

**Request for Proposals (RFP) to
Develop a Guidance Document and Scope of Services for Municipal Land Use Plan and
Environmental Sustainability Master Plan Elements, Including a Municipal Climate
Change Related Hazard Vulnerability Assessment**

**RFP Issued: July 19, 2021
Question & Answer Cut-off Date: August 19, 2021.
Submittal Deadline: 5 p.m. September 20, 2021.**

I. Request for Proposals

The New Jersey Highlands Water Protection and Planning Council (Highlands Council) is soliciting proposals consisting of a Statement of Qualifications, Technical Proposal, and Rate Schedule & Budget from consultants with varied expertise in municipal land use and master planning, climate change, and climate change hazard vulnerability assessments. The Highlands Council seeks to develop a guidance document that will assist its municipalities in gaining full compliance with Section 19, subsections b(2) (f), (g) and (h) of the New Jersey Municipal Land Use Law (MLUL), P.L.1975, c.291 (C.40:55D-28). The subsections require that communities incorporate smart growth, storm resiliency, environmental sustainability, electric vehicle charging infrastructure planning, and climate change related hazard vulnerability assessments into the land use plan element of the municipal master plan.

II. Background

The Highlands Region is a physiographic area of northern New Jersey, comprised of 88 municipalities within parts of 7 counties. The Highlands contains a diverse landscape with both rural and densely developed areas. The geographic boundaries of the region are established in the Highlands Water Protection and Planning Act, see N.J.S.A. §§ 13:20-1 *et seq.* (Highlands Act), which also created the Highlands Council. The Highlands Act sets forth a number of goals that the Highlands Council is responsible for achieving. The overarching goal is protection of the Region's natural resources, with an emphasis on protection of water.

The Highlands Act charged the Highlands Council with developing a master plan for the Region built on these water and resource protection goals, which the Council successfully completed and adopted in 2008, known as the Highlands Regional Master Plan (RMP). The Highlands Act also created the Highlands Protection Fund and authorized the Highlands Council to develop a grant program to provide municipalities with funding for the reasonable expenses incurred in revising local master plans, development regulations, or other regulations as needed to conform to the Highlands RMP. The Highlands Council's Plan Conformance Grant Program is used to fund municipal Plan Conformance activities for lands within the Preservation Area where conformance is mandatory, as well as in the Planning Area where conformance is voluntary.

Climate Resiliency

On October 29, 2019, Governor Murphy issued Executive Order 89 (EO-89) finding there is overwhelming consensus that increasing atmospheric greenhouse gases from human activities are causing the earth to warm and contributing to an increase in the frequency and intensity of severe weather. Among other actions, EO-89 authorizes the Chief Resilience Officer and the Interagency Council on Climate Change to call upon any State agency to supply it with information or

assistance necessary. Additionally, EO-89 orders the State Planning Commission to incorporate climate change considerations as a mandatory requirement of Plan Endorsement.

Environmental Justice

On April 20, 2018, Governor Murphy issued Executive Order No. 23 (EO-23), acknowledging that, “historically, New Jersey’s low-income communities and communities of color have been exposed to disproportionately high and unacceptably dangerous levels of air, water, and soil pollution, with the accompanying potential for increased health impacts” and that “these communities continue to be disproportionately affected by environmental degradation, health risks, housing challenges, and inadequate access to resources that affect their quality of life.” Recognizing this history and the continued need to address environmental justice, EO-23 emphasizes that residents of all communities should “receive fair and equitable treatment in decision-making that affects their environment, communities, homes, and health.”

EO-23 establishes that all branches of state government must incorporate environmental justice considerations into agency responsibilities, official actions, and standard practices. It directs the NJ Department of Environmental Protection (NJDEP) to develop guidance for all state agencies on how to accomplish this task, which the NJDEP released in October 2020 under the title, “Furthering the Promise: A Guidance Document for Advancing Environmental Justice Across State Government.”

On September 18, 2020, Governor Murphy also signed legislation (S232) requiring NJDEP to evaluate the environmental and public health impacts of certain facilities on overburdened communities in review of permit applications. Per the Office of Environmental Justice, this law made New Jersey “the first state in the nation to require mandatory permit denials if an environmental justice analysis determines a new facility will have a disproportionately negative impact on overburdened communities.”

Environmental Sustainability

In 2008, 2017, and 2021, legislative amendments to the MLUL added environmental sustainability, climate change and resiliency planning to the components of the municipal master plan. Specifically Sections 16 and 19, subsections b(2) (f), (g) and (h) of P.L.1975, c.291 (C.40:55D-28) now require municipalities to incorporate smart growth, storm resiliency, environmental sustainability, electric vehicle charging infrastructure planning, and climate change related hazard vulnerability assessments in various master plan elements.

Project Purpose: Goals & Intent

At present, limited guidance is available to municipalities to assist in development of effective master plan amendments that meet all of the above-listed requirements. It is the intent of this proposal, “the project” to address that need. The Highlands Council seeks a guidance document that municipalities may follow to address each of the required land use plan element components, including all background studies/assessments as necessary to produce a rational, responsive, and implementable “Land Use and Environmental Sustainability Master Plan Element(s)” for the community. Guidance material must be consistent with and developed in the context of the aforementioned legal/policy documents, which together provide the framework for this project: the MLUL, the RMP, EO-89, EO-23 and NJDEP’s “Furthering the Promise...”

Subject to availability and Highlands Council approval, all conforming Highlands municipalities will be eligible for grant funding to develop a Land Use and Environmental Sustainability Master Plan Element(s) in accordance with the proposed guidance document. Consistency with the referenced legal/policy framework is essential to ensuring that master plan elements are eligible for Highlands Council grant funding. To assist municipalities in submitting requests to the Highlands Council for such funding, the guidance document must also include a model “Scope of Work” (SOW). The model SOW should outline and briefly describe the tasks required to develop each component of the Land Use Plan and Environmental Sustainability Plan Elements, provide for task completion timelines, and include a section for the municipality’s proposed budget, with a break-down by task.

III. Scope of Services

The objective of the project is to develop a guidance document for use by Highlands municipalities in developing Land Use Plan and Environmental Sustainability Master Plan Elements, as described and consistent with the legal/policy framework enumerated above.

- **Context:** Establish understanding of project context and legal/policy framework based on MLUL provisions, Executive Orders 89 and 23, NJDEP’s EO-23 Guidance, the Highlands RMP, and Highlands Grant Program SOW requirements (samples to be provided) discussed above.
- **Research:** Conduct background research on Environmental Sustainability Element components; review existing plans and data.
 - Review guidance materials available through NJ State Planning Commission
 - Conduct a review of other states/regions for similar municipal master planning work.
 - Consider Hazard Assessment/Mitigation Plans developed by NJ Counties.
 - Assess need for and identify available data to support the development of the plan element.
- **Stakeholder Outreach:** Prepare and conduct a stakeholder outreach program to determine the scope and goals of an environmental sustainability plan element. Outreach should include at minimum, the NJDEP, Office of Planning Advocacy (OPA), Highlands municipalities and counties, and associated non-profit organizations.
- **Guidance Document:** Develop Land Use Plan and Environmental Sustainability Plan Element Guidance Document. This shall be a detailed guide on how to develop the plan and meet all legal/policy framework requirements. It shall include at minimum, the following:
 - Identification of data collection/background study requirements, specifically including use of existing materials such as Highlands Council Municipal Build-Out analyses (e.g., to identify ‘developable’ areas at high risk of climate change-related hazards)
 - Guide to development of vulnerability assessments
 - Guide to the development and implementation of a public input/outreach component
 - Guide to establishment of municipal goals

- Guide to development of environmental sustainability plans
- Template Document/Example. This should include a number of templates/examples for differing types of municipalities.
- Mapping Templates
- Data Sources
- Model SOW (scope of services) including proposed tasks, timelines, and budget (with break-down by task), for completion of the Land Use Plan and Environmental Sustainability Plan Element, including the climate change related hazard vulnerability assessment. The Model SOW is intended for municipal use in both seeking professional services to prepare the Element(s) and requesting Highlands Council Plan Conformance grant funding to cover the associated costs.

Deliverables:

The final Guidance Document, including the model SOW, mapping templates, and all other attachments, exhibits and addenda, and all supporting documentation utilized by Consultant in developing the Guidance Document, shall be the property of the Highlands Council and shall be provided in an electronic format acceptable to the Highlands Council. Final deliverables shall include:

- 1) Hard copy and digital version of Guidance Document in an editable format acceptable to the Highlands Council
- 2) Stakeholder Outreach Program
- 3) Presentation to Highlands Council and Plan Conformance Committee
- 4) Municipal workshop (or several depending upon scheduling/level of interest) to present Guidance Document (may be online)

Timeframe:

The Council anticipates that the timeframe to complete the project will be six (6) to nine (9) months. The Consultant shall prepare regular progress reports for Highlands Council review.

The Consultant’s ability to devote sufficient resources to these tasks in the expected timeframe should be reflected in its detailed schedule (see Section IV, B.2), although Consultants may propose alternative timeframes that achieve a reasonable completion of the Scope of Services in an expedited manner. The Highlands Council will consider the Consultant’s proposed timeframe in awarding the proposal.

IV. RFP Submittal Requirements

A. Proposals must include the following items:

1. Contact Information: Provide the name and address each of the Consultant members, 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.

2. Understanding of the Scope of Services: A statement of the Consultant's understanding of the project described in the Scope of Services and the Highlands Council's needs and commitment that the Consultant is able to perform the Scope of Services within the required timeframe.
3. Technical Approach and Proposed Work Plan: A detailed description of the Consultant's approach for satisfactorily completing the Scope of Services set forth in Section III above, including any alternate suggestions for implementation. Include a detailed schedule that includes a description of all tasks and activities, significant milestones, and anticipated deliverables.
4. 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 Consultant team assigned to perform the Scope of Services, 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.
5. 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 III 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.
6. 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 Consultant intends to utilize to perform the Scope of Services.
7. Staffing Matrix: Provide a staffing matrix that graphically depicts the key personnel identified in Paragraph IV.A.6 above, who worked on the example projects listed in Paragraph IV.A.5 above, and what his/her role was with respect to each example project. Also list the roles and responsibilities each of those personnel will have with respect to the proposed project outlined in the Scope of Services in Section III above.

Personnel	Role	Example Project	Example Project	Example Project
Jane A. Smith	Chief Planner	X		X
Joe A. Smith	Sustainability Professional		X	X
Jane A. Doe	Municipal Planner		X	

8. Sub-contractors: If applicable, submit a statement of the Consultant’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 identify responsibilities, tasks, schedule, and costs and provide resumes of key personnel. All sub-contractors must be approved by the Highlands Council prior to utilization of the sub-contractor. The Consultant is fully responsible for any sub-contractor.
 9. Statement of Availability: Provide an affirmative statement detailing the Consultant’s availability over the established timeframe and ability during that time to work interactively with Highlands Council staff (either on-line, or if circumstances of the current health emergency allow, at our offices in Chester, NJ).
 10. Litigation/Disciplinary Action: If any member of the Consultant, or any principal therein (in his or her official capacity with the Consultant), 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.
 11. 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 III 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.
 12. N.J. Business Registration Certificate. Pursuant to N.J.S.A. 52:32-44, the Consultant must provide proof of valid business registration with the Division of Revenue in the Department of Treasury.
 13. Acceptance of Contract Terms. A statement certifying that the Consultant 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.
 14. Certifications/Disclosures. The Consultant 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. Technical Proposals must include the following items:

1. A detailed approach for achieving satisfactory results regarding the Scope of Services of Section III above; and
 2. A detailed schedule and flow chart of tasks for completion of the Scope of Services.
- C. Cost Proposal, Rate Schedule & Budget: The Proposal must include in a separate sealed envelope (please mark as confidential):
1. A rate schedule that details fully loaded project hourly rates, which includes all overhead and profit that may be incurred in performing the project;
 2. An overall project budget and detailed fixed fee proposal broken out by task based on the Scope of Services;
 3. Note: All direct expenses shall be billed at cost.
- D. Submittal Requirements: Three (3) hard copies of the complete Proposal, including Statement of Qualifications, Technical Proposal, Rate Schedule & Budget, and all certifications must be received no later than **5:00 p.m. EST on September 20, 2021**. Proposals must be mailed or delivered to: New Jersey Highlands Council, 100 North Road (Route 513), Chester, New Jersey 07930, attention: Gabrielle Gallagher, Senior Counsel. The complete Proposal shall also be provided electronically via USB flash drive enclosed with the hard copies of the Proposal or by e-mail to Ms. Gabrielle Gallagher (gabrielle.gallagher@highlands.nj.gov). Late Proposals will not be considered.

V. Restrictions on Communications with Highlands Council Staff

Any questions regarding this RFP must be submitted in writing to Gabrielle Gallagher, Senior Counsel, NJ Highlands Council, 100 North Road, Chester, NJ 07930, or email to: gabrielle.gallagher@highlands.nj.gov. Note that all questions regarding this RFP must be submitted in writing no later than August 19, 2021. Respondents to this RFP are instructed not to communicate in any other manner than as set forth immediately above with any other representatives of the Highlands Council during the submission process, and not to communicate with any representatives of the Highlands Council during the selection process for this contract, unless such communication was initiated by a representative of the Highlands Council in connection with any request for clarification to a response. In the event that any Addenda or clarifying communication arises out of a question submitted by a respondent or Consultant, the said clarification and response or Addendum shall be issued to all respondents. Only the interpretations and/or corrections issued as a written Addendum to the RFP by a representative of the Highlands Council shall be binding. No other source is authorized to give information regarding any explanation or interpretation of the RFP.

VI. General Requirements and Information

- A. If submitted by a corporation (joint venture, associated consultants, etc.), the Proposal shall be signed by a corporate officer authorized to do so. If submitted by an individual, that individual shall sign the Proposal. If the Consultant is a general partnership, one or more of the partners shall sign. If a limited partnership, the managing partner(s) or general partner(s) shall sign.
- 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 Consultant.

- C. This RFP does not commit the Highlands Council to award a contract to any respondent or Consultant or to pay any costs incurred in the preparation or mailing of the Proposal.
- D. The Highlands Council reserves the right to reject all Proposals, 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. Proposals may be rejected for any or all of the following reasons:
 - Not responsive to this RFP;
 - Consultant 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.
- E. The Highlands Council reserves the right to waive any and all irregularities and informalities in the Proposals and to request clarification of qualifications prior to qualifying a Consultant.
- F. The selected Consultant 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.
- G. Pursuant to N.J.S.A. 52:32-44, the selected Consultant must provide proof of valid business registration with the Division of Revenue in the Department of Treasury prior to the award of any contract.
- H. If awarded the contract, the selected Consultant 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.
- I. After the receipt of proposals, the Highlands Council reserves the right to negotiate with any number of Consultants it chooses in its discretion prior to awarding a contract.
- J. Documents/information submitted in response to this RFP 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.

VII. Consultant Selection Process

- A. Based upon the Proposals, 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 may issue a contract award. In selecting the most qualified Consultant for the services of this RFP, the Highlands Council will consider the following:
 1. The background, qualifications, skills, and experience of the Consultant and its staff;
 2. The Consultant's degree of expertise concerning the area at issue;
 3. The Consultant's proposed technical approach to the issues raised in the project description or specifications;
 4. The Consultant's capacity to meet the requirements of the project at issue within the timeframe established by the Highlands Council;
 5. The rate or price to be charged by the Consultant;

6. The Highlands Council's prior experiences with the Consultant;
 7. The Consultant's familiarity with the work, requirements, and systems of the Highlands Council;
 8. The Consultant's references;
 9. Interviews with prospective Consultants;
 10. Geographical location of the Consultant's offices; and
 11. Familiarity with all applicable State and federal laws and regulations.
- B. Upon selection of the qualified Consultant, the Highlands Council and the Consultant will execute a professional services contract, on a time and materials basis on a "total costs not to exceed" basis. The professional services contract will include the Highlands Council's Professional Services Contract Standard Terms and Conditions, which are attached hereto as Appendix D.

VIII. Term and Termination

- A. The initial term of the professional services contract shall be for a period of twelve (12) months from when it is formally entered into by the parties and may be extended upon agreement by both parties that the detailed Scope of Work requires additional time for effective completion.
- 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 Consultant 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 Consultant 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 Proposals, please contact Ms. Gallagher in writing to NJ Highlands Council, 100 North Road, Chester, NJ 07930 or by e-mail at gabrielle.gallagher@highlands.nj.gov.

NEW JERSEY HIGHLANDS COUNCIL



Lisa J. Plevin
Executive Director
Dated: 7/16/2021