



**RFP - #004-12R**

**REQUEST FOR PROPOSALS**

**FOR THE PROVISION OF**

**WEBSITE DESIGN, DEVELOPMENT  
AND HOSTING SERVICES**

**DUE DATE: THURSDAY, MAY 3, 2012  
TIME: 3:00 P.M. PREVAILING TIME**

**Issued by:**

**NORTH JERSEY DISTRICT WATER SUPPLY COMMISSION  
ONE F.A. ORECHIO DRIVE  
WANAQUE, N.J. 07465**

## **DEFINED TERMS**

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

**“Applicable Law”** – means any statute, law, constitution, charter, ordinance, resolution, judgment, order, decree, rule, regulation, directive, standard or similarly binding authority, which shall be enacted, adopted, promulgated, issued or enforced by a governmental body relating to the Commission, the Selected Respondent or the performance of the Services.

**“Commission”** - refers to the North Jersey District Water Supply Commission

**“Proposal”** - refers to the complete responses to this RFP, including qualifications to perform the Services, submitted by a Respondent.

**“Qualified Respondent”** - refers to those Respondents who (in the sole judgment of the Commission) have satisfied the qualification criteria set forth in this RFP.

**“Respondent”** or **“Respondents”** - refers to the interested firm(s) that submits a Proposal.

**“RFP”** - refers to this Request for Proposals, including any amendments thereof or supplements thereto.

**“Selected Respondent”** – refers to the Qualified Respondent designated by the Commission for the award of a contract to perform the Services.

**“Services”** - refers to the services to be performed by the Selected Respondent awarded a contract to serve as **WEBSITE DESIGN, DEVELOPMENT AND HOSTING SERVICES** for the Commission for a one-year period in accordance with the provisions of this RFP.

## **SECTION 1**

### **INTRODUCTION AND GENERAL INFORMATION**

#### **1.1. Introduction and Purpose.**

The Commission is organized and exists under and pursuant to N.J.S.A. 58:5-1 et seq., and is a public body politic and corporate formed by its member municipalities and authorized to acquire, develop and operate a water supply system or a new and additional water supply system for use by any municipality in the Counties of Sussex, Warren, Hunterdon, Passaic, Morris, Monmouth, Somerset, Bergen, Hudson, Essex, Union and Middlesex (the "District"). Pursuant to its enabling legislation, the Commission is authorized to finance, construct and place into operation, and operate and use facilities deemed necessary for and incident to the treatment, filtration, transmission and distribution of potable water for the benefit of municipalities within the District. The Commission presently contracts with municipalities, regional municipal purveyors, and publicly and privately owned utilities. It is operated on a non-profit basis and funded through the municipalities and utilities which are contract participants of the Commission.

The Commission is soliciting Proposals, including Respondent's qualifications to perform the Services, as more particularly described herein. Through the procurement process initiated by this RFP, firms interested in assisting the Commission with the provision of such Services must prepare and submit a Proposal in accordance with the procedure and schedule established in this RFP. The Commission will review Proposals only from those firms that submit a Proposal that includes all of the information required to be submitted as described herein (in the sole judgment of the Commission).

#### **1.2. Procurement Process and Schedule.**

The Commission has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each firm is provided an equal opportunity to submit a Proposal in response to the RFP. Proposals will be evaluated in accordance with the requirements set forth in this RFP. The criteria in Section 4 will be applied in the same manner to each Proposal received.

The award of a contract to the Selected Respondent is subject to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Respondents agree to, at all times, abide by all requirements of New Jersey law, as well as any and all relevant Executive Orders and the New Jersey Election Law Enforcement Commission disclosure requirements.

Proposals will be reviewed and evaluated a Commission established "Evaluation Committee" to determine if each Respondent has met the required professional and administrative requirements set forth in this RFP. Based upon the totality of the information contained in the Proposal, including information about the reputation and experience of each Respondent, the Commission will (in its sole judgment) determine which Respondents are qualified. Each Respondent that meets the requirements of the RFP will be designated as a Qualified Respondent and will be considered during the evaluation process for the award of a contract for the Services.

The procurement process commences with the issuance of this RFP. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Commission reserves the right to amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

**All communications concerning this RFP or the RFP process shall be faxed to the attention of Jeanne Schneider, Contract Administrator, at 973-835-6701 or e-mailed to [jschneider@njdwsc.com](mailto:jschneider@njdwsc.com). Please do not call the Commission for information.**

**Respondents must submit an original and five (5) copies of the Proposal. Proposals must be submitted to Jeanne Schneider, Contract Administrator, North Jersey District Water Supply Commission, One F.A. Orechio Drive, Wanaque, New Jersey 07465. Proposals must be received by, the Commission, via mail or hand delivery, by 3:00 p.m. Prevailing Time on Thursday, May 3, 2012, at which time proposals will be publicly opened. Proposals will not be accepted by facsimile transmission or e-mail.**

**TABLE 1  
ANTICIPATED PROCUREMENT SCHEDULE**

| <b>ACTIVITY</b>                            | <b>DATE</b>                            |
|--------------------------------------------|----------------------------------------|
| 1. Issuance of Request for Proposals ..... | <b><u>Thursday, April 12, 2012</u></b> |
| 2. Proposal Submission Date.....           | <b><u>Thursday, May 3, 2012</u></b>    |
| 3. Tentative Contract Award Date.....      | <b><u>Wednesday, May 23, 2012</u></b>  |

**1.3. Conditions Applicable to RFP.**

Upon submission of a Proposal in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Proposal:

- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent.

- All Proposals shall become the property of the Commission and will not be returned.
- All Proposals will be made available to the public at the appropriate time, as determined by the Commission and in accordance with law.
- Any and all Proposals not received by the Commission by **3:00 p.m. Prevailing Time on Thursday, May 3, 2012** will be rejected and returned to the Respondent unopened.
- Neither the Commission, nor its staff, consultants and advisors (including, but not limited to, the Evaluation Committee) shall be liable for any claims or damages resulting from the solicitation or preparation of the Proposal, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Proposal or for participating in this procurement process.

#### **1.4. Rights of Commission.**

The Commission reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Proposal received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any non-material, technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the Commission deems necessary or convenient, to clarify the information provided as part of the Proposal and to request additional information to support the information included in any Proposal.
- To request that Respondents send representatives to the Commission for interviews at a time and place designated by the Commission.
- To request additional information from prospective Respondents.

- To reject for any reason (in its sole judgment) any and all responses and components thereof and to reject all Proposals and in its sole discretion reissue this RFP.
- To reject any Respondent (in its sole judgment) that submits in response to this RFP a Proposal that is incomplete or not responsive to the requirements of this RFP.
- To reject any Proposal as non-responsive, to the extent permitted by Applicable Law, that takes any exception or makes any additions to any term or condition of the RFP (including the Proposal forms in the Appendices).
- To suspend or terminate the procurement process described in this RFP at any time (in its sole discretion.) If terminated, the Commission may determine to commence a new procurement process or exercise any other rights provided under Applicable Law without any obligation to the Respondents.
- To reserve the right to waive minor irregularities. The Commission also reserves the right to waive a mandatory requirement provided that:
  1. the requirement is not mandated by law;
  2. all of the otherwise responsive proposals failed to meet the mandatory requirement; or
  3. in the sole discretion of the Commission, the failure to comply with the mandatory requirement does not materially affect the procurement or the Commission's interests associated with the procurement.

#### **1.5. Addenda or Amendments to RFP.**

During the period provided for the preparation of Proposals, the Commission may issue addenda, amendments or answers to written inquiries. Those addenda will be sent to all prospective Respondents who have requested a copy of the RFP by the Commission and will constitute a part of the RFP. All responses to the RFP shall be prepared with full consideration of the addenda issued prior to the date set for submission of Proposals in Section 1.2 hereof.

#### **1.6. Cost of Proposal Preparation.**

Each Proposal and all information required to be submitted pursuant to the RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims **whatsoever** against the Commission, its staff or consultants for reimbursement for costs or expenses incurred in the preparation of the Proposal or other information required by the RFP.

## **1.7. Proposal Format.**

Proposals should address all information requested in this RFP.

Proposals that, in the sole judgment of the Commission, fail to meet the requirements of the RFP or that are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

## **1.8 Campaign Contributions and Expenditure Reporting.**

In order to safeguard the integrity of the Commission's procurement process, the Commission has imposed restrictions to insulate the award of contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof. The terms and conditions set forth in this section are material terms of any contract resulting from this RFP.

a. Definitions. For the purposes of this section, the following shall be defined as follows:

(i) Contribution – means a contribution reportable by a recipient under “The New Jersey Campaign Contributions and Expenditures Reporting Act.” N.J.S.A. 19:44A-1 et seq., and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Currently, contributions in excess of \$300 during a reporting period are deemed “reportable” under these laws.

(ii) Contractor – means any natural or legal person, business corporation, professional service corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (a) all principals who own or control more than 10 percent of the profits or assets of a Contractor or 10 percent of the stock in the case of a Contractor that is a corporation for profit, as appropriate; (b) any subsidiaries directly or indirectly controlled by the Contractor; (c) any political organization organized under 26 U.S.C. 527 that is directly or indirectly controlled by the Contractor, other than a candidate committee, election fund, or political party committee; and (d) if a Contractor is a natural person, that person's spouse or child, residing in the same household.

b. Breach of Contract.

It shall be a breach of the terms of any contract for the Contractor to (i) make or solicit a contribution in violation of the terms of this section, (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign

committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would subject that entity to the restrictions of this section; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this section; or (viii) directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

c. Certification and Disclosure Requirements.

(i) The Commission is prohibited from entering into a contract with any Contractor for services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds \$17,500, if that Contractor has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee: (1) within the eighteen months immediately preceding the commencement of negotiations for the contract or agreement; (2) during the term of office of a Governor, in the case of contributions to a candidate committee or election fund of the holder of that office, or to any State or county political party committee of a political party nominating such Governor in the last gubernatorial election preceding the commencement of such term; or (3) within the eighteen months immediately preceding the last day of the term of office of Governor, in which case such prohibition shall continue through the end of the next immediately following term of the office of Governor, in the case of contributions to a candidate committee or election fund of the holder of that office, or to any State or county political party committee of a political party nominating such Governor in the last gubernatorial election preceding the commencement of the latter term. Effective November 15, 2008, Executive Order No. 117 extends the above prohibition to contributions made to a candidate committee or election fund of any candidate for or holder of the office of Lieutenant Governor, and to contributions made to a legislative leadership committee or a municipal political party committee.

(ii) At the time of the submission of its Proposal, a Contractor shall report all contributions the Contractor made during the preceding four years to any political organization organized under 26 U.S.C.A. 527 of the Internal Revenue Code that also meet the definition of a "continuing political committee" within the meaning of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. The required forms and instructions are included in this RFP package and must be returned with a Contractor's Proposal fully completed. Failure to submit the fully completed Certification and Disclosure(s) with a Proposal may result in the rejection of the Proposal, as well as preclude future contract opportunities.

(iii) Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made. The required form and instructions are available from the Commission shall be provided to the intended awardee with the Notice of Intent to Award.

d. Disclosure Review.

The Commission shall ensure that the disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor are reviewed by the appropriate authorities. If it is determined that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the Commission shall disqualify the Contractor from award of such contract.

**1.9 Review of Submissions**

The Commission has established an Evaluation Committee who will review the Proposals for compliance with the terms of this RFP and make a recommendation to the Commission's Board concerning the award of a contract for the Services. The factors that the Commission will use as part of its evaluation are described in Section 4 of the RFP.

Section 2 of the RFP describes the scope of services to be performed by the Selected Respondent during the term of the contract. As part of the criteria that the Evaluation Committee and the Commission will use to assess the Proposals submitted in response to the RFP, Respondents are required to demonstrate their qualifications and experience in providing these services, and to describe their experience in performing these services under similar contracts.

In addition to a Respondent's written proposal, the Commission will also require an oral presentation to be made by each qualified Respondent. The Evaluation Committee will take into consideration the oral presentation as part of its overall evaluation of each qualified Respondent.

The Evaluation Committee and the Commission is also interested in considering other factors that each Respondent can offer that will advance the interests of the Commission in carrying out its important public mission to develop potable water sources and operate a water supply system for the benefit of its contract municipalities.

## SECTION 2

### **SCOPE OF SERVICES AND CONTRACTUAL REQUIREMENTS**

It is the intent of the Commission to solicit Proposals from Respondents that have expertise in the provision of the Services. Firms and/or persons responding to this RFP must demonstrate that they will have the continuing capabilities to perform these Services.

#### **2.1. A. General.**

The Commission is seeking to replace its existing Website with one that will provide a web presence for the Commission as well as facilitate the dissemination of required public information and documentation. The Commission is requesting proposals for the following:

1. Professional Website Design.
2. Implementation of a Content Management System in order for the Commission to easily upload documents, create or change links and make necessary changes as needed.
3. Hosting of the Commission's Website and provide technical assistance as necessary.

The Project will consist of two phases. These will be the Development of the Website and the Hosting and Maintenance Phase.

#### **B. Development.**

The development of the North Jersey District Water Supply Commission's (NJDWSC) Website will include online drafts for approval during the Development process. At least three design alternatives should be provided. Commission IT staff will be the point of contact and will have at least two points of contact available via e-mail or telephone. These designs will then be presented to key administrative personnel with a technical evaluation for approval or comments. One site design that has been considered is njwsa.org.

The selected vendor will, after confirmation of a tentative design approval and rough draft, provide a schedule of project milestones in order to track progress and move toward a tentative completion go-live date.

The budget for the Development Phase of NJDWSC's website is approximately in the \$15,000 range.

### **C. Hosting and Maintenance.**

Once the Website has reached the Go-Live Phase and any punch list items have been completed, the site will go into the Hosting and Maintenance Phase.

The vendor will, for a monthly fee, supply high speed hosting as well as basic maintenance of the site.

### **D. Website Design.**

The new Website should have a modern look to it. The menus should be easy to navigate. Any uploaded documents, such as PDFs, should open in their own window when their link is clicked. Additional features should include but not limited to the following:

- Navigation that is easy to use and user-friendly with the appropriate amount of main page menu links that provide clarity, but not too busy. It should have a clean layout.
- Look and feel of a modern website with appropriate NJDWSC logos and graphics for a professional look.
- Work with commonly used browsers on all operating systems including Internet Explorer, Firefox and Safari.
- User friendly Content Management System that can be updated by Commission personnel.

The Commission must constantly upload and update contract information and notices, RFPs, meeting agendas and minutes, employment information as well as any current news relating to the Commission on an ongoing and sometimes daily basis. It is imperative that this is achievable by office staff with reasonable technical knowledge. Commission personnel at a minimum must be able to upload images and/or documents as needed, add links for these as well as upload new pages as needed.

- Allow the public to e-mail the webmaster with comments, questions or concerns.
- Search key words on the website.
- Allow the Commission to make certain pages only available to users with a login ID and password, supplied by the Commission.
- Adobe Flash should be used sparingly if at all to minimize the need for third party add-ons.
- HTML is the preferred language of the site but dynamic languages such as .Net, ASP or PHP are also acceptable. Vendor must specify what scripting languages will be used. This is essential should the Website need to be ported to another portal or hosting site in the future.

## **E. Hosting.**

The Website will be maintained and hosted off-site at the location of the vendor. Vendor must indicate the location of site hosting.

The site hosting must have a guaranteed availability at all times with minimum down time. The history and track record of the hosting site reliability must be disclosed.

Although most updates and additions will be by Commission personnel, some work may be required by the vendor. This will be minimal in nature, such as adding a link to the main page, adding a graphic in the correct font, etc. This must be included and defined in the monthly hosting package.

Vendor must provide a minimum response time to Commission requests for alterations, modifications or requests for service such as DNS updates or website functionality.

Commission IT Department must have FTP access to site at all times via username and password.

## **2.2 Personnel.**

The Selected Respondent represents and agrees that:

1. it has the personnel necessary to provide the Services as described in Section 2.1;
2. no personnel provided by the Selected Respondent are or shall be employees of the Commission nor shall they have any contractual relationship with the Commission;
3. all of the Services to be provided by the Selected Respondent pursuant to this Agreement will be provided by personnel qualified to perform the particular work; and
4. none of the Services to be provided by the Selected Respondent shall be provided by any subconsultant or under any subcontract for services without the prior written consent of the Commission.

## **2.3 Insurance Requirements.**

The Selected Respondent shall indemnify, hold harmless, and defend the Commission, its officers, directors, agents, employees and servants from and against any and all claims, demands, suits, damages, recoveries, settlements, actions, costs, counsel fees, expenses, judgments or decrees arising from or as a result of any acts, errors or omissions by the Selected Respondent, its agents, servants, independent contractors or subcontractors.

The Selected Respondent retained to perform the Services will be required to maintain insurance provided by a company or companies authorized to do business and qualified to engage in the insurance business in the State of New Jersey and approved by the Commission as follows:

|                              |                                         |
|------------------------------|-----------------------------------------|
| Professional Liability       | \$ 1,000,000.00 minimum per occurrence; |
| Commercial General Liability | \$1,000,000 minimum per occurrence;     |
| Worker's Compensation        | \$ 500,000.00 minimum; and              |
| Automobile Liability         | \$ 1,000,000.00 minimum per occurrence. |

The Commission must be named as an additional insured under all applicable policies and the Selected Respondent must provide the Commission with a current Certificate of Insurance upon execution of the contract for the Services.

In the event the Selected Respondent will utilize leased or temporary employees to perform the Services, it will be necessary for the Selected Respondent to demonstrate to the Commission full satisfaction prior to the award of a contract that all such employees are covered with workers' compensation insurance.

#### **2.4 Affirmative Action.**

During the performance of the Services, the Selected Respondent must agree as follows:

a. The Selected Respondent 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, gender identity or expression, disability, nationality the contractor will take affirmative action to ensure such applicants are recruited and employed, 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 action 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 Selected Respondent agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth provisions of this nondiscrimination clause.

b. The Selected Respondent will, in all solicitations or advertisements for employees placed by or on behalf of the Selected Respondent, 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.

c. The Selected Respondent will send to each labor union or representative of 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 Selected Respondent's

commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The Selected Respondent agrees to comply with the regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time.

e. The Selected Respondent shall furnish such reports or other documents to the affirmative action office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the affirmative action office for conducting a compliance investigation pursuant to N.J.A.C. 17:27.

f. The Selected Respondent agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the affirmative action office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time.

g. The Selected Respondent agrees to inform in writing appropriate recruitment agencies in the area, including 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 that engages in direct or indirect discriminatory practices.

h. The Selected Respondent 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.

i. The Selected Respondent 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, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal Court decisions.

## SECTION 3

### SUBMISSION REQUIREMENTS

#### 3.1. General Requirements.

The Proposal submitted by the Respondent must meet or exceed the professional and administrative qualifications set forth in this Section 3 and shall incorporate the information requested below.

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

#### 3.2. Content and Form of Proposal.

- I. Proposal Format. Proposal content and completeness is an important criterion in the evaluation process. In order to streamline the evaluation process and ensure that all Proposals are evaluated on an equal basis, it is required that Proposals adhere to the standard format outlined below for presentation of the requested information.

| <u>Section</u> | <u>Section Title</u>                |
|----------------|-------------------------------------|
|                | Letter of Proposal/Letter of Intent |
|                | Table of Contents                   |
| 1              | Introduction/Executive Summary      |
| 2              | Statement of Qualification          |
| 3              | Fee Proposal for Scope of Services  |

- II. Proposal Content

- a. Letter of Proposal/Letter of Intent.

The Respondent must submit an executed Letter of Proposal (see Appendix A) and an executed Letter of Intent (see Appendix B) signed by the individual who is authorized to commit the Respondent to the Scope of Services and Fee Proposal.

- b. Introduction/Executive Summary (Section 1)

This section of the Proposal should contain a brief summary of the background of the Respondent and key personnel. Provide a list

of the personnel the Respondent proposes to utilize for this contract and identify their individual qualifications. This section of the Proposal should also include the following minimum requirements in the order set forth below:

1. Name, address and telephone number of the Respondent submitting the Proposal pursuant to this RFP, and the name of the key contact person.
2. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each Respondent, its ownership and its organizational structure.
  - (i) Provide the names and addresses of all Principals of the Respondent submitting the Proposal. For purposes of this RFP, "Principals" mean persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the company.
  - (ii) If a Respondent is a partially owned or a fully-owned subsidiary of another company, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the Respondent submitting a Proposal. Describe the approval process.
  - (iii) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
3. The number of years the Respondent has been in business under the present name.
4. The number of years the Respondent has been under the current management.
5. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.

6. A statement as to whether or not the Respondent, or any of its principals, have been adjudged liable for professional malpractice in the past ten (10) years. If yes, please explain.
  7. A statement as to whether the Respondent or any of its current principals are now, or have, in the past three (3) years, been the subject of any federal or state investigations or proceeding or any Security and Exchange Commission regulatory investigation or proceeding, and indicate the nature of that investigation or proceeding.
  8. A statement as to whether the Respondent is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
  9. Confirm appropriate federal and state licenses to perform the Services. **Submit a copy of the Respondent's current Business Registration Certificate at the time of submission of the Proposal.**
  10. A narrative statement of the Respondent's understanding of the Commission's needs and goals.
  11. An executed Non-Collusion Affidavit (See Appendix C).
  12. Contribution Certification & Disclosure Forms as required under Section 1.8(c).
- c. Statement of Qualifications (Section 2)
1. The Respondent must demonstrate its experience and qualifications. Respondents must provide the following:
    - i. An explanation of fields of expertise, specifically as it relates to governmental organizations.
    - ii. A description of Respondent's largest, smallest, and a mid-sized project during the last three (3) years.
    - iii. Any other information the Respondent deems pertinent and demonstrates an ability to perform the Services.
  2. Experience of Key Personnel

The Respondent must demonstrate its experience and qualifications and that of its principals and associates that will be performing the Services for the Commission. Therefore, the Respondent shall provide the following:

- i. Organizational chart.
  - ii. Resumes of the principals and associates that will be assigned and committed to the Commission, including their applicable experience and their individual qualifications.
  - iii. Other information the Respondent deems pertinent which demonstrates an ability to perform the requested Services.
- d. Fee Proposal (Section 3)

Provide hourly rates applicable for the performance of each level of personnel who will perform the Services as well as an estimate of the total costs expected to complete the performance of the Services. The total project cost shall include all anticipated expenses to be incurred in providing the Services. In the event such out-of-pocket expenses are not included in the hourly rate, provide a listing and an estimate of such expenses. It is the Commission's intention to utilize the estimate of total costs as the basis for a "Not-to-Exceed" contract limit for this engagement.

**IN ADDITION TO THE RIGHTS OF THE COMMISSION, AS SET FORTH IN SECTION 1.4 HEREOF, ANY PROPOSER WHO SUBMITS A PROPOSAL THAT TAKES ANY EXCEPTION OR MAKES ANY ADDITIONS TO ANY TERM OR CONDITION OF THE RFP (INCLUDING THE PROPOSAL FORMS IN THE APPENDICES) MAY BE REJECTED BY THE COMMISSION AS AND TO THE EXTENT PERMITTED BY APPLICABLE LAW.**

## **SECTION 4**

### **EVALUATION**

Selection of a Qualified Respondent to perform the Services will be made on a competitive basis that places great weight on the Respondents' qualifications and the proposed fee, and familiarity with Applicable Law relevant to the performance of the Services. The selection will also take into consideration a Respondent's proficiency in providing the Services to governmental entities.

The factors that the Commission will use as part of evaluation may include, but are not limited, to the following:

**1. QUALIFICATIONS/APPROACH: (20 points)**

- a. The background, qualifications, skills, and experience of the Respondent and its staff;
- b. The Respondent's proposed approach to the Services as evidenced in both the written Proposal and, if applicable, any oral presentation; and
- c. Prior experience with Public Entities and/or Governmental Agencies similar in structure to the Commission.

**2. EXPERIENCE/PERSONNEL: (25 points)**

- a. The Respondent's degree of expertise concerning the area at issue;
- b. The Respondent's past performance under similar contracts; and
- c. The Respondent's familiarity with the work, requirements, and procedures of the Commission including, if applicable, the Commission's prior experiences with the Respondent.

**3. REFERENCES/OFFICE LOCATION: (15 points)**

- a. The Respondent's references;
- b. Interviews, if applicable, with Respondents; and
- c. Geographical location of the Respondent's offices and key personnel.

**4. COST PROPOSAL: (30 points)**

- a. Consideration of the Respondent's fee proposal.

**5. ADVANTAGEOUS FACTORS: (10 points)**

- a. Other factors, including programs that will assist the Commission in conveying its statutory duties and the steps taken by the Commission in fulfilling those obligations that are demonstrated to be in the best interests of the Commission in carrying out its critical public mission for the benefit of its contract municipalities.

Selection of the Respondent will be made on a competitive basis that places great weight on qualifications and suitability for the Services, as described within the RFP, as well as the proposed fee.

## APPENDIX A

### LETTER OF QUALIFICATION

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

[insert date]

North Jersey District Water Supply Commission  
One F.A. Orechio Drive  
Wanaque, New Jersey 07465

Attn: Joseph E. Stroin, Jr., Acting Executive Director

Dear Mr. Stroin:

The undersigned have reviewed our Proposal submitted in response to the Request for Proposals (RFP) issued by the North Jersey District Water Supply Commission ("Commission"), dated [insert date], for the Services.

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

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

(Signature of Chief  
Executive Officer) \_\_\_\_\_

(Signature of Chief  
Financial Officer) \_\_\_\_\_

(Typed Name and Title)

(Typed name and Title)

(Type Name of Firm)\*

(Type Name of Firm) \*

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\*If a joint venture, partnership or other formal organization is submitting a Proposal, each participant shall execute this Letter of Qualification.

## APPENDIX B

### LETTER OF INTENT

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

[insert date]

North Jersey District Water Supply Commission  
One F.A. Orechio Drive  
Wanaque, New Jersey 07465

Attn: Joseph E. Stroin, Jr., Acting Executive Director

Dear Mr. Stroin:

The undersigned, as Respondent, has (have) submitted the attached Proposal in response to a Request for Proposals ("RFP"), issued by the North Jersey District Water Supply Commission ("Commission"), dated [insert date], in connection with the Services.

(Name of Respondent) HEREBY STATES:

1. The Proposal contains accurate, factual and complete information.
2. (Name of Respondent) is submitting a Proposal.
3. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFP and to adhere to the Commission's procurement schedule.
4. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Proposal, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
5. (Name of Respondent) hereby declares (declare) that the only persons participating in this Proposal as Principals are named herein and that no person other than those herein mentioned has any participation in this Proposal or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Commission. (Name of Respondent) declares that this Proposal is made without connection with any other person, firm or parties who has submitted a Proposal, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

6. (Name of Respondent) acknowledges and agrees that the Commission may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Commission shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFP.

7. (Name of Respondent) acknowledges that any contract executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

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

(Signature of Chief Executive Officer)

(Typed Name and Title)\_\_\_\_\_

(Type Name of Firm)\*\_\_\_\_\_

Dated: \_\_\_\_\_

\*If a joint venture, partnership or other formal organization is submitting a Proposal, each participant shall execute this Letter of Intent.

# NON-COLLUSION AFFIDAVIT

STATE OF \_\_\_\_\_ }  
S.S.:  
COUNTY OF \_\_\_\_\_ }

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies.

Subscribed and sworn  
to before me this\_\_day  
of \_\_\_\_\_,

My Commission expires \_\_\_\_\_

NOTARY'S SIGNATURE

**State of New Jersey  
Division of Purchase and Property  
Standard Forms Certification**

This certification will serve as your official signature for the following forms presented within this document packet.

1. Ownership Disclosure Form
2. Disclosure of Investigations and Actions Involving Bidder Form

**Certification:** I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that **I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein.** I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

I certify that the signature on this page has the effect of and constitutes a signature on every page.

|                            |                          |
|----------------------------|--------------------------|
| <b>Company Name:</b> _____ | _____ <b>(Signature)</b> |
| <b>Address:</b> _____      | _____ <b>(Name)</b>      |
|                            | _____ <b>(Title)</b>     |
| <b>FEIN/SSN:</b> _____     | _____ <b>(Date)</b>      |

**State of New Jersey  
Division of Purchase and Property  
Ownership Disclosure Form**

**Bid Number:** \_\_\_\_\_ **Bidder/Offeror:** \_\_\_\_\_

**Complete All Questions Below**

- |                                                                                                                                                                                                                                                                                                                                                                                                                     | YES                      | NO                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 1. Within the past five years has another company or corporation had a 10% or greater interest in the firm identified above? (If yes, complete and attach a separate disclosure form reflecting previous ownership interests.)                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Has any person or entity listed in this form or its attachments ever been arrested, charged, indicted or convicted in a criminal or disorderly persons matter by the State of New Jersey, any other State or the U.S. Government? (If yes, attach a detailed explanation for each instance.)                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Has any person or entity listed in this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any agency of government from bidding or contracting to provide services, labor, material, or supplies? (If yes, attach a detailed explanation for each instance.)                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are there now any criminal matters or debarment proceedings pending in which the firm and/or its officers and/or managers are involved? (If yes, attach a detailed explanation for each instance.)                                                                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Has any Federal, State or Local license, permit or other similar authorization, necessary to perform the work applied for herein and held or applied for by any person or entity listed in this form, been suspended or revoked, or been subject or any pending proceedings specifically seeking or litigating the issue of suspension or revocation? (If yes, attach a detailed explanation for each instance.) | <input type="checkbox"/> | <input type="checkbox"/> |

**INSTRUCTIONS:** Provide below the names, home addresses, dates of birth, and ownership interest of all individuals, and any partnerships, corporations and any other owner having a 10% or greater interest in the firm named above. If a listed owner is a corporation or partnership, provide below the same information for the holders of 10% or more interest in the corporation or partnership. If this form has previously been submitted to the Purchase Bureau in connection with another bid, indicate changes, if any, where appropriate, and complete the certification below.

Include the name, home address, and date of birth, of all officers of the bidder/offeror named above. If an officer has no ownership interest, so indicate with a zero.

|              |                              |                                                       |       |
|--------------|------------------------------|-------------------------------------------------------|-------|
| Name         | _____                        | Date of Birth                                         | _____ |
| Office Held  | _____                        | Ownership Interest (Shares Owned or % of Partnership) | _____ |
| Officer      | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> No                |       |
| Home Address | _____                        |                                                       |       |

Add Ownership Info

**State of New Jersey**  
**Division of Purchase and Property**  
**Disclosure of Investigations and Actions Involving Bidder**

The bidder shall provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition.

**Investigation:**

Indicate "NONE" in the "Person or Entity" field if no investigations were undertaken.

|                                          |                         |
|------------------------------------------|-------------------------|
| Person or Entity _____                   | Date of Inception _____ |
| Disposition Status (If applicable) _____ |                         |
| Brief Description _____                  |                         |
| Bidder Contact _____                     | Bidder Phone _____      |
| Additional Information _____             |                         |

**Add Investigation Info**

**Litigation/Administrative Complaints:**

Indicate "NONE" in the "Person or Entity" field if no Litigation/Administrative Complaints.

|                                          |                         |
|------------------------------------------|-------------------------|
| Person or Entity _____                   | Date of Inception _____ |
| Disposition Status (If applicable) _____ | Caption of Action _____ |
| Brief Description _____                  |                         |
| Bidder Contact _____                     | Bidder Phone _____      |
| Additional Information _____             |                         |

Add Litigation Info



**State of New Jersey**  
**Division of Purchase and Property**  
**Two-Year Chapter 51 / Executive Order 117 Vendor Certification and**  
**Disclosure of Political Contributions**

**For AGENCY USE ONLY**

**General Information**

Solicitation, RFP or Contract No. \_\_\_\_\_ Award Amount \_\_\_\_\_

Description of Services \_\_\_\_\_

**Agency Contact Information**

Agency \_\_\_\_\_ Contact Person \_\_\_\_\_

Phone Number \_\_\_\_\_ Agency Email \_\_\_\_\_

**Part 1: Vendor Information**

Full Legal Business Name \_\_\_\_\_  
(Including trade name if applicable)

**Business Type**

- ☐ Corporation ☐ Limited Partnership ☐ Professional Corporation ☐ General Partnership  
☐ Limited Liability Company ☐ Sole Proprietorship ☐ Limited Liability Partnership

Address 1 \_\_\_\_\_ Address 2 \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Vendor Email \_\_\_\_\_ Vendor FEIN \_\_\_\_\_

**Part 2: Public Law 2005, Chapter 51/ Executive Order 117 (2008) Certification**

I hereby certify as follows:

1. On or after October 15, 2004, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order 117 (2008) has solicited or made any contribution of money, pledge of contribution, including in-kind contributions, company or organization contributions, as set forth below that would bar the award of a contract to the vendor, pursuant to the terms of Executive Order 117 (2008).
  - a) **Within the preceding 18 months**, the below-named person or organization has not made a contribution to:
    - (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor or **Lieutenant Governor**,
    - (ii) Any State, county, **municipal** political party committee; OR
    - (iii) Any **legislative leadership committee**.
  - b) **During the term of office of the current Governor(s)**, the below-named person or organization has not made a contribution to:
    - (i) Any candidate, committee and/or election fund of the Governor or **Lieutenant Governor**, OR
    - (ii) Any State, county or **municipal** political party committee nominating such Governor in the election preceding the commencement of said Governor's term.
  - c) **Within the 18 months immediately prior to the first day of the term of office of the Governor(s)**, the below-named person or organization has not made a contribution to:
    - (i) Any candidate, committee and/or election fund of the Governor or **Lieutenant Governor**, OR  
Any State, county, **municipal** political party committee of the political party nominating the successful gubernatorial candidate(s) in the last gubernatorial election.

**PLEASE NOTE:** Prior to November 15, 2008, the only disqualifying contributions include those made by the vendor or a principal owning or controlling more than 10 percent of the profits or assets of a business entity (or 10 percent of the stock in the case of a business entity that is a corporation for profit) to any candidate committee and/or election fund of the Governor or to any state or county political party within the preceding 18 months, during the term of office of the current Governor or within the 18 months immediately prior to the first day of the term of Office of Governor.

### Part 3: Disclosure of Contributions Made

☐ Check this box if no reportable contributions have been made by the above-named business entity or individual.

|                                                                  |                              |
|------------------------------------------------------------------|------------------------------|
| Name of Recipient _____                                          | Address of Recipient _____   |
| Date of Contribution _____                                       | Amount of Contribution _____ |
| Type of Contribution (i.e. currency, check, loan, in-kind) _____ |                              |
| Contributor Name _____                                           |                              |
| Relationship of Contributor to the Vendor _____                  |                              |
| Contributor Address _____                                        |                              |
| City _____                                                       | State _____ Zip _____        |

If this form is not being completed electronically, please attach pages for additional contributions as necessary. Otherwise click "Add a Contribution" to enter additional contributions.

#### Part 4: Certification

I have read the instructions accompanying this form prior to completing this certification on behalf of the above-named business entity. I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

**I understand that this certification will be in effect for two (2) years from the date of approval, provided the ownership status does not change and/or additional contributions are not made.** If there are any changes in the ownership of the entity or additional contributions are made, a new full set of documents are required to be completed and submitted. By submitting this Certification and Disclosure, the person or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.

(CHECK ONE BOX A, B or C)

- (A) ☐ I am certifying on behalf of the above-named business entity and all individuals and/or entities whose contributions are attributable to the entity pursuant to Executive Order 117 (2008).
- (B) ☐ I am certifying on behalf of the above-named business entity only.
- (C) ☐ I am certifying on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Signed Name \_\_\_\_\_ Print Name \_\_\_\_\_

Phone Number \_\_\_\_\_ Date \_\_\_\_\_

Title/Position \_\_\_\_\_

#### Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to [cd134@treas.state.nj.us](mailto:cd134@treas.state.nj.us), or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9<sup>th</sup> Floor, Trenton, NJ 08625. The agency should save the forms locally and keep the original forms on file, and submit copies to the Chapter 51 Review Unit.