

RESOLUTION NO. 120-16

A RESOLUTION ESTABLISHING AND  
IMPLEMENTING A FAIR AND OPEN PROCESS  
FOR THE SELECTION OF VARIOUS  
PROFESSIONAL SERVICE AGREEMENTS.

WHEREAS, the Borough Council of the Borough of Buena acknowledges the need for Professional Services to be provided to the Borough of Buena; and

WHEREAS, the Borough Council of the Borough of Buena has adopted Ordinance No.543, an Ordinance Restricting and Controlling the Award of Professional Service Agreements in the Borough of Buena which prohibits the award of a Professional Service Agreement where such professional has made a political contribution to a city elected official; and

WHEREAS, N.J.S.A. 19:44A-20.4 requires municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Buena believes it is in the best interest of the Borough of Buena to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Buena; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council of the Borough of Buena has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all

appointments be made at a public meeting of the Borough Council and then published in accordance with N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Buena as follows:

1. All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
2. The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted at Borough Hall beginning no later than December 5, 2016.
3. The criteria for each position contained on Schedule A follows immediately subsequent to the Listing on Schedule A. The criteria shall be disclosed, together with the posting of the listed positions at Borough Hall.
4. The website posting shall inform potential applicants that all submissions must be made to the Borough Clerk and received no later than 12:00 noon, December 19, 2016.
5. Commencing 12:01 p.m. on December 19, 2016, or as soon thereafter as may be available, the Borough Clerk of the Borough of Buena or her designee shall publicly open and announce all submissions in the Borough Council Chambers at Buena Borough Hall.
6. The appropriate department heads and the representatives from the appropriate boards shall thereafter review all submissions and report to the Mayor with recommendations.
7. Appointments shall thereafter be made at a public meeting of the Borough Council at their next meeting.
8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2017. However, all such appointments are subject to the

availability of funds and the continuing needs of the Borough of Buena. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Buena has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 19:44A-20, et seq, and Ordinance No. 543 of the Borough of Buena.

Adopted: November 26, 2016

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Rosalie M. Baker  
President of Council

ATTEST:

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Maryann Coraluzzo  
Borough Clerk

**SCHEDULE A**

**PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY**  
**ESTABLISHED QUALIFICATION CRITERIA**

The Borough of Buena solicits statements of qualifications for applicants for appointment to the following professional positions. Responses should address the general criteria and submission requirements for the position sought. Responses must be received in the Borough Council Chambers, Borough Hall, Minotola, New Jersey 08341, no later than 12:00 noon, December 19, 2016. All responses shall be opened and announced publicly immediately thereafter by the Borough Clerk of the Borough of Buena or his representative. The applicant/proposer shall submit eight (8) copies of his/her proposal in a sealed envelope designating the position to the Borough Clerk. Responses will be reviewed by the Mayor or his designee. All appointments will be announced at a public meeting. Unless otherwise noticed, appointments shall be for the year of 2017 and subject to the execution of an appropriate contract.

## AUDITING FIRM

**GENERAL CRITERIA:** The Borough of Buena desires to appoint an individual or firm in accordance with N.J.S.A. 40A:55-4 for the purpose of conducting an annual audit of the books and records of the Borough for Fiscal Year ending December 31, 2016. In addition to the statutory requirements, the individual or firm will be called upon to prepare the Annual Financial Statement, the Annual Debt Statement and, if necessary, assist in the preparation of the Annual Budget. Also, if necessary, the individual or firm will assist the Borough of Buena in all extraordinary matters concerning debt offerings and other municipal auditing issues which may arise. Any experience or knowledge of matters that directly affect the Borough of Buena should be addressed. The individual or firm must have a minimum of ten (10) years experience in municipal finance and auditing in the State of New Jersey.

### **SUBMISSIONS MUST INCLUDE:**

1. Evidence of license to practice as a Registered Municipal Accountant.
2. List of current and past municipal audit clients served by the firm.
3. Resumes of partners and managers in the firm expected to act on this assignment.
4. Description of the staff employed by the firm including partners, managers, and other staff including numbers employed for each category. Include number of Registered Municipal Accounts and Certified Public Accountants.
5. Amount and proof of Professional Liability Insurance coverage maintained.
6. Addresses of offices located in close proximity to the Borough of Buena.
7. Description of debt financing experience including the number and amount of financing for the past year for the firm.
8. Description of any other factors the proposing party believes are relevant to its ability to provide the Borough of Buena with superior service.

## **BOROUGH SOLICITOR**

**GENERAL CRITERIA:** The Borough of Buena desires to appoint an attorney to serve as Borough Solicitor. Applicants shall demonstrate knowledge of Public Contracts Law, Open Public Meetings Act, Open Public Records Act and general New Jersey municipal law. Applicants must have a minimum of ten (10) years experience representing municipal governmental entities.

### **SUBMISSION MUST INCLUDE:**

1. Evidence of license to practice law in the State of New Jersey and appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Description of experience representing municipal governmental entities.
3. Description of sufficient support staff to provide all services requested by the Borough of Buena, including but not limited to preparation of all documentation and resolutions necessary and incidental thereto.
4. List of all past and present governmental entities represented by applicant including dates of service.
5. A statement of no conflict of interest.
6. A description of any other factors which the applicant believes are relevant to its ability to provide the Borough of Buena with superior service.

**BOROUGH ENGINEER/LAND USE BOARD**  
**ENGINEER/MUNICIPAL PLANNER**

**GENERAL CRITERIA:** The Borough of Buena desires to contract with a firm to provide municipal engineering and planning services to the Mayor and Borough Council and to the Land Use Board. Applicants should demonstrate knowledge and experience with respect to all aspects of engineering and planning relating to land use law, redevelopment law and municipal law. Any experience or knowledge of matters that directly affect the Borough of Buena should be addressed.

**SUBMISSIONS MUST INCLUDE:**

1. Proof of license and certification to provide professional services in the State of New Jersey.
2. Description of experience demonstrating knowledge of permits and approvals from various State, County and local regulatory agencies with specific experience related to land use and redevelopment.
3. Description of a staff of New Jersey licensed or certified professionals sufficient to service the Borough of Buena including, but not limited to civil engineers, land surveyors, and planners at a minimum.
4. Description of a principal office location, including proximity to the Borough of Buena and staffing level.
5. Resumes of project managers with at least ten (10) years of municipal experience.
6. List of past and present municipalities and/or planning or zoning boards served as consulting professionals.
7. A description of any other factors which the proposing party believes are relevant to its ability to provide the Borough of Buena with superior service.

## **GRANT APPLICATION AND MANAGEMENT CONSULTANT SERVICES**

### **NOTICE OF SOLICITATION**

Notice is hereby given that pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq, New Jersey Pay to Play, New Jersey Campaign Contributions and Expenditures Reporting Act, the Borough of Buena, 616 Central Avenue, Minotola, New Jersey 08341 is seeking RFQs for professional services to be provided to the Borough of Buena as listed below for the 2014 term.

Borough Grant Application and Management Consultant Services,

Requests for qualifications are on file at the Borough Clerk=s Office at 616 Central Avenue, Minotola, New Jersey 08341 and may also be downloaded from the Borough=s website.

All statements of qualifications for professional service contracts shall include at a minimum the following information.

1. Names of individuals who will perform required tasks as well as the listing of their licenses.

A. Identify the person who will be primarily responsible for the services required by the Borough of Buena and provide a description of the experience of the primary person with projects and issues similar to those more specifically set forth in this proposal and on behalf of the Borough of Buena.

B. Identify persons who will serve as back up to the primary person including resumes of all parties.

2. Describe ability to provide services in a timely fashion including a description of your staffing and a description of your familiarity with the services required by the Borough of Buena.

### **SCOPE OF SERVICES:**

The Borough of Buena desires to appoint a firm to provide grant services to the Borough. Applicants should demonstrate knowledge and experience with respect to all aspects of grant services required by a municipality. Any experience or knowledge of matters that directly affect the Borough of Buena should be addressed.

### **MINIMUM REQUIREMENTS**

1. The Grants Application and Management Consultant shall have at least 25 years experience in a wide field of grant subject areas including but not limited to federal, state, county, and private grant programs, the application therefore and the management thereof, with a minimum of ten (10) years experience in municipal grant writing, application and management field.



2. At least ten (10) years experience working grant programs offered by
3. the State of New Jersey.
4. Must list all past and present municipal clients.

#### **SUBMISSION**

Proposing firms shall provide evidence that the minimum qualifications are met. Proposal should include a list delineating the numbers and types of public clients represented by the firm.

#### **EVALUATION OF PROPOSALS**

The Borough of Buena intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et seq. The decision by the Borough of Buena as to what constitutes a fair and open process shall be final.

The proposals will be evaluated by the Mayor and Council of the Borough of Buena based upon information supplied by each Proposer in response to this RFQ and the following criteria:

- Ability to meet all minimum qualifications.
- Overall knowledge and familiarity with the operations of the Borough of Buena.
- Experience of the firm in providing similar services to other public bodies, with special emphasis on experience in New Jersey.
- Qualifications and experience of the professional.
- Qualifications and experience of the other members of the professional\_s firm.

## **LABOR/EMPLOYMENT LAW ATTORNEY**

All statements of qualifications for professional service contracts shall include at a minimum the following information.

1. Names of individuals who will perform required tasks as well as the listing of their licenses.

A. Identify the person who will be primarily responsible for the services required by the Borough of Buena and provide a descriptions of the experience of the primary person with projects and issues similar to those more specifically set forth in this proposal and on behalf of the Borough of Buena.

B. Identify persons who will serve as back up to the primary person including resumes of all parties.

2. Describe ability to provide services in a timely fashion including a description of your staffing and a description of your familiarity with the services required by the Borough of Buena.

### **SCOPE OF SERVICES:**

Specialized services required - The selected professional (Labor/Employment Law Attorney) will be expected to provide specialized professional services to the Borough of Buena during the term of the contract which shall commence upon selection and end on December 31, 2017. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the Labor/Employment Law Attorney will be expected to return phone calls to the appropriate Borough representative on the same day. The professional will be expected to be available to provide advice to the Borough during non business hours including attendance at meetings, formal and informal. The Labor/Employment Law Attorney will be required to engage in grievance procedures, disciplinary matters, contract negotiations including associated litigation. The Labor/Employment Law Attorney shall primarily represent public entities and/or employers in labor/employment matters.

### **MINIMUM QUALIFICATIONS**

1. The Labor/Employment Law Attorney shall have at least 5 years experience in representing public entities in the specialized field or 10 years representing employers in the specialized field.

2. The Labor/Employment Law Attorney shall have been admitted and/or licensed in his/her profession and be in good standing.

### **SUBMISSION**

Proposing firms shall provide evidence that the minimum qualifications are met. Proposal should include a list delineating the numbers and types of public clients represented by the solicitor and firm.

Proposing firms shall provide hourly rates for employees and staff and be willing to provide attorney services at an hourly rate of not more than \$135.00 per hour.

**EVALUATION OF PROPOSALS**

The Borough of Buena intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et seq. The decision by the Borough of Buena as to what constitutes a fair and open process shall be final.

The proposals will be evaluated by the Mayor and Council of the Borough of Buena based upon information supplied by each Proposer in response to this RFQ and the following criteria.

- X Ability to meet all minimum qualifications.
- X Overall knowledge and familiarity with the operations of the Municipal government
- X Experience of the firm in providing similar services to other public bodies, with special emphasis on experience in New Jersey.
- X Qualifications and experience of the professional.
  - X Qualifications and experience of the other members of the professional=s firm.

## **COMPUTER INTERNET TECHNOLOGY PROVIDER**

### **SCOPE OF SERVICES**

Term of Service. The contract shall be for the period starting January 1, 2017 and ending December 31, 2017.

**SERVICES TO BE PERFORMED.** The Contractor shall be required to provide complete network maintenance and installation of all of the latest service packs and fixes, spyware removal and prevention, back up maintenance, Consulting Services, Support for all software and recommend upgrades. The Contractor shall perform virus protection maintenance, installation and configuration of services and PCs.

The Contractor shall have adequate staff so as to provide on-site service within 1 hour of service call for any malfunction occurring. Telephone service shall be available immediately.

## **MUNICIPAL BOND COUNSEL**

**GENERAL CRITERIA:** The Borough of Buena desires to appoint an attorney or firm who will be the primary legal representative of the Borough of Buena in all matters relating to the issuance of public debt instruments including bonds and bond anticipation notes of the Borough of Buena. Applicant must demonstrate knowledge of municipal bond and finance law. Any experience or knowledge which directly affects the Borough of Buena should be addressed. Applicant must have a minimum of ten (10) years experience representing municipal entities in connection with the approval of bond ordinances and the issuance of municipal bonds and/or notes.

### **SUBMISSION MUST INCLUDE:**

Evidence of license to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.

Description of experience representing municipal entities in connection with the approval of bond ordinances and the issuance of municipal bonds and/or notes.

Evidence of a bona fide office in the State of New Jersey.

Description of sufficient support staff to provide all services requested by the Borough of Buena, including but not limited to preparation of all documentation and resolutions necessary and incidental thereto.

List of all past and present governmental entities represented by applicant including dates of service.

A statement of no conflict of interest.

A description of any other factors which the applicant believes are relevant to its ability to provide the Borough of Buena with superior service.