

Issue Date: May, 5, 2008

Submission Deadline: June 4, 2008

Submit To: Patricia Wolf, Secretary, Zoning Board of Adjustment
Township of South Orange Village
101 South Orange Avenue
South Orange, NJ 07079

REQUEST FOR PROPOSAL

POSITION OF COUNSEL FOR ZONING BOARD OF ADJUSTMENT TOWNSHIP OF SOUTH ORANGE VILLAGE

The Township of South Orange Village, Essex County, New Jersey, (“Township”) is requesting Proposals for the position of Counsel for the Township’s Zoning Board of Adjustment. The Zoning Board of Adjustment will appoint a New Jersey State licensed attorney for the provision of legal services based upon a fair and open process, pursuant to N.J.S.A. 19:44A-20.4, et. Seq. In order to have a Proposal considered, an interested party must provide evidence that he/she satisfies the minimum requirements for this position, as set forth in Section III of this document.

SECTION I – Appointment of Counsel for Zoning Board of Adjustment

An attorney shall be appointed by the Zoning Board of Adjustment to serve as Counsel for a term expiring December 31, 2008, to perform legal services for the Zoning Board of Adjustment, described in the Scope of Services set forth in Section II of this document. The term may be renewed annually at the discretion of the Board.

The Zoning Board of Adjustment may select and appoint an attorney for this position, so long as that individual and his/her firm meet or exceed the minimum requirements set forth in Section III of this document. Once an appointment is made, no substitution of personnel, other than those enumerated in Section III, Sub-section C.3, below, may be made without the express written consent of the Zoning Board of Adjustment, which consent may be withheld in its sole discretion.

SECTION II – Scope of Services

Counsel shall perform the following duties, as well as those prescribed by applicable law:

- A. Attend monthly to twice-monthly meetings of the Zoning Board of Adjustment, and represent the Zoning Board of Adjustment in variance and interpretation hearings.
- B. Confer with and advise the Zoning Board of Adjustment on land use law as this law relates to variance and interpretation applications before the Zoning Board of Adjustment.
- C. Render formal written legal opinions and resolutions on applications before the Zoning Board of Adjustment.
- D. Defend the Zoning Board of Adjustment at appeals hearings in Court.

SECTION III – Qualifications and Response Information Requirements

Interested parties submitting a Proposal to this RFP must meet the following minimum qualifications, and will also preferably meet the following additional qualifications:

A. Minimum Candidate Qualifications

1. The attorney has sufficient resources to satisfy the scope of services described in Section II of this document (in particular, coverage during absences, and the capacity to attend meetings from 6:45 p.m. to 11 p.m.);
2. The attorney submitting a Proposal is licensed and in good standing with the Bar Association of the State of New Jersey;
3. The attorney or law firm submitting a Proposal carries professional liability insurance in an amount of at least \$1,000,000.00 with an insurance carrier that has an A or better rating by Best Insurance Digest;
4. The attorney or law firm submitting a Proposal currently or regularly does not represent plaintiffs in appeals to the Township's Zoning Board of Adjustment.

B. Preferred Candidate Qualifications

1. The attorney has served on a Planning Board or a Zoning Board of Adjustment for a municipal entity in the State of New Jersey within the past five years.
2. The attorney has at least five years experience in land use law.
3. The attorney has practiced as a licensed attorney for at least five years prior to the submission of a Proposal.
4. The attorney has an office within reasonable driving distance of the Township.

C. Minimum Response Information Requirements

An interested party wishing to provide a Proposal shall provide the following minimum information in its Proposal.

1. Full name and business address of attorney and law firm submitting the Proposal, including description of location and facilities where the attorney will be providing services;
2. Full name of all equity principals/partners of the law firm submitting the Proposal;
3. Full name of all individuals who, if selected, will provide services to the Township, and for each attorney a resume or curriculum vitae, which must include post-high school education degrees, professional licenses held, and the number of years and municipalities for which representation has been provided to municipal entities in the State of New Jersey, appointments, important or relevant cases and case citations, and work relative to the positions and the periods during which such positions or cases were performed.
4. Acceptance of \$250 Board meeting attendance fee;
5. A listing of professional hourly fees that the attorney and firm would offer to the Township for services performed outside of Board meetings, including paralegal and administrative support;
6. Applicant must comply with N.J.S.A 10:5-1, et. seq., (Law Against Discrimination) and P.L. 2004, c.57 (Business Registration law), and P.L. 1975, c. 127 (Affirmative Action Law of the State of New Jersey);
7. A statement certifying that the applicant never has been reprimanded, censured, or suspended for ethics violations.

8. A listing of municipal entities in the State of New Jersey for which the applicant has provided legal services within the past three (3) years, the years for which these services were provided, the type of legal services provided, and the name and telephone number of the municipal reference.
9. In addition to #7 above, the full name, title, entity, address, telephone number, and e-mail address of three (3) client references for which the applicant has provided services in the past three (3) years.
10. A list and description of all professional liability claims and resolutions, if any, brought against the attorney and firm during the past five (5) years;
11. A description and copy of the professional liability insurance policy maintained by the attorney and firm for the calendar year 2008; and
12. The applicant shall provide the Township with four (4) copies of its Proposal at the location and within the date and time constraint set forth on first page of this RFP.

SECTION IV – Basis of Award of Professional Services Contract

The Township shall award a professional service agreement based upon qualifications, experience, merit, references, cost, and experience with respect to the Scope of Services, Candidate Qualifications, and Response Information provided in a Proposal. Selection criteria will include:

- A. Documented evidence the attorney and firm fulfill the Minimum and Preferred Candidate Qualifications and the Minimum Response Information Requirements set forth in Section III of this document. All Proposals should reflect sequentially the Section and Sub-section numbering of this document.
- B. Technical Criteria
 1. Does the Proposal demonstrate a clear understanding of the Scope of Work?
 2. Is the Proposal complete and responsive to the specific RFP requirements?
- C. Qualifications of attorney and law firm
 1. Do the attorney and firm possess land use law expertise pertinent to a Zoning Board of Adjustment?
 2. What are the attorney's and firm's resources?
 3. Do the attorney and firm possess the capacity to perform professional services in a timely fashion?
 4. Is the attorney available to attend all meetings?
- D. References
- E. Cost Competitiveness for Scope of Services set forth in Section II.

The Township reserves the right to conduct an interview or interviews with applicants. All interviews will be conducted in South Orange, New Jersey, without reimbursement or compensation. The Township reserves the right to reject any and all proposals and waive any informality to the extent that it is lawful and in the best interest of the Township. To the extent permitted by law, the Township reserves the right to negotiate with qualified attorneys as to compensation and terms. All awards are and shall be subject to the availability of funds for the professional services in the 2008 Temporary and Final Budgets of the Village.

Questions regarding this RFP should be submitted in writing to the Zoning Board of Adjustment's secretary, Patricia Wolf at: patty@southorange.org.