

TOWNSHIP OF MIDDLE
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION
481-23

Date: November 6, 2023

Subject: ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED

Introduced By: Committeeman Gandy Seconded By: Committeeman Norris
Vote – Aye: Committeeman Gandy, Committeeman Norris, Mayor Donohue
Nay:

WHEREAS, N.J.S.A. 19:44A-20.4 et. seq. requires that contracts with a value exceeding \$17,500 be awarded pursuant to a “fair and open” or “non-fair and open” process; and

WHEREAS, the Township Committee feel the best interests of the residents of Middle Township would be best served by the Township requesting proposals and qualifications, and considering and awarding contracts by use of a Fair and Open process; and

WHEREAS, the Township Committee desires to establish the Fair and Open Process; and

WHEREAS, the Township Committee desires to establish the criteria for the consideration of proposals and qualifications, and the award of contracts submitted in accordance with the Fair and Open Process; and

WHEREAS, the Township Committee desires to establish the positions which for the year 2024 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that:

1. THE FAIR AND OPEN PROCESS

A. The Township Committee of the Township of Middle has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted, and awarded:

1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle’s internet website beginning on November 8, 2023 and continuing on the website through December 13, 2023
Said request will also be advertised in the Cape May County Herald Newspaper on November 15, 2023
2. The Township shall accept proposals until 10:00 am on December 13, 2023
3. Proposals shall be in a sealed envelope addressed to:
Kimberly D. Osmundsen
Township Clerk - Township of Middle
33 Mechanic Street
Cape May Court House, NJ 08210

The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.

4. The envelope shall contain one original and one copy of the proposal.
5. The proposal shall include (this is mandatory) at a minimum, a

statement of the following:

- A. Qualifications and Experience of person or entity specifically with regard to the position sought
- B. Scope of Services proposed to be provided
- C. Contact Information, including name, address, phone number, email address
- D. Fee Proposal including a “Not To Exceed” Amount,
- E. Office Staffing Plan and Resources
- F. Location of Office from which services shall be provided
- G. References
- H. Potential Conflicts
- I. The Applicant should provide a proposal which includes a statement of licensing, others in his/her office who will provide services, a fee schedule which lists names, titles

- and fees for each person and for each of these services,
and any other information deemed of importance by the
Applicant.
6. On December 13, 2023 at 10:00am, the Township Clerk or
representative shall open each of the proposals and shall announce the
proposals received by name, and a short summary of the proposal and
qualifications.
7. The proposals shall be submitted to Township Committee for
consideration at its reorganization meeting, at which time Township
Committee may award a contract by approving a resolution, or, it may
choose to award at the next regularly scheduled Township Committee
meeting. If a majority votes to seek interviews, interviews may be
held between Township Committee and the person or entity that
submitted proposals. Township Committee may send proposals to
Township Board's or Agency's for consideration and approval as is
appropriate.

2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL

BE EVALUATED

- A. The Township of Middle hereby discloses in writing that all of the submissions in
response to the Request for Proposals and Qualifications submitted through the fair
and open process described above, will be evaluated by the Township Committee of
the Township of Middle and awarded or rejected on the basis of the following
criteria. Proposals will be evaluated by the Township Committee of the Township
of Middle on the basis of the most advantageous, price and other factors considered.
The evaluation will consider:
1. Experience and reputation in the field
 2. Knowledge of the Township of Middle and the subject matter to be
addressed under the contract
 3. Availability to accommodate any required meetings of the agency
 4. Compensation proposal
 5. Other factors if demonstrated to be in the best interest of the Township
of Middle
- B. The following criteria, found under the competitive contracting rules at N.J.A.C.
5:34-4.2, if determined to be of assistance, may also be considered by Township
Committee. These criteria are not intended to be limiting or all-inclusive, and they
may be adapted or supplemented in order to meet the Township Committee's needs.
No criteria will unfairly or illegally discriminate or exclude otherwise capable
vendors.

- I. Technical criteria:
- a. Proposed methodology:
- i. Does the vendor's proposal demonstrate a clear understanding of the
scope of work and related objectives?
 - ii. Is the vendor's proposal complete and responsive to the specific RFP
requirements?
 - iii. Has the past performance of the vendor's proposed methodology been
documented?
 - iv. Does the vendor's proposal use innovative technology and
techniques?
 - v. Are sound environmental practices such as recycling, energy
efficiency, and waste reduction used?
- II. Management criteria:
- a. Project management:
- i. How well does the proposed scheduling timeline meet the agency's
needs?
 - ii. Is there a project management plan?
- b. History and experience in performing the work:
- i. Does the vendor document a record of reliability of timely delivery
and on-time and on-budget implementation?
 - ii. Does the vendor demonstrate a track record of service as evidenced by
on-time, on-budget, and contract compliance performance?
 - iii. Does the vendor document industry or program experience?
 - iv. Does the vendor have a record of moral integrity?
- c. Availability of personnel, facilities, equipment and other resources:
- i. To what extent does the vendor rely on in-house resources vs.
contracted resources?
 - ii. Are the availability of in-house and contract resources documented?
- d. Qualification and experience of personnel:
- i. Documentation of experience in performing similar work by
employees and when appropriate, sub-contractors?

- ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
 - iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?
- III. Cost criteria:
 - a. Cost of goods to be provided or services to be performed:
 - i. Relative cost: How does the cost compare to other similar proposals?
 - ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?
 - b. Assurances of performance:
 - i. If required, are suitable bonds, warranties, or guarantees provided?
 - ii. Does the proposal include quality control and assurance programs?
 - c. Vendor's financial stability and strength:
 - i. Does the vendor have sufficient financial resources to meet its obligations?

3. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

- A. Municipal Solicitor - Legal Advisor to the Township Committee and Administrative Staff. Includes all litigation, draft and review ordinances, resolutions, and any and all other matters regarding the Township's legal issues. Also, solicitor to Cable Television Advisory Board, Economic Development Council, Rent Leveling, Ethics Board, and Sewer and Water Department. Township Committee meets twice a month in the evening; there are frequent daytime meetings. Cable Advisory Board meets quarterly. The Solicitor is required to be in Township Hall at least one day a week to meet with department heads and employees. The Solicitor is expected to be immediately available to Township Committee members and the Administrator, at least one full time staff member is to be assigned to do Township work. Minimum qualifications are at least five years' experience in some governmental capacity.

- B. Municipal Engineer—The Municipal Engineer must be a Professional Engineer in the State of New Jersey, and have experience in Municipal Engineering. It is preferable that the Municipal Engineer also be a Professional Planner. Other skills and licenses are also considered. The Municipal Engineer is to be the Principal Engineer for the Township. He is to advise Township Committee on all Engineering matters. He is to provide services on specific projects as the Principal Engineer, Project Engineer, Professional Planner, Project Technician, Environmental Specialist, Drafts Person, AutoCadd Technician, Administrative Assistant, Clerical (other than overhead functions), Inspector (Level One), Inspector (Level Two), and other engineering services as is necessary. The Municipal Engineer is also to be available to all Township Staff under the direction of the Municipal Administrator, and to make himself or herself regularly available in Township Hall. The Applicant should provide a proposal which includes a statement of licensing, others in his or her office who will provide services, a fee schedule which lists names and fees for each person and for each of these services, and any other information deemed of importance by the Applicant. The engineering firms responding shall provide qualifications for the following minimum threshold criteria as follows:

1. A multi-disciplinary Engineering Firm licensed to provide engineering services in the State of New Jersey for a minimum of ten (10) years;
2. The Engineering Firm shall demonstrate experience with the design and or construction management of sanitary sewer projects within the Township of Middle in the past five (5) years.
3. The Engineering Firm shall demonstrate experience with governmental entities and particularly, NJDEP Divisions and Bureaus pertaining to wastewater facilities, land use regulation and water supply.
4. The Engineering Firm shall demonstrate that they have maintained a functioning office and staff within Cape May County for over ten (10) years and their office location in relationship to the Township of Middle will allow an ability to respond to construction field issues as well as to accommodate any required meetings of the Township.
5. The engineer shall submit resumes of the anticipated support staff to be utilized to conduct the proposed activities, with the minimum requirement of construction administration utilizing a NJ-licensed engineer.
6. The engineering firm shall have the ability to mobilize the required field staff within one week of contract award and authorization to proceed.

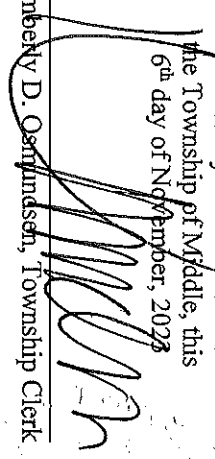
- C. Labor Solicitor - Legal Advisor to the Township Committee and Administrative Staff on labor law issues, including civil service issues, disciplinary matters, hiring and firing of employees, and negotiating contracts.

- D. Municipal Auditor - The auditor performs annual audit of Township Finances, assists with preparation of annual budget, and is always immediately available to discuss compliance with the Township Administrator and CFO.
- E. Municipal Prosecutor - Prosecutes in the Township's municipal Court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
- F. Municipal Public Defender - Represents defendants who qualify for public defender in municipal court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
- G. Zoning Board of Adjustment Solicitor - Attorney representing the Zoning Board of Adjustment. The Zoning Board meets one evening a month.
- H. Planning Board Solicitor - Attorney representing the Planning Board. The Planning Board meets two evenings a month.
- I. Grants Consultant - completes applications and makes efforts to obtain grants in a variety of areas, including but not limited to energy; housing rehabilitation; infrastructure; resilience and Community Rating System; recreation, parks and open space. Consultant is not expected to have expertise in all areas listed, and should indicate in the proposal their respective specialty.
- J. Bond Counsel - Legal Advisor to the Township Committee and Administrative Staff on issues regarding bond financing. Includes compliance with any and all necessary laws, state and federal, in the marketing and selling of the Township's bonds of any sort, including bond anticipation notes. Minimum qualifications are at least five years' experience in the municipal bonding field, and that the person have the demonstrated experience and capacity for marketing and selling municipal bonds.
- K. Planning Board Engineer - Engineer to the Planning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding planning issues. Planning Board meets twice a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
- L. Zoning Board Engineer - Engineer to the Zoning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding zoning issues. Zoning Board meets once a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
- M. Risk Management Consultant - The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the risk loss. Shall assist the Municipality in understanding and selecting the various coverage's available from the Atlantic County Municipal Joint Insurance Fund, review with the Municipality any additional coverage's that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage outside the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities' assessment as prepared by the Fund and assist the municipalities' preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant's involvement does not include the work normally done by a public adjuster. And any other services as required

The Township of Middle may select, at its sole discretion, individuals or firms for these positions, so long as those individuals or firms meet or exceed the minimum requirements set forth in this resolution; however, the Township is under no obligation to select any firm even if qualified and will make any selection based on an overall evaluation of qualifications in the best interest of the Township. Once an appointment is made, no substitution of personnel may be made without the express written consent of the Township of Middle, which consent may be withheld in the township's sole discretion. The Township of Middle reserves the right to appoint other professionals to perform services as the need may arise.

I, Kimberly D. Osmundsen, Township Clerk of the Township of Middle, Cape May County, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at a meeting of said Middle Township Committee, held on November 6, 2023 and said Resolution was adopted by not less than a two-thirds vote of the members of the Township Committee.

Witness my hand and seal of
the Township of Middle, this
6th day of November, 2023



Kimberly D. Osmundsen, Township Clerk