

**THE BOROUGH OF BEACHWOOD**

**PUBLIC NOTICE FOR THE SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS FOR THE PERIOD OF JANUARY 1, 2025 THROUGH DECEMBER 31, 2025**

**NOTICE IS HEREBY GIVEN** that sealed submissions will be received by the Municipal Clerk of the Borough of Beachwood by **Friday, October 25, 2024 at 10:00 a.m.** at the Municipal Complex located at 1600 Pinewald Road, Beachwood New Jersey 08722 for the following Professional Services:

Municipal Attorney  
Municipal Tax Foreclosure Attorney  
Municipal Affordable Housing Attorney  
Municipal Auditor  
Municipal Bond Counsel  
Municipal Engineer  
Municipal Financial Advisor  
Grant Writer  
Municipal Planner  
Municipal Labor Counsel  
Municipal Prosecutor  
Conflict Prosecutor  
Municipal Public Defender  
Conflict Public Defender  
Conflict Judge  
**\*Land Use Board Attorney**  
**\*Land Use Board Engineer**  
**\*Land Use Board Planner**

Standardized submission requirements and section criteria are on file and available in the Office of the Municipal Clerk and located on the Borough Website [www.beachwoodusa.com](http://www.beachwoodusa.com) under Legal Notices.

Submission information is detailed in this notice. **All submission packets must contain hourly rates and be clearly marked for the Professional Service under consideration.**

**Municipal Services Package** *Proposals are to be in duplicate. Please also include a proposed contract with your proposal. Proposals shall be submitted as one (1) original and 1 flash drive; and*

**Land Use Services Package** *will be one (1) original and 1 flash drive. Please also include a proposed contract with your proposal.*

All Professional Service contractors are required to comply with the requirements of 52:32-44 (Business Registration of Public Contractors), N.J.S.A. 10:5-1, et seq. and N.J.A.C. 17:27 et seq. (Contract Compliance and Equal Employment Opportunities in Public Contracts).

Submissions by corporations and partnerships shall include a completed disclosure of ownership form (N.J.S.A. 52:25-24.2) and a non-collusion affidavit.

The Borough Council reserves the right to reject any and all submissions due to any defects or waive informalities and accept any submissions that in their judgment will be in the best interest of the Borough. The Borough Council shall award the contract or reject any and all submissions no at their annual re-organization which will be held on January 2, 2025 at 6:30pm. All Professional Proposals not awarded will be kept on file and considered for any special project to be addressed in the 2025 Calendar Year.

Susan A. Minock, RMC - Municipal Clerk

**SPECIFICATIONS FOR PROFESSIONALS  
BOROUGH OF BEACHWOOD**

**CONTRACT APPOINTMENTS SHALL BE FROM JANUARY 1, 2025 THROUGH DECEMBER 31, 2025**

**Municipal Attorney**

Borough Attorney agrees to perform professional legal services for an annual salary which would include the following required services:

1. Preparation of all resolutions as requested by any elected official or his or her designee.
2. Preparation of Borough ordinances (not exceeding ten (10) pages in length and including research and preparation of such ordinances,
3. Attendance and participation at meetings and conferences, not exceeding a total of eight (8) hours per month with any member or members of the governing body of the Borough or the designee at the attorney's office or within the Borough of Beachwood or at an office within the State of New Jersey, or any federal, state, county or local authority or agency.
4. Telephone conferences, routine correspondence, legal research (including preparation of opinion letter, if requested). review of correspondence, reports, documents, etc" pertaining to Borough business and prepared by persons other than an attorney,
- 5, Preparation of specifications and contracts not exceeding ten pages in length (and legal research pertaining to the preparation of said documents).
- 6, Receipt and review of processing of bankruptcy proofs of claims and various bankruptcy court orders and notices.
7. The following services shall be considered non-contract services and attorneys shall be compensated at an hourly rated to be quoted by the attorney for the year under consideration. Any bill or voucher submitted shall have an attached itemization of services rendered and the hours or fractions of hours thereof of the time spent by the attorney in rendering such non-contract services. These non-contract services shall include (1) attendance and participation at conferences or meetings in excess of eight hours per month; conferences or meetings held in the evening shall require a three hour minimum payment but day conferences or meeting shall require no minimums other than the actual time spent by the attorney; (2) litigation involving the Borough or any of its offices or employees in any Court or administrative agency of the State of new Jersey, including preparation of pleadings, interrogatories, discovery proceedings, motions, trials, pre trials and settlement conferences, interviews of parties or witnesses, legal research, preparation of briefs or memorandum of law and all other matters necessary or incidental to such proceedings. These services shall be compensated at the hourly rate submitted by the professional.
8. Another extraordinary project involving bonding, interim financing and all ordinances, resolutions, correspondence, research and other services necessary and incidental thereto and shall be billed at the rate of \$\_\_\_\_\_ per hour, exclusive of fees charged by bond counsel.
9. Preparation of ordinances and specifications for contracts exceeding ten pages in length (said pages considered to be 8 1/2 x 13 inches double spaced) - \$\_\_\_\_\_ per hour.
10. Attendance at and participation in labor negotiations, mediation sessions, arbitration hearings and research and conferences related thereto- \$\_\_\_\_\_ per hour.

**Tax Foreclosure Attorney**

Borough of Beachwood desires to appoint an attorney whose responsibilities will be to represent the Borough on all matters related to the prosecution of tax foreclosures on behalf of the Borough for the calendar year 2024.

Representation shall include all actions necessary to file an action in the Superior Court of New Jersey to foreclose tax liens held by the Borough, and seeing same through to conclusion, including representing the Borough in any related

bankruptcy actions, contested foreclosure. Proposers should demonstrate superior knowledge of New Jersey Tax Sale Law. Any experience or knowledge of matters that directly affect Borough of Beachwood should be addressed. Proposers may be an individual or a firm.

#### **Affordable Housing Attorney**

The Affordable Housing Attorney shall be an attorney at law of New Jersey. The Affordable Housing Attorney is retained for appearances, negotiations, drafting of pleadings, attendance at strategy meetings, and all other Affordable Housing matters as directed by the Borough.

#### **Borough Auditor**

The Borough Auditor shall make the annual audit of the Borough financial records for the year ending December 31<sup>st</sup>, and serve as Borough Auditor for the calendar year under submission, and perform the duties prescribed by law all in accordance with generally accepted auditing standards and the laws and regulations of the State of New Jersey regarding same. The Borough Auditor shall perform such duties and render such services as may from time to time be requested by the Borough Council, the Chief Financial Officer or the Borough Administrator.

#### **Bond Counsel**

The Bond Counsel shall be an attorney at law of New Jersey. Bond Counsel performs and provides legal advice with regard to the following activities; the preparation of Bond Ordinances and the review of the adoption proceedings; the preparation and review of public finance resolutions, the preparation and issuance of Bond Anticipation, Special Emergency, and Tax Anticipation Notes; and the preparation and issuance of General Obligation Bonds. In addition Bond Counsel is responsible for the preparation and/or review of any Preliminary Official Statement and Official Statement of the Borough. Bond Counsel is also responsible for the preparation and/or review of any application to the Local Finance Board, and attendance at any related meetings of the Board.

#### **Borough Planner**

The Borough Planner shall be a New Jersey licensed professional planner. The Planner shall prepare all reports as requested by the Borough Council.

#### **Borough Engineer**

The Borough Engineer shall be a New Jersey licensed Professional Engineer. The Borough Engineer shall attend meetings of the Borough and provide general engineering advice as requested from time to time. The Borough Engineer shall further oversee and be responsible for capital projects as approved from time to time by the Borough Council.

#### **Municipal Labor Counsel**

The Municipal Labor Counsel shall be an attorney at law of New Jersey and shall provide all necessary and desirable legal counsel and advice requested for labor cases before the Municipal Court of the Borough, such as, litigation involving the Borough or any of its offices or employees in any Court or administrative agency of the State of New Jersey, including preparation of pleadings, interrogatories, discovery proceedings, motions, trials, pre trials and settlement conferences, interviews of parties or witnesses, legal research, preparation of briefs or memorandum of law and all other matters necessary or incidental to such proceedings. These services shall be compensated at the hourly rate submitted by the professional.

#### **Municipal Prosecutor**

The Municipal Prosecutor shall be an attorney at law of New Jersey and shall provide all necessary and desirable legal counsel and advice requested for the prosecution of cases before the Municipal Court of the Borough, and shall conduct the prosecution of such cases except such crimes and offenses as it may be the duty county or state officer to prosecute.

#### **Conflict Municipal Prosecutor**

The Conflict Municipal Prosecutor shall be an attorney at law of New Jersey. The position of Conflict Municipal Prosecutor is created in the event the Municipal Prosecutor is unable to appear even for part of one court session. The duties for the Conflict Municipal Prosecutor shall be the same as those set forth for the Municipal Prosecutor.

#### **Public Defender**

The Public Defender shall be an attorney at law of New Jersey and shall interview all indigent defendants qualifying for assistance as provided under the standards established by the office of the Public Advocate of the State of New Jersey,

and shall defend same in the Municipal Court of the Borough and provide such legal advice and counsel to such individuals as may be required in any proceedings before the Municipal Court of the Borough,

**Conflict Municipal Public Defender**

The Conflict Municipal Prosecutor shall be an attorney at law of New Jersey. The position of Conflict Municipal Public Defender is created in the event the Municipal Public Defender is unable to appear even for part of one court session. The duties for the Conflict Municipal Public Defender shall be the same as those set forth for the Municipal Public Defender.

**Conflict Municipal Judge**

The Conflict Municipal Judge shall be a judge of New Jersey. The position of Conflict Municipal Judge is created in the event the Municipal Judge is unable to appear even for part of one court session. The duties for the Conflict Municipal Judge shall be the same as those set forth for the Municipal Judge.

**Land Use Board Attorney**

The Land Use Board Attorney shall be an attorney at law of New Jersey. The Planning Board Attorney shall attend all regular and special Planning Board meetings, which shall include routine phone calls with staff. The Land Use Board Attorney shall prepare and defend all litigation affecting the Land Use Board, or any member of it, which is the result of decisions made on applications or in the normal performance of their official duties pursuant to the Municipal Land Use Law. The Land Use Board Attorney shall provide legal advice, research and assistance on any other special matters which the Land Use Board may require to be addressed by the attorney. The Land Use Board Attorney shall draft all legal documents as may be required including preparation of documents, Developers Agreements, and review of deeds, covenants, easements, etc. The Land Use Board Attorney shall represent or advise the Land Use Board on any matter in which the Land Use Board may have a present or future interest.

**Land Use Board Planner**

The Planner shall be a New Jersey licensed professional planner. The Planner shall prepare all reports as requested by the Land Use Board.

**Land Use Board Engineer**

The Engineer shall be a New Jersey licensed professional engineer. The Planning Board Engineer shall perform such duties as specified in New Jersey State Law and the Municipal Codes and Regulations and shall include, but not be limited to, attend all regular and special Planning Board meetings, which shall include routine phone calls with staff, review and report on all development and site plan applications and perform any additional non-escrow work such as ordinance review as requested by the Planning Board.

**Municipal Financial Advisor**

The Municipal Financial Advisor shall be duly registered with the Securities and Exchange Commission (the "SEC") and the Municipal Securities Rulemaking Board (the "MSRB"), providing professional municipal advisory services and act as the Borough's Independent Registered Municipal Advisor ("IRMA") offering such municipal advisory services

Borough of Beachwood

Borough Attorney

Request for Professional Services

Requirements

The attorney/law firm must have the following:

At least 10 years experience as a lawyer

Experience in labor and contract negotiations

Litigation and appeal experience

Real estate and land use law experience

Contract law experience

Legal defense experience

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour for attorney, paralegals and support staff

Cost per meeting attendance.

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood

Tax Foreclosure Attorney

Mandatory Requirements:

The Tax Foreclosure Attorney/firm must have the following:

1. Must be licensed 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 five (5) years preceding appointment.
2. Must have a minimum of five (5) years' experience representing municipal entities in connection with Tax Sale foreclosure.
3. Must maintain a bona fide office in the State of New Jersey. Please list office address.
4. Must have sufficient support staff to provide all services requested by the Borough including, but not limited to, preparation of all documents and resolutions necessary and incidental hereto.
5. Must list past and present public entities represented in tax foreclosure matters or related issues.
6. Schedule of flat fee and/or hourly rates for attorney(s) and support staff.
7. Must identify the lead attorney(s) and support staff who will be primarily responsible for handling Borough matters.
8. A working knowledge of New Jersey Local Public Contract Law.
9. Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance.
10. Tax title liens shall be foreclosed at a rate of \$\_\_\_\_\_. In case of redemption of a tax lien, the fee shall be \$\_\_\_\_\_ if the lien is redeemed prior to the filing of the complaint; \$\_\_\_\_\_ per lien if redeemed as of the filing of the complaint and \$\_\_\_\_\_ if redeemed after publication of the formal written notice of the complaint. The Borough shall pay for title searches and out of pocket expenses in connection therewith. If the foreclosure actually becomes contested, then the rate shall be \$\_\_\_\_\_ per hour.

**Clearly label package as to position under submission:**

Package to include:

Brief narrative of abilities

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood  
Affordable Housing Attorney  
Request for Professional Services  
Requirements

The attorney/law firm must have the following:

- At least 10 years experience as a lawyer
- At least 5 years experience as an Affordable Housing Attorney
- Litigation and appeal experience
- Affordable Housing law experience
- Contract law experience
- Legal defense experience
- Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

- Resume of attorney and staff attorneys that would be providing legal services.
- Brief narrative of abilities
- 3 references
- Cost per hour for attorney, paralegals and support staff
- Cost per meeting attendance.
- Itemized list of all other fees and charges
- Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
- Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury
- Certification as to the truth of the above two statements

Borough of Beachwood

Auditor

Request for Professional Services

Requirements

The auditor/firm must have the following:

At least 5 years experience in public sector accounting

A working knowledge of utility budgets, bond financing

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Peer Review

Description of software used during audit process.

Brief narrative of abilities

3 references

Cost per audit

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements



Borough of Beachwood

Grant Writer

Request for Professional Services

Requirements

The Grant Writer/firm must have the following:

At least 5 years experience in public sector of grant writing

A working knowledge of New Jersey Local Public Contract Law

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Brief narrative of abilities

3 references

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood

Municipal Prosecutor

Request for Professional Services

Requirements

The attorney must have the following:

At least 5 years experience as a lawyer

At least 2 years experience as prosecutor

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour or session for attorney

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood

Public Defender

Request for Professional Services

Requirements

The attorney must have the following:

At least 5 years experience as a lawyer

At least 2 years experience as public defender

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour or session for attorney

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood

Bond Counsel

Request for Professional Services

Requirements

The attorney must have the following:

At least 10 years experience as a lawyer

At least 5 years experience as bond counsel

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood

Borough Engineer

Request for Professional Services

Requirements

The engineer/engineering firm must meet the following requirements:

At least ten (10) years experience in municipal engineering.  
Licensed as a Professional Engineer and Professional Planner.  
Certified Municipal Engineer.  
Experience in public bidding and contract administration.  
Experience in Land Use Planning and Law.  
Knowledge of Municipal Grant Programs.  
Knowledge of local, county state and federal regulations.  
Experience with Ocean County, NJDOT and NJDEP  
Experienced Planning Staff, Master Plan preparation experience, experience with Counsel on Affordable Housing.  
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Proposal package to include:

Previous experience in municipality.  
Additional services available.  
Location of office serving municipality.  
Resume of Engineers providing services.  
Brief narrative of abilities  
3 references  
Cost per hour for Engineer and staff  
Cost per meeting attendance.  
Itemized list of all other fees and charges  
Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years  
Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury  
Certification as to the truth of the above two statements

Borough of Beachwood

Borough Planner

Request for Professional Services

Requirements

The planner/planning firm must meet the following requirements:

The Borough requires planning services for the representation of the Borough. The minimum threshold criteria that will be utilized for the evaluation of the responses shall be as follows:

Planning firm with at least five (5) years' experience in Municipal Land Use, with at least three of those years being from a similarly sized municipality. Experience must include attending and participating at Planning and/or Zoning Board meetings to advise the Boards on conformance with all applicable regulations.

**Clearly label package as to position under submission:**

Proposal package to include:

NJ MLUL

Master Plan Updates.

Drafting or amending land use ordinances for PB consideration

Familiar with Council on Affordable Housing (COAH) programs and Regional Contribution Agreements

Plan Review

Zoning conformance, positive and negative criteria for a variance and calculation of appropriate development fees.

Licensed as a professional planner by the State of New Jersey for a minimum of five (5) years;

Experience in preparation of planning of municipal master plan and enacting ordinances;

Experience in representing municipalities before the Council on Affordable Housing and preparing housing element and fair share plan;

Representation of governmental entities in the field of planning for a minimum of five (5) years; and

Knowledge of the Borough and its operations.

Borough of Beachwood

Land Use Attorney

Request for Professional Services

Requirements

The attorney/law firm must have the following:

At least 10 years experience as a lawyer

Experience in labor and contract negotiations

Litigation and appeal experience

Real estate and land use law experience

Contract law experience

Legal defense experience

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Resume of attorney and staff attorneys that would be providing legal services.

Brief narrative of abilities

3 references

Cost per hour for attorney, paralegals and support staff

Cost per meeting attendance.

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

**\*Land Use Services Package will be one (1) original and 1 flash drive. Please also include a proposed contract with your proposal.**

Borough of Beachwood

Land Use Engineer

Request for Professional Services

Requirements

The engineer/engineering firm must meet the following requirements:

- At least ten (10) years experience in municipal engineering.
- Licensed as a Professional Engineer and Professional Planner.
- Certified Municipal Engineer.
- Experience in public bidding and contract administration.
- Experience in Land Use Planning and Law.
- Knowledge of Municipal Grant Programs.
- Knowledge of local, county state and federal regulations.
- Experience with Ocean County, NJDOT and NJDEP
- Experienced Planning Staff, Master Plan preparation experience.
- Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Proposal package to include:

- Previous experience in municipality.
- Additional services available.
- Location of office serving municipality.
- Resume of Engineers providing services.
- Brief narrative of abilities
- 3 references
- Cost per hour for Engineer and staff
- Cost per meeting attendance.
- Itemized list of all other fees and charges
- Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years
- Statement as to whether any of the principals of the firm of the firm itself has received a target letter from a grand jury
- Certification as to the truth of the above two statements

**Land Use Services Package will be one (1) original and 1 flash drive. Please also include a proposed contract with your proposal.**



Borough of Beachwood

Request for Professional Services

**Labor Counsel, Conflict Judge, Conflict Prosecutor, Conflict Public Defender, Land Use Planner**

Requirements

The candidate must have the following:

Satisfy all requirements of the position

Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

Clearly label package as to position under submission:

Package to include:

Resume of candidate and all those providing services.

Brief narrative of abilities

3 references

Billing rate for services

Itemized list of all other fees and charges

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

Borough of Beachwood  
Municipal Financial Advisor  
Request for Professional Services  
Requirements

The municipal advisor/firm must have the following:

At least 5 years experience in public sector concerning federal securities laws as an "IRMA" or municipal advisor  
A working knowledge of the Securities and Exchange Commission (the "SEC") and the Municipal Securities Rulemaking Board (the "MSRB")  
Satisfy all other requirements as set forth by New Jersey state law and Borough of Beachwood Municipal Ordinance

**Clearly label package as to position under submission:**

Package to include:

Brief narrative of abilities

3 references

Itemized list of all other fees and charges

Certificates of Current MSRB Registration and SEC Registration

Statement as to whether any of the principals of the firm or the firm itself has been convicted of a crime within the last 5 years

Statement as to whether any of the principals of the firm or the firm itself has received a target letter from a grand jury

Certification as to the truth of the above two statements

## BOROUGH OF BEACHWOOD

### Schedule "A"

#### ***FAIR & OPEN PUBLIC SOLICITATION PROCESS FOR PROFESSIONAL SERVICES***

(Pursuant to **N.J.S.A. 19:44A-20.5 et. seq.** and in conformance with the **Municipal Ordinance #2005-26** which was approved by the Governing Body of the Borough of Beachwood December 21<sup>st</sup>, 2005, and attached herein)

The **standardized submission requirements** shall include:

- (i) Names and roles of individual(s) who will be assigned to perform the tasks and a description of their professional experience with Borough of Beachwood and/or experience with other municipalities and project similar to the matter being advertised.
- (ii) Professional licenses and/or certifications held by the individual(s) to be assigned to the work required.
- (iii) Educational background and experience of the individual(s) to be assigned to the work required.
- (iv) List of Professional References and Records of Success, including addresses and telephone contact number.
- (v) Description of the support staff available to the individual(s) to be assigned.
- (vi) Cost details, including the hourly rates of **ALL** individuals who will, or potentially could, perform services, all other 'charges' for extra services not included in the hourly rates, and, where appropriate, total cost of "not to exceed" amount.

The **selection criteria** to be used in awarding contracts shall include, but not be limited to:

- (i) Qualifications of all individuals who will perform the tasks and the amounts of their respective participation.
- (ii) Experience and reputation in the field.
- (iii) Ability to perform the task(s) in a timely fashion, including staffing and familiarity with the subject matter.
- (iv) Availability of the Professional Service entity personnel, facilities and other resources.
- (v) Professional Service entity financial stability and strength.
- (vi) Cost consideration including, but not limited to, standardized submission requirements, historical costs for similar contracts, expertise involved.
- (vii) Responsiveness to the Public Notice and Specifications; Submission demonstrates a clear understanding of the scope of work related objectives.
- (viii) Compliance with the submission documents.

Pursuant to **N.J.S.A. 30A:11-3(b)**, ..."contracts for professional services pursuant to subparagraph (i) of paragraph (a) subsection (1) of section 5 of P.L. 1971, c.198 (**N.J.S.A. 40A:11-5**) may be awarded for a period not exceeding twelve (12) consecutive months".

This solicitation is for the length, effective from date of award by resolution of Borough Council **through to completion**.

The award of this contract is based upon funds being encumbered and contingent upon the availability of funds in the appropriate municipal budget.

**BOROUGH OF BEACHWOOD**

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY :  
: ss.  
COUNTY OF \_\_\_\_\_ :

I, \_\_\_\_\_ of the Municipality 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 \_\_\_\_\_  
Title

of the firm of \_\_\_\_\_  
the bidder making the Proposal for the above named project, and that I executed the said Proposal  
with full authority so to do; that said bidder has not, directly or indirectly, entered into an  
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  
Borough of Beachwood relies upon the truth of the statements contained in said Proposal and in  
the statements contained in this affidavit in awarding the contract for said project.

**Subscribed and sworn to before me**

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public, State of \_\_\_\_\_

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
By (Type or Print Name)

**AMERICANS WITH DISABILITIES ACT**

Equal Opportunity for Individuals with Disabilities

The CONTRACTOR and the BOROUGH OF BEACHWOOD do hereby agree that the provisions of title II of the Americans with Disabilities Act of 1990 (the "Act") (42 U.S.C. 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the BOROUGH OF BEACHWOOD pursuant to this contract, the CONTRACTOR agrees that the performance shall be in strict compliance with the Act. In the event that the CONTRACTOR, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the CONTRACTOR shall defend the BOROUGH OF BEACHWOOD in any action or administrative proceeding commenced pursuant to this Act. The CONTRACTOR shall indemnify, protect and save harmless the BOROUGH OF BEACHWOOD, its agents, servants and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The CONTRACTOR shall, at its own expense, appear, defend and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the BOROUGH OF BEACHWOOD'S grievance procedure, the CONTRACTOR agrees to abide by any decision of the BOROUGH OF BEACHWOOD which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the BOROUGH OF BEACHWOOD or if the BOROUGH OF BEACHWOOD incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the CONTRACTOR shall satisfy and discharge the same at its own expense.

The BOROUGH OF BEACHWOOD shall, as soon as practicable after a claim has been made against it, give written notice thereof to the CONTRACTOR along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the BOROUGH OF BEACHWOOD or any of its agents, servants and employees, the BOROUGH OF BEACHWOOD shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the BOROUGH OF BEACHWOOD or its representatives.

It is expressly agreed and understood that any approval by the BOROUGH OF BEACHWOOD of the services provided by the CONTRACTOR pursuant to this contract will not relieve the CONTRACTOR of the obligation to comply with the Act and to defend, indemnify, protect and save harmless the BOROUGH OF BEACHWOOD pursuant to this paragraph.

It is further agreed and understood that the BOROUGH OF BEACHWOOD assumes no obligation to indemnify or save harmless the CONTRACTOR, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the CONTRACTOR expressly understands and agrees that the provision of this indemnification clause shall in no way limit the CONTRACTOR'S obligations assumed in this Agreement, nor shall they be construed to relieve the CONTRACTOR from any liability, nor preclude the BOROUGH OF BEACHWOOD from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

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Signature Authorized Representative of Bidder

## ***EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT***

*Equal Employment Opportunity regardless of race, creed, color, national origin, nationality, age, sex, affectional or sexual orientation, marital/civil union status, religion or disability, is the law of this State. As embodied in Title VII of the Civil Rights Act of 1964 as amended in 1972, the Civil Rights Act of 1991, Executive Order No. 61,*

N.J.S.A. 11A:7-1 et seq., and the Americans with Disabilities Act of 1990, I, Rolando Torres, Jr., Commissioner of the Department of Personnel, declare that the policy and mandate of the Department of Personnel is to insure equal employment opportunity for all employees and applicants for employment via the EEO and Workforce Development Plan process and the Department's operating regulations. This EEO and Workforce Development Plan will consider future workforce needs and outline EEO activities. This policy and mandate includes but is not limited to recruitment, selection, hiring, training, promotion, transfer, facility accessibility, reasonable accommodation, layoff, return from layoff, compensation and fringe benefits. Equal Employment Opportunity also includes policies, procedures, and programs for recruitment, employment, training, promotion and retention of minorities, persons with disabilities, and women. The Department commits to these same principles relative to its statutory mission to provide human resources services to the Executive Branch of Government, and as required or requested to other governmental and public entities, and/or citizens.

Internal employment practices will be reviewed routinely to ensure that protected class employees and applicants for employment are receiving fair and equal consideration for job opportunities, especially in the Officials/Administrators and Professionals categories.

Affirmative actions shall be taken to encourage minorities, women, and persons with disabilities to apply for positions within the Department of Personnel. The Division of EEO/AA within the Department of Personnel will monitor such employment practices by state agencies, including the Department itself, as appropriate, according to its statutory and regulatory mission.

All personnel actions such as compensation benefits, transfers, layoffs, training, education, training assistance, facility accessibility, reasonable accommodation, and social and recreational programs will be administered without regard to race, national origin or ancestry, color, sex, marital/civil union status, religion, age, disability, political affiliations, or other non-job related criteria.

All State employees have a responsibility to maintain high standards of honesty, integrity, and impartiality in the performance of the State's official business. Employee's conduct which violates these standards will not be condoned. Sexual harassment is a form of employee misconduct, which is prohibited.

This Equal Employment Opportunity/Affirmative Action Policy Statement will be available to all employees, applicants, vendors/contractors, and citizens on the Department's premises and via its web site. All departmental employees must comply with this policy and those of this State. All managers, supervisors, the Personnel Officer, and the EEO/AA Officer will be held responsible for the implementation and management of the EEO and Workforce Development Plan. This will be accomplished by incorporating workforce plan/equal employment opportunity efforts and results into the annual objectives and education of every supervisor and manager. Good faith efforts will be made to meet employment and policy goals as adopted.

This policy statement will be made available to all employees via posting along with general equal employment opportunity/affirmative action information on bulletin boards in conspicuous locations throughout the organization.

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Signature Authorized Representative of Bidder

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Date

**STANDARD BID DOCUMENT REFERENCE**

**Prohibited Russia-Belarus Activities & Iran Investment Activities**

<b>Name of Form</b>	<b>COMBINED CERTIFICATION: PROHIBITED ACTIVITIES IN RUSSIA AND BELARUS &amp; INVESTMENT ACTIVITIES IN IRAN</b>					
<b>Statutory Reference</b>	P.L. 2022, c. 3 N.J.S.A. 52:32-55 et seq. N.J.S.A. 40A:11-2.1 N.J.S.A. 18A:18A-49.4					
<b>Applicability</b>		<b>Y/N</b>		<b>Mandatory</b>	<b>Optional</b>	<b>N/A</b>
	LPCL	<b>Y</b>	Goods and Services	<b>X</b>		
	PSCL	<b>Y</b>	Construction			<b>X</b>
<b>Instructions Reference</b>						
<b>Description</b>	P.L. 2022, c. 3 prohibits the award, renewal, amendment, or extension of State and local public contracts for goods or services with persons or entities engaging in prohibited activities in Russia or Belarus. P.L. 2012, c.25 prohibits the award or renewal of State and local public contracts for goods and services with persons or entities engaged in certain investment activities in the energy or finance sectors of Iran.  Before a goods and services contract can be entered into, vendors and contractors must certify that neither they nor any parent entity, subsidiary, or affiliate is listed on the New Jersey Department of the Treasury’s list of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 (“ <a href="#">Russia-Belarus list</a> ”) or in Iran pursuant to P.L. 2012, c. 25 (“ <a href="#">Chapter 25 list</a> ”).					



<b>Person or Entity</b>	

**Part 1: Certification**

COMPLETE PART 1 BY CHECKING ONE OF THE THREE BOXES BELOW

Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification below prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran. Before a contract for goods or services can be amended or extended, a person or entity must certify that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list. Both lists are found on Treasury's website at the following web addresses:

<https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf>  
[www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf](http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf)

As applicable to the type of contract, the above-referenced lists must be reviewed prior to completing the below certification.

A person or entity unable to make the certification must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran. The person or entity must cease engaging in any prohibited activities and provide an updated certification before the contract can be entered into.

If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may be 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.

**CONTRACT AWARDS AND RENEWALS**

<input type="checkbox"/>	<p><i>I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate appears on the N.J. Department of Treasury's lists of entities engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 or in investment 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. (Skip Part 2 and sign and complete the Certification below.)</i></p>
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**CONTRACT AMENDMENTS AND EXTENSIONS**

<input type="checkbox"/>	<p><i>I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate is listed on the N.J. Department of the Treasury's lists of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3. 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. (Skip Part 2 and sign and complete the Certification below.)</i></p>
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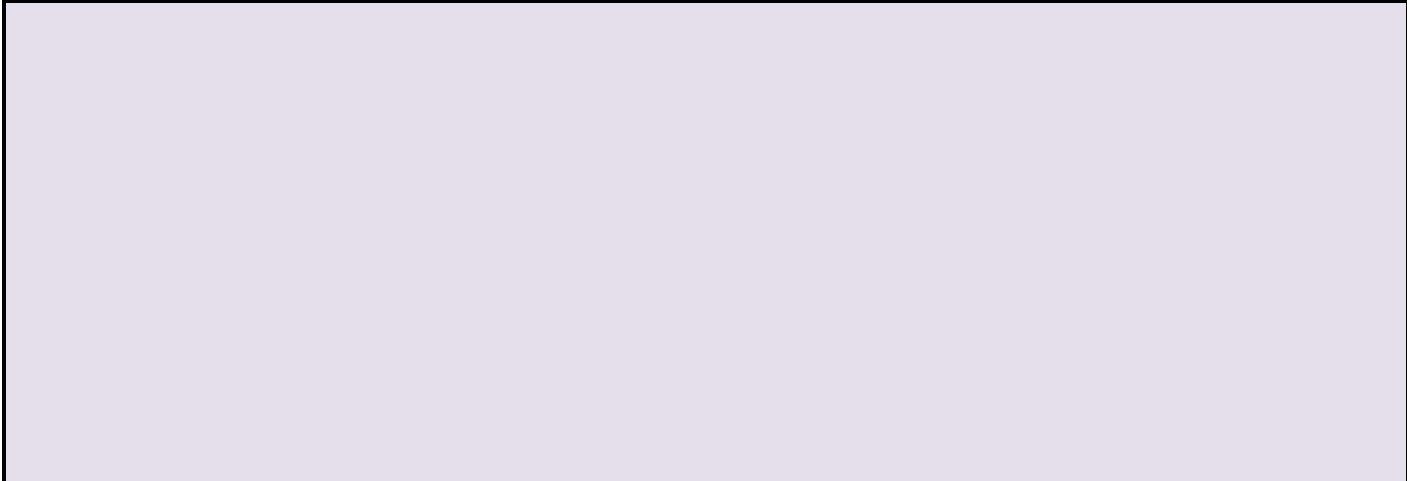
**IF UNABLE TO CERTIFY**

<input type="checkbox"/>	<p><i>I am unable to certify as above because the person or entity and/or a parent entity, subsidiary, or affiliate is listed on the Department's Russia-Belarus list and/or Chapter 25 Iran list. I will provide a detailed, accurate, and precise description of the activities as directed in Part 2 below, and sign and complete the Certification below. <u>Failure to provide such will prevent the award of the contract to the person or entity, and appropriate penalties, fines, and/or sanctions will be assessed as provided by law.</u></i></p>
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**Part 2: Additional Information**

PLEASE PROVIDE FURTHER INFORMATION RELATED TO PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS AND/OR INVESTMENT ACTIVITIES IN IRAN.

You must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran in the space below and, if needed, on additional sheets provided by you.



**Part 3: Certification of True and Complete Information**

*I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there, 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 Contracting Unit is relying on the information contained herein and hereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Contracting Unit to notify the Contracting Unit 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. 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 Contracting Unit and that the Contracting Unit at its option may declare any contract(s) resulting from this certification void and unenforceable.*

<b>Full Name (Print)</b>		<b>Title</b>	
<b>Signature</b>		<b>Date</b>	

**ORDINANCE #2005-26**  
**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY**  
**ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL SERVICES**  
**AGREEMENTS**

WHEREAS, professional entities and other business entities are exempt from established New Jersey public bidding laws, specifically under the exception set forth in *N.J.S.A.* 40A:11-5; and

WHEREAS, the Beachwood Borough Council recognize that there is a need for a fair and open process for the awarding of professional service contracts and other contracts that fall under *N.J.S.A.* 40A:115, where other contracts and agreements are subject to public bidding, in order to address the concerns of taxpayers regarding political contributions and to engender trust in the process of local government and to ensure that quality public services are received; and

WHEREAS, the State of New Jersey has enacted *N.J.S.A.* 19:44A-20.5, which prohibits any municipality, agency, board, authority or instrumentality thereof from entering into a contract in excess of \$17,500.00 with a business entity that has made a political contribution reportable pursuant to *N.J.S.A.* 19:44A-1 et seq. to any municipal committee of a political party in that municipality, if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded, unless said contract is awarded pursuant to a fair and open process; and

WHEREAS, this Ordinance shall apply to those services and contracts not subject to public bidding laws, as described above, beginning January 1, 2006; and

WHEREAS, this Ordinance shall apply to all Municipal appointing authorities, to include the Beachwood Borough Council, Planning Board, and Municipal Utilities Authority.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Beachwood as follows:

SECTION 1. Fair and Open Process for Award of Professional Service Agreements.

- A. *Prohibited Contracts.* Notwithstanding any other provision of the law to the contrary, the Borough or any other board, authority, agency or instrumentality thereof, shall not enter into a contract that is exempt from public bidding under *N.J. S.A.* 40A: 11-5, when such contract has an anticipated value in excess of \$17,500.00 as determined in advance and certified in writing by the Borough, board, authority, agency or instrumentality thereof, with a business entity, if, during the preceding

one-year period, that business entity has made political contributions that are reportable by the recipient under *N.J.S.A. 19:44A-1 et seq.*, to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office in the Borough when the contract is awarded. This shall not apply to contributions made during 2005 as established by law.

*B. Prohibited Contributions.* A business entity that has entered into a contract having an anticipated value in excess of \$17,500.00 with the Borough, or any agency, board, authority or instrumentality thereof, shall not make a contribution that is reportable by the recipient under *N.J.S.A. 19:44A-1 et seq.*, during the term of the contract, to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded, during the term of the contract.

*C. Fair and Open Process.*

- (1) Contracts that are awarded pursuant to a fair and open process, as set forth herein, shall not be subject to the restrictions and prohibitions in Subsections A and B herein.
- (2) Any professional service entity or other business entity providing services to the Borough of Beachwood, without a requirement for public bidding in accordance with *N.J. S.A. 40A: 11-5*, shall be subject to a fair and open process for selection. That fair and open process is set forth in subsection 3 below, which establishes criteria for the fair and open process for contract awards.
- (3) The fair and open process established by the Borough of Beachwood shall require the following:
  - (a) The solicitation of proposals for any professional position or service contract or other contract not subject to bidding pursuant to *N.J. S.A. 40A: 11-5*, which shall expire as

of December 31 of that calendar year, shall be published and advertised by the municipal appointing authority or its designee either in two official newspapers of the Borough of Bei3chwood for publication of notices, or on the Borough's website, or both, not later than December 15. The published notice shall set forth the name of the position or contract which is to become open, and set forth the criteria to be considered and materials required to be submitted by the applicant.

(b) Should the applicant be a professional requiring licensure in the State of New Jersey, said applicant shall be licensed for a period not less than five (5) years.

(c) The applicant shall submit a "Certificate of Good Standing" or other similar document evidencing that the professional's license is not presently suspended or revoked.

(d) The applicant shall submit a resume which shall set forth information including, but not limited to, the following (as applicable to a business entity or individual professional):

(A) Full name and business address;

(B) A listing of all post high school education of the applicant;

(C) Dates of licensure in the State of New Jersey and any other State;

(D) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein;

(E) The number of licensed professionals employed by affiliated with the business entity or the business entity which employs the applicant;

(F) A listing of all special accreditations held by the individual licensed professional or business entity;

(G) A listing of all public entities currently or

previously served by the business entity or licensed professional, indicating the dates of service and position held.

(e) The applicant shall submit a compensation proposal, which shall include a flat fee or hourly rate or other proposal, as appropriate.

- (4) The Municipal appointing authority shall thereafter publicly select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law.
- (5) The awarded contract shall be published in the official newspaper of the Borough of Beachwood for publication of notices in accordance with N.J.S.A. 40A:11-5. The decision of the Borough of Beachwood as to what constitutes a fair and open process shall be final.

**SECTION 2.** This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

**SECTION 3.** This Ordinance shall supersede any prior inconsistent ordinances.