

NOTICE POSTED: November 21, 2024

DUE DATE: December 10, 2024 @ 10:00 a.m. prevailing time.

PUBLIC READING: All proposals/responses will be opened at the City Law Department, Room 15 on **December 10, 2024 @ 11:30 a.m. prevailing time.**

NOTICE OF SOLICITATION FOR PROFESSIONAL SERVICE CONTRACT
CITY OF BAYONNE – **MUNICIPAL COURT PROSECUTOR**

TAKE NOTICE: The City of Bayonne, 630 Avenue C, Rm. 15, Bayonne, NJ 07002 (hereinafter referred to in this notice and the various submission documents as the “Client/Owner,” “City of Bayonne” and/or “City”) is seeking a professional services provider or providers (hereinafter referred to in this notice and the various submission documents as the “respondent,” “provider,” “contractor,” “submitting party,” “applicant,” “vendor,” “service provider,” and/or “professional service provider”) for the following professional service/title in accordance with a “fair and open” contracting process as defined in the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44-20.4 et seq.):

Qualification Statements are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. Responders are required to comply with the requirements of N.J.S.A. 10:5-3 1 et seq. and N.J.A.C. 17:27 and all other requirements set forth in the Request for Qualifications (RFQ).

PROFESSIONAL SERVICE/TITLE SOUGHT:

MUNICIPAL COURT PROSECUTOR

GENERAL CRITERIA:

Applicants should demonstrate knowledge and experience with respect to all aspects of **Municipal Court matters**. Any experience or knowledge of matters that directly affect the CITY OF BAYONNE should be addressed. The successful firm(s) shall comply with all applicable federal, state, and local statutes, rules and regulations.

SCOPE OF SERVICES:

The CITY OF BAYONNE desires to appoint up to **two (2)** sole practitioners and/or law firms to provide **professional legal services in the form of Municipal Court Prosecutor**. **The total contract amount (for one or more contracts) shall be for a total not to exceed six (6) sessions per week to be paid at the rate of \$400 per session on a monthly billing schedule based on an expected calendar not to exceed six (6) court sessions per week.** Each

Contractor shall be responsible for a percentage of the court calendar as agreed upon.

The Contractor will provide professional legal services in the form of Municipal Court Prosecutor to the City including, but not limited to, the following:

- Prosecute all matters before the Municipal Court of the City of Bayonne in the form of hybrid sessions, in person and virtually, to be determined at the Court's sole discretion, and shall perform such other duties as are required to perform the prosecutorial duties for the City of Bayonne.**
- Represent the State, the County and/or the Municipality in the prosecution of all offenses within the statutory jurisdiction of the municipal court as defined by law including, but not limited to, violations of New Jersey Statutes Title 2C and Title 39, violations of the Hudson County Administrative Code (1976) and the COB Revised General Ordinances (RGO) as amended and supplemented, over which the municipal court has jurisdiction including, but not limited to, zoning, land or property use regulation, property maintenance, building or construction, and health.**
- Handle all phases of the prosecution of an offense including, but not limited to, discovery, depositions, motions, pretrial and post-trial hearings, trials, matters where venue has been changed to another jurisdiction and other collateral functions reasonably related to the prosecution, including the preparation of both expert and lay investigation and testimony as well as other preparations as needed and authorized to be performed by law or Rule of Court.**
- Handle various administrative matters including, but not limited to, reviewing and responding to requests for pleas by mail and affidavits, administrative requests for dismissal and dispute resolution through e-courts, as such processes, forms and platforms are modified, from time to time, by the Administrative Office of the Court (AOC) and/or court rules.**
- Ensuring that the court is covered by an alternate municipal prosecutor for any and all sessions that the prosecutor is incapable of attending. (Note: The City of Bayonne will provide a list of potential alternate prosecutors approved by the City. Assistant City Attorneys may be available to cover court sessions upon adequate notice, but should only be considered as a last resort.**
- Other services, as needed and assigned.**

Counsel may be called upon to attend meetings, including meetings of the governing body.

Counsel may also be called upon to provide other types of legal services of a specialized nature within the scope of his/her expertise and professional qualifications.

Counsel will answer directly to the Law Director.

OPRA COMPLIANCE:

Records received, retained, retrieved, or transmitted under the terms of this contract and as a result of the “work” performed by Vendor/Contractor for or on behalf of the City may constitute public records as defined in N.J.S.A. 47.3-16, and are legal property of the City. The Vendor(s)/Contractor(s) named in this contract must agree to administer and dispose of such records in compliance with the State’s public record laws and associated administrative rules.

In the event a claim is filed against the City with the Government Records Counsel or, in the Superior Court of New Jersey, or otherwise arising out of documents that were requested of the City or its Vendor(s)/Contractor(s) under the Open Public Records Act or Common Law and the Vendor(s)/Contractor(s) failed to provide the documents, the Vendor(s)/Contractor(s) shall be responsible to defend, indemnify and hold the City harmless with respect to any such claims, fines or penalties imposed.

SUBMISSION REQUIREMENTS:

GENERAL REQUIREMENTS

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this RFQ and shall incorporate the information requested below.

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

ADMINISTRATIVE INFORMATION REQUIREMENTS

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement via an executed Letter of Qualification.

2. Name, address and telephone number of the Respondent submitting a Qualification Statement pursuant to this RFQ, and the name of the key contact person.
3. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each Respondent, its ownership and its organizational structure.
 - a. Provide the names and business addresses of all Principals of the Respondent submitting the Qualification Statement. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.
 - b. If a Respondent is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parent's approval rights over the activities of the Respondent submitting a Qualification Statement. Describe the approval process.
 - c. 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.
 - d. A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
5. The number of years Respondent has been in business under the present name.
6. The number of years Respondent has been under the current management.
7. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice or breach of contract. If yes, please explain.
8. 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 activities.
10. A copy of the respondent's malpractice insurance.

PROFESSIONAL INFORMATION REQUIREMENTS

1. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the

following information on past experience should be included as appropriate to the RFQ:

- a. Description and scope of work by Respondent.
 - b. Name, address and contact information of reference to the RFQ.
 - c. Explanation of perceived relevance of the experience to the RFQ, including any Board Certification in relevant areas of practice.
2. Brief description of Respondent's relevant clients, including a listing of all municipal government or other public entity clients, during the last three (3) years.
3. Resumes of key employees, and an indication of which employees would be directly working with the City.
4. A narrative statement of the Respondent's understanding of the City's needs and goals.
5. List all immediate relatives of Principal(s) of Respondent who are City employees or elected officials of the City. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild and in-laws.
6. Limits of Malpractice/liability insurance coverage and name of insurance carrier.
7. A listing of all other engagements where services of the type proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The City may obtain references from any of the parties listed.
8. Respondents must demonstrate a familiarity with the New Jersey Court Rules and Rules of Evidence as applicable in Municipal Court Practice or as appropriate, and/or demonstrate a proven record of cases tried or argued in Municipal Court, the Law Division and the Appellate Divisions of the Superior Court of New Jersey.
9. Demonstration of ability with appropriate personnel or other arrangements to perform the required tasks in a timely fashion, including the attendance at meetings, as necessary.
10. Demonstration of ability to properly perform the services of a Municipal Court Prosecutor.
11. A listing of all professional organization memberships.

12. Respondents must list all cases where they have been adverse to the City of Bayonne or in which they sued the City or in which they represented a client that sued the City in cases filed within the last five calendar years.

13. A listing of all employment positions with the City, its Boards, Agencies and subordinate entities, including both salaried positions and/or professional service or other contracts of Respondent, stating the period of time and position held.

14. A detailed statement of whether potential conflicts exist that would preclude the issuance of a contract for the legal services herein described.

BE ADVISED THAT absent an express written notice to the contrary in the detailed requirements, all proposals:

1. Are to be submitted on "The Standardized Professional Service RFQ-RFP SUBMISSION FORMS," **AND**
2. Are Subject to the Standardized "General Instructions, Submission and Selection Criteria for Professional Service Contracts".

The above mentioned standardized documents are available on the City of Bayonne Website (<http://www.BayonneNJ.org>) under the heading "RFP – Requests for Proposals" by clicking on the link "Requirements for Submission," "Click here to view Requirements" and clicking on the links under Paragraphs No. 1 and No. 2. Should you be unable to obtain these from the website, copies of the solicitation package are also available at the office of the City Law Department, 630 Avenue C, 1st Floor, Rm. 15, Bayonne, NJ 07002. The Law Department is open during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

SEALED RESPONSES/PROPOSALS SHOULD INCLUDE:

1. The above noted Standardized Professional/Consulting/Extraordinary Unspecifiable Service RFQ/RFP SUBMISSION FORMS which include:
 - a. The "Proposal, Qualifications and Costs Submission Form" signed and dated by the provider and clearly referencing any additional sheets or attachments (such as a submission letter, provider service or experience description, and/or fee schedule).
 - b. A signed and notarized "Non-Collusion Affidavit."
 - c. A signed Disclosure of Ownership form.
2. A signed Professional/Consulting/Extraordinary Unspecifiable Service Entity Information Form.

3. A copy of the vendor's current "NJ Business Registration Certificate." Information on this certificate can be obtained on the web at "http://www.state.nj.us/treasury/revenue/busregcert.htm".
4. A copy of State of NJ, Department of the Treasury, Division of Revenue and Enterprise Services, Certificate of Good Standing. Information on this Certificate can be obtained on the web at <https://www.njportal.com/dor/businessrecords/>.
5. Disclosure of Investment Activities in Iran Form
6. Such other documents and materials as may be appropriate to show the qualifications and experience of the provider or to meet the requirements of this RFQ/RFP.

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John F. Coffey II, Esq., Law Director, 630 Avenue C, Rm. 15, Bayonne, NJ
07002