BOROUGH OF HIGHLANDS 2027 REQUEST FOR PROPOSAL

PROFESSIONAL SERVICES CONTRACTS TO BE AWARDED BY ESTABLISHED QUALIFICATION CRITERIA FOR MUNICIPAL PROSECUTOR PUBLIC DEFENDER

Notice is hereby given that sealed proposals addressed to Michael Muscillo, Borough Administrator, will be received up to **December 1, 2026, at 11:00am prevailing local time** at which time they will be publicly opened and read by the Borough Administrator of the Borough of Highlands, at the Municipal Building, 151 Navesink Ave., Conference Room, Highlands, New Jersey 07732.

Proposal Forms, Instructions to Bidders, Specifications and other Bidding documents may be examined or obtained at the office of the Borough Purchasing Agent, during the regular business hours of 8:30 am to 4:30pm at the above address or may be reviewed and obtained on the Borough website. It is recommended that all Bidders who have downloaded recheck to ensure of any/all addenda issued.

Pursuant to N.J.S.A. 40A:11-23c, addenda may be issued for bids. It is the sole responsibility of the person submitting the bid to be knowledgeable of all addenda related to this procurement. If bidders obtain a Bid/RFP/RFQ from the website, it is the responsibility of the person submitting the bid to check prior to the bid opening to see if addenda have been issued. Copies of addenda or notice of sale will be made available on the Borough website www.highlandsnj.gov

The Borough of Highlands is soliciting proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51), Highlands Borough is soliciting Requests for Proposal/Statements of Qualification for Bidders for professional service position appointments. Any Bidder which enters into a contract or agreement with the Borough of Highlands or any department or agency thereof shall file a disclosure statement identifying all reportable contributions to any Highlands Borough candidate for Mayor or Borough Council or officeholder of political committee required to be reported pursuant to N.J.S.A. 19:44A-1, et seq.

Responses to the above referenced professional attorney positions should address the general criteria and mandatory minimum criteria for each attorney position sought. All responses will be treated as confidential and reviewed only by the governing body, unless otherwise required by law. **The applicant/Bidder shall submit one (1) original with original signatures marked 'ORIGINAL" and should submit one (1) flash drive containing exact copy of the original.**

One (1) or more Public Defenders and one (1) Prosecutors will be awarded a one (1) year contract. Appointments shall be for the calendar year of 2027. Other factors considered.

The Borough Council reserves the right to reject any or all proposals in whole or in part and to waive such informalities as may be permitted by law.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq., Affirmative Action requirements, N.J.S.A. 19:44A-20.4 et seq., P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51)

Steven Winters
Borough Administrator
November 10, 2026

1. INTRODUCTION

The Borough of Highlands (hereinafter the "Borough") is soliciting proposals from qualified individuals interested in performing the duties and functions for the enclosed MUNICIPAL PROSECUTOR(s) and PUBLIC DEFENDER(s) specialties and intends to award a professional services contract for the defined scope of work in accordance with N.J.S.A. 19:44A-20.4 et seq. (Fair and Open process).

2. ADMINISTRATIVE CONDITIONS AND REQUIREMENTS

The following items express the administrative conditions and requirements of this RFP/RFQ. Together with the other RFP/RFQ sections, they will apply to the RFP/RFQ process, the subsequent contract, and project production. Any proposed change, modification, or exception to these conditions and requirements may be the basis for the Borough to determine the proposal as non-responsive to the RFP/RFQ and will be a factor in the determination of an award of a contract. The contents of the proposal of the successful Bidder, as accepted by the Borough, will become part of any contract awarded as a result of this RFP/RFQ.

2.1 Proposal Submission Information

Submission Date and Time: December 1, 2026, at 11:00am prevailing local time

The Bidder shall submit one (1) original with original signatures marked "ORIGINAL" and shall submit (1) flash drive containing exact copy of the original in pdf format.

Submission Office: Borough of Highlands/RFP [Prosecutor/Defender]
Borough Administrator
151 Navesink Ave.
Highlands, New Jersey 07732

Clearly mark the submittal package with the title of this RFP/RFQ [Prosecutor or Defender] and the name of the responding firm, addressed to the Borough Administrator. The original proposal shall be marked. Only those RFP/RFQ responses received prior to or on the submission date will be considered. Any submission(s) received after the specified time and location will be returned unopened. Responses delivered before the submission date and time specified above may be withdrawn upon written application of the Bidder who shall be required to produce evidence showing that the individual is or represents the principal or principals involved in the proposal. After the submission date and time specified above, responses must remain firm for a period of sixty (60) days.

2.2 Borough Representative for this Solicitation

Please direct all questions in writing to: Steve Winters
Email: swinters@highlandsnj.gov

2.3 Interpretations and Addenda

Bidders are expected to examine the RFP/RFQ with care and observe all its requirements. All questions about the meaning or intent of this RFP/RFQ, all interpretations and clarifications considered necessary by the Borough's representative in response to such comments and questions will be issued by Addenda. Only comments and questions responded to by formal written Addenda will be binding. Questions may be emailed to swinters@highlandsnj.gov Oral interpretations, statements or clarifications are without legal effect. It is the sole responsibility of the person submitting the bid to be knowledgeable of all addenda related to this procurement. If bidders obtain a Bid/RFP/RFQ from the website, it is the responsibility of the person submitting the bid to check prior to the bid opening to see

if addenda have been issued. Copies of addenda or notice of the same will be made available on the Borough website

2.4 Assign, Sublet or Transfer Any Rights/Interests

Neither the Borough nor the Bidder shall assign, sublet, or transfer any rights or interests in this Agreement without the prior written consent of the other party. Unless specifically stated to the contrary, in writing, prior to any assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing herein shall be construed to give any rights or benefits to any other than the Borough and the Bidder.

2.5 Cost Liability and Additional Costs

The Borough assumes no responsibility and liability for costs incurred by the Bidders prior to the issuance of an agreement. The liability of the Borough shall be limited to the terms and conditions of the contract. Bidders will assume responsibility for all costs not stated in their proposals. All unit rates either stated in the proposal or used as a basis for its pricing are required to be all-inclusive. Additional charges, unless incurred for additional work performed by request of the Borough, are not to be billed and will not be paid.

2.6 Statutory and Other Requirements

a. Compliance with Laws

Any contract entered into between the Bidder and the Borough must be in accordance with and subject to compliance by both parties with the New Jersey Local Public Contracts Law. The Bidder must agree to comply with the non-discrimination provisions and all other laws and regulations applicable to the performance of services thereunder. The Bidder shall sign and acknowledge such forms and certificates as may be required by this section.

b. Mandatory EEO/Affirmative Action Compliance

No firm shall be issued a contract unless it complies with the EEO/Affirmative Action requirements of P. L. 1975, C. 127 as identified in the documents attached hereto. The form shall be properly executed.

c. Americans with Disabilities Act of 1990

Discrimination on the basis of disability in contracting for the delivery of services is prohibited. Bidders are required to read American with Disabilities language that is part of the documents attached hereto and agree that the provisions of Title II of the Act are made part of the contract. The Bidder is obligated to comply with the Act and hold the Borough harmless.

d. Ownership Disclosure

An Ownership Disclosure Statement is required to be submitted with each bid. This mandatory form is provided as part of the bid documents.

FAILURE TO INCLUDE A COMPLETED OWNERSHIP DISCLOSURE STATEMENT WITH EACH BID **SHALL** RESULT IN THE REJECTION OF THE BID.

e. Non-Collusion Affidavit

The Non-Collusion Affidavit, which is part of this RFP/RFQ, shall be properly executed and submitted with the RFP/RFQ response. This form is provided as part of the bid documents.

f. NJ Business Registration Certificate

A New Jersey Business Registration Certificate is required pursuant to C57, PL2004; failure to be registered by time of contract award may be cause for rejection. Entities or individuals that need to file for a certificate may do

so on-line through the NJ Division of Local Government Services at the following link: http://www.state.nj.us/treasury/revenue/busregcert.shtml.

g. Disclosure of Investment Activities in Iran

Pursuant to N.J.S.A. 52:32-58, Offerors must certify that neither the Offeror, nor any of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32 – 56(e) (3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32 – 56(f). The form is included as part of the bid documents.

h. Certification of Non-Involvement in Prohibited Activities in Russia or Belarus

Pursuant to N.J.S.A. 52:32-60.1, et seq. (L. 2022, c. 3) any person or entity that seeks to enter into or renew a contract with a State Agency for the provision of goods or services, or the purchase of bonds or other obligations, must complete a certification indicating whether or not the Vendor is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available here: https://sanctionssearch.ofac.treas.gov/. If Highlands finds that a Vendor has made a certification in violation of the law, it shall take any action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party. This form is included as part of the bid documents.

i. "Pay to Play" – Notice of Disclosure Requirement – P.L. 2005, Chapter 271, Section 3 Reporting (N.J.S.A. 19:44A – 20.27)

(1) Any business entity that has received $50,000 or more in contracts from government entities in a calendar year is required to file an annual disclosure report with ELEC. The instructions and form are available on the ELEC website.
(2) Annual Disclosures require submission by March 30th of each year covering contracts and contributions for the prior calendar year.
(3) At a minimum, a list of all business entities that file an annual disclosure report will be listed on ELEC's website at www.elec.state.nj.us.
(4) If you have any questions, please contact ELEC at: 1-888-313-ELEC (3532) (toll free in NJ) or 609-292-8700.

j. Insurance and Indemnification

If it becomes necessary for the Bidder, either as principal or by agent or employee, to enter upon the premises or property of the Borough in order to construct, erect, inspect, make delivery or remove property hereunder, the Bidder hereby covenants and agrees to take use, provide and make all proper, necessary and sufficient precautions, safeguards, and protection against the occurrence of happenings of any accident, injuries, damages, or hurt to person or property during the course of the work herein covered and be his/her sole responsibility.

The Bidder further covenants and agrees to indemnify and save harmless the Borough from the payment of all sums of money or any other consideration(s) by reason of any, or all, such accidents, injuries, damages, or hurt that may happen or occur upon or about such work and all fines, penalties and loss incurred for or by reason of the violation of any Borough regulation, ordinance or the laws of the State, or the United States while said work is in progress. The Bidder shall maintain sufficient insurance to protect against all claims under Workers Compensation, General Liability and Automobile and shall be subject to approval for adequacy of protection and certificates of such insurance shall be provided.

The Bidder, by execution of the contract, shall thereby indemnify and hold the Borough harmless from any and all liabilities, claims, actions, costs and penalties which may be incurred as the result of the failure of the Bidder to comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) or any other statute or case law protecting the privacy of persons using its services.

Successful bidder will indemnify and hold harmless the Borough from all claims, suits or actions and damages or costs of every name and description to which the Borough may be subjected or put by reason of injury to the person

or property of another, or the property of the Borough, resulting from negligent acts or omissions on the part of the bidder, the bidder's agents, servants or sub-contractors in the delivery of materials and supplies, or in the performance of the work under this agreement.

Certificates of the Required Insurance
Certificates as listed below shall be submitted along with the contract as evidence covering Comprehensive General Liability, Comprehensive Automobile Liability, and where applicable, necessary Worker's Compensation and Employer's Liability Insurance. Such coverage shall be with acceptable insurance companies operating on an admitted basis in the State of New Jersey and shall name the Borough as an additional insured.

Insurance/Background Checks
The Bidder is responsible to conduct adequate background checks on all employees and/or sub-contractors working at Borough facilities. Consultants and/or sub-contractors must be bonded, show proof of insurance coverage naming the Borough as an additional insured, and workers' compensation insurance.

Insurance Requirements
The Bidder shall maintain during the life of the contract, insurance policies of the type and with the minimum limits indicated below and, in a form, satisfactory to the Borough. The Bidder shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the municipality prior to commencement of work.

1. Worker's Compensation and Employer's Liability Insurance
This insurance shall be maintained in force during the life of this contract by the bidder covering all employees engaged in performance of this contract in accordance with the applicable statute. Minimum Employer's Liability is $500,000.00.

2. General Liability Insurance
This insurance shall have limits of not less than $1,000,000.00 any one person and $1,000,000.00 any one accident for bodily injury and $3,000,000.00 aggregate for property damage, and shall be maintained in force during the life of this contract by the bidder.

3. Automobile Liability Insurance
This insurance covering bidder for claims arising from owned, hired and non-owned vehicles with limits of not less than $1,000,000.00 any one person and $1,000,000.00 any one accident for bodily injury and $1,000,000.00 each accident for property damage, shall be maintained in force during the life of this contract by the bidder.

4. Professional Liability
This insurance shall be maintained in force during the life of this contract by the bidder covering claims arising from errors and omissions/malpractice from its representation of the municipality with limits of not less than $1,000,000.00 per occurrence. Per GFOA, level of malpractice insurance carried, including deductible amount to cover Errors & Omissions (E&O) improper judgments and negligence.

k. HIPAA (if applicable)
Both parties agree to comply with all requirements of the Federal Health Insurance Portability and Accountability Act of 1996 ('HIPAA") as may be amended from time to time and the corresponding HIPAA regulations for the confidentiality and security of medical information.

The Bidder shall:
- Not use or disclose protected health information other than as permitted or required by law.
- Use appropriate safeguards to protect the confidentiality of the information.
- Report any use or disclosure not permitted.

The Bidder, by execution of the contract, shall thereby indemnify and hold the Borough harmless from any and all liabilities, claims, actions, costs and penalties which may be incurred as the result of the failure of the Bidder to comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) or any other statute or case law protecting the privacy of persons using its services.

l. Proof of Licensure
Proof of licensure for providing Professional Services in the State of New Jersey, for either the firm or the person responsible for the work, shall be provided as required.

m. Public Emergency
In the event of a Public Emergency declared at the Local, State or Federal Level, if the Borough opts to extend terms and conditions of this RFP/RFQ, the Bidder agrees to extend the terms and conditions of this RFP/RFQ, whether existing, expiring or expired no longer than six months, for goods and/or services for the duration of the emergency. In the event the original Bidder cannot meet this requirement, the Borough may solicit the goods and/or services from any respondent on this contract.

n. Multiple Proposals Not Accepted
More than one proposal from an individual, a firm or partnership, a corporation or association under the same or different names shall not be considered.

o. Failure to Enter Contract
Should the Bidder, to whom the contract is awarded, fail to enter into a contract within twenty-one (21) days, Sundays and holidays excepted, the Borough may then, at its option, accept the proposal of another Bidder.

p. Commencement of Work
The Bidder agrees to commence work on January 1, 2027.

q. Termination of Contract
If, through any cause, the Bidder shall fail to fulfill in a timely and proper manner obligations under the Contract or if the Bidder violates any requirements of the Contract, the Borough shall thereupon have the right to terminate the Contract by giving written notice to the Bidder of such termination at least thirty (30) days prior to the proposed effective date of the termination. Such termination shall relieve the Borough of any obligation for the balances to the Bidder of any sum or sums set forth in the Contract.

The Bidder agrees to indemnify and hold the Borough harmless from any liability to sub-contractors/suppliers concerning payment for work performed or goods supplied arising out of the lawful termination of the Contract by the Borough under this provision. In case of default by the Bidder, the Borough may procure the articles or services from other sources and hold the Bidder responsible for any excess cost occasioned thereby.

r. Non-Allocation of Funding Termination
Each calendar year payment obligation of the Borough is conditioned upon the availability of Borough funds appropriated or allocated for the payment of such an obligation. If funds are not allocated and available for the continuance of any services performed by the Bidder hereunder, whether in whole or in part, the Borough at the end of any particular calendar year may terminate such services. The Borough will notify the Bidder in writing immediately of any services that will be affected by a shortage of appropriated funds. This provision shall not be construed so as to permit the Borough to terminate this Agreement during the term, or any service hereunder, merely in order to acquire identical services from a third-party Bidder.

s. Challenge of Specifications

Any Bidder who wishes to challenge a specification shall file such challenge in writing with the Purchasing Agent no less than three (3) business days prior to the opening of the RFP/RFQ's. Challenges filed after that time shall be considered void and having no impact on the Borough or the award of contract.

t. Payment
Invoices shall specify, in detail, the period for which payment is claimed, the services performed during the prescribed period, the amount claimed and correlation between the services claimed and the Proposal Cost Form.

Payment will be made within sixty (60) days or less provided the Bidder returns signed purchase order with original signature and original invoice within specified time period.

The Borough may withhold all or partial payments on account of subsequently discovered evidence including but not limited to the following:

1. Deliverables not complying with the project specification;
2. Claims filed or responsible evidence indicating probability of filing claims;
3. A reasonable doubt that the Contract can be completed for the balance then unpaid.

When the above grounds are removed, payment shall be made for amounts withheld because of them.

u. Non-payment of Penalties and Interest on Overdue Bills
Public funds may be used to pay only for goods delivered or services rendered. The Borough will not pay penalties and/or interest on overdue bills. No employee is authorized to sign a letter of credit or any other document that represents a legal commitment on the part of the Borough to pay additional fees. A purchase order must be signed for payment to be made.

v. Availability of Funds
Pursuant to statutory requirements, any contract resulting from this bid shall be subject to the availability and appropriation of sufficient funds annually

w. Ownership of Material
The Borough shall retain all of its rights and interest in any and all documents and property both hard copy and digital furnished by the Borough to the Bidder for the purpose of assisting the Bidder in the performance of this contract. All such items shall be returned immediately to the Borough at the expiration or termination of the contract or completion of any related services, pursuant thereto, whichever comes first. None of the documents and/or property shall, without the written consent of the Borough, be disclosed to others or used by the Bidder or permitted by the Bidder to be used by their parties at any time except in the performance of the resulting contract.

Ownership of all data, materials and documentation originated and prepared for the Borough pursuant to this contract shall belong exclusively to the Borough. All data, reports, computerized information, programs and materials related to this project shall be delivered to and become the property of the Borough upon completion of the project. The Bidder 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 Borough. All information supplied to the Borough may be required to be supplied on CD-ROM media compatible with the Borough's computer operating system, windows based, Microsoft Office Suite 2007 or greater.

x. Altering Official Document
Bidders shall not write in any margins or alter the official content of Borough's document.

y. W-9
Successful Bidder shall complete W-9 Form and submit to Purchasing prior to contract award. The form is available at the following link: http://www.irs.gov/pub/irs-pdf/fw9.pdf

z. Best Practices
The awarded attorney(s) will adhere to the best practices described in the Office of the Comptroller's Report on municipal legal services.

aa. Conflict of Interest
Indicate and disclose below any potential conflicts of interest that the Attorney(s) may have in performing these services for the Borough of Highlands.

Conflict of Interest Yes _ No _
If answered "yes", please explain below or on separate sheet(s)

_____

_____

_____

2.7 Representations

The Vendor hereby represents as follows:

(a) The Bidder is financially solvent, able to pay its debts as they become due and possessed of sufficient working capital to complete the services required and perform its obligations under this Agreement.
(b) The Bidder is able to furnish the workplace, tools, materials, supplies, equipment and labor necessary to complete the Services and perform all of its obligations under the Contractual Documents and has sufficient experience and competence to do so.
(c) The Bidder is authorized to do business in the State of New Jersey and is properly licensed by all necessary governmental and public and quasi-public authorities having jurisdiction over the Bidder and the Services it will be performing.
(d) The Bidder's execution of and performance under this Agreement are within its duly authorized powers.
(e) The Bidder certifies that it has satisfied itself, from its own investigation, of the conditions to be met, and that it fully understands its obligations and agrees that it will not make any Claim for, or have right to, cancellation or relief from the Contractual Documents without penalty because of its misunderstanding or lack of information.
(f) The Bidder certifies that all representations made by it in any of the Contractual Documents are true, subject to penalty of law. The Bidder understands and agrees that its knowing or intentional violation of any statute or regulation related to public contracts and/or its misrepresentation or concealment of any material fact may be cause for termination of this Agreement. The Bidder understands and agrees that the Bidder's violation of any statute or regulation related to public contracts and/or its misrepresentation or concealment of any material fact shall serve as a legal bar to the Bidder's enforcement of its rights under the Contractual Documents, including any and all Claims at law or equity.
(g) The Bidder and any firm it has subcontracted has provided to the Authority proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury, pursuant to L. 2001, c. 134, as set forth in Appendix E, and the Bidder shall not enter into any subcontract with a firm that has not provided it and the Authority with proof of such valid business registration.

MUNICIPAL PROSECUTOR(S)

SCOPE OF WORK

Municipal Prosecutors shall provide all necessary and desirable legal counsel and advice requested for the prosecution of cases before the Municipal Court, in accordance with N.J.S.A. 2B:25-1 et seq. The Borough currently has Municipal Court sessions on first and third Tuesdays of each month. The Court's schedule is subject to change, and prosecutors may be asked to appear on other days or times for Court or meetings. The Borough of Highlands is seeking to appoint a chief prosecutor for the calendar year 2027, who will be the chief legal representative of the State of New Jersey and the Borough of Highlands in the prosecution of cases before the Municipal Court. The Chief Prosecutor's responsibilities shall include oversight of discovery requests for pending Municipal Court matters. Additionally, Highlands Borough desires to appoint two (2) or more municipal prosecutors for the calendar year 2027 to serve at the direction of the chief prosecutor.

MINIMUM QUALIFICATIONS

Applicants must meet the minimum requirements required by State Law as set forth at N.J.S.A. 2B:25-1 et seq. The individual must also:

1. Be admitted to the practice of law for not less than seven (7) years preceding appointment;

2. Have relevant experience as a Municipal Prosecutor, or comparable experience in municipal court or New Jersey Superior Court, Criminal Division;

3. Possess relevant experience and familiarity with Highlands Borough and/or MONMOUTH County municipal court practices.

SUBMISSION

Individuals applying shall provide evidence that all minimum qualifications are met.

The response to this Request for Proposals/Request for Qualifications (RFP/RFQ) shall also discuss and provide the following:

- A narrative description of prior experience similar to that being advertised, and a list of professional references.

- References and record of success. References should include:
  1. Name of Client
  2. Address of Client
  3. Contact Person's Name
  4. Contact Person's Title
  5. Telephone Number
  6. E-mail address
  7. Dates Worked

- Description of ability to provide the services in a timely fashion.

- Prosecutors will be paid on a per session basis, with the Chief Municipal Prosecutor receiving $ per year, and all other Municipal Prosecutors receiving $ per session.

- A narrative statement of the professionals understanding of the Borough's needs and goals.

PROSECUTORS -
The undersigned hereby declares that they have carefully examined the requirements of the specifications contained herein and propose that if awarded the bid, he/she agrees to the fee as outlined in the Scope of Work and will provide services as specified by the Specifications.

SIGNATURE:

NAME PRINTED:

FIRM:

ADDRESS:

PHONE: FAX:

EMAIL:

DATE:

This fair and open process proposal is for the Request for Proposal/Request for Qualifications. Contract award(s) shall be made with reasonable promptness by written notice to that responsible bidder(s), whose bid proposal(s), conforming to this RFP/RFQ, is (are) most advantageous to the Borough, other factors considered.

OFFICE LOCATION – Please list complete address of servicing location:

_____

_____

PUBLIC DEFENDER(S)

The Public Defender shall interview all indigent defendants qualifying for assistance and shall defend those qualified defendants in the Municipal Court of the Borough and provide such legal advice and counsel to such individuals as may be required in any proceedings before the Municipal Court of the Borough pursuant to N.J.S.A. 2B:24-1 et seq. The Borough currently schedules all defendants represented by a public defender for a session on the first Tuesday of the month at 3:00pm; however, the Municipal Public Defender and Alternate/Conflict Public Defender(s) may be required to attend Court on other days or times, as needed or as scheduled by the Highlands Municipal Court Administrator. The Borough of Highlands is seeking to appoint one (1) Public Defender for the calendar year 2027, and one (1) or more Alternate Public Defenders.

MINIMUM QUALIFICATIONS

Applicants must meet the minimum requirements required by State Law as set forth at N.J.S.A. 2B:24-1 et seq., The individual also:

1. Must be licensed to practice law in the State of New Jersey for a period of not less than ten (10) years preceding appointment.

2. Must maintain a bona fide office in the State of New Jersey. Please list office address.

3. Must have relevant experience as a Municipal Public Defender, or comparable experience in municipal court or New Jersey Superior Court, Criminal Division.

4. Possess relevant experience and familiarity with Highlands Borough and/or MONMOUTH County municipal court practices.

SUBMISSION

Individuals applying shall provide evidence that all minimum qualifications are met.

The response to this Request for Proposals/Request for Qualifications (RFP/RFQ) shall also discuss and provide the following:

- Resume including a narrative description of prior experience similar to that being advertised, and a list of professional references.

- References and record of success. References should include:
  1. Name of Client
  2. Address of Client
  3. Contact Person's Name
  4. Contact Person's Title
  5. Telephone Number
  6. E-mail address
  7. Dates Worked

- Description of ability to provide the services in a timely fashion.

- The Municipal Public Defender shall be paid $200-500 per session. Conflict Municipal Public Defender(s) shall be paid at the Municipal Public Defender rate when substituting for the Municipal Public Defender. Conflict Municipal Defender(s) shall be paid at a rate of $200.00 per defendant, not to exceed $475.00 per session, where appointed to represent a defendant due to a conflict of the Municipal Public Defender.

- A narrative statement of the professionals understanding of the Borough's needs and goals.

PUBLIC DEFENDER -
The undersigned hereby declares that they have carefully examined the requirements of the specifications contained herein and propose that if awarded the bid, he/she agrees to the fee as outlined in the Scope of Work will provide services as specified by the Specifications.

SIGNATURE:

NAME PRINTED:

FIRM:

ADDRESS:

PHONE: FAX:

EMAIL:

DATE:

This fair and open process proposal is for the Request for Proposal/Request for Qualifications. Contract award(s) shall be made with reasonable promptness by written notice to that responsible bidder(s), whose bid proposal(s), conforming to this RFP/RFQ, is (are) most advantageous to the Borough, other factors considered.

OFFICE LOCATION – Please list complete address of servicing location:

_____

_____

Proposal Requirements

Qualification Statement and Proposal
Respondents are requested to submit a Qualification Statement and Proposal for each category. The Qualification Statement and Proposal must contain all requirements of the RFP/RFQ and the following information.

1. A statement that your firm is interested in performing the work described in this RFP/RFQ.
2. The address of the office in which the work will be performed.
3. The name and title of the individuals who will be assigned to the project(s).
4. A narrative demonstrating your understanding of all work necessary. The narrative must detail your firm's particular ability to perform the type of work. The narrative must indicate the experience of your firm/staff for the type of work involved for the categories your firm is preparing a response. The narrative should address the ability of your firm to complete the required work in a professional and cost-effective manner.
5. Resumes of key personnel must be submitted along with your firms' proposals. Each resume shall be a maximum of two, single sided, 8 ½ "x 11" sheets in length and must highlight education, professional credentials, and work performance on projects similar to that described in this RFP/RFQ. A resume of the primary partner, as well as the resume(s) of key personnel must be included.
6. It is anticipated that the Borough will require monthly itemized statements for all services and will subject these statements to audit at least annually. Describe how your firm would provide for this reporting.
7. Please submit an example of a typical invoice your firm provides to a public agency.

Fee Schedule
Fees per sessions are listed under each individual scope of services.

<u>Evaluation, Review and Selection Process</u>
Proposals to Remain Subject to Acceptance
RFP/RFQ responses shall remain open for a period of sixty (60) calendar days from the stated submittal date. The Borough will either award the Contract within the applicable time period or reject all proposals. The Borough may extend the decision to award or reject all proposals beyond the sixty (60) calendar days when the proposals of any respondents who consent thereto may, at the request of the Borough, be held for consideration for such longer period as may be agreed.

Rejection of Proposals
The Borough reserves the right to reject any or all proposals, or to reject any proposals if the evidence submitted by, or investigation of such Bidder fails to satisfy the Borough that such Bidder is properly qualified to carry out the obligations of the RFP/RFQ and to complete the work contemplated therein. The Borough reserves the right to waive any minor informality in the RFP/RFQ. In the event that all proposals are rejected, the Borough reserves the right to start the process over from the beginning and re-solicit proposals.

If No Proposals Are Received
If no proposals are received after conducting the Fair and Open Process, the Committee will make a recommendation for the appointment of a professional to the governing body as permitted in N.J.S.A. 40A:11-6.1(a)(b). Notwithstanding the above, all professionals receiving awards based on this sub-

section must comply with the limitations on contributions approved in the Borough's Pay to Pay Ordinances.

Evaluation Process
An evaluation team will review all proposals to determine if they satisfy the Proposal Requirements, determine if a proposal should be rejected and evaluate the proposals based upon the Evaluation Criteria. The highest-ranking Bidder will then be recommended to the governing body for award of contract, based on price and other factors.

Evaluation Criteria
The criteria considered in the evaluation of each proposal follows. The arrangement of the criteria is not meant to imply order of importance in the selection process. All criteria will be used to select the successful Bidder.

1. **Understanding of the Requested Work**
   a. Completeness & responsiveness to the RFP/RFQ
   b. Compliance with instructions & requests
   c. Demonstrates clear understanding of Scope of Work

2. **Knowledge and Technical Competence**
   a. Education & training of employees
   b. Suitability to perform the required tasks

3. **Management, Experience and Personnel Qualifications**
   a. Project management team & their qualifications
   b. Additional resources available
   c. Record of reliability & quality of service
   d. Experience performing similar work

4. **Cost**
   a. Explanation of costs (on Cost Sheet)
   b. Cost comparison
   c. Miscellaneous additional services costs

   Note: Price shall be based on hourly rates and schedules of fees submitted with the proposal. Any services not included as part of any resulting contract scope of services must be approved and authorized by the Borough before such work is initiated. The Borough shall pay for such approved services at the rate or cost agreed upon between the Borough and Bidder, provided the Bidder has provided a schedule of fees for additional services with this RFP/RFQ.

Award
The Borough reserves the right to conduct an interview or interviews with the prospective professional to discuss the scope of the professional services as outlined in the Bidder's submission.

Term of Contract: January 1, 2027 – December 31, 2027.

The Professional Services Committee will select the Bidder(s) deemed most advantageous to the Borough, price and other factors considered. The Professional Services Committee's selection is

subject to the Mayor's approval. Thereafter, the Mayor's recommendation shall be forwarded to the governing body for approval. Once approved by the governing body by resolution, the contract between the Borough and the selected Bidder(s) shall be prepared.

All awards are subject to availability of funds.

Notice of Award
The successful Bidder will be notified of the award of contract upon a favorable decision by the governing body. The Purchasing Agent may then send a Purchase Order/Voucher to the Bidder.

Payment
Payment will be made after a properly executed Borough voucher has been received and formally approved on the voucher list by the Borough Council at its subsequent regular meeting. The voucher will be certified correct by the department/division head who received the goods or services.

Open Public Records Act (OPRA)
All documents/information, except for OPRA's Exemptions from Disclosure, submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq.

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