

TOWNSHIP OF MIDDLE  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

RESOLUTION  
511-23

Date: November 20, 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 21, 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 29, 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. Township Conflict Solicitor

1. Represent the Township in all legal matters and shall advise and assist the Township Committee, the Township Administrator and the Departments as required in the administration of Township Government when there is a conflict with the Township Solicitor.
2. Attend meetings of the Township Committee, draft ordinances and resolutions as directed by the Township Administrator or the majority of the members of the Committee when there are conflict matters, and give opinions and rulings on questions of law which may arise at the Committee meetings at the request of a majority of the members of the Township Committee or the Township Administrator when there are conflicts matter.
3. Prepare or approve all legal instruments relating to the business of the Township when there is a conflict with the Solicitor.
4. Represent the Township in any litigation, and conduct trials, appeals and other proceedings affecting the interest of the Township as he may in his discretion determine to be necessary or desirable, subject to the approval of the Committee, where there is a conflict for the Solicitor.

3. Additional Duties.

The Township Conflict Solicitor shall also, in circumstances when there is a conflict for the Township Solicitor:

- a. Maintain records of all action suits, proceedings and matters which relate to the Township's interest, and report thereon as the Administrator or Committee may require.
- b. Have power to enter into any agreement, compromise or settlement or any litigation in which the Township is involved, subject to the prior approval or ratification of the Committee.
- c. Upon the termination of their service with the Township, forthwith surrender to their successor all Township property, papers and records, together with written consent to substitution of their successor in any pending actions or proceedings.

4. Special Counsel.

Whenever he deems that the interests of the Township so require, the Township Conflict Solicitor, may recommend to the Committee the appointment of special counsel with the approval of the Committee and within the limits of available appropriations, may appoint special counsel to assist them in the preparation, trial or argument of any issue or in such other capacity as they may determine where there is a conflict for the Solicitor. If the Township Conflict Solicitor should be disqualified with respect to any matter or recommend the appointment of special counsel for any reason, the Committee may appoint special counsel to represent the Township for and with respect to such matter, within the limits of available appropriations.

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 20, 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  
20<sup>th</sup> day of November, 2023

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Kimberly D. Osmundsen, Township Clerk