

REQUEST FOR PROPOSALS

TO ASSIST THE TOWN OF KEARNY IN OBTAINING LEASES FOR THREE PROPERTIES IT OWNS TO BE USED AS SITES FOR BILLBOARDS GENERATING INCOME FOR THE TOWN

1. GENERAL INFORMATION

Pursuant to the competitive contracting provisions of N.J.S.A. 40A:11-4.1., the Town of Kearny hereby solicits proposals for development of three properties it owns as leased locations for exterior outdoor signage (billboards).

2. DEFINITIONS

The following definitions apply to terms used in this document:

Town - refers to the Town of Kearny

Proposal - the complete response to this RFP submitted by a Respondent.

RFP - refers to this Solicitation or Request for Proposal.

Respondent or Respondents - refers to whoever submits a Proposal.

3. SITES

Properties known on the Tax Map of the Town at Lots 2, 11 and 17 in Block 285.

4. SERVICES TO BE RENDERED

The Respondent to whom a contract is awarded by the Town shall be required and expected to develop the three properties specified in Section 3 and owned by the Town as lease sites for exterior outdoor signage (billboards) by: (i) preparing specifications for public bidding for leases of those properties based upon that Respondent's knowledge of industry practices and applicable statutes and ordinances; (ii) making proposed lessees in the industry aware of the opportunity to lease and of the desirability of those sites as locations for billboards; (iii) evaluating bids submitted and the qualifications of the bidders; (iv) making recommendations to the Mayor and Council; and (v) assisting the Town Attorney in drafting the ultimate lease document. The Mayor and Council may in their sole discretion reject any proposed lease.

5. ADDITIONAL SERVICES (OPTIONAL)

If Respondent is proposing to render services additional to those described in Section 4, Respondent shall describe those services with specificity. Such additional services must be limited to the sites designated in Section 3 and must set forth in a totally separate description, entitled "Proposal for Additional Services."

6. COMPENSATION

As part of its response, a Respondent shall specify in detail how it proposes to be compensated for rendering the services described in Section 4 with a very specific statement of dollar amounts it proposes to receive. If the response is formulaic, the components of the formula must be set forth.

If respondent is proposing to render services described in Section 5, Respondent shall likewise specify in a totally separate description entitled "Section 5 Compensation Proposal" how it proposes to be compensated for those services with a very specific statement of dollar amounts it proposes to receive. If the response is formulaic, the components of the formula must be set forth.

With regard to both Section 4 and Section 5 Compensation Proposals, Respondent shall specify whether it is intended that payment be by the Town or by another source, such as the billboard lessee. Lack of specificity will result in rejection of the proposal.

7. PROPOSED TERM

The Respondent shall specify the contract term in number of years that is being proposed for the services to the Town.

NOTE: Pursuant to N.J.S.A. 40A:11-4.2, all contracts awarded under competitive contracting cannot exceed five years.

8. QUALIFICATIONS

As part of its response, the Respondent shall detail its experience and qualifications to perform the services to be rendered and shall include at least the following:

(i) A brief description of Respondent, including a summary of Respondent's history, offices and staff size.

(ii) A description of services the Respondent has previously and is now performing elsewhere, with an emphasis on experience relevant to the services requested in this RFP and a disclosure of whom such services were performed for.

(iii) Description of Respondent's knowledge of the outdoor advertising (billboard) industry.

(iv) Description of Respondent's expertise in pricing, marketing and brokering billboard advertising rights including a description of alternative approaches or methodologies that can be used.

(v) Curriculum Vitae of key participants who will be providing the services to the Town.

9. RESPONDENT'S PROPOSAL

Respondent's proposal shall contain all of the substantive information requested in Sections 4, 5, 6, 7, 8 and 9. It shall confirm that it will perform those services, how those services shall be delivered, the personnel involved and how it intends to structure its working relationship with the Town. There should be a detailed implementation plan.

Additionally Respondent shall submit the following information:

- (i) Affirmative Action Information (Exhibit A)
- (ii) Mandatory Equal Employment Opportunity statement (Exhibit B)
- (iii) Stockholder/Partnership Disclosure (Exhibit C)
- (iv) N.J. Election Law Disclosure (Exhibit D)
- (v) Affidavit of Non-Collusion (Exhibit E)
- (vi) Business Registration Certificate
- (vii) Certification that it has read and agrees to comply with the terms and conditions contained in this RFP.
- (viii) Certification that it will comply with the Town's Living Wage Ordinance No. 2007- (O) - 41. as amended by Ordinance No. 2008- (O) -8.
- (ix) Statement of compliance with N.J.S.A. 19:44A-20.5 through 20.12, (New Jersey Local Unit Pay-to Play Law).
- (x) Statement the Respondent does not own or operate any outdoor advertising signs in the State of New Jersey.
- (xi) Certification typed on Respondent's letterhead that all information and data submitted as part of Respondent's proposal is true and accurate.

10. PROPOSAL FORMAT

Respondent shall submit one original and three copies of the proposal. No fax or email submission will be accepted. After opening of proposals, the Town reserves the right to make such additional copies as it may require in order to conduct a full evaluation of the proposal.

It is the Respondent's responsibility to ensure that its proposal is in the possession of the Town at the required location and by the Date and Time specified. Late proposals will not be considered and will be returned unopened.

Proposals must be signed by an authorized officer of the Respondent. Unsigned proposals may be rejected by the Town at its sole discretion. Respondent shall designate one contact person and include contact information of that person.

After the proposals are opened, the Town reserves the right to contact/interview any or all Respondents to obtain information or clarification of their Proposals.

The Town shall not be liable for any loss or damage suffered by any Respondent including any expenses incurred in the preparation and submission of the proposal or damages stemming from the publication of any information once the proposal becomes a public record. Respondent shall acknowledge that it shall not be entitled to damages if the Mayor and Council without explanation reject a lease proposal recommended by Respondent.

11. CONFIDENTIALITY

All information obtained by the Town from a Respondent in connection with this Solicitation is subject to disclosure under the Open Public Records Act ("OPRA"), N.J.S.A. 47L1A-1 *et seq.* All information will remain with the Town and be retained for public record purposes.

12. RIGHT TO ACCEPT OR REJECT

The Town reserves the right to:

- (i) Reject all proposals at its sole discretion.
- (ii) Request written clarification or the submission of supplementary information from any Respondent after the proposals have been opened.
- (iii) Waive formalities and accept proposals which substantially comply with the requirements of this Solicitation.
- (iv) Verify with any Respondents or with a third party any information set out in a proposal.
- (v) Check references other than those provided by any Respondent.
- (vi) Disqualify any Respondents whose proposal contains misrepresentations or any other inaccurate or misleading information.
- (vii) Disqualify any Respondent or the proposal of any Respondent who has engaged in conduct prohibited by this RFP.
- (viii) Accept or reject a proposal if only one proposal is submitted
- (ix) Cancel this RFP process at any stage
- (x) Cancel this RFP process at any stage and issue a new RFP for the same of similar services.
- (xi) Not to proceed with all or some of the services.

13. EVALUATION

The Town anticipates that any proposal will include elements of a program to increase revenues to the Town through the maximization of its billboard permits consistent with applicable State and local laws. The methodology for the awarding of the contract will be based on evaluation and ranking of the criteria as follows:

- (i) Realistically projected net revenues to the Town for each of the next five years with the stipulation that the Town may terminate the balance of the contract if a projected benchmark is not reached in any one year 65%

(ii) Compensation to the Respondent and how it diminishes the gross revenue that the Town would otherwise realize from each lease. If the proposal anticipates reimbursements for expenses those must be itemized with a cap for each 25%

(iii) Credentials and experience of the Respondent. The proposal must include the Respondent's history in performing work similar to the services solicited in this RFP including a listing of current locations where it has or presently performs work. The experience at those locations must support the projections in (i). The proposal must include the names of each individual who will work on this project and their credentials. 10%

14. DATE AND TIME FOR SUBMISSION AND OPENING OF PROPOSALS

All proposals shall be submitted in a sealed envelope addressed as follows:

Ms. Patricia Carpenter, Town Clerk
Town of Kearny - Town Hall
402 Kearny Avenue
Kearny, NJ 07032

Proposals must be received by, the Town Clerk, by mail or in person on or before 11:00 a.m. Prevailing Time on _____, 2012. The Town takes no responsibility for the loss, non-delivery or physical condition of a proposal. Proposals will not be accepted by facsimile transmission or e-mail.

Proposals will be publicly opened and read in material part by the Town Clerk in Council Chambers of the Town Hall, 402 Kearny Avenue, Kearny, new Jersey 07032 at 11: 00 a.m. on _____, 2012.

EXHIBIT A

AFFIRMATIVE ACTION INFORMATION SHEET

IN ACCORDANCE WITH THE TERMS OF THE ATTACHED AGREEMENT RESPONDENTS ARE REQUIRED TO SUBMIT ONE OF THE FOLLOWING FORMS RELATING TO COMPLIANCE WITH AFFIRMATIVE ACTION REGULATIONS. PLEASE COMPLETE AND RETURN THIS FORM WITH THE PROPOSAL.

1. The Respondent has submitted a Federal Affirmative Action Plan Approval which consists of a valid letter from the Office of Federal Contract Compliance Programs (Good for one _____ year of the date of letter).
YES _____ NO _____

If Yes, a photo copy of the Letter of Approval is to be submitted with the bid. (OR)

2. The Respondent has submitted a Certificate of Employee Information Report pursuant to (NJAC 17.27-1.1) and The State Treasurer has approved said report.
YES _____ NO _____

If Yes, a photo copy of the Certificate is to be submitted with the proposal. (Expiration Date on _____ Certificate)
Certificate of Approval Number _____ (OR)

3. If Respondent has already submitted Form AA-302 to the States' Affirmative Action Office, please return a copy of it with the bid.

If you are the successful Respondent and have none of the above, please contact the Town Clerk, Town of Kearny - Town Hall, 402 Kearny Avenue, Kearny, NJ 07032 within five days of notification of award for an Affirmative Action Employee Information Report (AA-302). This form (AA-302) must be forwarded to the States' Affirmative Action Office with the NJTA's Copy (Pink) returned to the Town.

The signature below certifies that one of the above forms of Affirmative Action evidence has been submitted, and all information contained above is correct to the best of my knowledge.

Signed _____ Date Signed _____

Print Name and Title _____

Respondent's Company Name _____

Address _____

Telephone Number _____ Fax Number _____

EXHIBIT B

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

- A. The Contractor or Subcontractor, where applicable, 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 and gender identity or expression, the contractor will take affirmative action to ensure that 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 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 contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.
- B. The Contractor or Subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all Firms 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 Contractor or Subcontractor, where applicable will send to each labor union or representative or 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 worker's representative of the Contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Contractor or Subcontractor where applicable agrees to comply with any regulations promulgated by the Treasurer pursuant to **N.J.S.A. 10:5-31 et seq.** as amended and supplemented from time to time and the Americans with Disabilities Act.
- E. The Contractor or Subcontractor agrees to make good faith efforts to employee minority and women workers consistent with the applicable county employment goals established in accordance with **N.J.A.C. 17:27-5.2 et seq.** or a binding determination of the applicable county employment goals determined by the Division, pursuant to **N.J.A.C. 17:27-5.2 et seq.**

- F. The Contractor or Subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, 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 use of any recruitment agency which engages in direct or indirect discriminatory practices.
- G. The Contractor or Subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal 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.
- H. In conforming with the applicable employment goals, the Contractor or Subcontractor 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, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.
- I. The Contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:
- i. Letter of Federal Affirmative Action Plan Approval,
 - ii. Certificate of Employee Information Report,
 - iii. Employee Information Report form AA302.

The Contractor and its Subcontractors shall furnish such reports or other documents to the Division of Contract Compliances & EEO as may be requested by the Division 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 Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

The parties to this contract do hereby agree that the provision of **N.J.S.A. 10:5-31 et seq.** dealing with discrimination in employment on Public Contracts, and the rules and regulations promulgated pursuant thereunto, are hereby made a part of this contract and are binding upon them.

Submitted by:

Firm Name: _____

By: _____

Title: _____

Date: _____

EXHIBIT C

STOCKHOLDER/PARTNERSHIP DISCLOSURE STATEMENT

The Respondent, in compliance with Public Law 1977, Chapter 33, does hereby state and declare the following list of stockholders or partners in this corporation or partnership, as the case may be, with 10 percent or greater interest therein.

<u>Name</u>	<u>Address</u>	Number of Shares of Stock Corporation or % <u>Interest in Partnership</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I certify that to the best of my knowledge the list of stockholders above is current and correct.

AUTHORIZED SIGNATURE: _____

Print Name and Title: _____

Witnessed by: _____ Date: _____

EXHIBIT D

**NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION REQUIREMENT
FOR DISCLOSURE OF POLITICAL CONTRIBUTIONS**

All business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000.00 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us

**DISCLOSURE OF CONTRIBUTIONS TO NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION IN ACCORDANCE WITH N.J.S.A. 19:44A-2027**

STATE OF _____
:SS

COUNTY OF _____

I, _____ of the _____ of _____ in the

County of _____ and the State of _____ of full age, being
duly sworn according to law on my oath depose and say that:

I am _____, a _____ in the
(Name) (Title, Position, etc)

firm of _____, the Respondent making the
Submission in response to the Request for Proposal to Furnish and Provide the Services
referenced herein; that I executed said Submission with full Town to do so; and that the
Respondent acknowledges our responsibility to file an annual disclosure statement of political
contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to
N.J.S.A. 19:44A-20.27 if in receipt of contracts in excess of \$50,000.00 from public entities in a
calendar year. I further acknowledge that business entities are solely responsible for determining
if filing is necessary and that all statements contained in said Proposal and in this affidavit are
true and correct, and made with full knowledge that the Town relies upon the truth of the
statements contained in said Proposal and in statements contained in this affidavit in awarding
the contract for the Services.

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 commission, percentage
proposerage, or contingent fee, except bona fide employees of the Respondent, and as may be
permitted by law.

Print Name:_____

Subscribed and Sworn to before me this
____ day of _____ 20____
Notary Public of _____
My Commission Expires _____

EXHIBIT E

AFFIDAVIT OF NON-COLLUSION

STATE OF :
 :
COUNTY OF :

The undersigned, being duly sworn according to law, deposes and says:

1. That, as the party submitting the foregoing Proposal, that such Proposal is genuine and not collusive or a sham; that said Respondent has not colluded, conspired, connived, or agreed, directly or indirectly, with any Respondent or person, to put in a sham Proposal or to refrain from participating in this solicitation, and has not, in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the price of affiant or of any other Respondent, or to fix any overhead, profit, or cost element of said price, or of that of any other Respondent, or to secure any advantages against the Town or any person interested in the proposed contract; and that all statements in said Proposal are true.

2. The Respondent further certifies that he/she has not been convicted or found liable for any act prohibited by state or federal law involving conspiracy or collusion with respect to proposing or bidding on any public contract within the last three years. Such act or conviction does not automatically disqualify a Respondent, but may be grounds for administrative suspension or grounds for consideration by Town as to whether Town should decline to award a contract to such a Respondent on the basis of a lack of responsibility. If Respondent has been convicted of any act prohibited by state or federal law involving collusion with respect to proposing or bidding on any public contract within the past three years, Respondent should attach an explanation of the circumstances surrounding that conviction.

FIRM NAME

NAME

TITLE

SIGNATURE

Subscribed and sworn to before me
this __ day of _____, 20__.
