

**TOWN OF MORRISTOWN
COUNTY OF MORRIS
STATE OF NEW JERSEY**

NOTICE OF REQUEST FOR PROPOSALS

**PROFESSIONAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES
FOR SPEEDWELL PARK**

Sealed proposals will be received by the Business Administrator of the Town of Morristown, in the Town Offices located at 200 South Street, 4th Floor, Morristown, New Jersey 07963-0914, on or before April 27, 2017, 4:30 p.m. on for the following:

Professional Design and Construction Administration Services for Speedwell Park

Successful applicants will be required to comply with the requirements of N.J.S.A. 10:5-31, et seq. (N.J.A.C. 17-27) (Equal Employment Opportunity) and N.J.S.A. 52:32-44, et seq. (New Jersey Business Registration) N.J.S.A. 19:44A-20.5 (Business Entity Disclosure) and Local Pay to Play Ordinance O-2-87.

The right is reserved to reject any or all proposals if it is deemed to be in the best interest of the Town of Morristown to do so.

All those interested in submitting proposals should review the request for proposals and submit all documentation requested. The requisite Disclosure Forms are attached hereto.

REQUEST FOR PROPOSAL

PROFESSIONAL DESIGN AND CONSTRUCTION
ADMINISTRATION SERVICES FOR SPEEDWELL PARK

ISSUE DATE

Monday, April 3, 2017

SUBMISSION DEADLINE

Thursday, April 27, 2017
4:30 p.m.

Issued By:

TOWN OF MORRISTOWN
Engineering Division

File 161

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All those interested in submitting proposals should review the request for proposals and submit all documentation requested. The requisite Disclosure Forms are attached hereto.

GENERAL INFORMATION & SUMMARY

Organization Requesting Proposal

Town of Morristown
Engineering Division
200 South Street
Morristown, NJ 07960

Contact Person

Anthony M. DeVizio, P.E., P.L.S.
Town Engineer
Town of Morristown
200 South Street
Morristown, NJ 07963
a-devizio@townofmorristown.org
(973) 292-4894

Purpose of Request

The Town of Morristown (“Town”) is requesting proposals from licensed, qualified individuals and firms (herein referred to as “Proposer and/or Design Team”) to provide site/civil engineering, environmental engineering, land surveying, and landscape architecture design and construction administration services for the Speedwell Park Project. Project will consist of the complete construction of a linear park in an urban redevelopment area based off an existing concept plan. Due to the presence of contaminated historic fill on site, the project further includes the installation of engineering controls (“caps”) and overall permitting, administrative, and operational compliance with the New Jersey Site Remediation Reform Act. Proposals will be evaluated in accordance with the criteria set forth in this Request. The Town intends to select, at the Town Engineer’s discretion, a Proposal which best suits the needs of the Town.

Period of Contract

N/A

Schedule

One (1) unbound original, six (6) bound copies and an electronic version (pdf) of the Proposal, complete with all required information and completed forms, shall be submitted and received by the Business Administrator on or prior to the Submission Deadline. Guarantee of timely receipt of a Proposal by the Business Administrator is the sole responsibility of the Proposer. No exceptions will be made for cases of improper or late delivery of a Proposal by any person or service.

The Submission Deadline for this Proposal is THURSDAY, APRIL 27, 2017 at 4:30pm (C.O.B.)

Questions will be received until **the close of business (4:30 p.m.) 7 days before the deadline**. It is the sole responsibility of the Proposer to pose any questions to the Town in a timely fashion and with adequate time to provide the desired information. Questions posed near the Submission Deadline may not leave sufficient time to be answered prior to the Submission Deadline.

Questions should be addressed to Contact Person listed above.

Following the Submission Deadline, the Town intends to evaluate Proposals and make recommendation for award by the Town Council within 30 days of the Proposal Deadline. This schedule shall be non-binding, however, and **all Proposals received shall remain valid for a minimum of one (1) year.**

PROPOSAL SCOPE AND REQUIREMENTS

Project Background and Statement of Intent

It is the intent of the Town via this RFP to hire a licensed, qualified individual or firm to design a linear public park based on an existing concept plan prepared for the Town of Morristown. Deliverables include complete “shovel-ready” construction plans and specifications, as-built plans, and construction administration services including documented biweekly site inspections, LSRP oversight with proper NJDEP filings, sketches, review and approval of RFIs, submittals, shop drawings, and sample submissions, as well as subcontractor payment requisitions. State and local permit application preparation, reasonable meeting attendance, coordination with professionals, all utilities, and contractors, and associated services required for and typical to a project of this type are requested herein as well. Work also includes bid assistance including value engineering with required deliverable revisions. Subcontractor procurement and construction management will be handled by MCRT Northeast Construction, LLC. the developer of the adjacent tract.

Per [the Speedwell Redevelopment Plan](#), a linear District Park is required as part of Phase II of redevelopment. The proposed park connects Speedwell Avenue and, Prospect Street along a Laneway (currently under construction) created by Phase II of the redevelopment. The District Park lies in a topographic “bowl” surrounded by Prospect Street to the west, the under-construction Modera 55 project and Laneway to the north, commercial/residential structures fronting Speedwell Avenue to the east, and the Clinton Place condos to the south. Under the northern edge of the site is a 20ft concrete box culvert (complies with Flood Hazard Area Regulations). The design of the park was to respond to this unique topography by using the sloping sides to create outdoor rooms, seating opportunities and other diverse spaces for recreational and creative activities. Green infrastructure such as rain gardens, bioswales and other similar features were recommended to improve the water quality running into the concrete box culvert.

A mantle of historic fill is present across the extent of the District Park. The greatest extent is in the low lying area of the site. This area contains a filled-in river bed. Preliminary soil sampling conducted in 2015 and detailed in a December 23, 2015 report by Dewberry Engineers documented the presence of historic fill on site including metals and semi-volatile organic compounds exceeding NDJEP soil limits. The need for further characterization testing will be determined by the LSRP. Waste classification sampling by the LSRP will be needed if soils are removed from the site during construction. Engineered soft/hardscape cap(s) and institutional controls are required, and soil removal from site must be minimized or preferably eliminated.

Below the historic fill are alluvial deposits in the low lying area. This transitions to silts and clays vertically as wells as horizontally (with an increase in topography) in all directions. The historic fill and alluvial deposits are assumed to have poor bearing capacities. Gneiss bedrock was discovered within 9ft of ground surface along the east side of the site. Groundwater is at 3-5ft below grade.

The park occupies 0.75 acres of land and will be constructed as part of the second phase of the larger Speedwell Redevelopment Area. Geometrically, the site presents design challenges in its unbalanced length to width ratio which could prove constraining in width while prone to some level of disconnect along its much greater length.

These factors were considered in the preparation of initial concept designs during the course of 2016. It was suggested that an overall Linear Park design divide the park into 3 or more outdoor “rooms” tailored to different uses and scales. These outdoor spaces are essentially a series of terraces that would divide the space while maintaining clear lines of sight and connectivity, and managing topographic challenges to create an ADA-accessible path that would traverse the entire park. Initial programming thoughts include passive, contemplative green spaces as well as programmable event space that can host regular and special events such as the Town’s weekly farmer’s market, art markets and other events. The Linear Park is envisioned as a unique space in the downtown and should be developed with an eye toward placemaking and economic development while accommodating a full age range of users. To date, special care has been given to designing the entire redevelopment area in a way that makes the park feel like a public park by maximizing public access, visibility and communications so that the space does not feel like the front lawn of the adjacent buildings.

In late 2016, the Town hired a landscape architect, Ken Smith Workshop, to create a concept plan based off the redevelopment plan goals and public feedback. After completion of a draft concept plan, the Town held two well-attended public meetings to solicit input on the design and the programming/amenities. The public helped refine the concept plan and inform the use of the rooms that were created, including but not limited to dog parks, water features, outdoor games, pop up market space, play areas, and a flexible use space to be programmed. It is this concept plan that will be the basis for the design requested herein.

Scope of Services

The scope of services set forth in this Request for Proposals represents an outline of the services which the Town anticipates the successful Proposer to perform, and is presented for the primary purpose of allowing the Town to compare Proposals. The design work and contract/bid documents shall be in conformance with all Federal, State, County, and Local requirements and design standards, and general engineering principles and standards of practice. Particular attention is called to N.J. Local Public Contracts Law, applicable standards for the design of public parks, state and local building codes, NJDEP Stormwater Management Rules, N.J. Flood Hazard Area Regulations, N.J. Site Remediation Reform Act, The Standards for Soil Erosion and Sediment Control in New Jersey, and ADA requirements. Any and all services typical to a project of this nature and/or necessary to provide the appropriate deliverables to satisfy the Statement of Intent herein shall be included as a part of each Proposal. The precise scope of services to be incorporated into the Professional Services Agreement shall be negotiated between the Town and the successful Proposer. All deliverables will be subject to review and approval by the Town and its agents.

The Scope of Services is as follows:

1. *Final Site Plan and Construction Documents*: This proposal requires the successful Proposer to develop an existing Linear Park concept plan into a final Town approved site plan and all associated construction documents suitable to bid for the construction of Speedwell Park “the park”. The successful Proposer will be required to adhere to the tone, aspirations and guidance of the concept planning documents prepared by the Ken Smith Workshop to the greatest extent possible. The successful Proposer shall possess the required expertise and licenses to prepare project drawings, specifications, and other contract documents for bidding, specifically a Licensed Landscape Architect, Professional Engineer, Professional Land Surveyor, and a Licensed Site Remediation Professional (LSRP) licensed in the State of New Jersey. A joint venture between multiple

individuals or firms shall be acceptable so long as the final plans, specifications and any other contract document are coordinated and accordingly designed, signed, and sealed by the appropriate professionals.

Final plans will include landscape design, playground design, fountain design and engineering, signage and wayfinding, ADA-design, civil and geotechnical engineering, structural engineering, irrigation design, MEP engineering (including telephone/data), drainage plans, environmental engineering and soil management/work plans (including a detailed fill-native soil cut/fill analysis), and lighting design.

This task shall also include the complete handling of any and all required permitting including Soil Erosion and Sediment Control Plan Certification, N.J. Flood Hazard Area Regulations, local construction and health department permits (no permit fee will be charged), NJDOT, and any NJDEP or other local/state/federal permitting required.

Work also includes the complete handling of any and all public & private utility company designs, approvals, permits, etc. This includes Verizon, Cablevision, SMCMUA, JCP&L, PSE&G, etc. No utility company design fees will be charged.

The location and condition of the storm culvert running through the site shall be thoroughly investigated and assessed, and accounted for in the design as a part of the Proposal. Soil testing for bearing capacity and other mechanical factors as necessary for the design shall be included as well.

Plans shall, at a minimum, consist of the following:

- Title Sheet
- General Notes & Zoning Data
- Property Owner List
- Existing Conditions Survey (to be provided)
- Demolition Plan
- Layout & Dimensional Plan
- Site Plans
- Profiles and Sections (if/as appropriate)
- Grading Plan
- Drainage Plan
- Utilities Plans (plumbing, electric, gas, etc.)
- Lighting Plan
- Landscaping Plan
- Profiles and Details for all construction items
- Phasing/Logistics Plan including traffic control and/or Pedestrian Safety Plans
- Soil Erosion and Sediment Control Plan

The sheets above may be combined as appropriate or contain multiple sheets.

Specifications shall be according to the NJDOT Standard Specifications for Road and Bridge Construction, AIA Standard Specifications, NJ adoptions of the NEC, National Plumbing Code, and IBC, and others as applicable.

The Town expects for construction to be completed on or before August of 2018, but construction should be completed as cost effectively and efficiently as possible. The design shall be formulated with efficient phasing of construction in mind.

2. *Phased Construction Budget*: Total combined budget for the park design and construction is \$1 million. This shall be considered a ceiling within which the desired finished product is to be furnished. After completing the final site plan, the design team shall provide a phased construction budget for the funding available to date and further implementation of remaining phases. Construct Quantities and Budget shall include appropriate contingencies to accommodate dimensional variations and other anomalies typical to work of this nature (normally 10% - 15%). Exact measure will not be accepted.
3. *Phased Construction Schedule*: The design team will create a phased construction schedule using the critical path method in line with funding and implementation for all phases of park development.
4. *Meeting Attendance and Public Presentation of Final Design*: Proposer shall attend up to three (3) internal meetings and three (3) Public meetings, either of which may include meetings of the Town Council. The Design Team shall provide any supporting materials and deliverables necessary for presentation of the final site plan to the public and shall present such as seen fit by Town Administration. Materials shall include colorized site plans, sections, and perspective renderings of proposed spaces as well as precedent images of proposed materials and site features. Design Team shall also attend weekly conference calls for status updates and project management.
5. *Construction Administration*:
 - a. *Preconstruction Meeting*: Confer with Morristown Engineering Division and MCRT Northeast Construction, LLC. prior to the meeting to discuss key topics. Attend a Preconstruction Meeting at Morristown Town Hall.
 - b. *Construction Inspection (BiWeekly)*: Inspect the project at sufficient frequency to assure the Town that the project is being constructed in conformance with the project plans and specifications with acceptable materials and workmanship. Availability by telephone and email during normal working hours for questions and technical support is required. Pre-selection and tagging of plantings at the discretion of the Town Engineer shall be included herein as well.
 - c. *Licensed Site Remediation Professional (LSRP) Oversight*: Review site data including past investigation reports, ensure design and construction complies with N.J. Site Remediation Reform Act, public and private utility company requirements, oversee design and installation of engineering (“caps”) and institutional controls, perform all administrative compliance functions with NJDEP including but not limited to the remedial action permit, deed notice, NFA/closeout, set up of bi-annual certification, monitor all aspects of soil handling and clean fill. Availability by telephone and email during normal working hours for questions and technical support is required. Intermittent site inspections are required, and in response to the discovery of any unforeseen environmental conditions. Perform any and all post-ex, waste classification, and import clean fill sample collection, analyses, and reporting.
 - d. *RFI, Submittal, Sample, & Shop Drawing Review and Approval*: Review information for conformance with project plans and specifications, approve conforming information, make recommendations to the Town Engineer for approval or denial of requested substitutions, and provide sketches, plan revisions, and/or specification updates.
6. *As-Built Drawings*: Provide surveyed and certified as-built drawing set for the completed construction including all site elements and surface features as constructed with topography and spot elevations at key points, landscaping, and utility plans showing appropriate horizontal and vertical location data on subsurface utilities sufficient for use in any future work that may occur on site. As-built Plans shall include a certification block, signed and sealed by the Principal Engineer(s) in charge of the Design Team indicating the completion of construction in substantial conformance with the plans and specifications.

NOTE: All documents generated and received under this contract shall be provided to the Town of Morristown, MCRT Northeast Construction, LLC., utility companies, and perspective bidders in digital (PDF, image, WORD, EXCEL, DWG, etc as appropriate) format for a complete file. Official documents with signatures and/or seals including plans, specifications, estimates, reports, approvals, etc shall also be provided in full-size, paper form with original raised seal for the Town, utility company (if needed), and MCRT Northeast Construction, LLCs' file. The fees provided by the Proposer shall include all costs associated with the provision of the above documents as stated, including physical sets in sufficient quantity to satisfy bid requirements, permitting requirements, 2 inspection sets, 3 Town file sets, and 3 MCRT Northeast Construction, LLC sets. This provision includes any revisions under 5.d. above.

PROPOSAL FORM OUTLINE

Not-to-Exceed Proposed Costs of Services

1.	Final Site Plan & Construction Documents	\$ _____
2.	Phased Construction Budget	\$ _____
3.	Phased Construction Schedule	\$ _____
4.	Public Presentation of Final Design	\$ _____
5.	Construction Administration	\$ _____
6.	As-Built Drawings	\$ _____
TOTAL PROPOSAL FEE:		\$ _____

STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL

Each Proposer shall submit a Proposal which contains the following and meet the following requirements:

- A. The Proposer or Design Team must be an established concern in public site design including but not limited to the specific tasks of urban public open space development, native species selection, green infrastructure development, recreational amenities, dog parks, water features, public facilities, plan and specification preparation and construction management. Each professional in responsible charge shall have a minimum of 10 years of experience in his/her profession in areas of concentration applicable to the tasks defined herein, including but not limited to site planning, ADA accessible design, geotechnical engineering, drainage design, cost-effective design, electrical and hydraulic design, lighting design, soil erosion and sediment control, site remediation, mapping, and construction management.
- B. Neither the firm nor any individuals assigned to this engagement may be disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency.
- C. Proposer must have the ability to perform the required services in a timely manner including familiarity with the design environment as requested by the Town.
- D. Proposer shall comply with the General Terms and Conditions required by the Town and enter into the Town's standard Professional Services Contract

Each Proposer shall submit One (1) unbound original, six (6) bound copies and an electronic version (pdf) of a Proposal which contains the following:

- A. A Statement of Interest
- B. The name of the Proposer or (firm or individual), name and contact information for a key contact, the names of the professionals in responsible charge of the work which must include a New Jersey Professional Engineer, Licensed Landscape Architect, Professional Land Surveyor, and Licensed Site Remediation Professional, the principal place of business of the Proposer and, if different, the place where the services will be provided. Joint ventures or subcontracts for one or more of the required professionals shall be appropriately noted and the name of each Design Firm or Individual provided as applicable;
- C. The education, qualifications, experience, and training of all persons in responsible charge and all persons to be assigned to the Project along with their names and titles shall be supplied. The Proposer shall also submit a full company profile in addition to the preceding.
- D. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for at least five (5) of the listed prior engagement must be provided. The Town may check references from any of the engagements listed.
- E. A not-to-exceed fee proposal for each service to be provided, together with a statement of the hourly rates for all personnel, a fee schedule for other expenses not included in the scope of work including excess printing, postage, etc., and an anticipated lump sum cost of these fees anticipated for the project.
- F. Documentation of insurance for professional liability coverage. Limits will be examined for suitability and the Town reserves the right to request modifications as necessary.
- G. A copy of a proposed form of Contract
- H. Required forms attached herein:
 - Business Entity Disclosure Form (Appendix A)
 - Political Contribution Disclosure Form (Appendix B)
 - Stockholder Disclosure Certification (Appendix C)
 - Americans with Disabilities Act of 1990 Acknowledgement Form (Appendix D)

Proposal Evaluation

The Town's objective in soliciting this RFP 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 select the most advantageous proposal(s) based on all of the evaluation factors set forth at the end of this Request for Proposal. The Town will make the award(s) that is in the best interest of the town.

Each proposal must satisfy the objectives and requirements detailed in this Request for Proposal. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Town reserves the right to:

- A. Reject all proposals for any reason.
- B. Select only portions of a particular proposal for further consideration; (However, proposers may specify portions of the proposal that they consider “bundled”.)
- C. Award a contract or contracts for the requested services at any time within one calendar year after review of the proposals and approval of same by the Town. Every proposal shall remain valid through this time period.

The Town shall not be obligated to explain the results of the evaluation process to any proposer.

BASIS OF AWARD

Proposals will be independently evaluated for recommendation of award as follows:

- A. Qualifications of Project Team - Relevance and extent of qualifications and training of personnel to be assigned, minimum licensing requirements met.
- B. Proposal Costs - Reasonableness of the proposed fee(s) for completion of the scope of work described above.
- C. Experience with Similar Projects - History of the consultant and the team members thereof in the development and operation of similar projects.
- D. Project Schedule - Submittal of an aggressive yet realistic project schedule indicating milestones throughout the project.
- E. Complete Proposal - Compliance with all of the Standard Requirements of Technical Qualification.

Each reviewer will evaluate each Proposal, assigning a raw score for each criterion on a scale of 0 to 10 as follows:

- Outstanding (9-10): depth and quality of response offers significant advantages
- Superior (7-8): exceeds RFP requirements with no deficiencies
- Sufficient (5-6): meets RFP requirements with no significant deficiencies
- Marginal (3-4): meets RFP requirements but contains some significant deficiencies
- Minimal (1-2): comprehends intent of RFP but contains many significant deficiencies
- Unsatisfactory (0): requirements not addressed and lack of detail precludes adequate evaluation.

Weighting factors will then be applied to each of the reviewer’s raw scores for each criterion to arrive at a total weighted score as follows:

RFP Evaluation Criteria	Weighting Factor (Applied to Raw Score)	Maximum Weighted Points
Experience with Similar Projects	3.5	35
Qualifications of Project Team	2.5	25

Project Schedule	2.0	20
Cost Proposal	1.5	15
Complete Proposal	0.5	5
Total Possible Points		100

TERMS AND CONDITIONS

Payment Terms

The not-to-exceed amounts for the various tasks of the Proposal shall be paid on a percentage basis for the portions of each task actually completed and billed for at the time of payment processing.

Other expenses as detailed in Paragraph E of the Standard Requirements of Technical Proposal shall be billed as actually incurred with receipts available at the request of the Town.

For any tasks billable by Proposer’s Rate Schedule that are approved in excess of an accepted Proposal, travel time and expenses shall be billed as actually incurred, to a ceiling being the lesser of 30 miles or 30 minutes one-way.

Proposal Limitations

This Request for Proposal is not intended to be an offer, order or contract and shall not be regarded as such, nor shall any obligation or liability be imposed on the Town by issuance of this Request for Proposals. The Town reserves the right to refuse any proposal submitted.

Termination of Contract

The Town reserves the right to terminate the Contract at any time for any reason including, but not limited to failure to perform on the part of the Proposer, lack of funding or support for the project, etc.

The awarded proposer agrees to indemnify and hold the Town harmless from any liability to subcontractors/suppliers concerning payment for work performed or goods supplied arising out of the lawful termination of the Contract by the owner under this provision.

Use and Ownership of Materials

Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like (“Information”) furnished or disclosed by the Town to the Proposer in connection with this Request for Proposal shall remain the property of the Town. When in tangible form, all copies of such information shall be returned to the Town upon request or upon expiration or termination of the Contract. Unless such information was previously known to the Proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the Town or a third party, it shall be held in confidence by the Proposer, shall be used only for the purposes of this Request for Proposal, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

Ownership of all data, materials and documentation originated and prepared for the Town pursuant to the contract shall belong exclusively to the Town. All data, report, computerized information, programs and materials related to this project shall be delivered to and become the property of the Town upon completion of the project. The

selected Proposer shall not have the right to use, sell, or disclose the total of the interim or final work products, or make available to third parties, without the prior written consent of the Town. All information supplied to the Town may be required to be supplied on media compatible with the Town's computer operating system.

GENERAL TERMS AND CONDITIONS

- A. The Town reserves the right to reject any or all Proposals, if necessary, or to waive any informalities in the Proposals, and, unless otherwise specified by the Proposer, to accept any item, items or services in the Proposals should it be deemed in the best interest of the Town to do so.
- B. The Town reserves the right to request clarification of information submitted and to request additional information and pricing from any Proposer
- C. In case of non-responsiveness or failure to perform by the successful Proposer, the Town may procure services from other sources.
- D. Any Proposal may be withdrawn up until the submitted date and time.
- E. The Proposer shall maintain sufficient insurance to protect against all claims under Errors and Omissions, Worker's Compensation, General, Professional and Automobile Liability.
- F. Each proposal must be signed by the person authorized to do so.
- G. Proposers are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.
- H. Should any difference arise between the parties as to the meaning or intent of these instructions or specifications, the Town's decision shall be final and conclusive
- I. By submission of the Proposal, the Proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful Proposer shall, at his/her expense, defend any and all actions or suits charging such infringement, and will save the Town harmless in any case of any such infringement.
- J. No Proposer shall influence, or attempt to influence, or cause to be influenced, any town officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- K. No Proposer shall cause or influence, or attempt to cause or influence, any town employee to use his/her official capacity to secure unwarranted privileges or advantages for the Proposer or any other person.
- L. The Town shall not be responsible for any expenditure of monies or other expenses incurred by the Proposer in making its Proposal
- M. All forms and checklists contained herein are a part of this Request for Proposals and shall be completed and submitted as part of this Proposal.

END OF TERMS AND CONDITIONS

PROPOSAL CHECKLIST

This checklist must be completed and submitted with your proposal.

Please initial each below, indicating that your proposal includes the itemized document.

A Proposal submitted without the follow document is cause for refusal.

INITIAL BELOW

- A. One (1) original, six (6) signed copies & electronic file of the complete Proposal _____
- B. Business Entity Disclosure Form (Appendix A) _____
- C. Political Contribution Disclosure Form (Appendix B) _____
- D. Stockholder Disclosure Certification (Appendix C) _____
- E. Americans with Disabilities Act of 1990 Acknowledgement Form (Appendix D) _____
- F. This Proposal Checklist, Completed _____

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS

Name of Proposer: _____
Person, Firm or Corporation: _____
Print Name: _____
Signature: _____
Title: _____
Date: _____

APPENDIX A
BUSINESS ENTITY DISCLOSURE CERTIFICATION
PURSUANT TO CHAPTER 2, SECTION 2-87, PUBLIC CONTRACTING REFORM
ORDINANCE, OF THE CODE OF TOWN OF MORRISTOWN, NEW JERSEY
T O W N O F M O R R I S T O W N

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ has not made and will not make any contributions pursuant to Chapter 2, Section 2-87, Public Contracting Reform Ordinance, of the Code of the Town of Morristown, that would bar the award of this contract in the one year period preceding _____ (date of award scheduled for approval of the contract by the governing body) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Town of Morristown as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Mayor Timothy Dougherty	Councilperson Michael Elms
Councilperson Toshiba Foster	Councilperson Robert Iannaccone
Councilperson Stefan Armington	Councilperson Michelle Dupree Harris
Councilperson Hiliari Davis	Councilperson Allison Deeb
Morristown Democratic Organization	Morristown Republican Organization
Morris County Party Committee	Any other Committee referred to in the Ordinance

Part II – Ownership Disclosure Certification

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

Check the box that represents the type of business entity:

- Partnership Corporation Sole Proprietorship Subchapter S Corporation
 Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law. Name of Business Entity:

Signed: _____ Title: _____
Print Name: _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 20____.	_____ (Affiant)
My Commission expires:	_____ (Print name & title of affiant) (Corporate Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION (Continued)
FOR NON-FAIR AND OPEN CONTRACTS Required Pursuant To N.J.S.A. 19:44A-20.8
TOWN OF MORRISTOWN

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

## APPENDIX B

### C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

#### Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A.

19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 ([www.nj.gov/dca/lgs/lfn/lfnmenu.shtml](http://www.nj.gov/dca/lgs/lfn/lfnmenu.shtml)).

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
  - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at [www.nj.gov/dca/lgs/p2p](http://www.nj.gov/dca/lgs/p2p). They will be updated from time-to-time as necessary.
  - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts** in each county. **Districts that do not represent the public agency should be removed from the lists.**
  - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
  - d. The form may be used “as-is”, subject to edits as described herein.
  - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
  - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Stockholder Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

*C. 271 POLITICAL CONTRIBUTION  
DISCLOSURE FORM  
(CONTINUED)*

**Contractor Instructions**

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**





**List of Agencies with Elected Officials Required for Political Contribution Disclosure**

**N.J.S.A. 19:44A-20.26**

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

Sheriff

{County Executive}

Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

|                                |                                      |
|--------------------------------|--------------------------------------|
| Mayor Timothy Dougherty        | Councilperson Michael Elms           |
| Councilperson Toshiba Foster   | Councilperson Robert Iannaccone      |
| Councilperson Stefan Armington | Councilperson Michelle Dupree Harris |
| Councilperson Hiliari Davis    | Councilperson Allison Deeb           |

**USERS SHOULD CREATE THEIR OWN FORM, OR  
DOWNLOAD FROM [WWW.NJ.GOV/DCA/LGS/P2P](http://WWW.NJ.GOV/DCA/LGS/P2P)  
A COUNTY-BASED, CUSTOMIZABLE FORM.**

**APPENDIX C**  
**STOCKHOLDER DISCLOSURE CERTIFICATION**

**Name of Business:**

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

**OR**

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

**Check the box that represents the type of business organization:**

- |                                                   |                                                        |                                                        |
|---------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Partnership              | <input type="checkbox"/> Corporation                   | <input type="checkbox"/> Sole Proprietorship           |
| <input type="checkbox"/> Limited Partnership      | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation |                                                        |                                                        |

**Sign and notarize the form below, and, if necessary, complete the stockholder list below.**

Stockholders:

|                                                               |                                   |
|---------------------------------------------------------------|-----------------------------------|
| Name:                                                         | Name:                             |
| Home Address:                                                 | Home Address:                     |
|                                                               |                                   |
| Name:                                                         | Name:                             |
| Home Address:                                                 | Home Address:                     |
|                                                               |                                   |
| Name:                                                         | Name:                             |
| Home Address:                                                 | Home Address:                     |
|                                                               |                                   |
| Subscribed and sworn before me this ____ day of _____, 2____. |                                   |
| _____                                                         | (Affiant)                         |
| (Notary Public)                                               |                                   |
| _____                                                         | (Print Name and Title of Affiant) |

**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.

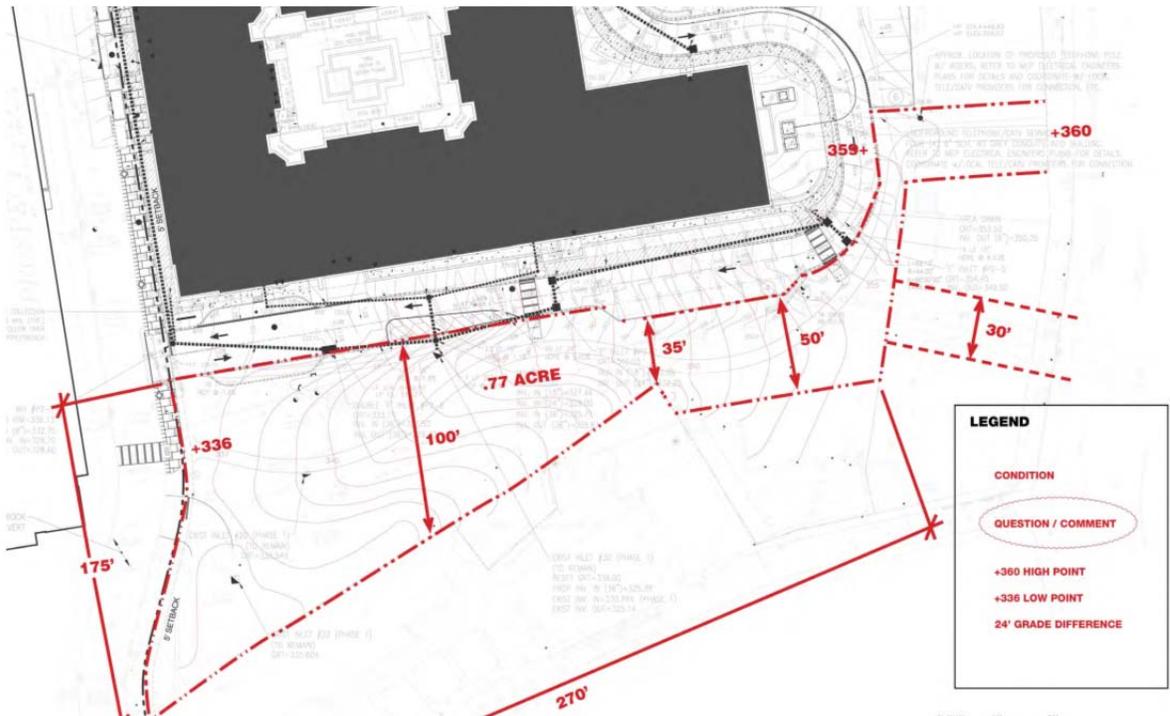
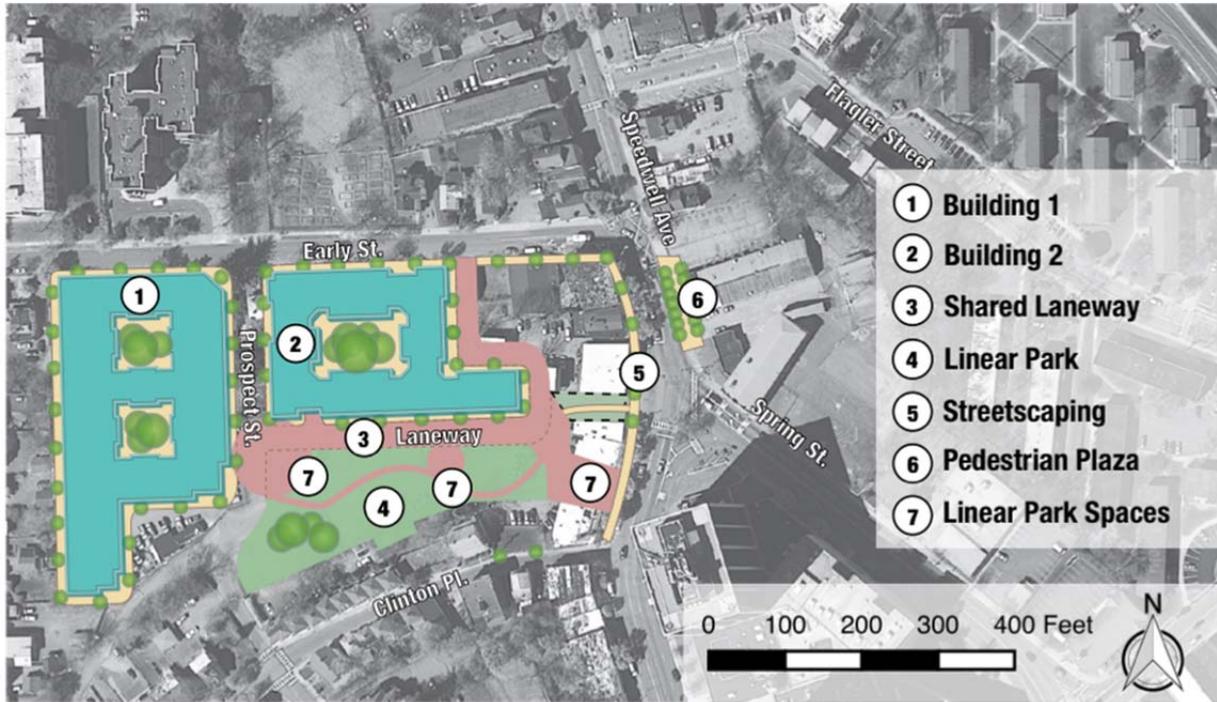
The undersigned Vendor further certifies that he/she understands that his/her proposal shall be rejected as non-responsive and any contract entered into shall be void and of no effect if said Vendor fails to comply with the requirements of 42 U.S.C. §121.01 et seq.

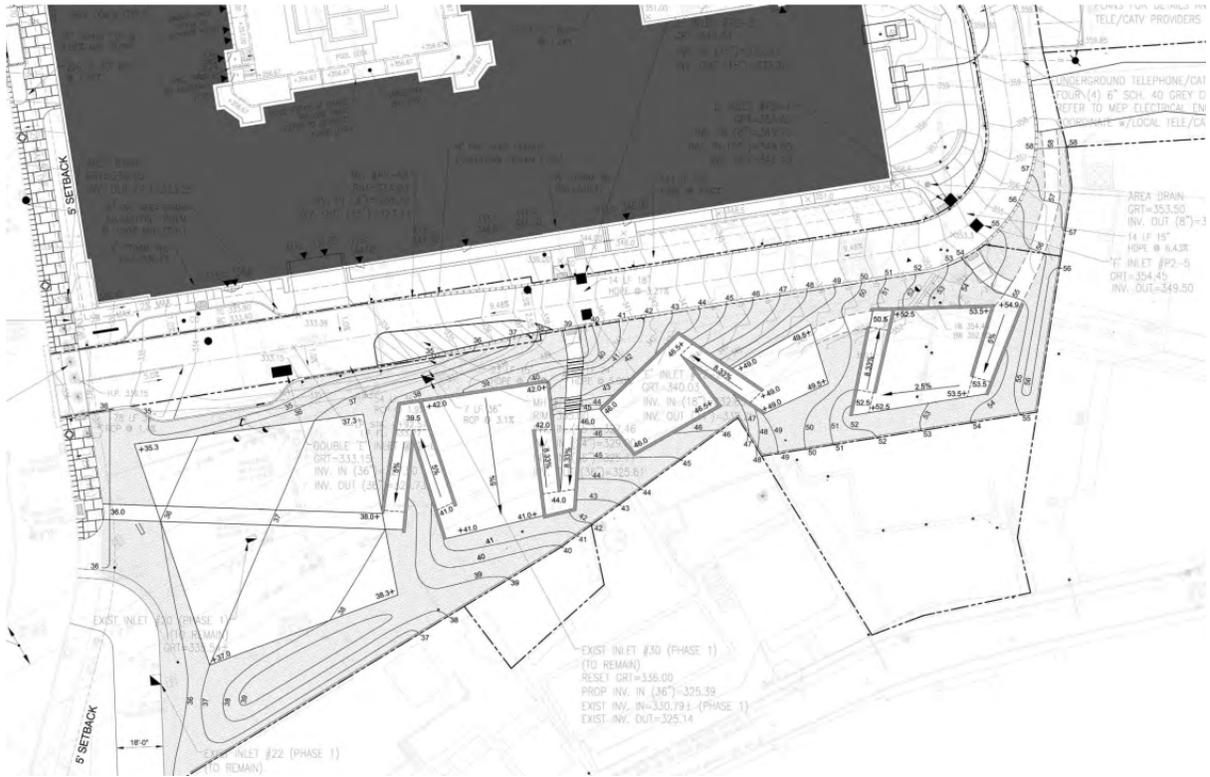
COMPANY: \_\_\_\_\_ TITLE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

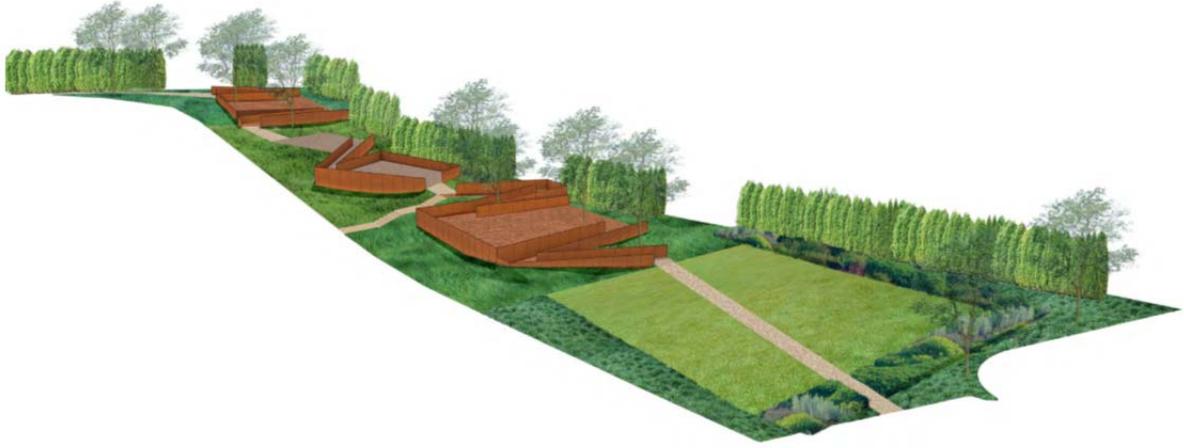
DATE: \_\_\_\_\_

# EXHIBIT I – CONCEPTUAL PLAN PACKAGE









**EXHIBIT II – SITE PHOTOS**





