



**CITY OF HACKENSACK
COUNTY OF BERGEN
STATE OF NEW JERSEY**

**REQUEST FOR QUALIFICATIONS
FAIR AND OPEN PUBLIC SOLICITATION PROCESS
FOR THE PROVISION OF PROFESSIONAL SERVICES AND
EXTRAORDINARY UNSPECIFIABLE SERVICES
LABOR ATTORNEY**

MAYOR:

John P. Labrosse, Jr.

DEPUTY MAYORS:

Kathleen Canestrino

CITY COUNCIL:

Stephanie Von Rudenberg

Leonardo Battaglia

Gerald Carroll

CITY CLERK:

Deborah Karlsson

CITY MANAGER:

Vincent Caruso

FIRM NAME:

ADDRESS:

TELEPHONE:

**CITY OF HACKENSACK
65 CENTRAL AVENUE
HACKENSACK, NEW JERSEY 07601**

NOTE:

To receive Addenda or Modification to this Request for Qualifications, please provide the Clerk with Respondent's name, email address, and phone number upon receipt of this Document.

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ISSUE DATE:

Friday, November 12, 2021

DUE DATE:

Tuesday, December 14, 2021

DUE TIME:

10:00 o'clock a.m.

REQUEST FOR QUALIFICATIONS
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FOR THE PROVISION OF PROFESSIONAL SERVICES AND
EXTRAORDINARY UNSPECIFIABLE SERVICES

CITY OF HACKENSACK

REQUEST FOR QUALIFICATIONS FOR THE PROVISION OF PROFESSIONAL
SERVICES AND EXTRAORDINARY INSPECIFICABLE SERVICES
LABOR ATTORNEY

NOTICE IS HEREBY GIVEN that sealed Qualifications for Professional Services not subject to Bidding pursuant to N.J.S.A. 40A:11-5, will be received by the Clerk of the City of Hackensack.

The Qualification Statement must be submitted to the City Clerk via mail or hand delivered in person to the City Clerk, 65 Central Avenue, 3rd Floor, Hackensack, New Jersey, 07601, on or before **Tuesday, December 14, 2021 at 10:00 A.M.** at which time and place Proposals will be received. **Qualifications Statements will not be accepted by facsimile transmission or email.**

Proposals for the following Professional Services will be accepted:

LABOR ATTORNEY

The Municipal Appointing Authority shall thereafter publicly select the Professional for the position so advertised which shall thereafter be confirmed or approved as required by Law or Ordinance.

All Respondents are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. regarding Equal Employment Opportunity, as amended.

Request for Qualifications may be obtained from the City Website:
<http://www.hackensack.org/>

Monica Villafana, QPA

GLOSSARY

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

“City” – Refers to the *City of Hackensack*.

“Cost Proposal” – Refers to a statement of Hourly Rates and Costs for the services provided.

“Due Date” – Refers to the date and time by which Qualification Statements must be received by the *City of Hackensack* in order to be considered for award of the Agreement or position.

“Qualification Statement” – Refers to the complete responses to this RFQ submitted by the Respondents.

“Qualified Respondent” – Refers to those Respondents who (in the Sole Judgment of the *City of Hackensack*) 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.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

NOTICE IS HEREBY GIVEN that the *City of Hackensack* is soliciting sealed Qualification Statements from interested persons and/or Firms for the Provision of Professional Services and Extraordinary Unspecifiable Services in accordance with the “Fair and Open Process” pursuant to N.J.S.A. 19:44A-20.5, et seq. Through a Request for Qualification process described herein, persons and/or Firms interested in assisting the *City of Hackensack* with the Provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The *City of Hackensack* will review Qualification Statements only from those Firms that submit a Qualification Statement that includes all the information required to be included as described herein (in the Sole Judgment of the *City of Hackensack*). The *City of Hackensack* intends to qualify a person(s) and/or Firm(s) that (a) possesses the Professional, Financial, and Administrative capabilities to provide the proposed services; and (b) will agree to work under the compensation Terms and Conditions determined by the *City of Hackensack* to provide the greatest benefit to the Taxpayers of the *City of Hackensack*. The *City of Hackensack* will consider Qualification Statements only from Individuals, Firms or Organizations that have demonstrated the capability and willingness to provide high quality services as required by the *City of Hackensack*. All appointments shall be made in accordance with all applicable Law.

1.2. Procurement Process and Schedule.

The selection of Qualified Respondents is not subject to the Bidding Provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. The selection is, however, subject to the “New Jersey Local Unit Pay-to-Play” Law, N.J.S.A. 19:44A-20.1, et seq. The *City of Hackensack* has structured a Procurement process that seeks to obtain the desired results described above, while establishing a Competitive 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 Qualification Statements will be reviewed to determine if the Respondent has met the minimum Professional, Administrative and Financial criteria described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the *City of Hackensack* will (in its Sole Judgment) determine which Respondents are qualified (from Professional, Administrative and Financial standpoints). Each Respondent that meets the requirements of the RFQ (in the Sole Judgment of the *City of Hackensack*) will be designated as a Qualified Respondent, and will be considered for selection by the *City of Hackensack*, in accordance with any applicable Statute or Governing Regulation.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The *City of Hackensack* reserves the right, among other things, to amend, modify or alter the Procurement

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Schedule upon notice to all potential Respondents who have provided contact information to the Clerk upon receipt of this RFQ.

All communications concerning this RFQ or the RFQ process shall be directed to the *City of Hackensack's* designated contact person, in writing.

Designated Contact Person:

City Clerk

Deborah Karlsson, RMC

City Clerk Office

65 Central Avenue, 3rd Floor

Hackensack, New Jersey 07601

Qualification Statements must be submitted to, and be received by, the *City of Hackensack*, via mail or hand delivery, by the Due Date (Tuesday, December 14, 2021 at 10:00 a.m.). Qualification Statements will not be accepted by facsimile transmission or e-mail. Responses must be enclosed in a sealed envelope. The Service Provider must indicate the following on the outside of the envelope: (1) the name and address of the service provider; (2) the RFQ Reference Name and Title of the Services for which the response is submitted; and (3) "Sealed RFQ Response." Responses may be delivered by hand, overnight courier or mail. The envelope containing the response must be received by the *City of Hackensack* by the date and time set forth above. No late responses will be accepted.

All Professional Service Respondents are required to comply with the requirements of N.J.S.A. 52:32-44 (Business Registration of Public Respondents), N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (Contract Compliance and Equal Employment Opportunities in Public Contracts).

Agreements will be awarded based on the most advantageous responses. In accordance with the Fair and Open Public Solicitation Process as set forth in N.J.S.A. 19:44A- 20.4 et seq., the *City of Hackensack* reserves the right to reject any or all submissions for any reason including, but not in any way limited to, any defects; or the *City of Hackensack*, in its sole discretion may waive formalities and accept any submissions that in their judgment will be in the best interest of the *City of Hackensack* and its users and member cities. The *City of Hackensack* shall award the Agreement or reject all submissions no later than sixty (60) days from receipt of same, unless extended with the consent of the Professional Service Respondents (or Extraordinary Unspecifiable Services Respondents). Proposals are being solicited through a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.1, et seq. These qualifications are being sought pursuant to the Local Public Contract Laws.

Subsequent to issuance of this RFQ, the *City of Hackensack* (through the issuance of Addenda to all Firms that have received a copy of the RFQ) may modify, supplement or amend 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 *City of Hackensack*.

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Respondents are expected to examine the RFQ with care and observe all its requirements. All questions about the meaning or intent of this RFQ shall be submitted in writing no less than five (5) days prior to the due date of the Proposal. All interpretations and clarifications considered necessary by the *City of Hackensack's* Representative in response to such comments and questions shall be responded to no less than five (5) days prior to the due date of the Proposal.

The *City of Hackensack* assumes no responsibility and liability for costs incurred by the Respondents prior to the issuance of an Agreement. The liability of the *City of Hackensack* shall be limited to the Terms and Conditions of the Agreement. Respondents will assume responsibility for all costs not stated in their Proposals. All Unit Rates either stated in the Proposal or used as a basis for its pricing are required to be all inclusive. Additional charges, unless incurred for additional work performed by request of the *City of Hackensack*, are not to be billed and will not be paid.

Any Agreement entered into between the Respondent and the *City of Hackensack* must be in accordance with and subject to compliance by both Parties with the New Jersey Local Public Contracts Law. The Respondent must agree to comply with the nondiscrimination Provisions and all other Laws and Regulations applicable to the performance of services there under. The Respondent shall sign and acknowledge such forms and certificates as may be required by this section.

No Corporation or Partnership shall be awarded any Agreement for the performance of any work or the furnishing of any goods, unless, with receipt of the Proposal of said Corporation or Partnership, there is submitted a statement setting forth the names and addresses of all Stockholders in the Corporation or Partnership who own ten (10%) percent or greater interest therein. The Respondent shall complete and submit the form of statement that is included in this RFQ.

The *City of Hackensack* shall retain all of its rights and interest in any and all Documents and property both hard copy and digital furnished by the *City of Hackensack* to the Respondent for the purpose of assisting the Respondent in the performance of this Agreement. All such items shall be returned immediately to the *City of Hackensack* at the expiration or termination of the Agreement 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 *City of Hackensack*, be disclosed to others or used by the Respondent or permitted by the Respondent to be used by their Parties at any time except in the performance of the resulting Agreement.

Ownership of all data, materials and documentation originated and prepared for the *City of Hackensack* pursuant to this Agreement shall belong exclusively to the *City of Hackensack*. All data, reports, computerized information, programs and materials related to this Project shall be delivered to and become the property of the *City of Hackensack* upon completion of the Project. The Respondent 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 *City of Hackensack*.

Termination: If, through any cause, the Respondent shall fail to fulfill in a timely and proper manner obligations under the Agreement or if the Respondent violates any requirements of the Agreement, the *City of Hackensack* shall have the right to terminate the Agreement by giving written notice to the

Respondent of such termination at least thirty (30) days prior to the proposed effective date of the termination, unless the Agreement contains more favorable terms to the *City of Hackensack*. Such termination shall relieve the *City of Hackensack* of any obligation for the balances to the Respondent of any sum or sums as set forth in the Agreement.

The right to reject any or all Proposals and to waive immaterial formalities is expressly reserved by the *City of Hackensack*.

**TABLE 1
 ANTICIPATED PROCUREMENT SCHEDULE**

ACTIVITY	DATE
1. Issuance of Request for Qualifications	Friday, November 12, 2021
2. Due Date for Receipt of Qualification Statements	Tuesday, December 14, 2021 at 10:00 a.m

1.3. 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 *City of Hackensack* 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 *City of Hackensack* 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 *City of Hackensack* 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 *City of Hackensack* reserves the right to supplement, amend or otherwise modify the RFQ through issuance of Addenda to all Prospective Respondents who have received a copy of this RFQ, and who have provided their contact information to the *City of Hackensack*.

- All Qualification Statements shall become the property of the *City of Hackensack* and will not be returned.

- All Qualification Statements will be made available to the public at the appropriate time, as determined by the *City of Hackensack* (in the exercise of its Sole Discretion) in accordance with Law.

- The *City of Hackensack* may request additional information from Respondents, including requiring Respondents to send Representatives to the *City of Hackensack* for interviews.
- Any Qualification Statements not received by the *City of Hackensack* by the Due Date and Time will be rejected.
- Neither the *City of Hackensack*, nor its Respective Staffs, Consultants nor Advisors shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this Procurement Process.

1.4. Rights of City

The *City of Hackensack* 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, and who have provided their contact information to the *City of Hackensack*.
- 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 *City of Hackensack* 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 *City of Hackensack* may determine to commence a new Procurement Process or exercise any other rights provided under applicable Law without any obligation to the Respondents.
- To procure the Professional Services and/or Extraordinary Unspecifiable Services described herein at any date or time, Not to Exceed One (1) Year, subsequent to the Qualification Statement Due Date.

The *City of Hackensack* shall be under no obligation to complete all or any portion of the Procurement Process described in this RFQ.

1.5. Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the *City of Hackensack* may issue Addenda, Amendments or answers to written inquiries. Those Addenda will be provided by the *City of Hackensack* to all Respondents who have provided the *City of Hackensack* with their contact information, and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the Addenda issued prior to the submission due date.

1.6. Cost of Qualification Statement Preparation.

Each Qualification Statement and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the *City of Hackensack*, its Staff or Consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7. Qualification Statement Format.

Responses should cover all information requested in the Questions to be answered in this RFQ. Responses which in the judgment of the *City of Hackensack* fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain deletions from requested information, or contain errors may be rejected.

SECTION 2 SCOPE OF SERVICES

The *City of Hackensack* seeks to award for the position listed below. The Agreement shall be Open-Ended, and may encompass additional work during the course of the year not explicitly described herein. It is the intent of the *City of Hackensack* to solicit Qualification Statements from Respondents that have expertise in the Provision of the Services required by the position or Agreement sought. Firms and/or persons responding to this RFQ must be able to demonstrate that they will have the continuing capabilities to perform these services.

❖ Labor Attorney

Respondent must be an Attorney or Law Firm licensed to practice Law in the State of New Jersey that wishes to provide Labor and Employment Legal Services to the *City of Hackensack*. Respondent must have significant experience representing New Jersey Municipalities and/or Public Entities as Labor Attorney as needed and directed by the *City of Hackensack*. The Successful Respondent will provide the *City of Hackensack* with legal guidance and representation relating to, but not necessarily limited to: Performing legal research and providing advisory opinions as needed; Researching and drafting Ordinances, Resolutions and Collective Bargaining Agreements; Reviewing and/or Drafting Contracts and other Legal Documents; representing the *City of Hackensack* in negotiations and litigation in Federal and State Courts and Administrative Forums; Attending meetings of the Mayor and Council; Meeting with individual Council Members or Employees upon request; conducting programs on specified Labor and Employment issues for appropriate Elected Officials and/or City Employees upon request; and, any other matters as directed by the *City of Hackensack*.

SECTION 3 SUBMISSION REQUIREMENTS

3.1. General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the Professional, Administrative, and Financial Qualifications set forth in this Section 3 and shall incorporate the information requested below. An **Original (1) and Six (6) copies of the Qualification Statement and all attachments are to be submitted by each Respondent in response to this RFQ.**

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. This information may include Documents such as a Firm profile or brochure. 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 Qualification Statement, provide the following documentation and information:

1. An executive narrative 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 Qualification (See Appendix “A” to this RFQ).
3. An executed Letter of Intent (See Appendix “B” to this RFQ).
4. Name, address, and telephone number of the Firm or Firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person for this RFQ.
5. A description of the Business Organization (i.e., Corporation, Partnership, Joint Venture, etc.) of each Firm, its Ownership and its Organizational Structure.
 - (a) Provide the Names and Business addresses of all Principals of the Firm or Firms submitting the Qualification Statement. For purposes of this RFQ, the term “Principals” means persons possessing an Ownership interest in the Respondent. If the Respondent is a Corporation, “Principals” shall include each investor who would have any amount of operational control over the Respondent and every Stockholder having an Ownership interest of 10% or more in the Firm.
 - (b) If the Firm is a partially owned or a fully-owned subsidiary of another Firm, identify the parent company and describe the nature and extent of the parent’s approval rights over the activities of the Firm submitting a Qualification Statement. Describe the approval process.

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- (c) If the Respondent is a Partnership or a Joint Venture or similar Organization, provide comparable information as required in (a) and (b) above for each member of the Partnership, Joint Venture or similar Organization.
6. A statement that the Respondent has complied with all applicable Affirmative Action (or similar) requirements with respect to its business activities (e.g. N.J.S.A. 10:5-31, et seq. and N.J.A.C. 17:27 as amended) together with evidence of such compliance.
7. The number of years Respondent has been in business under the present name.
8. The number of years Respondent has been under the current management. If Respondent is a corporation, please provide a current list of Corporate Officers.
9. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please provide a recitation of the docket numbers.
10. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please provide a recitation of the docket numbers.
11. Confirm and provide copies of the appropriate Federal and State licenses to perform the services required by the position or Agreement for which this RFQ is made.
12. A copy of the Respondent's State of New Jersey Business Registration Certificate.
13. A completed Business Entity Disclosure Certification, in accordance with the State of New Jersey's Pay-to-Play Laws, N.J.S.A. 19:44A-1, et seq.
14. Completed Bid Documents annexed hereto.

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 and contact information for any references; and
 - (c) Explanation of perceived relevance of the experience to the RFQ.
2. Describe the services that Respondent would perform directly.
3. Although total Agreement cost will not necessarily be the determining factor, the *City of Hackensack* will carefully consider the Respondent's cost Proposal along with an evaluation of the quality of the services to be provided, subject to available funds. The

Respondents SHALL provide a thorough explanation of its fee Proposal utilizing one of the following three (3) options:

- **Option A:**
Retainer/fixed fee cap. The Respondent SHALL provide a complete and detailed explanation of what services shall be provided pursuant to the Retainer or Fixed Fee, and if applicable, any services that would not be provided. The Respondent SHALL state separately the rates for any other cost items proposed to be itemized and billed (e.g. photocopying, research charges, etc.). The Respondent may further submit a Proposal for services to be provided outside of the Retainer or Fixed/Fee Cap as provided in Option B.
 - **Option B:**
Hourly fees for work performed (no retainer or fixed fee). Please specify the dollar amount of Hourly Fees and costs to be charged for providing the Professional or Extraordinary Unspecified Service. If hourly fees will differ based upon the individual performing the services (e.g. Partners vs. Associates), please note same. The Respondent shall confirm that Hourly Fees SHALL be billed at an increment not exceeding 1/10th of an hour and all state separately the rates for any other cost items proposed to be itemized and billed (e.g. photocopying, research charges, etc.). **Please Note:** That for certain Legal Services covered by the *City of Hackensack's* Insurance Carrier(s), the Respondent may be required to accept the carrier's established fee structure as a condition of accepting the *City of Hackensack* assignment.
 - **Option C:**
Respondent's choice. Clearly and thoroughly explain any billing methodology the Respondent wishes to propose with an explanation as to why this methodology would be preferable to Options A or B.
Payments for services for Agreements awarded will be paid upon the submission of itemized invoices detailing the work done and the time expended. **Block Billing WILL NOT be permitted.** A Purchase Order will be processed and sent to you for signature. Payment will only be made following the formal approval on the claims list by the *City of Hackensack* at its subsequent regular meeting.
4. Describe those portions of the Respondent's services, if any, that are Sub-contracted out. Identify all Subcontractors the Respondent anticipates using in connection with the position or Agreement for which this RFQ is made.
 5. Professional history of all individuals whom Respondent anticipates performing the Professional Services or Extraordinary Unspecifiable Services required by the position or Agreement for which this RFQ is made.
 6. A narrative statement of Respondent's understanding of the *City of Hackensack's* needs and goals to be accomplished by the appointment or Agreement for which this RFQ is made.
 7. List all immediate relatives of Principal(s) of Respondent who are City Employees or Elected Officials of the *City of Hackensack*.

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“Immediate Relative” means a spouse, parent, step-parent, sibling, child, step-child, direct-line aunt or uncle, grandparent, grandchild, and in-laws.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1. Submission of Qualification Statements

A Respondent must submit its Qualification Statement to the designated contact person:

City Clerk
Deborah Karlsson, RMC
City Clerk's Office
65 Central Avenue, 3rd Floor
Hackensack, New Jersey 07601

To be Responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein:

1. Qualification Statements must be received by the *City of Hackensack* no later than the Due Date, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted. Qualification Statements received after this time will not be considered. The *City of Hackensack* will not bear responsibility for delays in delivery for any reason.
2. Qualification Statements and all related information must be stapled or bound, and signed by the Respondent. If Respondent is other than a natural person, the Qualification Statement must be signed by an individual with power to bind Respondent.
3. The name of the Respondent and the position or Agreement for which the submission is being made must be printed on the outside of the package containing Respondent's submission, together with instructions that the submission should not be opened prior to the Due Date. (Suggested format: "Qualification Statement for _____". Do not open until _____").

SECTION 5

EVALUATION

The *City of Hackensack's* objective in soliciting Qualification Statements is to enable it to select a Firm, Individual, or Organization that will provide high quality and cost-effective services to the Taxpayers of Hackensack. The *City of Hackensack* will consider Qualification Statements only from Firms, Individuals, or Organizations that, in the *City of Hackensack's* judgment, have demonstrated the capability and willingness to provide high quality services to the Taxpayers of the *City of Hackensack* in the manner described in this RFQ.

Qualification Statements will be evaluated by the *City of Hackensack* on the basis of the most advantageous submission, all relevant factors considered. The evaluation will consider the following:

1. Experience and reputation in the field;
2. Knowledge of the subject matter to be addressed under the Agreement;
3. Availability to accommodate any required meetings of the *City of Hackensack* or City Agency; and
4. Any other factors demonstrated to be in the best interest of the *City of Hackensack* or City Agency.

**APPENDIX A
LETTER OF QUALIFICATION**

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

Date: _____20____

City Clerk

Deborah Karlsson, RMC
City Clerk's Office
65 Central Avenue, 3rd Floor
Hackensack, New Jersey 07601

Re: LETTER OF QUALIFICATION

Dear Ms. Karlsson:

The undersigned has/have reviewed my/our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the *City of Hackensack* ("the City"), dated _____, in connection with the *City of Hackensack's* need for Professional Services or Extraordinary Unspecifiable Services.

I/We affirm that the contents of the enclosed Qualification Statement (which Qualification Statement is incorporated herein by reference) is 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 _____ (Respondent). *

Signed: _____

Printed: _____

Title: _____

- ❖ If a Joint Venture, Partnership or other Formal Organization other than a natural person is submitting a Qualification Statement, this Letter of Qualification must be signed by an individual with the Legal Authority to bind the Organization.

**APPENDIX B
LETTER OF INTENT**

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

Date: _____ 20__

City Clerk

Deborah Karlsson, RMC
City Clerk's Office
65 Central Avenue, 3rd Floor
Hackensack, New Jersey 07601

Re: LETTER OF INTENT

Dear Ms. Karlsson:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the *City of Hackensack* ("the City"), dated _____, in connection with the *City of Hackensack's* need for Professional Services or Extraordinary Unspecifiable Services.

_____ ("Respondent") * HEREBY STATES:

1. The Qualification Statement contains accurate, factual, and complete information.
2. Respondent agrees to participate in good faith in the Procurement process as described in the RFQ and to adhere to the *City of Hackensack's* Procurement schedule.
3. Respondent acknowledges that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any other Documents prepared and submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. Respondent hereby declares that the only persons anticipated by Respondent to perform the Professional Services or Extraordinary Unspecifiable Services for which this Qualification Statement is submitted are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any Agreement to be entered into with respect thereto. Additional persons may subsequently perform Professional Services or Extraordinary Services for which this Qualification Statement is submitted, but only if acceptable to the *City of Hackensack*. Respondent declares that this Qualification Statement is made without connection with any other person, Firm or Parties who has

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submitted a 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.

- 5. Respondent acknowledges and agrees that the *City of Hackensack* may modify, amend, suspend and/or terminate the Procurement process (in its Sole Judgment). In any case, the *City of Hackensack* 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.

- 6. Respondent acknowledges that any Agreement executed with respect to the Provision of Professional Services or Extraordinary Unspecifiable 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.

Signed: _____

Printed: _____

Title: _____

Date: _____ 20____

❖ If a Joint Venture, Partnership or other Formal Organization other than a natural person is submitting a Qualification Statement, this Letter of Qualification must be signed by an individual with the Legal Authority to bind the Organization.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

ss:

COUNTY OF _____

I _____ of the City of _____

in the County of _____ and the State of _____

of full age, being duly sworn according to law on my oath depose and say that:

I am _____

Of the Firm of _____

the Respondent making the Proposal for the above-named Project, and that I executed the said Proposal with full authority so to do; that said Respondent has not, directly or indirectly, entered into any Agreement, participated in any collusion, or otherwise taken any action in restraint of free, Competitive Bidding in connection with the above named Project; and that all statements contained in said Proposal and in this Affidavit are true and correct, and made with full knowledge that the *City of Hackensack* relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the Agreement for the said Project.

I further warrant that no person or selling Agency has been employed or retained to solicit or secure such Agreement upon an Agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

(Name of Respondent) (N.J.S.A. 52:34-15)

(Also type or print name of affiant under signature)

Subscribed and sworn to before me this
Day of 20_____.

Notary Public of
My commission expires:

DATA FORM

(Print or Type)

Name and Address of Administrator or Servicing Organization

In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach Addendum or separate sheet if space hereon is insufficient to answer any question fully.)

IF ANSWER IS "NONE" or "NO EXCEPTION", SO STATE.

1. Affiant's Full Name: _____

2. Other Names Used at any Time: _____

3. For the last ten (10) years, I have lived at the following address or addresses:

ADDRESS	CITY	DATES

4. Schooling:

College: _____

Graduate: _____

or Professional: _____

Degree (List): _____

5. Member of Professional Societies or Associations (List):

6. I presently hold or have held, in the past, the following Professional, Occupational, and Vocational licenses issued by Public or Governmental Licensing Agencies or Authorities (State Date License issued, Issuer of License, Date Terminated, Reason for Termination):

ATTACH LIST OF ALL EDUCATIONAL INSTITUTIONS AND LOCATION-CITY AND STATE

7. Present Chief Occupation:

Position or Title: _____

Employer's Name: _____

Address: _____

How long in this position? _____

How long with this employer? _____ Where? _____

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8. Other jobs, positions, directorates or officerships concurrently held at present.

9. Complete Employment Record for Past Twenty (20) Years:

DATES	EMPLOYER	ADDRESS	TITLE

10. I control directly or indirectly or own legally or beneficially 10% or more of the outstanding capital stock (in voting power) of the following companies:

10a. If any of the above stock is pledged or hypothecated in any way, please detail fully:

11. I have never been adjudicated as bankrupt, except as follows:

12. I have never been convicted or had a sentence imposed or suspended, or had pronouncement of a sentence suspended, or been pardoned for conviction of, or pleaded guilty of an nolo contendere to an information an indictment charging a felony for embezzlement, theft or larceny, mail fraud, or violating any corporate securities Statute or any Insurance Law, nor have I been the subject of a cease and desist order or consent order _____ of any Federal or State Regulatory Agency, except as follows: _____

13. During the last ten (10) years, I have neither been refused a Professional, Occupational Vocational License by any Public or Governmental Licensing Agency or Regulatory Authority, nor has such a license held by me ever been suspended or revoked, except as follows:

14. I have never been an Officer, Director, key employee or controlling Stockholder of a company which, while I occupied any such position or capacity with respect to it, became insolvent or was enjoined from or ordered to cease and desist from violating any Law, except as follows:

15. Neither I nor any company of which I was an Officer, Director or Key Management person at the time has ever been subject to any civil action alleging fraud, negligence, or violation of any applicable racketeering statutes (State or Federal), except as follows:

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16. I am not and none of the Employees, Officers or Directors of: (Name of Company) is an Employee, Officer or Director of any other Administrator, Program Manager, Servicing Organization or Insurance Producer of the Fund, nor do I or any of the Employees, Officers, or Directors of (Name of Company) have a Direct or Indirect Financial Interest in any other Administrator, Program Manager, Servicing Organization or Insurance Producer of the Fund, except as follows:

16a. Any Direct or Indirect Financial Interest or any position held as Employee, Officer or Director in any other Administrator, Program Manager, Servicing Organization, or Insurance Producer of the Fund, as described above, has been disclosed to the Fund commissioners or Executive Committee, as applicable.

YES

NO

Dated and Signed this ____ day of _____ at _____.

I hereby certify under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief and further, by the affixation of my signature hereon, I hereby give my certified consent to verify the representations and information supplied in response to all questions on the biographical data form, with any Federal, State, Municipal, or other Agency which may have knowledge and/or information thereon.

(Signature of Affiant)

State of _____

County of _____

Personally, appeared before me the above named _____ personally known to me, who, being duly sworn, deposes and says that affiant executed the above instrument and that the statements and answers contained therein are true and correct to the best of affiant's knowledge and belief.

Subscribed and sworn to before me this ____ day of _____.

Notary Public

My Commission Expires _____

(SEAL)

DATA FORM SUMMARY

(Print or Type)

YEAR _____

Firm Name: _____

Address:

Phone Number: _____

Fax. Number: _____

1) List all Parties having or deriving any interest, right or benefit in the Firm.

NAME	ADDRESS	INTEREST

2.) List all Senior Officers and Directors who will be servicing the Fund, along with a description of professional qualifications.

NAME	TITLE	OOCUPATION

I hereby certify that the information on this disclosure is accurate and complete, and that I am an Officer of the Firm and am duly authorized to supply this information on behalf of the Firm.

Signature: _____

Print Name: _____

Title: _____

Date: _____

BUSINESS REGISTRATION CERTIFICATE

A copy of New Jersey Business Registration Certificate must be included with submitted RFQ Proposal. Proof of registration shall be a copy of the Respondent's Business Registration Certificate (BRC). A BRC is obtained from the New Jersey Division of Revenue. Information on obtaining a BRC is available on the internet at www.nj.gov/njbgs or by phone at (609) 292-1730. N.J.S.A. 52:32-44 imposes the following requirements on Respondents and all Subcontractors that knowingly provide goods or perform services for a Respondent fulfilling this Agreement:

- 1) The Respondent shall provide written notice to its Subcontractors and Suppliers to submit proof of Business Registration to the Respondent;
- 2) Prior to receipt of final payment from a Contracting Agency, a Respondent must submit to the Contracting Agency an accurate list of all Subcontractors or attest that none was used;
- 3) During the term of this Agreement, the Respondent and its affiliates shall collect and remit, and shall notify all Subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the Successful Respondent's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.

The Successful Respondent shall submit to the Public Agency, after notification of award but prior to execution of this Agreement, one of the following three (3) Documents as forms of evidence:

(a) A photocopy of a valid letter that the Respondent is operating under an existing Federally approved or sanctioned Affirmative Action program (good for one (1) year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the Public Agency to be completed by the Respondent in accordance with N.J.A.C. 17:27-4.

The Successful Respondent may obtain the Affirmative Action Employee Information Report (AA302) from the Contracting Unit during normal business hours.

The Successful Respondent (s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the Public Agency, and the Respondent copy is retained by the Respondent.

The undersigned Respondent certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned Respondent further understands that his/her RFQ shall be rejected as Non-Responsive if said Respondent fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____ SIGNATURE: _____

PRINT NAME: _____ TITLE: _____

DATE: _____

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27 et seq.

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this Contract, the Contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and

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court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- ❖ Letter of Federal Affirmative Action Plan Approval
- ❖ Certificate of Employee Information Report
- ❖ Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

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**STATE OF NEW JERSEY-- DIVISION OF PURCHASE AND PROPERTY
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Quote Number: _____ Bidder/ Offeror: _____

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

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://wWN.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 2012, 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. Failure to provide such will result in the proposal being rendered as nonresponsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

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 outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name _____	Contact Phone Number _____
<input type="button" value="ADD AN ADDITIONAL ACTIVITIES ENTRY"/>	

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: _____

CITY OF HACKENSACK

ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA

The Undersigned Respondent hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (Initial)
_____	_____	_____
_____	_____	_____
_____	_____	_____

No Addenda were received:

Acknowledgement for:

(Name of Respondent)

By: _____
(Signature of Authorized Representative)

Name: _____
(Print or Type)

Title: _____

Date: _____