

NOTE: The Town of Morristown Board of Adjustment will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

REQUEST FOR QUALIFICATIONS

**FOR THE PROVISION OF LEGAL SERVICES – BOARD OF ADJUSTMENT
ATTORNEY**

ISSUE DATE: November 9, 2023

DUE DATE: December 7, 2023

**Issued by:
Town of Morristown
Board of Adjustment**

GLOSSARY

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

"Board" - refers to the Board of Adjustment

"Town" - refers to the Town of Morristown.

"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 ten percent (10%) or more in the firm.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who have satisfied the qualification criteria set forth in this RFQ.

"Respondent" or "Respondents" - refers to the interested firm(s) that submit a Qualification Statement.

"Review Team" – Members of the Board, the Town and their legal and/or financial advisors who shall review the Qualification Statements.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Board is soliciting Qualification Statements from interested persons and/or firms for the provision of Legal Services, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Board with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedures and schedules in this RFQ. The Board will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the Board). The Board intends to qualify 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 Town to provide the greatest benefit to the taxpayers of Morristown.

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 Board 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 with 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. Respondents agree to at all times abide by all requirements of New Jersey law.

Qualification Statements will be reviewed and evaluated by the Town, the Board and its legal and/or financial advisors (collectively, the "Review Team"). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial criteria described in this RFQ. Under no circumstances will a member of the Review Team review responses to an RFQ for a position which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Board 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 Board) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Board.

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 Town reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Board’s Designated Contact Person, in writing.

Designated Contact Person:

James A. Campbell
 Land Use Administrator
 200 South St. PO Box 914
 2nd Floor, Office of Planning & Zoning
 Morristown, NJ 07963-0914

Qualification Statements must be submitted to, and be received by, the Board, by hand delivery or regular mail, by 4:00 p.m. prevailing time on December 7, 2023. Qualification Statements will not be accepted by facsimile transmission or e-mail. Subsequent to issuance of this RFQ, the Board (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 Board.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications	November 9, 2023
2. Receipt of Qualification Statements	December 7, 2023
3. Completion of Evaluation of Qualification Statements by the Review Team	December 14, 2023
4. Town Review of Review Team Recommendations	December 28, 2023
5. Approval of Professional Services Resolution at Zoning Board of Adjustment Reorganization Meeting	January 3, 2024

Section 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 Town 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 Board 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 Board 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 Board reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the Board and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Board, in the exercise of its sole discretion, in accordance with applicable law.
- The Board may request Respondents to send representatives to the Board for interviews.
- Any and all Qualification Statements not received by the Board by 4:00 p.m. prevailing time on December 7, 2023 will be rejected.
- Neither the Board, its consultants or advisors, nor their respective staffs, including, but not limited to, the Review Team, 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.

Section 1.4. Rights of Board.

The Board 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.
- 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 Board 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 the Board's sole discretion. If terminated, the Board may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Board 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 Board may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Board 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 proposal submission date.

1.6 Cost of Proposal Preparation.

Each proposal 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 Board, its staff, its consultants or such consultants' staff, 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 Proposal Format.

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

SECTION 2

SCOPE OF SERVICES

It is the intent of the Board to solicit Qualification Statements from Respondents that have expertise in the provision of legal services. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.

SECTION 3

SUBMISSION REQUIREMENTS

Section 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.

In addition to the information required as described below, a Respondent may submit supplemental information that it believes may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Section 3.2 Administrative Information Requirements.

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive 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. 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.
4. 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, "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 ten percent (10%) or more in the firm.
 - (b) If a 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 parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
 - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
 - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance
5. An executed Letter of Intent (See Appendix B).
6. An executed Payment Conditions and Rate Schedules Form (See Appendix C).
7. An executed Americans with Disabilities Act of 1990 Acknowledgement Form (See Appendix D).
8. The number of years the business organization has been in business under its present name.

9. The number of years the business organization has been under its current management.
10. Any judgments, claims or suits within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
11. 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 explain.
12. Confirm appropriate federal and state licenses to perform activities. Submit a copy of the Firm's Business Registration Certificate.

Section 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, address and contact information of references; and
 - c. Explanation of perceived relevance of the experience to the RFQ.
2. Describe the services that Respondent would perform directly.
3. 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 this project.
4. Does the Respondent normally employ union or non-union employees?
5. Resumes of key employees.
6. A narrative statement of the Respondent's understanding of the Town's needs and goals.
7. List all immediate relatives of Principal(s) of Respondent who are Town or Board employees or elected officials of the Town or Board. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements.

Respondents must submit an original and one (1) copy of their Qualification Statement to the Designated Contact Person:

James A. Campbell
Land Use Administrator
200 South St. PO Box 914
2nd Floor, Office of Planning & Zoning
Morristown, NJ 07963-0914

Qualification Statements must be received no later than 4:00 p.m. (prevailing time) on December 7, 2023, and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

SECTION 5

EVALUATION

The Board's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost effective services to the citizens of Morristown. The Town will consider Qualification Statements only from firms or organizations that, in the Town's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Town in the manner described in this RFQ.

Proposals will be evaluated by the Town on the basis of the most advantageous, all relevant factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Board and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Board; and
4. Other factors demonstrated to be in the best interest of the Board.

APPENDIX A

LETTER OF QUALIFICATION

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

[INSERT DATE]

Attn: James A. Campbell
Land Use Administrator
Town of Morristown
200 South St. CN914, 2nd Floor Zoning Office
Morristown, NJ 07963-0914

Dear Mr. Campbell:

The undersigned has reviewed its Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Town of Morristown Board of Adjustment ("Board"), dated December 7, 2023, in connection with the Board's need for **Legal Services-Board of Adjustment Attorney**.

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference), are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon the express understanding that any false statement may result in the disqualification of (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: _____

APPENDIX B
LETTER OF INTENT

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

[INSERT DATE]

Attn: James A. Campbell
Land Use Administrator
Town of Morristown
200 South St. CN914, 2nd Floor Zoning Office
Morristown, NJ 07963-0914

Dear Mr. Campbell:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Town of Morristown Board of Adjustment ("Board"), dated December 7, 2023 in connection with the Board's need for **Legal Services-Board of Adjustment Attorney**.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Town's procurement schedule.
3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFQ, or any negotiation which results there from shall be borne exclusively by the Respondent.
4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Board. (Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm or parties who has 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. (Name of Respondent) acknowledges and agrees that the Board may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Board 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. (Name of Respondent) acknowledges that any contract executed with respect to the provision of **Legal Services-Board of Adjustment Attorney** 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.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: _____

**APPENDIX C
PAYMENT CONDITIONS AND RATE SCHEDULES**

1. The Town of Morristown wishes to approve the qualifications of a law firm or firms to provide **Board of Adjustment Attorney Services** to the Board for 2024. Upon appointment to the position of Attorney, no work or compensation is guaranteed, however. This will be done by a Resolution of the Board of Adjustment. By submitting a response to this RFQ, the Respondent acknowledges that it will not propose or charge hourly rates that exceed One Hundred and Fifty Dollars (\$150) for attorneys.

2. Counsel shall be reimbursed at cost for expenses incurred for duplication, filing fees, court reporters and other reasonable and approved out-of-pocket expenses advanced and/or incurred by counsel. Counsel shall be reimbursed for direct charges including disbursements that are actual expenses incurred by the Professional and or/their associated Firm in connection with such legal services and approved by the Board, and shall include, but not be limited to:
 - a. Telegrams, faxes and long distance (Out-of-State) telephone calls;
 - b. Payment of filing, application fees, review fees and similar charges;
 - c. Computer expenses including time and proprietary program charges;
 - d. Outside printing, reproduction, binding, collating and other graphic services;
 - e. Messenger service, postage and handling of drawing and specifications, reports, contracts and other bulky items.

3. Monthly invoices shall be submitted detailing all services performed.

Signature: The undersigned hereby acknowledges and accepts the established payment terms.

Name of Respondent/Firm:

Print name and title:

Signature:

Date:

ATTEST:

Witness

APPENDIX D

**AMERICANS WITH DISABILITIES ACT OF 1990
ACKNOWLEDGEMENT FORM**

This form is an agreement of the successful Vendor's obligation to comply with the requirements of 42 U.S.C. §121.01 et seq., referred to as the Americans Disability Act of 1990.

The undersigned Vendor hereby acknowledges receipt of the Americans with Disabilities Act of 1990 found at Appendix B of this packet.

The undersigned Vendor hereby certifies that he/she is aware of the commitment to comply with the requirements of 42 U.S.C. §121.01 et seq. and agrees to furnish any required forms as evidence of compliance.

The undersigned Vendor further certifies that he/she understands that his/her proposal shall be rejected as non-responsive and any contract entered into shall be void and of no effect if said Vendor fails to comply with the requirements of 42 U.S.C. §121.01 et seq.

COMPANY: _____ TITLE: _____

PRINT NAME: _____ SIGNATURE: _____

DATE: _____