

**REQUEST FOR PROPOSAL**

**FOR**

**MUNICIPAL PUBLIC DEFENDER  
BOROUGH OF HIGHLANDS**

**SUBMISSION DEADLINE  
AT WHICH TIME PROPOSALS WILL BE OPENED IS**

**FRIDAY, MAY 1, 2015  
10:00 A.M.**

**ADDRESS ALL PROPOSALS TO:**

**CAROLYN M. CUMMINS, BOROUGH CLERK  
BOROUGH of HIGHLANDS  
42 SHORE DRIVE  
HIGHLANDS, NJ 07732**

## **GENERAL INFORMATION & SUMMARY**

### **CONTACT PERSON**

Please direct all questions in writing to:

Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
Attention: Carolyn Cummins, Borough Clerk

Phone: (732) 872-1224 Ext. 201  
Fax: (732) 872-0670  
E-Mail: [ccummins@highlandsborough.org](mailto:ccummins@highlandsborough.org)

### **PURPOSE OF REQUEST**

The Borough of Highlands desires to appoint an attorney-at-law who will be the principal public defender for those who qualify for public defender services in the defense of matters in the municipal courts of the State of New Jersey. The successful candidate must have at least five (5) years experience as a municipal public defender. Any experience or knowledge of matters that directly affect the Borough of Highlands or its municipal court should be addressed.

### **PERIOD OF CONTRACT**

From date of appointment until December 31, 2015

### **CONTRACT FORM**

The successful proposer shall be required to execute the Borough's form contract, which includes the indemnification, insurance, termination and licensing provisions set forth in this RFP. It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the Borough arising out of, or by reason of, the work done and materials furnished under this Contract.

**DETAILED REQUIREMENTS OF THE**  
**REQUEST FOR PROPOSAL FOR MUNICIPAL PUBLIC DEFENDER SERVICES**  
**SCOPE OF SERVICES:**

Any persons or firms interested in providing professional services to the Borough of Highlands ("Borough") as defined in the New Jersey Statutes, N.J.S.A. 40A:11-2(6).

1. **Appointment of Public Defender.** The Municipal Public Defender shall be appointed by the Council by a majority vote of a quorum of its members and shall serve from the date of appointment until December 31, 2015 and until a successor has been appointed and qualified. The Public Defender shall be an attorney-at-law of New Jersey with at least five (5) years experience as a municipal public defender in the State of New Jersey. The Public Defender shall be appointed in a manner consistent with the Local Public Contracts Law and shall execute a written contract with the Borough, and the Municipal Public Defender shall receive such compensation as shall be agreed upon by the Borough Council.
2. **Duties.** The Municipal Public Defender shall defend the criminal, disorderly person's offenses, motor vehicle offenses and any other matters in which the Municipal Court of the Borough of Highlands has jurisdiction pursuant to law and Rules of Court for qualified and eligible individuals. The Public Defender shall receive such compensation for services as shall be fixed by the general Salary Ordinance or agreement with the Borough. The Public Defender shall be an independent contractor and shall not be considered an employee of the Borough.

**APPLICANT'S/PROPOSER'S RESPONSIBILITY IN RESPONDING TO BOROUGH'S**  
**REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES**

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administration offices of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have significant experience in the defense of persons before municipal courts of the State of New Jersey.
3. Must have at least five (5) years experience as a municipal public defender in the municipal courts of the State of New Jersey.
4. Proposed cost of the service(s) or activities, including the hourly rate of individuals who will perform the services or activities. The proposed cost should include:
  - a. Meetings.
  - b. Site visits and expenses.
  - c. Expenses for travel, postage and telephone excluded from the hourly rate.
  - d. Additional services defined beyond the scope of regular services.

5. Insurance. The applicant/proposer, as a member of a profession which is subject to suit for professional malpractice, shall provide documentation that insurance for professional liability/malpractice coverage with limits as to liability acceptable to the Borough.
6. Law Against Discrimination and Affirmative Action. The applicant/proposer as a "professional" shall file a statement as to compliance with N.J.S.A. 10:5-1 et. seq. (Laws Against Discrimination) and P.L. 1975, c, 127 (Affirmative Action).
7. Non-Collusion Affidavit.
8. The applicant/proposer shall submit eight (8) copies of their proposal for review and consideration by the Borough Administrator and Mayor and Borough Council.
9. Two (2) references.
10. Mandatory "Pay-to-Play" disclosures shall be required in accordance with law at least ten (10) days prior to the award of the contract.

**BASIS for AWARD CONTRACT/AGREEMENT for PROFESSIONAL SERVICES**

The Borough shall award all professional service contracts or agreements based on qualification, merit and cost competitiveness. Selection criteria will include:

1. Qualifications of the individual or firms who will perform the service or activity.
2. Experience and references.
3. Ability to perform the service or activity in a timely fashion, including staffing and the staff's familiarity of the service or activity.
4. Cost Competitiveness.
5. The Borough reserves the right to conduct an interview or interviews with the prospective Professional to discuss the scope of the professional services as outlined in the applicant's/proposer' s proposal.
6. All awards or waivers will be by resolution acted on by the Borough at a Borough Council meeting.
7. All awards are subject to availability of funds.
8. The Borough reserves the right to reject all applicants and re-issue an RFP.

9. The Borough may waive minor and immaterial defects in the response to this RFP.

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## **EXHIBIT A**

10.

### **MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

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

**N.J.A.C. 17:27**

### **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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity 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 afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted Borough employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted Borough 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 court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted 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:

1. Letter of Federal Affirmative Action Plan Approval
2. Certificate of Employee Information Report
3. Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance 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 Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at 17:27.

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY  
BOROUGH OF HIGHLANDS            ss:

I am \_\_\_\_\_

Of the Firm of \_\_\_\_\_

UPON MY OATH, I DEPOSE AND SAY:

1. That I executed the said proposal with full authority so to do;
2. That this proposer has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with this engagement;
3. That all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the borough of Highlands relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said engagement; and
4. That no person or selling agency has been employed to solicit or secure this engagement agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial of selling agencies of the proposer. (n.j.s.a.52: 34-25)

(Type or print name of Affiant under signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Notary public of: \_\_\_\_\_

My Commission expires: \_\_\_\_\_ 20\_\_\_\_.



**STOCKHOLDER DISCLOSURE CERTIFICATION**  
**N.J.S.A. 52:25-24.2 (P.L. 1977 c.33)**  
**FAILURE OF THE BIDDER/RESPONDENT TO SUBMIT THE REQUIRED**  
**INFORMATION IS CAUSE FOR AUTOMATIC REJECTION**

**CHECK ONE:**

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stocks of the undersigned.

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

**Check which business entity applies:**

- Partnership                       Corporation                       Sole Proprietorship
- Limited Partnership Corporation     Limited Liability Partnership     Limited Liability
- Subchapter S Corporation             Other: \_\_\_\_\_

**Complete if the bidder/respoldot is one of the 3 types of Corporations:**

Date Incorporated: \_\_\_\_\_ Where incorporated: \_\_\_\_\_

**Business Address:**

Street Address                                      City                                      State                                      Zip

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Telephone #                                      Fax #                                      Email

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Listed below are the names and addresses of all stockholders, partners or individuals who own 10% or more of its stock of any classes, or who own 10% or greater interest therein.

Name: \_\_\_\_\_ Home Address: \_\_\_\_\_

Name: \_\_\_\_\_ Home Address: \_\_\_\_\_

Name: \_\_\_\_\_ Home Address: \_\_\_\_\_

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY:  Yes     No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Sworn and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.