

REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES – 2012

1. The Borough of Fair Lawn is soliciting Qualification Statements from interested persons and/or firms for the provision of professional engineering services to the Planning Board for the year 2012. Qualifications will be accepted for the specific professional services set forth in the Public Notice, a copy of which is attached hereto. Request for Qualification packages can be obtained at the office of the Board Secretary by calling 201-794-5300. The selection is subject to the “New Jersey Local Unit Pay-to-Play” Law, N.J.S.A. 19:44A-20.5 et seq. The Borough has structured a procurement process that seeks to obtain the desired results, while establishing a 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 5 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

The Pay-to-Play requirements are set forth below.

Pursuant to the Pay-to-Play law, NJSA 19:44-20.7, “fair and open process” means at a minimum:

- (i) that the contract shall be publicly advertised in newspapers or on the Internet website maintained by the public entity;
- (ii) that the advertisement provide sufficient time¹ to give notice in advance of the award of the contract, of the fact that such contract is being contemplated;
- (iii) the contract shall be awarded under a process that provides for public solicitation of qualifications or qualifications and shall be awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of qualifications or qualifications; and
- (iv) the submissions shall be publicly opened and announced when awarded.

The decision of a public entity as to what constitutes a “fair and open” process shall be final. NJSA 19:44A-20.7.

The public bidding requirements under NJSA 40A:11-4 and competitive contracting requirements under NJSA 40A:11-4.5 satisfy the requirements of the “fair and open” process.

The agency has several options in choosing its basis for awarding a bid under the “fair and open” process. (DLGS Guide, page “8”). The agency could use the following standard:

- (i) “lowest responsible bidder” standard under public bidding, NJSA 40A:11-4;
- (ii) the standard used by state government and competitive contracting model “most advantageous, price and other factors”, NJSA 40A:11-4.5; or
- (iii) any other “fair and open” process set forth by the agency.

2. All Qualification Statements shall be submitted to Cathy Hochkeppel, Board Secretary, 8-01 Fair Lawn Avenue, Fair Lawn, NJ 07410 no later than Tuesday, January 6, 2012 at 10:00 a.m. prevailing time.

Twelve (12) copies of the qualification should be submitted.

3. All Qualification Statements shall include, at a minimum: The name, address and all contact information of the person or firm making the qualification; a statement of qualifications, including all applicable professional licenses held; a statement of experience in rendering such professional services to public entities; and a qualification for compensation or a schedule of fees to be charge for such professional services.
4. All Qualifications will be evaluated by the Fair Lawn Planning Board.
5. Qualification Statements will be evaluated by the Planning Board on the basis of the qualifications deemed to be most advantageous, price and other factors considered. The evaluation will consider:
 - a. Experience and reputation in the field;
 - b. Knowledge and experience with form of government;
 - c. Knowledge of the Borough of Fair Lawn and the subject matter to be addressed under the contract;
 - d. Availability to accommodate any required meetings of the Board;
 - e. Support staff availability;
 - f. Compensation qualification;
 - g. List of references and clients;
 - h. Assignment of senior level engineer to attend meetings and oversee projects during the period of the contract;
 - i. Other factors, if determined to be in the best interest of Borough of Fair Lawn.
6. The Consulting Engineer to the Planning Board will provide such services as directed and as required by the Planning Board to be coordinated by the Chairman and Board Secretary.

7. All consulting services to be provided by the selected Engineering Consultant shall be in accordance with the standard Borough of Fair Lawn Contract documents.

ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications 2011	December 13,
2. Receipt of Qualification Statements	January 6, 2012
3. Public Opening of Qualification Statements	January 6, 2012
4. Completion of Evaluation of Qualification Statements And Recommendations 2012	January 9,

Additional Requirements

1. Respondent to comply with the requirements of P.L. 1975, C. 127 (Affirmative Action). (See Exhibit A).
2. Respondent to provide Business Registration Certificate. Respondents are required to comply with the requirements of P.L. 2004, c.57 (Business Registration). A copy of the Business Registration Certificate issued by the Department of the Treasury, Division of Revenue shall be submitted with the Qualification Statement.
3. Certificate of Professional Liability Insurance in a minimum amount of \$1,000,000 to be submitted with the qualification submission.
4. AMERICANS WITH DISABILITIES ACT OF 1990

Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Bidders are required to read Americans With Disabilities language that is included in this package and agree that the provisions of Title II of the Act are made a part of the contract. Professional is obligated to comply with the Act and to hold the owner harmless. (See Exhibit B).
5. N.J.S.A. 52:25-24.2 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any goods and services, unless, prior to the receipt of the qualification or accompanying the qualification of said corporation or partnership, applicant shall submit a statement setting forth the names

and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein. The included Statement of Ownership shall be completed and attached to the Qualification Statement. This requirement applies to all forms of corporations and partnerships, including, but not limited to, limited partnerships, limited liability corporations, limited liability partnerships and Subchapter S corporations.

6. **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 an RFP.
- ! This RFQ does not commit the Borough 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 Borough 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 Borough 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 Borough 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 Borough and will not be returned.
- ! All Qualification Statements will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with law.
- ! Any and all Qualification Statements not received in the office of the Board Secretary by 10:00 a.m. Prevailing Time on January 6, 2012 will be rejected.

- ! Neither the Borough, or their respective staffs, consultants nor advisors shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor there any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

Section 1.4. Rights of Borough.

The Borough 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 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 Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Borough shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

Authorized by Resolution of the Planning Board on December 12, 2011.