

Department of Planning and Economic Development
Zoning Board of Adjustment

Trisha Scipio, Board Secretary
Municipal Building
29 North Day Street, Fourth Floor
Orange, New Jersey 07050

REQUEST FOR QUALIFICATIONS

Zoning Board of Adjustment Attorney

January 1, 2024 - December 31, 2024

SUBMISSION DEADLINE
10:00 AM - December 5, 2023

I. ABOUT THE CITY OF ORANGE TOWNSHIP

The City of Orange Township ("City") is located in Essex County, New Jersey, and is home to approximately 31,000 residents across 4 wards (North, South, East and West). City government is organized and administered in accordance with to the Mayor Council Plan of the Optional Municipal Charter Act, *N.J.S.A. 40:69A-1 et seq.*, with an elected Mayor and 7-member Municipal Council (1 member from each ward and 3 at-large members), and day-to-day operations delegated to the City's several departments. The Department of Planning and Economic Development ("Department") is responsible for advising the Mayor, Municipal Council, and land use boards on all matters affecting physical and economic development. The Department is also responsible for preparing, maintaining, and updating the City's Master Plan, development regulations (*i.e.*, zoning ordinance) and redevelopment plans.

The Zoning Board of Adjustment ("Board") is 1 of the City's 3 land use boards, and has 7 regular and 4 alternate members, all residents of the City appointed by the Municipal Council. The Board's jurisdiction, as set forth under Chapter 210 of the Orange Municipal Code, is derived from the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, and more specifically *N.J.S.A. 40:55D-70* and *N.J.S.A. 40:55D-76*, and extends only to sections of the City that the Municipal Council has not designated as an area in need of redevelopment and/or rehabilitation under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* Land use matters involving properties within redevelopment/rehabilitation areas fall within the jurisdiction of the City's Planning Board and Municipal Council.

II. NATURE | SCOPE OF SERVICE

The City is requesting Qualification Statements from licensed individuals and/or firms with demonstrated knowledge and technical expertise in zoning and land use law, wishing to serve as attorney to the Board. The successful individual and/or firm shall be required to execute the City's form agreement, which includes indemnification, insurance, termination and licensing provisions. A draft agreement is available for review upon request.

A. General Statement of Duties

The selected individual or firm will work with the Board, its staff (*i.e.*, Board Secretary, professional consultants), and the Director of Planning and Economic Development to provide the necessary services and resources on a timely basis. The scope of work shall broadly include all general, non-litigation legal services the Board may require, including without limitation:

- providing general legal guidance to the Board on matters related to jurisdiction, governance, procedure and compliance;
- attendance at Board meetings and Technical Review Committee meetings as required (the Board typically meets on the 4th Monday of every month);
- legal review and analysis of applications for development before the Board; and,
- preparation of resolutions and other legal documents related to or required for Board action on applications for development or for the Board to fulfill other official duties.

The selected individual or firm would also be responsible for working with the City's Department of Law on any Board matters involving legal issues that affect the City as a whole and/or any litigation brought against the City and/or the Board pertaining to Board action.

Qualification Statements shall be evaluated by the Board based on the following criteria:

- proposed use of personnel and approach to role of Board Attorney;
- experience, qualifications and reputation providing similar services to other public entities;
- experience with and knowledge and familiarity of the City and its Development Regulations (see Orange Mun. Code, Ch. 210);
- resources available to the individual and/or firm, as well as availability to attend required meetings;
- ability to provide services in a timely, efficient and professional manner, without subcontracting; and,
- other factors shown to be beneficial to the City or determined to be relevant.

B. Term of Appointment

The selected individual and/or firm shall be appointed for a 12-month period—January 1, 2024, through and including December 31, 2024—with an option to renew said appointment for an additional 12 months.

C. Compensation

The selected individual and/or firm shall be compensated as follows:

- a flat fee of \$625.00 per public meeting of the Board during the Agreement Term, which shall include all general and non-Application-related legal services rendered to the Board before, during and after said meeting, subject to an annual hard cap of \$7,500.00; plus,
- an hourly fee of \$150.00 for all application-related legal services, billed to and paid entirely from escrows collected from each applicant.

III. MANDATORY MINIMUM QUALIFICATIONS

The selected individual and/or firm must demonstrate the following:

1. at least 10 years of experience providing professional legal services in zoning and land use matters, of which, at least 7 years shall be in providing such services to governmental entities;
2. possession of a valid license to practice law in the State of New Jersey; and,
3. demonstrated knowledge of the City's current zoning initiatives.

IV. SUBMISSION REQUIREMENTS

Qualification Statements shall include, at minimum, the following information:

- a. a description of the individual and/or firm's experience, particularly in providing land use/zoning-related legal services to municipalities, economic development and/or housing authorities, and other governmental entities, with special attention to the individual and/or firm's experience working specifically with urban municipal governments;
- b. a description of the individual and/or firm's business organization (e.g., corporation, LLC, partnership, etc.), as well as its ownership and organizational structure;
- c. the number of years the individual and/or firm has been conducting business under the present name;
- d. resumes of all principals, attorneys and professional staff who would work directly with the City, as well as copies of Certificates of Good Standing issued by the New Jersey Board of Bar Examiners within the immediately preceding 90 days for each attorney;
- e. references who can attest to the individual and/or firm's prior municipal or other governmental experience, including:
 - name of municipality or government entity;
 - contact person and title; and,
 - telephone number and email address;
- f. a list of any judgments, claims or suits pending or outstanding against individual and/or firm, with explanations regarding the nature and status of each;
- g. a statement regarding whether the individual and/or firm is now or was ever involved in any bankruptcy or reorganization proceedings in the last 10, with explanations of any such circumstances;
- h. a signed Equal Employment Opportunity statement, as well as a copy of either a completed AA-302 Employee Information Report or a Certificate of Employee Information Report;
- i. a completed Non-Collusion Affidavit;
- j. a completed Business Ownership Disclosure;
- k. a completed Political Contribution Disclosure for each individual and/or each principal with 10% or greater ownership interest in the firm; and,
- l. proof of errors and omissions insurance with a policy limit of at least \$1,000,000.00 per occurrence (the successful individual and/or firm will be required to provide a Certificate of Insurance naming the City as an additional insured).

Each respondent must submit 1 bound original, 5 paper copies, and a digital copy of the complete Qualification Statement, no later than 10:00 AM on December 5, 2023, addressed to:

**City of Orange Township
Zoning Board of Adjustment
ATTN: Trisha Scipio, Board Secretary
29 North Day Street, Fourth Floor
Orange, New Jersey 07050**

Electronic or fax submissions are not permitted, and Qualification Statements received after the submission deadline will not be accepted. All questions regarding this RFQ must be submitted in writing to the Board Secretary, at the address above.



REQUEST FOR QUALIFICATIONS Zoning Board of Adjustment Attorney

January 1, 2024 - December 31, 2024

SUBMISSION CHECKLIST

This checklist must be completed and submitted along with all Qualification Statements. A submission that does not contain all items listed in the checklist will be rejected.

- Qualification Statement
- Mandatory Equal Employment Opportunity Statement
- AA-302 Employee Information Report or Certificate of Employee Information Report Non-
- Collusion Affidavit
- Business Ownership Disclosure Political
- Contribution Disclosure
- New Jersey Business Registration Certificate*

- Authorized signatures on all documents (and notarized, as applicable)
- 1 bound original, 5 paper copies, and 1 electronic copy of entire submission

* NOTE: N.J.S.A. 52:32-44 prohibits the City from entering any contract for goods or services unless the other party to the contract provides a copy of valid business registration certificates for itself and any subcontractors it intends to utilize in providing services.

The undersigned hereby acknowledges the above listed requirements.

For _____
(Individual or Firm Name)

By: _____
(Signature)

(Date)

(Printed Name)

(Title)



MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127); N.J.A.C. 17:27

Goods, Professional Service and General Service Contracts

During the performance of this contract, _____, ("contractor" or "subcontractor", as appropriate), agrees as follows:

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

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

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

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

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2.

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

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

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

The contractor or subcontractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, 1 of the following 3 documents:

1. Federal Letter of Approval of Equal Employment Opportunity Policies;
2. Certificate of Employee Information Report; or,
3. Completed Employee Information Report Form AA302.

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE (cont'd)

N.J.S.A. 10:5-31 et seq. (P.L.1975, c.127); N.J.A.C. 17:27

Goods, Professional Service and General Service Contracts

The contractor or subcontractor shall furnish such reports or other documents to the City as may be requested from time to time in order to carry out the purposes of these regulations, and the City may furnish such information as may be requested by the New Jersey Division of Purchase & Property, Contract Compliance Administration Unit, EEO Monitoring Program for purposes of conducting a compliance investigation pursuant to *N.J.A.C. 17:27-10 et seq.*

The undersigned hereby acknowledges the above listed requirements.

For _____
(Individual or Firm Name)

By: _____ (Date)

(Printed Name)

(Title)



NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :
COUNTY OF _____: ss.

I, _____, on behalf of the firm of _____, upon my oath or affirmation, hereby depose and say:

1. That I executed the documents submitted herein with full authority so to do;
2. That neither I nor the firm has directly or indirectly entered into any Agreement, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with this contract;
3. That all statements contained in the documents submitted herewith, and in this Affidavit are true and correct, and made with full knowledge that the City of Orange Township will rely upon the truth of the statements contained therein in making determinations regarding award of this contract; and,
4. that no person or selling agency has been employed to solicit or secure this engagement agreement or understanding for a commission, percentage, brokerage or contingent fee, except *bona fide* employees or *bona fide* established commercial selling agencies of the proposer. See N.J.S.A. 52:34-25.

The undersigned hereby acknowledges the above listed requirements.

For _____
(Individual or Firm Name)

By: _____ (Date)

(Printed Name)

(Title)

Sworn before me on this ____ day of _____, 2023.

Notary Public



BUSINESS OWNERSHIP DISCLOSURE

Pursuant to N.J.S.A. 52:25-24.2, the City of Orange Township ("City") is prohibited from awarding a contract to any business entity unless, the business entity provides the City with a statement setting forth the names and addresses of all individuals with 10.00% or more ownership interest therein at the time of proposal.

A. Business Entity Name & Organization

Legal Name of Business Entity: _____

Type of Entity: "C" Corporation "S" Corporation Limited Liability Company
 General Partnership Limited Partnership Limited Liability Partnership

B. Ownership Information

- No person or entity has 10.00% or greater ownership interest in the business entity.
- Names and addresses for all persons or entities with at least 10.00% ownership interest in the business entity, along with corresponding ownership interest percentages, are as follows (attach additional sheets as necessary):

Name	Address	Ownership %

- If any owner identified above is a business entity list the names and addresses of all persons and/or entities owning at least 10.00% of each such entity, repeating this process until the names and addresses of all non-businesses owning at least 10.00% of the business and all related entities are disclosed (attach additional sheets as necessary):

Name	Address	Ownership %

If the business entity has a direct or indirect parent entity which is publicly traded, and any person holds a 10.00% or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission ("SEC") or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the SEC (or foreign equivalent) that contain the name and address of each person holding a 10.00% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person (attach additional sheets if necessary):

URL of Last Annual SEC (or foreign equivalent) Filing	Page #



BUSINESS OWNERSHIP DISCLOSURE CERTIFICATION (cont'd)

C. General Disclosures

The following questions must be answered as to the business entity and all parties identified in Part B above ("owner"). To the extent the answer to any question is "yes", a separate explanation identifying the relevant party(ies) and the circumstances involved must be appended to this Disclosure.

Has the business or any owner been a party in litigation brought within the last 5 years involving laws governing hours of labor, minimum wage standards, discrimination in wages or child labor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been charged with, convicted of, under indictment, on parole, on probation or a plaintiff in, any criminal or civil offense other than a minor motor vehicle violation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been subject to, or have pending, any disciplinary action by any administration, governmental or regulatory body?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been subject to any order resulting from any criminal, civil or administrative proceeding brought by any administrative governmental, or regulatory agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been denied any license on the grounds of moral turpitude by any administrative, governmental or regulatory agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner been informed that it/he/she is the target of any current investigation with respect to possible violations of state or federal securities, antitrust or criminal laws?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been denied a business-related license or had any such license suspended or revoked by any administrative, governmental or regulatory agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been debarred, suspended or disqualified from contracting with any federal, state or municipal agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been in receivership or adjudicated bankrupt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the business or any owner ever been in default on a personal or business loan?	<input type="checkbox"/> Yes <input type="checkbox"/> No

D. Certification

I hereby certify that the foregoing information and any attachments hereto are true and complete. I acknowledge that: (a) I am authorized to execute this certification on behalf of the business entity and all parties listed in Parts A and B above; (b) the City will rely on the information contained herein and the business and all owners are under a continuing obligation to notify the City in writing of any changes to the information contained herein; and, (c) I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do, the City will reject this submission and I may be subject to prosecution.

For _____
(Individual or Firm Name)

By: _____ (Date)

(Printed Name)

(Title)



POLITICAL CONTRIBUTION DISCLOSURE

Pursuant to N.J.S.A. 19:44A-20.26, this form must be submitted not later than 10 days prior to the award of any contract with the City of Orange Township ("City") that may have an anticipated value exceeding \$17,500.00.

A. Instructions

All persons and business entities contracting with the City must disclose contributions to:

1. any continuing political committee (i.e., political action committee); and/or,
2. any candidate committee of a candidate for, or holder of, an elective office of the City, the County of Essex, another public entity within the County of Essex, and/or the legislative district where the City is located, (see Part B below).

The disclosure must list reportable contributions to any of the committees that exceed \$200.00 per election cycle, made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8; N.J.S.A. 19:44A-16. For business entities, this requirement applies to:

- individuals with an ownership interest or control of more than 10.00% of the profits or assets of the business entity;
- all principals, partners, officers, or directors of the business entity and their respective spouses;
- any subsidiaries directly or indirectly controlled by the business entity;
- any New Jersey-based IRS Code § 527 organization, directly or indirectly controlled by the business entity and filing as a continuing political committee (i.e., PAC).

When the contractor is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution [by the contractor]." N.J.S.A. 19:44A-20.26(b).

Any contractor that fails to comply with these disclosure provisions shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount based upon the amount that the contractor 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, N.J.S.A. 47:1A-1 et seq.

B. List of Agencies & Elected Officials Required for Disclosure

State: Governor, and Legislative Leadership Committees

Legislative Districts: 21, 27, 28, 29, 34, 36, and 40
1 State Senator and 2 members of the General Assembly per district

County: County Executive; Commissioners; County Clerk; Sheriff; Surrogate; Registrar of Deeds

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

Belleville Township	Irvington Township	City of Orange Township
Bloomfield Township	Livingston Township	Roseland Borough
Caldwell Borough	Maplewood Township	South Orange Village
Cedar Grove Township	Millburn Township	Verona Township
City of East Orange	Montclair Township	West Caldwell Township
Essex Fells Borough	City of Newark	West Orange Township
Fairfield Township	North Caldwell Borough	
Glen Ridge Borough	Nutley Township	

[CONTINUED ON NEXT PAGE]



POLITICAL CONTRIBUTION DISCLOSURE (cont'd)

B. List of Agencies & Elected Officials Required for Disclosure (cont'd)

Boards of Education (members of the board):

Belleville Public School District	Irvington Public School District	Roseland Public School District
Bloomfield Public School District	Livingston Public School District	South Orange-Maplewood PSD
Caldwell-West Caldwell PSD	Millburn Public School District	Verona Public School District
Cedar Grove Public School District	Newark Public School District	West Essex Regional PSD
Essex Fells Public School District	North Caldwell Public School District	West Orange Public School District
Fairfield Public School District	Nutley Public School District	
Glen Ridge Public School District	Orange Public School District	

C. Contractor Information

Legal Name of Business Entity: _____

Address: _____

D. Reportable Contribution Disclosure

Pursuant to N.J.S.A. 19:44A-20.26, this disclosure must include all reportable political contributions (more than \$200.00 per election cycle) over the 12 months prior to submission (attach additional sheets as necessary).

No reportable contributions.

Contributor	Recipient	Date	Amount

E. Certification

The undersigned, being authorized, hereby certifies that the submission provided herein complies with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

By: _____
(Signature)

_____ (Date)

(Printed Name)

(Title)

