



## State of New Jersey

Highlands Water Protection and Planning Council  
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*L. Governor*

CARL J. RICHKO  
*Chairperson*

BENJAMIN L. SPINELLI, ESQ.  
*Executive Director*

### **Request for Qualifications (“RFQ”) to Provide Affordable Housing Consultation**

#### **I. Request to Submit Qualifications**

The Highlands Region was recognized by the state legislature as an essential source of clean and plentiful drinking water for one-half of the State’s population, containing other exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, habitat for fauna and flora, and many sites of historic significance, and providing abundant recreational opportunities. It was also recognized that the region provides a desirable quality of life and place where people live and work; and that it is important to ensure the economic viability of communities throughout the Highlands; and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the New Jersey Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities.

The New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) is charged with managing all development in the region in a manner that is consistent with both the Highlands Water Protection and Planning Act (“Highlands Act”) and the Highlands Regional Master Plan (“RMP”). In an effort to balance the growth needs of the region with the protection of the environmental resources, the Highlands Council is in the process of comprehensively considering ways that all forms of development – commercial, residential, and industrial – can be conducted in a sustainable manner and consistent with State priorities. This includes residential development and the constitutionally mandated affordable component of the region’s residential housing. Accordingly, and in connection with other efforts by the Council to assess impacts of current and future development in the region, the Council is seeking professional expertise in reviewing opportunities to plan for affordable housing that protect the resources of the region while balancing the need for affordable housing. In order to best serve the region’s communities and the interests of the State of New Jersey, the Highlands Council is soliciting Statements of Qualifications and supporting information (“Qualifications Submittals”) from consultants or consulting teams (“Team”) with expertise in affordable housing to advise and assist the Highlands Council with implementation of the RMP and compliance with the Fair Housing Act, affordable housing obligations, and the provisions of Executive Order 114, 2008 (EO 114).

The Team shall possess significant expertise with the Fair Housing Act and affordable housing in New Jersey. The Team shall also have expertise in planning and environmental regulations including the Highlands Act.

## **II. Scope of Services**

As requested by the Highlands Council, the selected Team will provide the following services as needed hereinafter termed the "Project:"

- A. Assist the Highlands Council in implementing the goals, policies and objectives of the RMP with respect to the provision of affordable housing in the Highlands Region;
- B. Assist the Highlands Council with implementation of P.L.2008, c.46, which amended the Fair Housing Act, N.J.S.A. 52:27D-301 et seq;
- C. Assist the Highlands Council with the implementation of EO 114 (2008) as it relates to affordable housing; and
- D. Advise the Highlands Council on potential fourth round municipal affordable housing obligations in the Highlands Region, including but not limited to a review and recommendations on existing and potential build out analyses, vacant land analyses and water and wastewater capacity and locational analyses.

Anticipated deliverables may include, but are not limited to, the following:

- o Report summarizing the Highlands Council's authority and role in planning for affordable housing.
- o Potential methodologies and examples of build out analyses.
- o Summary of methods to calculate affordable housing obligations.
- o Potential programs to permit the voluntary transfer of affordable housing obligations in accordance with the Fair Housing Act.
- o Methodologies for the identification of affordable housing sites within the Highlands region in order to comply with constitutionally mandated municipal affordable housing obligations.
- o Respondents may be required to appear before the Highlands Council to discuss affordable housing issues.

## **III. RFQ Submittal Requirements**

- A. Qualifications Submittals must include the following items:
  1. Cover letter setting forth the experience of the Team, including any sub-consultant's experience, describing work performed on similar projects; key personnel qualifications and relevant planning and/or legal experience; understanding of the project and the Highlands Council's needs; approach to the project; and commitment and ability to perform the project;
  2. Contact Information: Provide the name and address of each of the Team members, and the name, telephone number, facsimile number and electronic mail address of the individual(s) responsible for preparation of the proposal who may be contacted in the event of questions or notification, and the location of the office, if other than that shown above at which the services to be provided hereunder will be performed.
  3. Statement of Qualifications: Provide the following:
    - a. Type of business (e.g., corporation, limited liability company, 501(c)(3));

- b. Number of years in business and number of years providing relevant services;
  - c. Type of services provided;
  - d. Description of your firm's past experience that is most relevant to this project;
  - e. Detailed organizational chart; and
  - f. Explanation of the experience of each member of the Team, including experience on similar projects, key personnel qualifications and relevant experience. Resumes of all qualified professionals who will be responsible for assisting with or completing assigned tasks shall be provided.
4. Work Examples: Provide at least three (3) examples of previous projects, work product, publications and reports, demonstrating direct experience with the type of work outlined in the Scope of Services in Section II above. For each of these examples, provide the following information:
    - a. Name and address of client;
    - b. Year(s) during which work was performed;
    - c. Contract amount; and
    - d. Details of work performed.
  5. Staffing Plan: Provide an organizational structure (flow chart), showing all personnel who will work on executing the Scope of Services, including the identity of any alternate personnel, sub-consultants or sub-contractors the Team intends to utilize to perform the Scope of Services.
  6. Sub-contractors: If applicable, submit a statement of the Team's intent to sub-contract. If sub-contractors, sub-consultants or any alternate personnel are to be utilized in the performance of the Scope of Services, list each sub-contractor and provide resumes of key personnel. All sub-contractors must be approved by the Highlands Council prior to utilization of the sub-contractor. The Team is fully responsible for any sub-contractor.
  7. Statement of Availability: Provide an affirmative statement detailing the Team's availability over the twelve (12) months and its ability during that time to work interactively with Highlands Council staff at our offices in Chester, NJ.
  8. Litigation/Disciplinary Action: If any member of the Team, or any principal therein (in his or her official capacity with the Team), has been engaged in any litigation as a defendant involving a sum of \$100,000 or more and/or subject to any professional disciplinary action over the last three years, provide a description of the litigation and/or disciplinary action.
  9. References: Provide no less than three (3) references, including at least two (2) clients for whom services have been provided within the past three years regarding efforts similar to those outlined in the Scope of Services in Section II above. Provide the contact names, positions and phone numbers for representatives of each entity listed as a reference. The Highlands Council reserves the right to contact references for information that may be used in the evaluation process.

10. N.J. Business Registration Certificate. Pursuant to N.J.S.A. 52:32-44, the Team must provide proof of valid business registration with the Division of Revenue in the Department of Treasury.
  11. Acceptance of Contract Terms. A statement certifying that the Team has no existing or foreseen conflicts to perform the services requested by the Highlands Council as envisioned under the above Scope of Services and accepts the Council's Contract Standard Terms and Conditions attached as Appendix D.
  12. Certifications/Disclosures. The Team must provide certification and disclosure documents in compliance with Public Law 2005, Chapter 51; Public Law 2005, Chapter 271; and Executive Order 129 (codified as P.L. 2005, c. 92). Certification forms relating to these provisions are attached hereto as Appendices A, B, and C respectively.
- B. A rate schedule in a separate document that details fully loaded project hourly rates, which includes all overhead and profit that may be incurred in performing the project. All direct expenses shall be billed at cost;
- C. Qualifications Submittals must be received no later than **4:00 p.m. on February 24, 2023**. Qualifications Submittals must be emailed to: Gabrielle Gallagher, Esq. Chief Counsel (gabrielle.gallagher@highlands.nj.gov). Late qualifications submittals will not be considered.

#### **IV. General Requirements and Information**

- A. If submitted by a corporation (joint venture, associated firms, etc.), the Qualifications Submittals shall be signed by a corporate officer authorized to do so. If made by an individual, that individual shall sign it. One or more of the partners shall sign if the firm is a company or partnership.
- B. The Highlands Council reserves the right to require the submission of additional information regarding experience and qualifications as it may deem necessary, and may consider any available evidence on the financial, technical, or other qualifications and abilities of the Team.
- C. Only the interpretations and/or corrections issued as a written Addendum to the RFQ by Gabrielle Gallagher Chief Counsel, shall be binding. No other source is authorized to give information regarding any explanation or interpretation of the RFQ. Accordingly, any questions regarding this RFQ must be submitted in writing to Ms. Gallagher at the address above. Teams are instructed not to communicate with any other representatives of the Highlands Council during the submission and selection process for this contract.
- D. This RFQ does not commit the Highlands Council to award a contract to any Team or to pay any costs incurred in the preparation or emailing of the Qualifications Submittals.
- E. The Highlands Council reserves the right to reject all Qualification Submittals, or abandon all or part of this Project, prior to award of any contracts, pursuant to N.J.S.A. 13:20-1 et seq. Qualifications Submittals may be rejected for any or all of the following reasons:
  - Not responsive to this RFQ;
  - Firm is not authorized to do business in the State of New Jersey;

- Failure to include any required information with the submittal; and/or,
  - Failure to disclose any existing or potential conflict of interest.
- F. The Highlands Council reserves the right to waive any and all irregularities and informalities in the submission of qualifications, and to request clarification of qualifications prior to qualifying a Firm.
- G. The selected Team and any of its subcontractors must provide certification and disclosure documents in compliance with Public Law 2005, Chapter 51; Public Law 2005, Chapter 271, and Executive Order 129 (codified as P.L. 2005, c. 92) prior to the award of any contract. Certification forms relating to these provisions are attached hereto as Appendices A, B, and C respectively.
- H. Pursuant to N.J.S.A. 52:32-44, the selected Team and subcontractors must provide proof of valid business registration with the Division of Revenue in the Department of Treasury prior to the award of any contract.
- I. If awarded the contract, the selected Team shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1.1 et seq. regarding affirmative action.
- J. After the receipt of qualifications, the Highlands Council reserves the right to negotiate with any number of Teams it chooses in its discretion prior to awarding a contract.
- K. Documents/information submitted in response to this RFQ generally shall be available to the public except as permitted by the common law, and State law, including the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

#### **V. Firm Selection Process**

- A. Based upon the Qualifications Submittals, taking into consideration staff's recommendation and its own determination as to which proposal is most advantageous to the needs of the Highlands Council, the Council will issue a contract award. In selecting the most qualified Team for the services of this RFQ, the Highlands Council shall consider the following:
1. The background, qualifications, skills, and experience of the Team and its staff;
  2. The Team's degree of expertise concerning the area at issue;
  3. The rate or price to be charged by the Team;
  4. The Highlands Council's prior experiences with the Team;
  5. The Team's familiarity with the work, requirements, and systems of the Highlands Council;
  6. The Team's proposed approach to the issues raised in the Project description or specifications;
  7. The Team's capacity to meet the requirements of the Project at issue within the timeframe established by the Highlands Council;

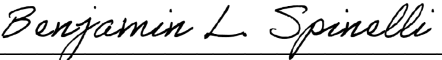
8. The Team's references;
  9. Interviews with prospective Teams;
  10. Geographical location of the Team's offices; and
  11. Familiarity with all applicable State and federal laws and regulations.
- B. Upon selection of the qualified Team, the Highlands Council and the Team will negotiate a professional services contract, on a time and materials basis, with total costs not to exceed \$100,000. Additionally, the Highlands Council and the selected Team will develop cooperatively a detailed Scope of Work which will set forth the tasks to be conducted and the schedule for completion of those tasks. The professional services contract will be based upon the Highlands Council's Professional Services Contract Standard Terms and Conditions, which is attached hereto as Appendix D.
- C. Based on the results of this Contract, the Highlands Council may issue a separate follow-up RFQ/RFP. Bidding on this RFQ will not disqualify a firm from bidding on a subsequent RFP/RFQ but will also not increase the likelihood of selection on any subsequent RFQ/RFP.

#### **VI. Term and Termination**

- A. The term of the professional services contract shall be for a period of one (1) year from when it is formally entered into by the parties. Said contract can be extended by consent of the parties.
- B. The Highlands Council may, at any time, terminate the professional services contract in whole or in part for the Highlands Council's convenience and without cause when the Highlands Council determines in its sole discretion that termination is in the public interest. Upon receipt of an order of termination for convenience, the Firm shall not proceed with any item of work, unless specifically authorized to do so in writing. In such a case, unless mutually agreed to by the parties, the Team will not be entitled to payment for any services provided after the effective date of such termination.

If there are any questions regarding this Request for Qualifications, please contact Gabrielle Gallagher, Esq. Chief Counsel ([gabrielle.gallagher@highlands.nj.gov](mailto:gabrielle.gallagher@highlands.nj.gov)).

#### **New Jersey Highlands Council**

  
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Benjamin L. Spinelli, Esq.

Executive Director

Dated: January 24, 2023