



THE TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE
MILLBURN, NEW JERSEY 07041

Township of Millburn REQUEST FOR PROPOSAL TOWNSHIP ATTORNEY

The Township of Millburn, a municipal corporation with its Town Hall at 375 Millburn Avenue, Millburn, NJ 07041, through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 is soliciting proposals from qualified attorneys for the appointment and position of Township Attorney for April 1, 2019 through December 31, 2019. The Township will be appointing one attorney/firm for the position/appointment. The billing guidelines attached hereto as Exhibit A shall be the contract reimbursement process.

POSITION/APPOINTMENT

The position of Township Attorney generally includes providing legal work and representation of the Township as outlined in Township Codes. The position of Township Attorney provides that for a fixed annual retainer the attorney shall perform the following:

1. Attendance at regularly and specially scheduled Township Council meetings, being approximately 21 regularly scheduled meetings and special meetings as required.
2. Conferences and meetings with the Township Administrator, governing body and other personnel in the Township involving services of a usual and customary nature.
3. Preparation of resolutions as directed by the Township Committee and/or Administrator.
4. Preparation of reports regarding the status of Township matters.
5. Preparation of Township ordinances of a general nature unless of a nature or extent described as Other Legal Services.
6. Routine review of correspondence, all Professional Service and other contracts, performance guarantees and files in relation to miscellaneous questions of a usual nature and not amounting to Other Legal Services.
7. Such other duties as may be requested by the Township Administrator.

OTHER LEGAL SERVICES: Professional services of the Attorney or, in the absence of the Attorney as set forth in section (1) above, the services of a qualified substitute, shall be rendered,

and shall include, but not be limited to representation of the Township in litigation, representation of the Township before all Courts and Administrative Agencies.

The position of Township Attorney shall be an appointment from April 1, 2019 through December 31, 2019 or until a successor is appointed. The quotation is sought for a fixed annual retainer for which the above general routine legal services and attendance at meetings will be provided, and in addition provide a quotation of an hourly rate for Other Legal Services of an extraordinary nature pursuant to which the attorney shall be compensated at an hourly rate plus out-of-pocket expenses for litigation and specialized legal services generally outlined as follows:

- (a) Representation of the Township or its officials in litigation or administrative hearings.

The Township is seeking proposals for one attorney/firm to provide the services as Township Attorney. The quotation submitted should be for the fixed annual retainer for the Township Attorney services for the time period described, and a per hour rate at which the attorney will be compensated for those Other Legal Services. The Township will appoint one attorney/firm based on its evaluation.

EVALUATION

Proposals will be evaluated by the Governing Body on the basis of the most advantageous, with due consideration to the qualifications, experience and quotations submitted and other factors and criteria. The compensation proposal will be considered but will not be the controlling factor. The evaluation will generally consider the following criteria:

- (a) Experience and reputation in the general field of Municipal Law, and in the representation of public entities, municipalities, and/or public employees in administrative proceedings and litigation in various areas relevant to municipal government. As a minimum qualification, the attorney should have five (5) years experience as an attorney actively representing municipalities or public entities in the State of New Jersey including significant experience in representing municipalities of a comparable size as Millburn. The Township will evaluate the attorney's experience in various areas of municipal law, and litigation experience representing public entities/municipalities, including but not limited to the following areas: zoning law and litigation; tort claim defense of public entities and public employees; public contract litigation; administrative proceedings before the Office of Administrative Law, and other state administrative agencies involved in municipal matters; negotiation for and acquisition of property on behalf of public entities for public purposes and/or open space, including litigation related thereto; construction disputes; Local Public Contracts Law, solid waste issues and Waste Flow Orders, COAH and titles 40 and 40A of the New Jersey Statutes.

- (b) Knowledge of the Township's legal matters. The Township will give due weight to the familiarity of the responding attorney/firm with on-going litigation and legal matters and the capability and ability of the attorney/firm to continue such matters and costs and difficulties to be incurred, and the benefits obtained by reason of continuity in such litigation.

(c) Availability to accommodate the legal needs of the Township. As reasonable accessibility is a relevant consideration, the attorney should have an office within reasonable distance to the Township. The position requires regular contact with Township officials. The responding attorney should provide details as to its office being fully staffed and responsive, and reasonably accessible to the Township, with sufficient support staff to adequately provide services.

(d) Compensation proposal. As noted, the responding attorney should provide a proposal providing a fixed annual retainer quotation for the Township Attorney services, and a per hour fee quotation for the Other Legal Services.

(e) Ethics Issues. As integrity and ethics are considerations, the responding attorney must certify that the attorney has never been reprimanded, censured, or suspended by the Supreme Court for ethics infractions. An attorney who has been reprimanded, censured, or suspended is disqualified.

(f) Confidential Position. As the position of attorney is a confidential position, the Township Governing Body to the extent permitted by law may consider such factors as potential conflicts arising with the attorney/law firm and/or clients that are represented by the attorney/law firm.

(g) Other factors in the best interest of the Township of Millburn.

PROPOSALS

Proposals must be in writing and include at a minimum the following information:

(a) The name of the attorney seeking the position and the law firm the attorney is affiliated with. The resume and/or a detailed summary of the attorney's experience and qualifications relevant to the position, including a detailed statement of the attorney's current and past professional experience, appointment/positions, important or relevant cases and case citations, and work relative to the positions and the periods during which such positions or cases were performed.

(b) A description of the location and facilities that the attorney will be available at and providing services from, and the staff regularly at that office/facility.

(c) Minimum of three references and no more than six (name, agency, title, address, email and telephone number) for recent similar or related work.

(d) A statement certifying that the responding attorney has never been reprimanded, censured, or suspended for ethics violations.

(e) Compensation proposal: Submit a fixed annual retainer quotation for Township Attorney and a per hour rate quotation for Other Legal Services of the attorney and any other attorneys/titles in the firm.

(f) Statement setting forth Malpractice Coverage.

(g) A copy of the attorney's State of New Jersey Business Registration Certificate and Certificate of Employee Information Report issued by the State of New Jersey.

NOTE: All required documentation under the New Jersey Local Public Contracts Law will be required to be submitted prior to the signing of a contract with the Township of Millburn.

PROPOSAL SUBMISSION

Sealed proposals will be received by the Township of Millburn, County of Essex, State of New Jersey, in the **Administrator's Office at 375 Millburn Avenue, Millburn, New Jersey**, on **Friday, January 30, 2019, 4:00 p.m.**, prevailing time, and at that time will be publicly opened and read.

The proposal (an original and 7 copies) must be enclosed in a **SEALED ENVELOPE**, properly endorsed with the name of the Bidder, with the designation "**TOWNSHIP OF MILLBURN, SEALED PROPOSAL, 2019 PROFESSIONAL SERVICES – TOWNSHIP ATTORNEY, FRIDAY, JANUARY 30, 2019, 4:00 p.m.**" Proposals submitted by facsimile or email will not be accepted.

After receipt, the Township of Millburn will review and evaluate the proposals and qualifications. In the absence of unusual circumstances, the Township Council anticipates adopting a resolution appointing the Municipal Township Attorney on March 19, 2019 at their regular Committee Meeting.

The Township reserves the right to reject any and all proposals and waive any informality or non-conformity in any submission to the extent that it is lawful and in the best interest of the Township. To the extent permitted by law, the Township reserves the right to negotiate with qualified attorneys after the submission of proposals.

Any questions regarding this proposal/process should be submitted in writing to Alexander McDonald, 375 Millburn Avenue, Millburn, New Jersey 07041, (973) 564-7748 FAX or email administrator@millburntp.org.

ALEXANDER MCDONALD
TOWNSHIP ADMINISTRATOR

EXHIBIT A

ATTORNEY BILLING GUIDELINES

ALLOWABLE CHARGES AND RELATED PROCEDURES:

A. Limitation on number of attorneys and billable time

1. Only one attorney may bill for participation in Township legal matters, unless specifically agreed to by the Township Administrator in advance in writing.
2. Inter-office conferences among counsel are viewed as an internal law firm management tool and are not compensable. This description of non-billable time includes time spent by new attorneys familiarizing themselves with a case. Furthermore, retrieval and forwarding of voice mail messages shall not be billable occurrences.
3. Counsel shall identify the attorneys who will handle a file on a consistent basis. The number of attorneys involved in a matter is to be kept at a minimum and prior to assigning additional attorneys to work on a matter, notification and approval must be obtained from the Township Administrator.
4. The Township of Millburn does not pay for travel time to and from Millburn. Travel time to and from Court and PERC will be paid.

B. Legal Research

1. Research of topics by electronic means will be reimbursed at cost.
2. Repetitive research which duplicates prior research conducted in other matters on the same issue will not be allowed. However, reasonable time to locate, update and modify prior research for use in a new case is compensable.

NON-BILLABLE CHARGES:

A. Secretarial and Clerical Activities

Not billable to the Township

1. Examples Include:
 - a) Mail handling
 - b) New file set up

- c) Calendar maintenance
 - d) Transcribing
 - e) Copying
 - f) Posting
 - g) Faxing
 - h) Data entry
 - i) Routine scheduling
 - j) Enclosure or transmittal letters
2. File Management:
- a) Inserting/retrieving documents
 - b) File organization
 - c) Assembling materials

BILLING PROCEDURES:

A. Time Charges

- 1. Only actual time for each task
- 2. Must be in 1/10-hour increments
- 3. Must be services an attorney would provide and not services that can be provided by a secretary or paralegal

B. Single Entry Time

- 1. Applies if activity time greater than 1/10 hour
- 2. One activity per entry

C. Services Description

1. Description of Service to include:
 - a) Nature (e.g. "call to...")
 - b) Activity/project to which work relates
2. Generic descriptions not allowed, e.g.:
 - a) "Review File"
 - b) "Attention to"

DISBURSEMENTS - INTERNAL

The Township does not pay law office overhead.

The Township pays actual expense without markup.

A. Itemization

1. Itemization should appear on bills unless documentation is included with bills:
 - a) Date
 - b) Specific description (i.e., telephone, Photo, cc)
 - c) Cost

B. Telephone

1. The Township does not pay for telephone charges except those which are out of state.

C. Clerical Services

1. The Township will not pay for either regular or overtime clerical services.
2. Work which should be done by secretaries:
 - a) Making copies
 - b) Faxing documents
 - c) Scheduling depositions, hearings, etc.

DISBURSEMENTS – EXTERNAL

The Township will only pay actual costs – no markup allowed

A. Itemization

1. External expenses included on attorney's bill

Include:

- a) Name of vendor**
- b) Date of service**
- c) Description of service**
- d) Cost**

B. Express Mail/Messenger Fees

- 1. Use only as necessary and for reasons beyond firm's control.**
- 2. Courier/Messenger services shall only be used when necessary.**

C. Documentation

- 1. Firm must supply receipts/documentation or copy of invoice for all expenses.**

D. External Professional Service

- 1. Billing attorney must consult the Township Administration before hiring experts, consultants, investigators, etc. in all cases.**