

RESOLUTION NO. 158-23

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:

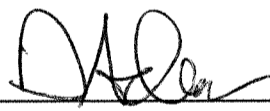
1. All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
2. The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing 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 November 15, 2023.
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, Thursday, December 14, 2023.
5. Commencing 12:01 p.m. on Thursday, December 14, 2023, 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 a future meeting.
8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

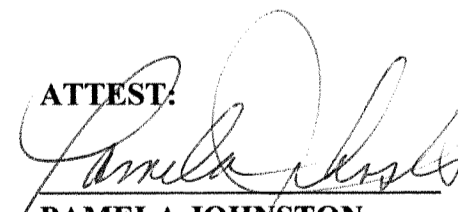
BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2024. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough 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 at a meeting of the Borough Council of Buena Borough, County of Atlantic, State of New Jersey held on November 13, 2023.



DOUGLAS ADAMS
PRESIDENT OF COUNCIL

ATTEST:


PAMELA JOHNSTON
ACTING 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 14, 2023. 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 two (2) 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 2024 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, 2023. 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.

ASSISTANT BOROUGH SOLICITOR

GENERAL CRITERIA: The Borough of Buena desires to appoint an attorney to serve as Assistant 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.

LAND USE SOLICITOR

The Land Use Board Solicitor shall be appointed by the Borough of Buena Land Use Board ("Land Use Board") pursuant to the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55-D-1 et seq. The Land Use Board Solicitor shall be appointed by a majority vote of the Land Use Board which is a combined Planning Board/Zoning Board and shall serve a term of one (1) year from the first day of January of the year of their appointment and until a successor has been appointed and qualified. The Solicitor shall be an attorney-at-law of the State of New Jersey. In lieu of appointing an individual attorney, the Land Use Board may appoint a firm of attorneys, all members of which shall be attorneys-at-law of New Jersey. The Solicitor shall be appointed in a manner consistent with Local Public Contracts. The Land Use Board Solicitor and/or firm shall receive such compensation as agreed upon and determined by the Land Use Board subject to Borough of Buena Council ("Council") having appropriate funding to carry out the objectives of the Land Use Board in accordance with the provisions of N.J.S.A. 40:55-D-1 et seq. 2.

The Land Use Board Solicitor shall:

- A. Review and aid in the preparation of Ordinances, Resolutions and legal documents pertaining to the Land Use Board;
- B. Attend regular, special and continued sessions of the Land Use Board;
- C. Attend work sessions and executive sessions of the Land Use Board;
- D. Conduct legal research and render legal opinions and assistance to the Land Use Board Officials;
- E. Attend work sessions and executive sessions of the Land Use Board;
- F. Conduct legal research and render legal opinions and assistance to the Land Use Board Officials;
- G. Assist, when necessary, any other Attorney which the Borough may
- H. engage;
- I. Assist the Land Use Board in any other manner that may be necessary;
- J. Representation of the Land Use Board in litigation;
- K. Cooperate with the Council and Borough Solicitor regarding any matters pertaining to the Land Use Board;
- L. The Land Use Board Solicitor shall coordinate their efforts or the firm's efforts with the Department of Community Development and the office of the Borough Administrator to effectuate the intent and objectives of the Municipal Land Use Law of New Jersey referenced as N.J.S.A. 40:55- D-1 et seq.

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/LAND USE ENGINEER

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 2024 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 10 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 the State of New Jersey.
3. 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, 2024. 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.

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 Municipal government

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.

COMPUTER INTERNET TECHNOLOGY PROVIDER

SCOPE OF SERVICES

Term of Service. The contract shall be for the period starting January 1, 2024 and ending December 31, 2024.

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 one 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.

ANIMAL CONTROL OFFICER

SCOPE OF STANDARDS SERVICES

1. The Contractor shall be properly licensed and certified at all times during the term of the contract in accordance with N.J.S.A. 4:19-15.16a. The Contractor shall be responsible for animal control within the Borough and shall enforce and abide by the provisions of N.J.S.A. 4:19-15.16. The Contractor shall have the authority and be responsible to enforce all State Statutes and municipal ordinances including such duties as enumerated in N.J.S.A. 4:19-15.16(c) and 4:19-15.16(d).
2. The Contractor shall maintain regular inspection patrols of the Borough.
3. Pick up and impound dogs/cats running at large upon public streets and property.
 1. Dogs/cats that are picked up will be transported to the appropriate Atlantic County Animal Shelter. Make every effort to contact owners of dogs/cats bearing registration/identification tags prior to the transporting of animals to the shelter.
4. Provide residential/commercial wildlife removal services, provided there is a health or safety hazard present, or the animal is injured. Wildlife will be removed from residential/commercial structures (occupied areas) and will be released outside in the immediate vicinity, unless the animal displays symptoms of disease, or is injured. Will advise residents of proper measures to discourage wildlife intrusion. Work with local Wildlife and Aviary Rehabilitators as well as maintain membership in the New Jersey State
 2. Certified Animal Control Officers Association. Dead animals on private property are the responsibility of the homeowner.
5. Maintain availability and easy access (800 Number, Pagers, Cell phones) on a 24 hour per day basis. During normal business hours (9:00 AM B 5:00 PM) and in emergency situations be available to respond to animal control/wildlife complaints from Borough residents and/or authorized officials within one (1) hour for the following: aggressive animals, injured animals, suspect rabid animals, bite cases and at the Official's discretion.
6. Pick up and dispose of domestic/wildlife Aroad kill@ on request, up to approximately 100 pounds (excluding deer) in compliance with New Jersey Department of Health regulations
3. (D.E.P approved). Larger domestic animals (livestock) that are creating a road, or safety hazard will be removed to a non-hazardous area and authorities designated by the Borough will be notified immediately. CONTRACTOR will not be responsible for removing dead animals from private residential property.
7. The BOROUGH will be responsible for any emergency veterinary expenses incurred by the CONTRACTOR in conjunction with their duties in the BOROUGH. If the owner of the injured animal is located, these expenses will become the responsibility of the owner.
8. Be a source of information to the BOROUGH residents and officials concerning animal control regulations and related current information. Maintain a nrofessional image and make public relations a ton nriority.

9. Maintain a \$500,000.00 liability insurance coverage in compliance with the Municipal Joint Insurance Fund (JIF) requirements. Give the BOROUGH a Certificate of Liability Insurance naming them as additional insured. Will maintain \$500,000.00 commercial vehicle liability insurance on all vehicles.

10. Will appear on behalf of the BOROUGH for Court proceedings necessary to enforce animal regulations. The BOROUGH will be responsible for supplying summonses.

11. Will provide all necessary vehicles, equipment and maintenance required to conduct the BOROUGH'S animal control services in a professional manner. All equipment and vehicles will be kept in compliance with New Jersey State Department of Health standards.

All vehicles in use shall be lettered with company name, origin and an 800-telephone number. All animal control officers will wear appropriate uniforms and carry State Department of Health picture identification. (Each residential contract will be given the responding Animal Control Officers personal business card with company name and an 800-telephone number for future reference.)

Provide the BOROUGH'S residents and officials with animal control services, cruelty investigation, residential wildlife and road kill disposal.

12. BIENNIAL CANVAS FOR UNLICENSED DOGS B OPTION:
PROPOSAL

Conduct the BOROUGH'S Dog Census in odd numbered years, as required by N.J.S.A.

4:19-15.15. Compose a flyer outlining Borough Ordinances, licensing requirements and general information. Flyers will be distributed to Borough residences during a door-to-door canvass. A 7-Day Warning Notice will be issued to residents owning, possessing or harboring unlicensed dogs. Residents failing to obtain the required license will be issued Court Summons and the CONTRACTOR shall appear on behalf of the BOROUGH for the Court proceedings necessary to enforce licensing. The BOROUGH will be responsible for the issuance of licenses, collection of fees. The CONTRACTOR will incur all expenses necessary to conduct the Census.

(A) The CONTRACTOR shall notify the Municipal Clerk in writing of the date the canvas is actually started and the names, addresses, telephone number and age of anyone assisting in the canvas. No fee will be paid prior to this start date regardless of whether or not the BOROUGH collects a late fee.

(B) The agreed upon fee will only apply to licenses where the BOROUGH has collected a late fee from the resident. For example, this will not include license issued to new dog owners or to new residents of the BOROUGH, where the BOROUGH does not charge a late fee.

(C) The CONTRACTOR shall issue a summons to all persons who fail to obtain the required licenses after receiving a 7-day warning notice. The CONTRACTOR shall appear in the Borough of Buena

Municipal Court as the Charging Official or Plaintiff in such cases at no additional cost to the BOROUGH.

- (D) The CONTRACTOR shall file a completed final report of the Biennial Canvas, on the required State forms, with the New Jersey Veterinarian Health Department on or before the deadline of September 1st, established by the State for submission of said report and submit a copy thereof to the Municipal Clerk.