

## CITY OF SALEM

### 2024 PROFESSIONAL SERVICES PUBLIC NOTICE OF FAIR AND OPEN PROCUREMENT PROCESS

In accordance with New Jersey Local Public Contracts Law and N.J.S.A. 19:44A-20.4 et. seq., the City of Salem ("City"), County of Salem, a municipal corporation of the State of New Jersey, is soliciting professional services proposals through a fair and open process. The City will require the following services for the upcoming calendar year beginning January 1, 2024 and ending December 31, 2024: **PUBLIC DEFENDER**. Interested applicants may obtain the Request for Proposal package by contacting the City Clerk at 856.935.0373; or in person during regular business hours, at the Municipal Building located at 17 New Market Street, Salem, New Jersey 08079. It will also be available on the website at [cityofsalemnj.gov](http://cityofsalemnj.gov). Submit an original and one (1) copy and your sealed responses to this request for proposals must be submitted to the City of Salem, Office of the Municipal Clerk, 17 New Market Street, Salem New Jersey 08079 by no later than 10:00 AM local prevailing time on **Wednesday, December 27, 2023** at which time and place responses are scheduled to be opened by the Municipal Clerk or QPA. Each sealed envelope containing a proposal shall be plainly marked on the outside to clearly show the specific service for which an individual or firm is submitting a proposal. The proposals will be evaluated by the Municipal Clerk and QPA. Contracts are awarded based on (1) individual or firm experience and reputation in the field ( a copy of the resume of each individual performing the work is to be included); (2) availability to accommodate any required meetings; (3) compensation proposal; (4) at least 2 references with address and phone number; (5) a certification that no immediate relatives of any principal of the firm is employed by, or serve as elected officials of the City of Salem; (6) a copy of the firm's Certificate of Liability Insurance; (7) a copy of the firm's Business Registration Certificate, and (8) Submission of the information requested in the RFP; (9) Provide and sign "Pay to Play" forms; (10) per NJSA 52:32-57 Disclosure of Investment Act in Iran Form. All contracts pursuant to the fair and open process will be awarded by resolution and require a majority vote of the City Council at a public meeting. In addition to full compliance with N.J.S.A. 19:44A-20.4 et. seq. ("Pay to Play"), individuals or firms awarded contracts under these procedures will be required to comply with N.J.S.A. 10:5-31 and N.J.A.C. 17:27-4 (Affirmative Action and Equal Employment Opportunity), 42 U.S.C. Section 12101 et. seq. (Americans with Disabilities Act of 1990), N.J.S.A. 52:25-24.2 (Disclosure of Ownership) and N.J.S.A. 52:32-44 (Business Registration). Any questions regarding this notice should be directed to the City of Salem, Office of the Municipal Clerk, 17 New Market Street, Salem New Jersey 08079 by no later than 10:00 AM local prevailing time on Friday, December 21, 2023. BEN ANGELI, RMC

**CITY OF SALEM**

**REQUEST FOR PROPOSAL FOR THE POSITION OF**

**MUNICIPAL PUBLIC DEFENDER**

**Position and Term:**

The City of Salem requests proposals from New Jersey licensed attorneys or law firms interested in serving in the position of "Municipal Public Defender" from **January 1, 2024 to December 31, 2024**, however, service shall be at the pleasure of the City Council and thus may be terminated at any time by the Council prior to **December 31<sup>st</sup>, 2024**.

**Description of Services:**

Serve as Municipal Public Defender to the City of Salem in accordance with N.J.S.A. 2B:24-1 et. seq. This shall include, among other things, the representation of indigent defendants. This shall also include the attendance of regularly scheduled Municipal Court sessions and any special sessions in which an assigned indigent defendant has a matter scheduled with the Court. Engage in plea negotiations and trial of Municipal Court cases. Compile and handle issues of pre-trial discovery. Interface with the Judge, Municipal Prosecutor, clients, law enforcement officers, County Prosecutor and Attorney General. Engage in all necessary pre-trial investigation and secure experts, if necessary. Engage in legal research and preparation of any and all necessary briefs, motions and memoranda of law.

**Compensation:**

Compensation shall be based on a professional services contract to be negotiated by the City with the applicant deemed to be most advantageous.

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**Minimum Requirements:**

Must be fully licensed and in good standing to practice law in the State of New Jersey.

Minimum of 3 years of experience as a Municipal Public Defender.

**Fair and Open Process:**

These proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5. Applicants who meet with the Minimum Requirements for the position as set forth below, and are willing to provide the described services for the disclosed compensation, shall be evaluated on the basis of experience and qualifications as set forth in the criteria described below.

In order to be considered applicants must submit their reply to the Office of the City Clerk at 17 New Market Street, Salem, New Jersey 08079 (phone # 856.935.0372) **on or before 10:00 a.m. on December 27, 2023**. At that time and place all proposals received shall be publicly opened and announced by the City Clerk or his designee.

Proposals will thereafter be received by the Mayor and Common Council of the City of Salem, who shall award the contract for the services. The award of the Contract will be based on the following criteria: (i) responsiveness to the Qualification Evaluation and other required submissions; (ii) general experience and reputation in the field; (iii) specific experience/knowledge of the City of Salem and the subject matter to be addressed under the Contract; (iv) qualifications and experience which most closely match the needs of the City; (v) availability to accommodate meeting and interface requirements with the Mayor and City Council and City Officials for meetings, phone conferences, attendance at events and office consultations; (vi) office resources, including backup staff, which are deemed most adequate to service the needs of the City; and (vii) the applicant who is deemed otherwise most advantageous based on all information submitted or gathered in connection with the proposal.

The City reserves the right to: (i) not select any of the applicants; (ii) require applicants to submit to a personal interview and/or submit additional or clarifying information; (iii) to reject any or all proposals; (iv) to waive any informalities in the proposals; and (v) procure the articles or services from other sources if deemed most advantageous to the objectives of the City.

The City's determination of the applicant who is most advantageous to the goals and objectives of the City, shall be final and conclusive.

The award of the contract and/or offer of employment shall be determined by majority vote on a resolution to be read by title at an open public meeting.

No applicant shall influence, or attempt to influence or cause to be influenced, any City Official, Officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment. No applicant shall cause or influence, or attempt to cause or influence, any City Official, Officer or employee to secure unwarranted privileges or advantages.

**Qualifications Evaluation:**

1. Minimum Requirements. Please attach resume and/or other documentation demonstrating compliance with the "Minimum Requirements" detailed above.
2. Please describe your experience with regard to municipal court procedure, plea negotiations and trial.
3. Please describe your experience with regard to general knowledge of New Jersey Statutes Title 2C, Title 39 and municipal ordinances.
4. Please describe your experience with regard to non-municipal court matters, including plea and settlement negotiations, pre-trial discovery and trial.
5. Please describe whether there is any disciplinary proceedings pending against you in any jurisdiction or whether discipline has been previously imposed against you in any jurisdiction. If discipline has previously been imposed, state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, specify the jurisdiction, the charges and the likely time of their disposition.
6. Disclose and describe whether you have ever been sued for malpractice.

7. Disclose and describe any arrests or convictions against you.
8. What is the location of your Office?
9. Describe the resources of your office. Include details of support staff. Include information on other qualified attorneys in your office who would be available in the event you were absent or unavailable.
10. Applicants must provide and sign "Pay to Play" forms.
12. Applicants must provide as per NJSA 52:32-57 Disclosure of Investment in Iran Form.
14. Applicant must be available for court sessions as indicated on the included Salem City 2024 Court schedule.
13. Applicants must provide their requested compensation.

**Please provide two copies of your proposal with one clearly marked "Original".**



SALEM CITY MUNICIPAL COURT  
129 WEST BROADWAY  
SALEM, NJ 08079

Nicholas T. Lacovara, JMC  
Municipal Court Judge

Dawn M. Mizenis, MCA  
Municipal Court Administrator

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## 2024 COURT SESSIONS

### SALEM CITY MUNICIPAL COURT SESSIONS START AT 9:00 AM

JANUARY- 9<sup>th</sup>, 23<sup>rd</sup>

FEBRUARY- 13<sup>th</sup>, 27<sup>th</sup>

MARCH- 12<sup>th</sup>, 26<sup>th</sup>

APRIL- 9<sup>th</sup>, 23<sup>RD</sup>

MAY- 7<sup>th</sup>, 21<sup>st</sup>

JUNE- 11<sup>th</sup>, 25<sup>th</sup>

JULY- 9<sup>th</sup>, 23<sup>rd</sup>

AUGUST- 13<sup>th</sup>, 27<sup>th</sup>

SEPTEMBER- 10<sup>th</sup>, 24<sup>th</sup>

OCTOBER- 8<sup>th</sup>, 22<sup>nd</sup>

NOVEMBER- 19<sup>th</sup>

DECEMBER- 10<sup>th</sup>

**STANDARD BID DOCUMENT REFERENCE**

<b>Name of Form</b>	<b>COMBINED CERTIFICATION: PROHIBITED ACTIVITIES IN RUSSIA AND BELARUS &amp; INVESTMENT ACTIVITIES IN IRAN</b>					
<b>Statutory Reference</b>	P.L. 2022, c. 3 N.J.S.A. 52:32-55 et seq. N.J.S.A. 40A:11-2.1 N.J.S.A. 18A:18A-49.4					
<b>Applicability</b>		Y/N		<b>Mandatory</b>	<b>Optional</b>	<b>N/A</b>
	LPCL	Y	Goods and Services	X		
	PSCL	Y	Construction			X
<b>Instructions Reference</b>						
<b>Description</b>	<p>P.L. 2022, c. 3 prohibits the award, renewal, amendment, or extension of State and local public contracts for goods or services with persons or entities engaging in prohibited activities in Russia or Belarus. P.L. 2012, c.25 prohibits the award or renewal of State and local public contracts for goods and services with persons or entities engaged in certain investment activities in the energy or finance sectors of Iran.</p> <p>Before a goods and services contract can be entered into, vendors and contractors must certify that neither they nor any parent entity, subsidiary, or affiliate is listed on the New Jersey Department of the Treasury's list of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 ("<u>Russia-Belarus list</u>") or in Iran pursuant to P.L. 2012, c. 25 ("<u>Chapter 25 list</u>").</p>					

The Certification form requires the insertion of contracting unit identification information which should be filled in (in italics on the form) prior to its use.

## Prohibited Russia-Belarus Activities & Iran Investment Activities

Person or Entity

### Part 1: Certification

#### COMPLETE PART 1 BY CHECKING ONE OF THE THREE BOXES BELOW

Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification below prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran. Before a contract for goods or services can be amended or extended, a person or entity must certify that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list. Both lists are found on Treasury's website at the following web addresses:

<https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf>  
[www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf](http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf)

As applicable to the type of contract, the above-referenced lists must be reviewed prior to completing the below certification.

A person or entity unable to make the certification must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran. The person or entity must cease engaging in any prohibited activities and provide an updated certification before the contract can be entered into.

If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may be provided by law, rule, or contract, including but not limited to imposing sanctions, seeking compliance, recovering damages, declaring the party in default, and seeking debarment or suspension of the party.

### CONTRACT AWARDS AND RENEWALS



*I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate appears on the N.J. Department of Treasury's lists of entities engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 or in investment activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. (Skip Part 2 and sign and complete the Certification below.)*

**CONTRACT AMENDMENTS AND EXTENSIONS**



*I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate is listed on the N.J. Department of the Treasury's lists of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3. I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. (Skip Part 2 and sign and complete the Certification below.)*

**IF UNABLE TO CERTIFY**



*I am unable to certify as above because the person or entity and/or a parent entity, subsidiary, or affiliate is listed on the Department's Russia-Belarus list and/or Chapter 25 Iran list. I will provide a detailed, accurate, and precise description of the activities as directed in Part 2 below, and sign and complete the Certification below. Failure to provide such will prevent the award of the contract to the person or entity, and appropriate penalties, fines, and/or sanctions will be assessed as provided by law.*

**Part 2: Additional Information**

**PLEASE PROVIDE FURTHER INFORMATION RELATED TO PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS AND/OR INVESTMENT ACTIVITIES IN IRAN.**

You must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran in the space below and, if needed, on additional sheets provided by you.



### Part 3: Certification of True and Complete Information

*I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there, to the best of my knowledge, are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity.*

*I acknowledge that the <Name of Contracting Unit> is relying on the information contained herein and hereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the <Name of Contracting Unit> to notify the <Name of Contracting Unit> 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. 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 <Name of Contracting Unit> and that the <Name of Contracting Unit> at its option may declare any contract(s) resulting from this certification void and unenforceable.*

<b>Full Name (Print)</b>		<b>Title</b>	
<b>Signature</b>		<b>Date</b>	

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee<sup>\*</sup>
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

<sup>\*</sup> N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L. 1993, c. 65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit  
no later than 10 days prior to the award of the contract.

### Part I – Vendor Information

Vendor Name:			
Address:			
City:	State:	Zip:	

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

### Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

Check here if the information is continued on subsequent page(s)



**STATEMENT OF OWNERSHIP DISCLOSURE**

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

**This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.**

**Name of Organization:** \_\_\_\_\_

**Organization Address:** \_\_\_\_\_

**Part I Check the box that represents the type of business organization:**

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)     Limited Liability Company (LLC)
- Partnership         Limited Partnership         Limited Liability Partnership (LLP)
- Other (be specific): \_\_\_\_\_

**Part II**

The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

**OR**

No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

**Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the *<name of contracting unit>* is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with *<type of contracting unit>* to notify the *<type of contracting unit>* in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the *<type of contracting unit>* to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	