMATION & SUMMARY**

### **ORGANIZATION REQUESTING PROPOSAL**

The City of East Orange  
44 City Hall Plaza  
East Orange, New Jersey 07018

### **CONTACT PERSON**

Lisa L. Jackson  
Office of Procurement  
The City of East Orange  
44 City Hall Plaza  
East Orange, New Jersey 07018  
(973) 266-5162

### **PURPOSE OF REQUEST**

The City of East Orange (hereafter the "City") is requesting proposals from qualified individuals and firms to provide Litigation/Defense Counsel Services, Workers' Compensation Counsel Services and Special Conflict Counsel Services. Proposals will be evaluated in accordance with the criteria set forth in this Request for Qualifications (RFQ). Using this RFQ, the City intends to establish a pool of attorneys who will be available to provide legal services as needed which shall be coordinated through the City's Third Party Insurance Administrator (hereinafter "T.P.A."). One or more individual/firms may be selected to provide services. If selected, the governing body will approve a resolution listing the individual and firms as approved Litigation/Defense Counsel, Workers' Compensation Counsel or Special Legal Counsel based on an hourly rate of compensation as set forth in the Code of the City of East Orange. Workers compensation matters shall be paid at a flat fee of \$ 600.00 per case. Complex workers' compensation matters upon approval of the T.P.A. may be billed at an hourly rate of \$95.00. Litigation matters requiring the defense of actions arising under the Torts Claims Act, N.J.S.A. 59:9-1 Et Seq., the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 Et Seq. (CEPA), Laws Against Discrimination, N.J.S.A. 10:5-1 Et Seq. (LAD), 42 U.S.C. Sec. 1983 or actions involving disputes over contracts and/or challenges to government actions shall be billed at the hourly rate of \$125.00 per hour. Matters involving Special Conflict Counsel shall be billed at the hourly rate of \$125.00 per hour.

### **FORM AS TO SELECTION**

If selected to provide services, the successful Respondent shall be forwarded a letter of engagement that shall be binding on the Respondent and Respondent's law firm, which includes indemnification, insurance, termination and licensing provisions. It is also agreed and understood that the acceptance of the representation shall be considered a

release in full of all claims against the City arising out of, or by reason of, the work done and materials furnished under this award.

## **GLOSSARY**

The following definitions shall apply to and are used in this Request for Qualifications (RFQ):

"City" - refers to the City of East Orange.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the City) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested persons and/or firm(s) that submit a Qualification Statement.

## **SECTION 1**

### **INTRODUCTION AND GENERAL INFORMATION**

#### **1.1. Introduction and Purpose.**

The City is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the City with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The City will review Qualification Statements only from those persons and/or firms that submit a Qualification Statement which includes all information which includes all the information required to be included as described herein (in the sole judgment of the City).

The City intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the City to provide the greatest benefit to the taxpayers of the City.

## **1.2. Procurement Process and Schedule.**

The selection is in accordance with the "New Jersey Local Unit Pay-to-Play" Law and municipal ordinances establishing the "pay-to-play" criteria. The City has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive fair and open process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the City's Corporation Counsel and Purchasing Agent. The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, Corporation Counsel and Purchasing Agent will determine which Respondents are qualified (professionally, administratively and financially).

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The City reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the City's Designated Contact Person, in writing.

Qualification Statements must be submitted to, and be received by the Office of Procurement, via mail or hand delivery, by 1:00 p.m. on Tuesday, November 24, 2015. Qualification Statements will not be accepted by facsimile or e-mail transmissions.

Subsequent to issuance of this RFQ, the City (through the issuance of addenda to all persons and/or firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the City.

**TABLE 1**

**ANTICIPATED PROCUREMENT SCHEDULE**

**ACTIVITY DATE**

1. Issuance of Request for Qualifications: Tuesday, November 3, 2015.
2. Receipt of Qualification Statements: Tuesday, November 24, 2015.

**1.3. Conditions Applicable to RFQ.**

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- \* This document is an RFQ and does not constitute a Request for Proposals (RFP).
- \* This RFQ does not commit the City to issue an RFP.
- \* All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- \* The City reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- \* The City reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- \* The City reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- \* All Qualification Statements shall become the property of the City and will not be returned.

- \* All Qualification Statements will be made available to the public at the appropriate time, as determined by the City (in the exercise of its sole discretion) in accordance with law.
- \* The City may request Respondents to send representatives to the City for interviews.
- \* Any and all Qualification Statements not received by the City's Office of Procurement by 1:00 p.m. on Tuesday, November 24, 2015 will be rejected.
- \* Neither the City, nor its officers, officials or employees shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

**1.4. Rights of City.**

The City reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- \* To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- \* To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- \* To waive any technical non-conformance with the terms of this RFQ.
- \* To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
- \* To conduct investigations of any or all of the Respondents, as the City deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.

- \* To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion.) If terminated, the City may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- \* The City shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

**1.5. Addenda or Amendments to RFQ.**

During the period provided for the preparation of responses to the RFQ, the City may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the City and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the Qualification Statement submission date.

**1.6. Cost of Qualification Statement Preparation.**

Each Qualification Statement and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the City, its officers, officials or employees for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

**1.7. Qualification Statement Format.**

Qualification Statements must cover all information requested in this RFQ. Qualification Statements which in the judgment of the City fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

## SECTION 2

### **SCOPE OF SERVICES**

It is the intent of the City to solicit Qualification Statements from Respondents that have expertise in the provision of professional legal services as described below and as set forth in the attached Notice of Solicitation for Responses. Respondents must demonstrate that they will have the continuing capabilities to perform these services.

The Office of Corporation Counsel of the City of East Orange is seeking Litigation and Defense counsel, Workers' Compensation Counsel and Special Conflict Counsel services as it is frequently called upon to provide outside counsel for the defense and representation of the City officers and employees. The subject matter of such litigation includes, but is not limited to, Tort Claims Act, N.J.S.A. 59:1-1 et seq., Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq. (CEPA) Claims Laws Against Discrimination, N.J.S.A. 10:5-1 et seq. (LAD) claims, 42 U.S.C. sec. 1983 actions, contract matters and/or challenges to governmental actions in addition to the Workers' Compensation lawsuits pursuant to N.J.S.A. 34:15-1 et seq. Counsel will have a close working relationship with the City's Law Department.

The City is requesting Qualification Statements for Litigation/Defense Counsel and Workers' Compensation Counsel. Counsel will, on an "as needed" basis, be assigned and required to provide representation in all aspects of litigation, including but not limited to, preparation of pleadings, motions, and discovery documents; participation in all discovery including attendance at all depositions; participation in and attendance at settlement conferences, pre-trial motions and trials.

Counsel may be called upon to attend meetings.

Counsel may also be called upon to provide other types of legal services of a specialized nature.

## SECTION 3

### **SUBMISSION REQUIREMENTS**

#### **3.1. General Requirements.**

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

#### **3.2. Administrative Information Requirements.**

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification.
3. Name, address and telephone number of the Respondent submitting a Qualification Statement pursuant to this RFQ, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each Respondent, its ownership and its organizational structure.
  - (a) Provide the names and business addresses of all Principals of the Respondent submitting the Qualification Statement. For purposes of this RFQ, "Principals" means a person possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.
  - (b) If a Respondent is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and

extent of the parents' approval rights over the activities of the Respondent submitting a Qualification Statement. Describe the approval process.

- (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
  - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
- 5. The number of years Respondent has been in business under the present name.
  - 6. The number of years Respondent has been under the current management.
  - 7. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
  - 8. Whether the Respondent is now or has been involved in any bankruptcy or reorganization proceedings in the last ten (10) years. If yes, please explain.
  - 9. Confirm appropriate federal and state licenses to perform activities.
  - 10. An executed letter of intent.

**3.3. Professional Information Requirements.**

- a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
  - 1. Description and scope of work by Respondent.
  - 2. Name, address and contact information of references.
  - 3. Explanation of perceived relevance of the experience to the RFQ.
- b. Brief description of Respondent's relevant clients including municipal government clients during the last three (3) years.
- c. Resumes of key employees.
- d. Names and resumes of attorneys who will be assigned to provide legal services to the City.

- e. A narrative statement of the Respondent's understanding of the City's needs and goals.
- f. List all immediate relatives of Principal(s) of Respondent who are City employees or elected officials of the City. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild and in-laws.
- g. Limits of Malpractice insurance coverage.
- h. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The City may obtain references from any of the parties listed.
- i. Respondents must demonstrate a proven record of litigation experience in either Federal court, Superior court, Appellate and the Workers' Compensation.
- j. Respondents must list all cases where they represented the City or in which they sued the City or in which they represented a client that sued the City within the last five years.

## **SECTION 4**

### **INSTRUCTIONS TO RESPONDENTS**

#### **Submission of Qualification Statements.**

Respondents must submit an original and two (2) copies of their Qualification Statement to the Designated Contact Person:

Qualification Statements must be received by the City no later than 1:00 p.m. on Tuesday, November 24, 2015, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

## **SECTION 5**

### **EVALUATION**

The City's objective in soliciting Qualification Statements is to enable it to select a Respondent that will provide high quality and cost effective services to the citizens of East Orange. The City will consider Qualification Statements only from Respondents that, in the City's sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the City in the manner described in this RFQ.

Qualification statements will be evaluated by the City on the basis of which is most advantageous, experience and other factors considered. The evaluation will consider:

1. Experience and reputation in the field; and
2. Knowledge of the municipal corporations; and
3. Availability to accommodate the required meetings of the City; and
4. Litigation experience and results in the areas of law described in Section 2 of this RFQ; and
5. Pertinent government experience; and
6. Other factors demonstrated to be in the best interest of the City.

The City will select the most advantageous Qualification Statements based on all of the evaluation factors set forth in this RFQ. The City will make the award(s) that is in the best interest of the City.

Each Qualification Statement must satisfy the objectives and requirements detailed in this RFQ except as otherwise stated. Successful Respondents shall be determined by an evaluation of the total content of the Qualification Statement submitted. The City reserves the right to not select any of the Qualification Statements.

The City shall not be obligated to explain the results of the evaluation process to any Respondent.

## SECTION 6

### GENERAL TERMS AND CONDITIONS

1. The City reserves the right to reject any or all Qualification Statements, if necessary, or to waive any informalities in the Qualification Statements, and, unless otherwise specified by the Respondent, to accept any item, items or services in the Qualification statement should it be deemed in the best interest of the City to do so.
2. Each Qualification Statement must be signed by the person authorized to do so.
3. Qualification Statements may be hand delivered or mailed consistent with the provisions of the legal notice to Respondents. In the case of mailed Qualification Statements, the City assumes no responsibility for Qualification Statements received after the designated date and time and will return late Qualification Statements unopened. Qualification Statements will not be accepted by facsimile or e-mail.
4. In accordance with Affirmative Action Law, P.L. 1975/ c.127 (N.J.A.C. 17:27) with implementation of July 10/ 1978, successful Respondents must agree to submit individual employer certifications and numbers or complete Affirmative Action employee information report (form AA-302). Also, during the period of engagement, 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 nondiscrimination 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.

5. No Respondent shall influence, or attempt to influence, or cause to be influenced, any City officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
6. No Respondent shall cause or influence, or attempt to cause or influence, any City officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
7. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the City's Corporation Counsel's decision shall be final and conclusive.
8. The City shall not be responsible for any expenditure of monies or other expenses incurred by the Respondent in making its proposal.

**END OF GENERAL INSTRUCTIONS**

# CITY OF EAST ORANGE

## CHECKLIST

### **PROFESSIONAL SERVICE: DEFENSE/LITIGATION , WORKERS COMPENSATION COUNSEL & SPECIAL CONFLICT COUNSEL**

**SUBMISSION DATE: November 24, 2015 – Tuesday**

The following items, as indicated below (x), shall be provided with the receipt of sealed submissions:

Bidder's Affidavit .....	_____x_____
Non-Collusion Affidavit .....	_____x_____
Disclosure of Ownership Form .....	_____x_____
Insurance Requirement Acknowledgement Form .....	_____x_____
Mandatory Equal Employment Opportunity Notice Acknowledgement ...	_____x_____
Copy of your Certificate of Employee Information Report .....	_____x_____
Copy of your Business Registration Certificate as issued by the State of New Jersey, Department of Treasury, Division of Revenue .....	_____x_____
Professional Service Entity Information Form .....	_____x_____
Qualification Submission Form .....	_____x_____
Acknowledgement of Corrections, Additions or Deletions Form .....	_____x_____
Statement of Indebtedness Form .....	_____x_____
Agreement for Payment of Commodity/Service Form .....	_____x_____
Letter of Intent .....	_____x_____
Letter of Qualification .....	_____x_____

Reminder: Please submit one (1) original (unbound), four (4) copies and one (1) compact disk (CD) set of the sealed submission.



**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY )

) SS:

COUNTY OF )

I, \_\_\_\_\_ of the City/Township of \_\_\_\_\_

in the County of \_\_\_\_\_ and the State of \_\_\_\_\_

of full age, being duly sworn according to the law on my oath depose and say that:

I am, \_\_\_\_\_ (Title)

(a partner, or officer of the firm of, etc.)

of the firm of \_\_\_\_\_

the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above-named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the CITY OF EAST ORANGE, NJ 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 project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by \_\_\_\_\_.  
(Name of Contractor)

\_\_\_\_\_  
(Also type or print name of affiant under signature)

Subscribed and sworn to

\_\_\_\_\_  
Signature of:

before me this \_\_\_\_\_ day

Bidder, if the bidder is an individual  
Partner, if the bidder is a partnership  
Officer, if the bidder is a corporation

of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public of: \_\_\_\_\_

My commission expires: \_\_\_\_\_

(11/99)

# OWNER DISCLOSURE CERTIFICATION

This Statement Shall Be Included with RFP Submission

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.

OR

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

OR

I certify that there are no stockholders

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Other (describe) \_\_\_\_\_

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

Stockholders:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_,  
20 \_\_.

\_\_\_\_\_  
(Affiant)

(Notary Public)

\_\_\_\_\_  
(Print name & title of affiant)

My Commission expires:

\_\_\_\_\_  
(Corporate Seal)

**CITY OF EAST ORANGE**  
**INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT**  
**FORM**

Certificate(s) of Insurance shall be filed with the City's Clerk's Office upon award of contract by the Municipal Council.

The minimum amount of insurance to be carried by the selected Professional Service Entity shall be as follows:

**Professional Liability Insurance**

Limits shall be a minimum of \$1,000,000.00 for each claim and \$1,000,000.00 aggregate each policy period.

\*Vendor / Firm shall not commence operations until Township has been furnished original certificate(s) of Insurance and certified original copies of endorsements or policies of insurance in the amounts and/or minimum coverage(s) required in this proposal.

Acknowledgement of Insurance Requirement:

_____	_____
(Signature)	(Date)
_____	
(Printed Name and Title)	

# AFFIRMATIVE ACTION AFFIDAVIT

(Items No. 2 through Item No. 6 to be completed  
by firms with less than 50 employees)

STATE OF NEW JERSEY )  
COUNTY )

I, \_\_\_\_\_ of the (City, Town, Borough of \_\_\_\_\_  
in the County of \_\_\_\_\_, State of \_\_\_\_\_ of full age, being duly sworn  
according to law on my oath depose and say that:

1. I am (President, partner, owner) of the firm \_\_\_\_\_  
a bidder making a proposal upon the above named project. We have fifty (50) or more employees and have  
forwarded an Affirmative Action Plan to the State. \_\_\_\_Yes \_\_\_\_No

2. \_\_\_\_\_ does not have 50 employees or more inclusive of  
all officers and employees of every type.

3. I am familiar with the affirmative action requirements of P.L. 1975, c 127 and rules  
and regulations issued by the Treasurer, State of New Jersey pursuant thereto.

4. \_\_\_\_\_ has complied with all the affirmative action  
requirements of the State of New Jersey including those required by P.L. 1975, c 127 and the rules and  
regulations issued by the Treasurer, State of New Jersey pursuant thereto.

5. I am aware that if \_\_\_\_\_ does not comply with P.L. 175,  
c 127 and rules and regulations issued pursuant thereto, that no monies will be paid by the State of New  
Jersey, County of \_\_\_\_\_, (City, Town, Borough) of \_\_\_\_\_  
until an affirmative action plan is approved . I am also aware that the contract may be terminated and the  
\_\_\_\_\_ may be debarred from all public contracts, for a period of up to five (5)  
years.

6. In the event my workforce increases to 50 employees, I must contact the State Affirmative  
Action Office and complete and Employees Information Report.

**Subscribed and sworn to**  
Before me this \_\_\_\_ day

\_\_\_\_\_  
\_\_\_\_\_ 20\_\_\_\_

Signature of Authorized Representative

\_\_\_\_\_  
(Seal) Notary Public of New Jersey

\_\_\_\_\_  
Name and Title

***MUST BE SUBMITTED WITH BID PROPOSAL***

**AFFIRMATIVE ACTION REGULATIONS:**

- A. Procurement of Service Contract: The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.4 (a) provided that said subsection shall be applied subject to the terms of subsection 3.4 (d) of said Regulations.

The parties to this contract agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said section 5.3.

- B. Construction Contract: The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.4 (a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.4 (a) provided that said subsection shall be applied subject to the terms of subsection 3.4 (d) of said regulations.

The parties to this contract agree to incorporate into this contract the mandatory language of subsections 7.4 (a) and (b) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of subsections 7.4 (a) and (b).

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_ ZIP CODE

**NOTE: FORM MUST BE RETURNED WITH THE BID PROPOSAL.**



## QUALIFICATION AFFIDAVIT

The CITY OF EAST ORANGE reserves the right to reject the bid of any bidder who has previously failed to perform properly or to complete on time, contracts of a similar nature; who is not qualified to perform the contract; or who has repeatedly or without good cause failed to pay bills or otherwise failed to perform its obligations to subcontractors, materialmen, employees of this or any other government body or agency in similar contracts. In determining the lowest responsible bidder and its qualifications, the following elements, in addition to those above mentioned, will be considered; Whether the bidder (1) maintains a permanent place of business; (2) has adequate plant and equipment available to do the work properly and expeditiously; (3) has suitable financial resources to meet the obligations incident to the work; (4) has appropriate technical experience.

Each bidder must supply the following certified statement. Failure to do so shall be deemed a material defect in the bid, resulting in rejection of the bid:

State of New Jersey )  
County of \_\_\_\_\_) SS:

I am the (President, Partner, Owner) of \_\_\_\_\_  
\_\_\_\_\_, the bidder herein.

I know that the bidder, \_\_\_\_\_, has not previously failed to perform properly, or complete on time, contracts of a nature similar to that bid upon; is qualified to perform the contract; has not repeatedly or without just cause failed to pay bills or otherwise failed to perform its obligations to sub-contractors, materialmen, employees, of this or any other government or agency in similar contracts.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Subscribed and Sworn to  
Before me this \_\_\_\_\_ day  
Of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Notary Public of: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

11/99

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print/Type Title

**CITY OF EAST ORANGE  
SUBMISSION FORM**

1. Names and roles of the individuals who will perform the services and description of their education and experience with projects similar to the services contained herein including their education, degrees and certifications:

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2. References and record success of same similar service:

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3. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff):

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**CITY OF EAST ORANGE**

**ACKNOWLEDGEMENT OF CORRECTIONS, ADDITIONS AND DELETIONS**  
**FORM**

I, \_\_\_\_\_

of the firm \_\_\_\_\_

Hereby acknowledge that any corrections, additions and/or deletions have been initialed and dated in this Submission Package.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or Print of affiant and Title, under Signature)

\_\_\_\_\_  
(Date)

## STATEMENT OF INDEBTEDNESS

Bidders shall provide as part of their bid a statement under oath that (a) they are not indebted to the CITY OF EAST ORANGE, (b) are not in breach of any contract previously awarded by the City and (c) are not a party to any pending action either at law or equity in which they are assessing an affirmative claim for damages or other relief against the CITY OF EAST ORANGE.

Failure to provide the required statement shall disqualify the bidder.

\_\_\_\_\_  
(Name of Contractor)

\_\_\_\_\_  
(Type or print name of affiant under signature)

Subscribe and sworn to

Before me this \_\_\_\_\_ day

Of \_\_\_\_\_ 20\_\_\_\_

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

My Commission Expires \_\_\_\_\_

**CITY OF EAST ORANGE**

**EAST ORANGE, NEW JERSEY**

**AGREEMENT FOR PAYMENT OF COMMODITY**

The contractor or vendor realizes that as a Municipality, payment cannot be made on a bill presented basis.

Therefore, the contractor or vendor, hereby agrees to accept payment within a reasonable time after presentation of invoice and properly executed documentation as well as signed vouchers pertaining to same.

Payment in the normal circumstance should not exceed 60 days.

\_\_\_\_\_  
**Name of Official for Company**

\_\_\_\_\_  
**Name of Company or Business**

\_\_\_\_\_  
**Address**

Date: \_\_\_\_\_

## LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No Modifications may be made to this letter).

[insert date]

Lisa L. Jackson,  
Qualified Purchasing Agent  
Office of Procurement,  
City of East Orange  
44 City Hall Plaza  
East Orange, New Jersey 07018

**RE: Request for Qualifications  
Litigation/Defense, Workers  
Compensation Counsel &  
Special Conflict Counsel Services**

Dear Ms. Jackson:

The undersigned as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the City of East Orange (hereafter "City"), dated November \_\_\_\_, 2015, in connection with the City's need for [insert services].

**Name of Respondent** HEREBY STATES

1. The Qualification Statement contains accurate, factual and complete information.
2. (**Name of Respondent**) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the City's procurement schedule.
3. (**Name of Respondent**) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. (**Name of Respondent**) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any

contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the City.

5. **(Name of Respondent)** declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
  
6. **(Name of Respondent)** acknowledges and agrees that the City may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the City shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.
  
7. **(Name of Respondent)** acknowledges that any letter of engagement executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

\_\_\_\_\_ (Typed Name and Title)

\_\_\_\_\_ (Typed Name of Firm\*)

Dated:

\* If joint venture, partnership or other formal organization is submitting a qualification statement, each participant shall execute this Letter of Intent.

**LETTER OF QUALIFICATION**

**(Note: To be typed on Respondent’s Letterhead. No Modifications may be made to this letter).**

**[insert date]**

Lisa L. Jackson,  
Qualified Purchasing Agent  
Office of Procurement,  
City of East Orange  
44 City Hall Plaza  
East Orange, New Jersey 07019

**RE: Request for Qualifications  
Litigation/Defense, Workers  
Compensation Counsel &  
Special Conflict Counsel Services**

Dear Ms. Jackson:

The undersigned have reviewed the Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the City of East Orange, dated November \_\_\_\_, 2014, in connection with the City’s need for **[insert services]**.

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of **(Name of Respondent)**.

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief  
Executive Officer)

(Signature of Chief  
Financial Officer)

(Typed Name and Title)

(Typed Name and Title)

(Typed Name of Firm\*)

(Typed Name of Firm\*)

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

Dated:

\* If joint venture, partnership or other formal organization is submitting a qualification statement, each participant shall execute this Letter of Qualification.