

PUBLIC NOTICE OF THE BOROUGH OF EATONTOWN  
REQUESTS FOR PROPOSALS/QUALIFICATIONS FOR THE POSITION OF BOROUGH  
ATTORNEY

Sealed proposals/qualifications and proposed contracts will be received by the Borough Clerk of the Borough of Eatontown on the First Floor of Borough Hall, 47 Broad Street, Eatontown, NJ 07724, no later than December 2, 2011 at 10:00 A.M. for the following: Request for Qualifications/Proposed Contracts from Law Firms interested in serving as “Borough Attorney” to the Borough of Eatontown for the period January 1, 2012 through December 31, 2012. Successful applicants will be required to comply with requirements of N.J.S.A. 10:5-31, et seq. (N.J.A.C. 17:27) (Equal Employment Opportunity) and N.J.S.A. 52:32-44, et seq. (New Jersey Business Registration). The right is reserved to reject any or all proposals if it is deemed to be in the best interest of the Borough of Eatontown to do so. The Borough of Eatontown also reserves the right to conduct interviews of any or all applicants, as it deems necessary.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN  
KAREN R. SIANO, MMC, BOROUGH CLERK

Request for Qualifications from Law Firms Interested in Serving as “Borough Attorney” to the Borough of Eatontown for the Period January 1, 2012 through December 31, 2012

Introduction

Pursuant to the Fair and Open Process established by N.J.S.A. 19:44A-1, et seq., and Eatontown Borough Ordinance 35-2006 as amended by Ordinance 08-2008, the Borough seeks Requests for Qualifications (“RFQ”) from law firms licensed to practice law in the State of New Jersey that wish to serve as Borough Attorney for the Borough of Eatontown. The successful firm must have significant experience in representing New Jersey public entities in a variety of areas of consultation and litigation in State and Federal Courts, administrative forums and arbitration. The successful firm will provide the Borough with legal guidance relating to, but not necessarily limited to:

1. Phone conferences with the Borough Administrator, Borough Clerk and Borough Chief Financial Officer, preparation for and attendance at any regular meetings, workshop meetings, executive sessions and special meetings of the Borough Council, as well as phone conferences with members of the Borough Council and the Mayor.
2. Representing the Borough in all litigation in the State of New Jersey (State or Federal Courts and/or Administrative forums or Arbitration Hearings) and in any and all other proceedings wherein the attorney’s professional services may be required and wherein the Borough is a party or its rights or interests are involved. This shall include but not be limited to all court appearances, all work associated with any litigation, including initiating suit or defending any suit, as duly authorized by the Council, and any and all other activities to properly represent the Borough of Eatontown.
3. Keeping the Borough Council and Administration advised of the character and progress of legal proceedings, claims and other matters handled by the Attorney, and keeping a record of all such proceedings in connection with same, for and on behalf of the Borough or in which the Borough is interested.
4. Investigating the facts and ascertaining the legal position of the Borough concerning any accident, claim or liability, and the Attorney shall in said case promptly do what may be required for the protection of the interests of the Borough, as directed by the Borough Council.
5. Legal research and/or advisory opinions as needed.
6. Research and draft ordinances and/or resolutions (not prepared by the Borough Clerk).

7. Review and/or draft contracts, bid specifications and legal notices not prepared by other delegated professionals and/or the Borough Clerk.
8. Notify the Borough of changes in applicable law or state regulations, as well as Court decisions that impact the operation of the Borough.
9. Representing the Borough with respect to its affordable housing obligations in proceeds before the appropriate authority and any Court as well as all other professional services related to the Borough's affordable housing obligations. This shall include but not be limited to all court appearances, all work associated with any litigation, including initiating suit or defending any suit, as duly authorized by the Borough Council, and any and all other activities to properly represent the Borough of Eatontown with regards to its affordable housing obligations.
10. Research and draft ordinances and/or resolutions concerning the Borough's affordable housing obligations where requested.
11. Review and/or draft agreements and pleadings where necessary to satisfy the Borough's affordable housing obligations; and
12. Any other matters as directed by the Borough, including, but not limited to elections, construction, purchasing, bail forfeitures, taxation issues, contracting, labor related matters, land use, real estate, leasing or OPRA requests. The Borough in the past has provided a retainer for professional services. The retainer includes appearance at regular meetings of the Borough Council including workshop meetings (3 meetings a month). A weekly conference with the Administrator to prepare for regular/workshop meetings. In addition, the Borough has charged a flat fee for the preparation of Developer Agreements, which includes the Developer's Agreement, Developer's Agreement Resolution at \$400.00. All other services are paid on an hourly rate. Please submit your proposed retainer and hourly rate. In your hourly rate set forth the rate for Partners/Counsel, Associates, Paralegals and Staff. Further set forth the rate/cost of reimbursement for out of pocket expenses/photo costs, fax costs, etc.

NOTE: Under Ordinance 08-2008 this solicitation requests a proposal, which includes a proposed professional contract and rate schedule. However, the proposed contract and rate schedule shall be but one factor along with qualifications and compliance with specifications for consideration by the Council when awarding a contract and no one factor including the rate schedule proposed by the professional shall be a dispositive factor.

The Borough adopted Ordinance 02-2009 of the Borough of Eatontown which strictly limits political contributions by business entities seeking a contract with the Borough of Eatontown. Each business entity seeking a contract under this Request for Qualifications must submit a signed "Affirmation of Local Pay to Play Ordinance" (form attached) and a fully completed Chapter 271 Disclosure Form which is also attached to this Request for Qualifications. A copy of Borough of Eatontown Ordinance 02-2009 will be posted on the Borough's web site ([www.eatontownnj.com](http://www.eatontownnj.com)) on the Request for Qualifications page and a copy of the Request for Qualifications is also available in the Borough Clerk's office during regular business hours.

#### Professional Information and Qualifications

Each interested firm shall submit the following information:

1. Name of Firm;
2. Address of principal place of business and all attorneys or firm's offices and corresponding telephone and fax numbers. Please note specifically which attorneys will be assigned to work with the Borough;

3. Areas of Practice;
4. Description of firm's attorneys' education, experience, qualifications, number of years with the firm and a descriptive narrative of their experience with projects similar to those described above;
5. Experience related to representation of Municipalities and other public entities;
6. At least four (4) references, three (3) of which must have knowledge of your representation of a public entity;
7. Examples of your record of success representing public entities;
8. The firm's ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff);
9. Any other information which the interested firm deems relevant;
10. A copy of your New Jersey Business Registration Certificate;
11. A copy of your current Employee Information Report Certificate or completed Employee Information Report Form AA302 electronically available at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)
12. A completed Statement of Ownership form (Attached below).

#### Selection Criteria

The selection criteria used in awarding a contract or agreement for professional services as described herein shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation;
2. Experience and references;
3. Ability to perform the task in a timely fashion, including staffing and familiarity with the subject matter; and
4. Cost effectiveness.

#### Submission Requirements

Responses to this RFQ must be delivered in a sealed envelope bearing the title and position sought no later than 10:00 am on December 2, 2011 to:

Clerk, Borough of Eatontown  
47 Broad Street  
Eatontown, New Jersey 07724

YOU MUST SUBMIT: one (1) original on 8½" x 11" white paper AND one (1) ELECTRONIC COPY IN PDF FORMAT emailed to [clerk@eatontownnj.com](mailto:clerk@eatontownnj.com) of the Request for Qualifications (RFQ). NO OTHER FORMS OR ATTACHMENTS WILL BE ACCEPTED.

## NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS – NON-CONSTRUCTION

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and each subcontractor and each of its affiliates (N.J.S.A 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the “Sales and Use Tax Act” (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A. 5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

A sample Business Registration Certificate is attached. Other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are not acceptable.

Any questions in this regard can be directed to the Division of Revenue at (609) 2921730. Form NJ-REG can be filed online at: <http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY

STATEMENT OF OWNERSHIP

The Contractor is (check one): Individual \_\_\_ Partnership \_\_\_ P.A. \_\_\_ L.L.C. \_\_\_  
Corporation \_\_\_ Joint Venture \_\_\_ Other (specify): \_\_\_\_\_

I certify that the names and addresses of all persons and entities who own a 10% or greater interest in the Contractor are as follows (if "none", so state):

NAMES: ADDRESSES:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

NAME OF CONTRACTOR: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_

PRINT NAME & TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTES:

- A. Attach additional sheets as needed and check here.....
- B. If an entity owns a 10% or greater interest in the Contractor, attach a list of the owners of 10% or greater interest for each such entity. Repeat the process of disclosure as necessary for each tier or level of ownership until the name and address of each person who owns a 10% or greater interest has been disclosed. If no person or entity owns a 10% or greater interest in a listed entity, so state.

BOROUGH OF EATONTOWN

AFFIRMATION OF LOCAL PAY TO PLAY ORDINANCE

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that \_\_\_\_\_ (insert name of business entity) has reviewed Ordinance 02-2009 of the Borough of Eatontown and certifies that it has not solicited or made, and will not solicit or make, any contributions in violation of the terms of said Ordinance.

To review Ordinance 02-2009 and the important definitions and thresholds set forth therein, vendors may view the Borough Code by going to the Borough's website - [www.eatontownnj.com](http://www.eatontownnj.com).

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.

Subscribed and sworn before me this ____ day of _____, 2 ____.	_____
	(Affiant)
My Commission expires:	_____
	(Print name & title of affiant) (Corporate Seal)

## C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

### Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are awarded pursuant to Borough of Eatontown Ordinance 02-2009 are required to submit a Chapter 271 Disclosure Form. This Ordinance provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions in conformance with the requirements of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26):

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 52:34-25(b) itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest:” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law.

\* N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.”

List of Agencies with Elected Officials Required for Political Contribution Disclosure  
Pursuant to Borough of Eatontown Ordinance 02-2009

County Name: Monmouth  
 State: Governor, and Legislative Leadership Committees  
 Legislative District #: 10, 11, 12, 13, & 30  
 State Senator and two members of the General Assembly per district.

County:

Freeholders	County Clerk	Sheriff	Surrogate
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Municipalities (Mayor and members of governing body, regardless of title):

Aberdeen Township	Highlands Borough	Neptune Township
Allenhurst Borough	Holmdel Township	Ocean Township
Allentown Borough	Howell Township	Oceanport Borough
Asbury Park City	Interlaken Borough	Red Bank Borough
Atlantic Highlands Borough	Keansburg Borough	Roosevelt Borough
Avon-by-the-Sea Borough	Keyport Borough	Rumson Borough
Belmar Borough	Lake Como Borough	Sea Bright Borough
Bradley Beach Borough	Little Silver Borough	Sea Girt Borough
Brielle Borough	Loch Arbour Village	Shrewsbury Borough
Colts Neck Township	Long Branch City	Shrewsbury Township
Deal Borough	Manalapan Township	Spring Lake Borough
Eatontown Borough	Manasquan Borough	Spring Lake Heights Borough
Englishtown Borough	Marlboro Township	Tinton Falls Borough
Fair Haven Borough	Matawan Borough	Union Beach Borough
Farmingdale Borough	Middletown Township	Upper Freehold Township
Freehold Borough	Millstone Township	Wall Township
Freehold Township	Monmouth Beach Borough	West Long Branch Borough
Hazlet Township	Neptune City Borough	

(continued on next page)

Boards of Education (Members of the Board):

Allenhurst	Holmdel Township	Oceanport Borough
Asbury Park City	Howell Township	Red Bank Borough
Atlantic Highlands Borough	Interlaken	Red Bank Regional
Avon Borough	Keansburg Borough	Roosevelt Borough
Belmar Borough	Keyport Borough	Rumson Borough
Bradley Beach Borough	Little Silver Borough	Rumson-Fair Haven Regional
Brielle Borough	Long Branch City	Sea Bright Borough
Colts Neck Township	Manalapan-Englishtown Regional	Sea Girt Borough
Deal Borough	Manasquan Borough	Shore Regional
Eatontown Borough	Marlboro Township	Shrewsbury Borough
Fair Haven Borough	Matawan-Aberdeen Regional	South Belmar
Farmingdale Borough	Middletown Township	Spring Lake Borough
Freehold Borough	Millstone Township	Spring Lake Heights Borough
Freehold Regional	Monmouth Beach Boro	Tinton Falls
Freehold Township	Monmouth Regional	Union Beach
Hazlet Township	Neptune City	Upper Freehold Regional
Henry Hudson Regional	Neptune Township	Wall Township
Highlands Borough	Ocean Township	West Long Branch Borough

Fire Districts (Board of Fire Commissioners):

Aberdeen Township Fire District No. 1	Wall Township Fire District No. 3
Aberdeen Township Fire District No. 2	
Englishtown Borough Fire District No. 1	
Freehold Township Fire District No. 1	
Freehold Township Fire District No. 2	
Hazlet Township Fire District No. 1	
Howell Township Fire District No. 1	
Howell Township Fire District No. 2	
Howell Township Fire District No. 3	
Howell Township Fire District No. 4	
Howell Township Fire District No. 5	
Manalapan Township Fire District No. 1	
Manalapan Township Fire District No. 2	
Manasquan Boro Fire District No.1	
Marlboro Township Fire District No. 1	
Marlboro Township Fire District No. 2	
Marlboro Township Fire District No.3	
Millstone Township Fire District No. 1	
Neptune Township Fire District No. 1	
Neptune Township Fire District No. 2	
Ocean Township Fire District No. 1	
Ocean Township Fire District No. 2	
Spring Lake Heights Boro Fire District No. 1	
Tinton Falls Fire District No. 1	
Tinton Falls Fire District No. 2	
Wall Township Fire District No. 1	
Wall Township Fire District No. 2	



