

**TOWNSHIP OF NEPTUNE  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  
REQUESTS FOR PROPOSALS/QUALIFICATIONS  
ALTERNATE MUNICIPAL PROSECUTOR  
NT2019-16**

Sealed proposals will be received by the Township Clerk of the Township of Neptune, New Jersey and opened and read in public in the Executive Conference Room, located on the First Floor, in the Township of Neptune Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey, on **December 6, 2018** at **10:30 am** for the following:

Request for Qualifications from Attorneys Interested in Serving as  
“Municipal Prosecutor and Alternate Municipal Prosecutor” to the  
Township of Neptune for the period January 1, 2019 through December 31,  
2019. **BID/PROPOSAL #NT2019-16**

Successful applicants will be required to comply with requirements of N.J.S.A. 10:5-31, et seq. (N.J.A.C. 17:27) (Equal Employment Opportunity) and N.J.S.A. 52:32-44, et seq. (New Jersey Business Registration).

The Township of Neptune reserves the right to reject any or all proposals if it is deemed to be in the best interest of the Township of Neptune to do so. The Township of Neptune also reserves the right to conduct interviews of any or all applicants, as it deems necessary. In the Township’s discretion, the Township may also modify the terms and conditions of this RFP by hiring two Municipal Prosecutors, in lieu of hiring one Municipal Prosecutor and one Alternate Municipal Prosecutor. Terms and conditions for such modification are set forth herein.

By order of the Township Committee of the Township of Neptune

NICHOLAS WILLIAMS Mayor, Township of Neptune  
RICHARD J. CUTTRELL, Municipal Clerk, Township of Neptune  
MICHAEL J. BASCOM, Chief Financial Officer, Township of Neptune

**Request for Qualifications from Attorneys Interested in  
Serving as “Municipal Prosecutor and Alternate Municipal  
Prosecutor” to the Township of Neptune for the Period  
January 1, 2019 through December 31, 2019  
BID/PROPOSAL #NT2019-16**

**Introduction**

Pursuant to the Fair and Open Process established by N.J.S.A. 19:44A-1, et seq., the Township seeks Requests for Qualifications (“RFQ”) from attorneys licensed to practice law in the State of New Jersey that wish to serve as Municipal Prosecutor and Alternate Municipal Prosecutor for the Township of Neptune. The successful attorney must have significant experience in representing New Jersey public entities in the capacity as a municipal prosecutor or as any other prosecutor in criminal or quasi-criminal matters, as well as litigation experience in Municipal, State and/or Federal Courts, administrative forums and/or arbitration. The successful attorney will provide the following services:

The Alternate Municipal Prosecutor must be an attorney at law of New Jersey and shall provide all necessary and desirable legal counsel and advice requested for the prosecution of cases before the Municipal Court of the Township, and shall conduct the prosecution of such cases except such crimes and offenses that may be the duty of the county or state officer to prosecute. To avoid potential conflicts of interest, the attorney hired as Municipal Prosecutor and the attorney hired as Alternate Municipal Prosecutor shall not be associated with the same Law Firm. Only one application shall be made per law firm.

The Township has adopted the following Retainer/Salary for 2019 for those professional services covered by the Retainer:

**Alternate Municipal Prosecutor:**

Conflict Calendar (per Municipal Court session) rate: \$410.00 per session

Appeals on Municipal Ordinance Violations, to be handled as directed by  
The Township Committee:

Partners/Counsel:	\$130.00 per hour
Associates:	\$120.00 per hour
Paralegals:	\$ 85.00 per hour

During the term of the Contract for these positions, Special sessions for DWI and/or Domestic Violence may be scheduled, for which fees are covered through separate funding sources, and at such rates, as established by the State of New Jersey. Such appearances shall be included in the Municipal Prosecutor and/or Alternate Municipal Prosecutor's duties, with payment established by, and coming from, the State of New Jersey.

The Township reserves the right to hire two municipal prosecutors in lieu of one Municipal Prosecutor and one Alternate Municipal Prosecutor, and the annual salaries for each position shall be \$20,192.67 with the above hourly rates for appeals. To avoid potential conflicts of interest, the attorneys hired as Municipal Prosecutors shall not be associated with the same Law Firm. If the Township chooses this alternative, it is expected by the Township that the Municipal Prosecutors shall prosecute cases so that each attorney appears in Municipal Court matters in as close to fifty percent (50%) of the Court dates as possible during the term of the Contract. **If the applicant has any objections to this alternative, the applicant should provide such objections, and reasons therefore, in his/her proposal.**

**Professional Information and Qualifications**

Each interested attorney shall submit the following information:

1. Name of Attorney, and firm in which attorney is associated;
2. Address of principal place of business and all attorney's offices and corresponding telephone and fax numbers.
3. Areas of Practice;
4. Description of attorney's education, experience, qualifications, number of years with the current firm and a descriptive narrative of their experience with projects similar to those required herein;
5. Experience as a Municipal Prosecutor and/or other prosecutor in the State of New Jersey;
6. Experience related to representation of Municipalities and other public entities;
7. At least four references, three of which must have knowledge of your representation of a public entity, whether or not as a Municipal Prosecutor, and at least one reference having knowledge of the attorney's qualifications as a municipal prosecutor;
8. Examples of your record of success representing municipalities;
9. The attorney's ability to provide the services in a timely fashion and availability for appearances on behalf of the Township (including staffing, familiarity and location of key staff);
10. Any other information which the interested attorney deems relevant;
11. A copy of your New Jersey Business Registration Certificate.
12. A completed Statement of Ownership form (Attached below).

## **Selection Criteria**

The selection criteria used in awarding a contract or agreement for professional services as described herein shall include:

1. Qualifications of the individual who will perform the tasks and the amounts of their respective participation;
2. Experience and references;
3. Ability to perform the task in a timely fashion and availability for appearances on behalf of the Township, including staffing and familiarity with the subject matter; and
4. Cost effectiveness.

### **Submission Requirements**

Responses to this RFQ must be delivered in a sealed envelope bearing the title And Bid/Proposal Number no later than 10:30 am on **December 6, 2018** to:

Township Clerk, Neptune Township  
Neptune Township Municipal Complex  
25 Neptune Boulevard  
Neptune, New Jersey 07753

Please submit one original and one copy of the Request for Qualifications (RFQ) on 8 ½" x 11" white paper.

## **NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS – NON-CONSTRUCTION**

All New Jersey and out of State Business Organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The Contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the Contractor.

Before final payment of the contract is made by the Contracting Agency, the Contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the Contractor and each of its affiliates and each Subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into the State.

A Business Organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.144 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c. 110 (N.J.S.A. 5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

A sample Business Registration Certificate is attached. Other forms such as Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are **not** acceptable.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG can be filed online at:

<http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

**TOWNSHIP OF NEPTUNE  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**STATEMENT OF OWNERSHIP**

The Contractor is (check one): Individual: [    ] Partnership: [    ] P.A. [    ] L.L.C. [    ]

Corporation: [    ] Joint Venture: [    ] Other: [    ] Specify: \_\_\_\_\_

NAMES:

ADDRESSES:

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

NAME OF CONTRACTOR: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_

PRINT NAME & TITLE: \_\_\_\_\_

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

**NOTES:**

A. Attach additional sheets as needed and check here [    ].

B. If an entity owns a 10% or greater interest in the Contractor, attach a list of the owners of 10% or greater interest for each such entity. Repeat the process of disclosure as necessary for each tier or level of ownership until the name and address of each person who owns a 10% or greater interest has been disclosed. **If no person or entity owns a 10% or greater interest in a listed entity, so state.**



Sample Business Registration Certificate (for example purposes only)

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE		DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 252 TRENTON, N.J. 08646-0252
TAXPAYER NAME:	TRADE NAME:	
TAXPAYER IDENTIFICATION#:	SEQUENCE NUMBER:	
ADDRESS:	ISSUANCE DATE:	
EFFECTIVE DATE:		
FORM-BRC(08-01)	Acting Director	This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.