

REQUEST FOR QUALIFICATIONS FOR THE SERVICES OF

Legal Services for the 2024 Calendar Year.

ISSUE DATE: November 10, 2023

DUE DATE: December 15, 2023, 3:00 PM

NOTE: BIDDERS MUST CLEARLY IDENTIFY THEIR RFO DOCUMENT WITH THE RFO
NAME AND RFQ OPENING DATE

NOTE: The Borough of Wallington will consider Qualification Statements only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

REQUEST FOR PROPOSALS OF QUALIFICATIONS FOR
Outside Legal Services for the 2024 Calendar Year

(X) Please indicate the services RFPQ submission applies to:	
1	Borough Attorney
2	Labor/Employment Counsel
3	Appellate Practice (Federal, Superior Court, Civil Appeals)
4	Board of Health Counsel
5	Rent Control Board Counsel
6	Bond Counsel
7	Prosecutor
8	Public Defender
9	Redevelopment Counsel
10	Planning Board Attorney
11	Zoning Board Attorney
12	Special Counsel
13	Tax Appeals
14	Alternate Prosecutor
15	Alternate Public Defender
16	Alternate Borough Counsel
17	Conflicts Counsel
18	Special Litigation Counsel
19	Council on Affordable Housing Counsel
20	Hearing Officer
21	Affordable Housing Attorney
22	Special Investigations Counsel
23	Human Resources Investigations Counsel
24	Municipal Court Judge

GLOSSARY

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

"Borough" and/or "Wallington" refers to the Borough of Wallington.

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

"Qualified Respondent" — refers to those Respondent(s) who (in the sole judgement of the Borough) has/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 firm(s) that submit a Qualification Statement(s).

1.1. Procurement Process and Schedule

The Borough of Wallington has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each firm is provided an equal opportunity to submit a Qualification Statement. Responses to the RFQ will be evaluated in accordance with the criteria set forth in later section(s) of this RFQ, which will be applied in the same manner to each Qualification Statement received. The selection of Qualified Respondents is not subject to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)

Qualification Statements will be reviewed and evaluated by the Borough of Wallington. The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial criteria described in this RFPQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Borough of Wallington will (in its sole judgement) determine which Respondents are qualified (to perform the contemplated services). Each Respondent that meets the requirement of the RFQ (in the sole judgement of the Borough) will be designated as a Qualified Respondent and may be given the opportunity to enter into a contract proposed by the Borough.

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

All communications concerning this RFQ or the RFQ process shall be directed, in writing, to the Borough's Designated Contact Person as set forth herein.

Subsequent to issuance of this RFQ, the Borough of Wallington may modify, supplement, amend or cancel 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 Borough.

TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications and or Quotes	<u>November 10, 2023</u>
2. Receipt of Proposals of Qualification Statements/Quotes	<u>December 15, 2023</u>

1.2. Conditions Applicable to RFO.

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 RFQ does not commit the Borough of Wallington to issue a further procurement as related to this RFQ or to award a contract for the services contemplated by this RFQ.

The Borough of Wallington reserves the right (in its sole judgement) to reject for any reason all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for the services contemplated by this RFQ.

The Borough of Wallington reserves the right (in its sole judgement) to seek additional information, waive requirements or reject any Respondent that submits incomplete responses to this RFQ.

The Borough of Wallington reserves the right (in its sole judgement) to determine those Respondents that are qualified to perform the services contemplated by this RFQ.

The Borough of Wallington reserves the right, without prior notice, to supplement, amend, otherwise modify this RFQ, or otherwise request additional information.

The Borough of Wallington may request Respondents to send representatives to the Borough of Wallington for interviews.

All Qualification Statements not received on or before the time set herein for receipt may be rejected.

1.3. Rights of the Borough of Wallington

The Borough of Wallington 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 Borough of Wallington deems necessary

or convenient, to clarify the information provided as part of the Qualifications Statement and to request additional information to support the information included in any Qualification Statement.

To suspend or terminate the procurement process described in the RFQ at any time (in its sole discretion.) If terminated, the Borough of Wallington may decide to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

Pursuant to P.L. 2012c c.25 State and local public contracts are not permitted with persons or entities engaging in certain investment activities in energy or finance sectors of Iran. The Borough of Wallington shall be under no obligation to complete all or any portion of the procurement process described in this.

SECTION 2 COSTS

2.1 Costs should be outlined for all usual and customary fees' including hourly rates, inclusive fees and so on.

2.2 The Borough of Wallington typically caps the hourly rates at \$150.00 per hour however special litigation needs and projects will be evaluated on a case-by-case basis.

SECTION 3 SUBMISSION REQUIREMENTS

3.1. General Requirements

The Proposal of Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative, and financial qualifications set forth in Section 2 and shall also 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 Proposal of 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 Proposal of 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 Intent (see Appendix A to this RFQ).
3. An executed Certifications document (see Appendix B to this RFQ).
4. Name, address, and telephone number of the firm submitting the Qualification Statement pursuant to this RFPQ and the name of the key contact person.
5. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership, and its organizational structure. The number of years your organization has been operating and in business under the present name.
6. The number of years the business organization has been under the current management personnel.
7. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
8. Whether the business organization 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. Respondents must also submit a New Jersey Business Registration Certificate (pursuant to N.J.S.A. 54A:7-1.2), a Stockholder Disclosure

3.3 Professional Information Requirements

1. 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:
 - a) Description and scope of work by Respondent
 - b) Name, address and contact information of at least three references.
 - c) Explanation of perceived relevance of the experience to the REQ.
2. Describe the services that Respondent would perform directly.
3. Resumes of key employees (see specific requirements in Section 2 above).
4. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. 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 by reason of relation.
5. Provide a statement that the Respondent has and will maintain during the period of engagement malpractice insurance in at least \$100,000.00.

3.4 Other Terms and Conditions

- A. Non-Discrimination: There shall be no discrimination against any employee engaged in the work required to produce the commodities covered by any contract resulting from this bid, or against any applicant to such employment because of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality. This provision shall include, but not be limited to the following: employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this bid.

B. STATEMENT OF CORPORATE OWNERSHIP

In accordance with N.J.S.A. 52:25-24.2, no corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S corporation or sole proprietorship, shall be awarded a contract, unless prior to the receipt of the bid or accompanying the bid of the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, subchapter S corporation or sole proprietorship, there is submitted to the Borough of Wallington a statement setting forth the names and addresses of all stockholders who own 10% or more of the stock, of any class or of all individual partners who own a 10% or greater interest in the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S corporation or sole proprietorship. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning or greater interest in that partnership shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder and individual partner, exceeding the 10% ownership criteria established in this

act has been listed. This form shall be signed and submitted with the bid/proposal whether or not a stockholder or partner owns less than 10% of the business submitting the bid. Failure to comply requires mandatory rejection of the bid/proposal.

C. OWNERSHIP OF MATERIAL

- a. The Borough (the "Owner") shall retain all of its rights and interest in any and all documents and property, both hard copy and digital furnished by the owner to the contractor for the purpose of assisting the contractor in the performance of this contract. All such items shall be returned immediately to the owner at the expiration or termination of the contract or completion of any related services, pursuant thereto, whichever comes first. None of the documents and/or property shall, without the written consent of the owner, be disclosed to others or used by the contractor or permitted by the contractor to be used by their parties at any time except in the performance of the resulting contract.
- b. Ownership of all data, materials and documentation originated and prepared for the owner pursuant to this contract shall belong exclusively to the owner. All data, reports, computerized information, programs and materials related to this project shall be delivered to and become the property of the owner upon completion of the project. The contractor shall not have the right to use, sell, or disclose the total of the interim or final work products, or make available to third parties, without the prior written consent of the owner. All information supplied to the owner may be required to be supplied on CD-ROM or other media compatible with the owner's computer operating system, windows based, Microsoft Office Suite 2000.

SECTION 4
INSTRUCTIONS

Proposals of Qualification Statements must be submitted to and be received by the Borough of Wallington's Designated Contact Person, via mail or hand delivery by 3:00 PM. prevailing time set forth on page one Qualification Statements will not be accepted by facsimile transmission or e-mail.

Designated Contact Person:
Ace Antonio
Acting Municipal Clerk
Borough of Wallington
24 Union Boulevard
Wallington, NJ 07057

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

With their Qualification Statement, Respondents must submit a New Jersey Business Registration Certificate and a Stockholder Disclosure Certificate (pursuant to N.J.S.A. 40A:11-23.2), the federal EIN of the entity they are doing business under and any other requirements set forth herein.

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

SECTION 5
EVALUATION CRITERIA

The Borough of Wallington's objective in soliciting Proposals of Qualification Statements is to enable it to select a firm or organization (or multiple firms or organizations) that will provide high quality and cost-effective services to the citizens of Wallington. The Borough will consider Qualification firms or organizations that, in the Borough's sole judgement, have demonstrated the capability and willingness to provide the services contemplated by this RFQ.

Proposals will be evaluated by the Borough based on the most advantageous submission; all relevant factors considered. The evaluation will consider:

1. Experience and reputation in the field
2. Knowledge of the Borough and the subject matter addressed under the contract.
3. Availability to accommodate the required meetings of the Borough.
4. Other factors to be demonstrated to be in the best interest of the Borough.

APPENDIX A
LETTER OF INTENT

Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter) Respondents
Federal EIN:

Borough of Wallington
24 Union Boulevard
Wallington, NJ 07057
Attn: Ace Antonio, Acting Municipal Clerk
Re: [insert title of RFQ]

The undersigned, as Respondent, has submitted the attached Proposal of Qualification Statement in response to a Request for Proposal of Qualifications (RFQ), issued by the Borough of Wallington ("Borough "), dated [insert date], in connection with the services set forth above.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual, and complete information.
2. We affirm that the contents of our Proposal of 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 the undersigned Respondent.
3. The undersigned Respondent is interested in being invited to respond to the Borough of Wallington request for Proposals of Qualifications (RFQ). It is the intent of Respondent, to complete and submit a Qualification Statement for the provision of the services set forth above and to enter a contract for said services if selected and awarded a contract by the Mayor and Council of the Borough of Wallington.
4. The undersigned Respondent agrees to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough of Wallington Procurement schedule.
5. The undersigned Respondent agrees that all costs incurred by it (them) in connection with the preparation and submission of the Proposal of Qualification statement submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.

6. The undersigned Respondent hereby declares that the only persons participating in this Proposal of Qualification Statements as Principals are named herein and that no person other than those herein mentioned has any participation in this Proposal of Qualification Statement or in any contract to be entered into with respect thereto. An additional person may subsequently be including as participating principals, but only if acceptable to the Borough of Wallington. The undersigned Respondent further declares that this Proposal of Qualification Statement is made without connection with any other person, firm or parties who has submitted a Proposal of 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.
7. The undersigned Respondent acknowledges and agrees that the Borough of Wallington may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough of Wallington 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.
8. The undersigned Respondent acknowledges that any contract executed with respect to the provision of the above referenced services must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.
9. The undersigned Respondent acknowledges and agrees that it will be obligated to satisfy the requirements set forth in Section Two of this RFQ at the time of submission of its Proposal of Qualification Statement. The Respondent hereby states that (as of the date hereof) it has a reasonable expectation that it will be able to satisfy such criteria and requirements as of the date of its submittal.

[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, Title
Typed Name and Firm.

Date

(If a joint venture, partnership, or other formal organization is submitting a Proposal of Qualification Statement, each participant shall execute this Letter of Intent.)

APPENDIX B
CERTIFICATIONS

In addition to responding to the foregoing items, the undersigned Respondent certifies that:

- A. The firm's participation in the matters contemplated by this RFQ will not create any conflict of interest for the firm or any of its officers or employees.
- B. The firm is an equal opportunity employer and does not discriminate against applicants or employees on the basis of race, color, religion, sex, age, disability, national origin, or ancestry. c. The firm is not currently in violation of or under any investigation or review for a violation of any state or federal law or regulation that might have a material adverse impact on the firm's ability to serve it selected.
- C. The firm understands and agrees that during the time it is a member of the group of qualified firms it will not be eligible to serve as financial advisor to the Borough of Wallington, and that it does not, and will not during that time, have a financial interest in any firm providing financial advisory services to the Borough of Wallington.

Firm: _____

By: _____

Name Title: _____

Date: _____

OWNERSHIP DISCLOSURE CERTIFICATION
This Statement Shall Be Included with Bid 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. However, if a parent entity holding 10% or more is a publicly traded entity, then the respondent in complying with N.J.S.A. 52:25-24.2 may submit the name and address of each publicly traded entity, and the name and address of each person holding 10% or more beneficial interest in the publicly' traded entity as of the last the last annual filling with the Security Exchange Commission (SEC), or foreign equivalent.

OR

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

Check the box that represents the type of business organization:

- Partnership Corporation Sole Proprietorship Limited Partnership Limited Liability Corporation
 Limited Liability Partnership Other: _____

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

Stockholders:

Name: _____

Home Address: _____

Corporate Seal:

Name: _____

Home Address: _____

Notary Public:

(Affiant)

Subscribed and sworn.

before me on

this _____ day

of _____, 2023

Print Name and Title of Affiant

DISCLOSURE STATEMENT

The attention of prospective bidders is drawn to the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits a Borough Officer or employee or member of his/her immediate family from having an interest in a business organization or engaging in any business transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest.

In furtherance thereof, every bidder must disclose below, being a Wallington officer or employee or whether an immediate family member is a Wallington officer or employee. If the bidder is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members.

Please answer the following:

Is the bidder, or a member of the bidder's immediate family, or anyone having an interest in the bidder's business organization including their immediate family members, an officer or employee of Borough of Wallington?

No Yes

President, Vice President or Signature of Authorized Representative

Print Name and Title

If yes, provide the name of the individual and identify the position held below, and notify in writing the Office of the Borough Administrator, 24 Union Boulevard, Wallington, NJ 07057. (Attach a copy of the correspondence to this form).

NOTE: All terms used herein are to be construed in accordance with their meaning under the Local Government Ethics Law, cited above.

*** FAILURE TO SIGN THIS AFFIDAVIT BY A DULY AUTHORIZED COMPANY OFFICIAL MAY RESULT IN REJECTION OF THIS PROPOSAL.**

Disclosure of Investment Activities in IRAN

BID/RFP/Solicitation Number: _____

Bidder/Offeror: _____

Part 1: Certification

BIDDERS ARE TO COMPLETE PART 1 BY CHECKING EITHER BOX.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 012. c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012. c. 25 ("Chapter 25 List"). I further certify that I am the person listed above. or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below.

Part 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran on additional sheets provided by you.

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print)

Signature

Title: _____

Date: _____

State of New Jersey Business Registration Certificate Sample

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR SEMI AGENCY MO CASINO SERVICE CONTRACTORS		AS OF 07/14/04
TAXPAYER NAME:	TRADING NAME:	Harp,
TAX REGISTRATION TEST ACCOUNT	CLIENT REGISTRATION	
TAXPAYER IDENTIFICATIONS: 970-0974821500	SEQUENCE NUMBER:	0107330
ADDRESS: 642 ROESLING AVE TRENTON NJ 08611	ISSUANCE DATE:	07/14/04
EFFECTIVE DATE: 01/01/01		
FQRMBRC(08.011)		

TRENTON NJ 08611

NEW JERSEY BUSINESS REGISTRATION CERTIFICATE CLIENT REGISTRATION



STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: FAX KEG TEST

ACCOUNT Trade Name:

Address: 847 ROEBLING AVE
TRENTON NJ 08611

Certificate Number: 1093907
Date of issuance: October 14, 2004

For Official Use Only:

2004101411B2.3533