

BOROUGH OF NEW PROVIDENCE

**REQUEST FOR PROPOSAL
FOR THE PROVISION OF
BASKETBALL INSTRUCTION**

BOROUGH OF NEW PROVIDENCE

ISSUE DATE: November 6, 2020

SUBMISSION DEADLINE: December 10, 2020

ADDRESS ALL PROPOSALS TO:

OFFICE OF THE BOROUGH CLERK

Municipal Building

360 Elkwood Avenue

NEW PROVIDENCE, NEW JERSEY 07974

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING QUALIFICATIONS

BOROUGH OF NEW PROVIDENCE
360 ELKWOOD AVENUE
NEW PROVIDENCE, NEW JERSEY 07974

CONTACT PERSON

BERNADETTE CUCCARO, ASSISTANT ADMINISTRATOR
908-665-1400

PURPOSE OF REQUEST

The BOROUGH OF NEW PROVIDENCE (the "BOROUGH") is soliciting Proposals from interested persons and/or firms for the provision of basketball instruction the time period January 1, 2021 to December 31, 2023, as more particularly described herein. Through a Request for Proposal process described herein, persons and/or firms interested in assisting the BOROUGH with the provision of such services must prepare and submit a Proposal in accordance with the procedure and schedule in this RFP. The BOROUGH will review Proposals only from those persons and/or firms that submit a Proposal which includes all the information required to be included as described herein, as determined in the sole and absolute discretion of the BOROUGH. The BOROUGH intends to qualify persons and/or firms that (a) possess the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the BOROUGH to provide the greatest benefit to the taxpayers of New Providence. The services of successful Respondents may be procured as soon as **January 1, 2021**.

DEFINED TERMS

The following definitions shall apply to and are used in this Request for Qualifications:

"BOROUGH" - refers to the BOROUGH OF NEW PROVIDENCE.

"Proposal" - refers to the complete responses to this RFP submitted by the Respondents.

"Qualified Respondent" - refers to a Respondent who (in the sole and absolute discretion of the BOROUGH) has satisfied the qualification criteria set forth in this RFP.

"RFP" - refers to this Request for Proposals, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested persons and/or firm(s) that submit a Proposal.

CONTRACT FORM

If selected, a respondent shall be required to execute the BOROUGH's form contract, which includes, among other things, indemnification, insurance, termination and licensing provisions. A complete copy of a draft BOROUGH form contract is available upon request.

It is also agreed and understood that the acceptance of the final payment by a vendor shall be considered a release in full of all claims against the BOROUGH arising out of, or by reason of, the work done and materials furnished under the contract.

REQUIREMENTS OF THE PROPOSALS BASKETBALL INSTRUCTION

- 1) **BOROUGH OF NEW PROVIDENCE FACTS AND FIGURES** – The BOROUGH OF NEW PROVIDENCE is a legal, governmental entity. The BOROUGH was incorporated in 1899 and operates under N.J.S.A 40A:60-1, et seq., the borough form of government. The BOROUGH is governed by a mayor and borough council. The Borough Council sets policy, adopts the operating and capital budgets for the BOROUGH, enacts ordinances and sets the direction of how the BOROUGH OF NEW PROVIDENCE will provide government services. The Mayor is elected and is the chief executive. The Borough Administrator carries out the policies adopted by the Mayor and Borough Council.

The BOROUGH's population is approximately 12,000 and it consists of approximately 4 square miles of area. The BOROUGH provides a full range of municipal services.

The BOROUGH's operating budget is approximately \$14 million.

- 2) **NATURE/ SCOPE OF SERVICES** – The BOROUGH hereby solicits Proposals from Respondents that have expertise in providing basketball instruction for kids, grades K-8. Contractor will have a minimum of three years' experience in delivering youth basketball skills classes and camps in recreation or school settings for children grades K-8 (ages 5-14).

The Community Activities Department will collect the participant fees and pay the program provider based on the terms of agreement. The Community Activities Department will market the program in its materials through the school systems, on its website (www.newprov.org/recreation), in social media and in local publications. If the program provider seeks to distribute a stand-alone flyer for its program, it may do so only with the permission of the Community Activities Department and must supply the flyer(s) for distribution.

The contractor is responsible for advising the Community Activities Department when injuries to participants occur and for completing accident reports. Reports shall be filed on the same day of injury by the class supervisor or by the contractor's business representative.

The contractor is required to adhere to and follow all regulations, executive orders and laws

regarding cleaning and sanitizing protocols that may be in effect during the term of the contract as it relates to Covid-19 or any current health situations.

The specifics of the program are set forth as follows:

a) **FUNDAMENTAL CLINICS & INSTRUCTION**

Fundamental clinics will introduce children to fundamental basketball skills including dribbling, passing, shooting, and scrimmaging. Instruction will be conducted throughout the year on weekends and/or weekdays for boys and girls.

b) **BASKETBALL CAMPS**

Basketball camps will allow kids to develop their basketball skills during the summer and school breaks, in a half-day or full-day format, weekly or one-day sessions.

3) **SUBMISSION REQUIREMENTS** – Respondents must demonstrate satisfactory experience in providing the program which the proposal seeks. Respondents should submit a Proposal that contains the following:

- A. The name of the Respondent, the principal place of business and, if different, the place where the services will be provided;
- B. A description of Respondent's overall experience in providing the type of services sought in the RFP. At a minimum, the following information on past experience should be included as appropriate to the RFP: (i) description and scope of work by Respondent; (ii) explanation of perceived relevance of the experience to the RFP; and (iii) the education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles;
- C. A narrative statement of the Respondent's understanding of the BOROUGH's needs and goals;
- D. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. Contact information for the recipients of the similar services must be provided. The BOROUGH may obtain references from any of the parties listed;
- E. A listing of all immediate relatives of the officers, directors or managing agents of Respondent who are BOROUGH employees or elected officials of the BOROUGH. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws;

An Affirmative Action Statement (sample language attached);

A completed Non-Collusion Affidavit (copy of form attached);

A completed Owner Disclosure Information form (copy of form attached);

A completed Disclosure Statement (copy of form attached);

A statement that the Respondent will comply with the General Terms and Conditions

required by the BOROUGH and enter into the BOROUGH's standard multi-sport instruction for kids Contract;

A copy of the Respondent's Business Registration Certification.

- 4) **FINANCIAL PROPOSAL** – Respondents should submit a financial proposal that responds to the services requested in the RFP and includes the form as indicated herein. The payment to the Borough by the Respondent must be on a percentage basis per paid registration. In addition, the Respondents are asked to provide the price it will be charging participants for its programs.

Basketball INSTRUCTION	Payment to Borough (i.e. % Per Paid Registration)		
	2021	2022	2023
Fundamental Clinics			
Basketball Camps			

Basketball INSTRUCTION	Price charged to Participants Per Hour of Instruction		
	2021	2022	2023
Fundamental Clinics			
Basketball Camps			

- 5) **EVALUATION** – The BOROUGH has structured a procurement process that seeks to obtain the desired results described herein, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Proposal in response to the RFP. The BOROUGH will select the most advantageous proposal(s), if any and as determined in its sole and absolute discretion, based on all of the evaluation factors set forth at the end of this RFP.

Proposals will be reviewed and evaluated by the BOROUGH and its community activities, legal and/or financial advisors (collectively, the "Review Team"). The Proposals will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas and other requirements described in this RFP. Each Respondent must satisfy the objectives and requirements detailed in this RFP. The successful Respondent shall be determined by an evaluation of the total content of the Proposal submitted. Under no circumstances will a member of the Review Team review responses to an RFP for an appointment that he/she or his/her firm submitted a response. Based upon the totality of the information contained in the Proposal, including, without limitation, information about the reputation and experience of each Respondent, the BOROUGH will (in its sole and absolute discretion) determine which Respondents are qualified from a professional, administrative and financial perspective. Each Respondent that meets the requirements of the RFP (determined in the sole and absolute discretion of the BOROUGH) will be designated as a Qualified Respondent and may then be

given an opportunity to provide services to the BOROUGH.

The RFP process commences with the issuance of this RFP. It is anticipated that certain Qualified Respondents will be selected to begin providing services to the BOROUGH as soon as January 1, 2021. There can be no assurance, however, that any Qualified Respondent will be selected.

All communications concerning this RFP or the RFP process shall be directed, in writing, to the BOROUGH's designated contact person:

Bernadette Cuccaro, Assistant Borough Administrator
BOROUGH OF NEW PROVIDENCE
360 Elkwood Avenue, New Providence, New Jersey 07974

6) RESERVATION OF RIGHTS – The BOROUGH reserves the right to:

- a.** Not select any of the proposals;
- b.** Select only portions of a particular Respondent's proposal for further consideration (however, Respondents may specify portions of a proposal that they consider "bundled");
- c.** Supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP;
- d.** Change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP;
- e.** Conduct investigations of any or all of the Respondents, as the BOROUGH deems necessary or convenient, to clarify the information provided as part of the Proposal and to request additional information to support the information included in any Proposal; and
- f.** Suspend or terminate the procurement process described in this RFP at any time (in its sole and absolute discretion). If terminated, the BOROUGH may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The BOROUGH shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

The BOROUGH shall not be obligated to explain the results of the evaluation process to any person or entity, including, without limitation, any Respondent.

The BOROUGH may require Respondents to demonstrate any services described in their

proposal prior to award.

7) **LIMITATIONS** – This RFP is not an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the BOROUGH by issuance of this RFP. The BOROUGH reserves the right at the BOROUGH's sole discretion to refuse any submission. This RFP does not constitute a Request for Proposal ("RFP") and does not commit the BOROUGH to issue an RFP.

8) **USE OF INFORMATION** – Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like ("Information") furnished or disclosed by the BOROUGH to the respondent in connection with this RFP shall remain the property of the BOROUGH. When in tangible form, all copies of such Information shall be returned to the BOROUGH upon request. Unless such Information was previously known to the respondent, free of any obligation to keep it confidential, or has been or is subsequently made public by the BOROUGH or a third party, it shall be held in confidence by the respondent, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

9) **GENERAL TERMS AND CONDITIONS** –

- A. The BOROUGH reserves the right to reject any Proposal in whole or in part or to waive any informalities in a Proposal, and, unless otherwise specified by the respondent, to accept any item, items or services in the proposals should it be deemed in the best interest of the BOROUGH to do so.
- B. In case of the failure by a successful respondent to perform, the BOROUGH may procure the articles or services from other sources, deduct the cost of the replacement from money due to the respondent under the contract and hold the respondent responsible for any excess cost occasioned thereby.
- C. The respondent shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.
- D. Each Proposal must be signed by the person authorized to do so.
- E. Proposals shall be submitted in duplicate and may be hand delivered or mailed consistent with the provisions of the legal notice to respondents. In the case of mailed proposals, the BOROUGH assumes no responsibility for Proposals received after the designated date and time and will return late Proposals unopened. Proposals will not be accepted by facsimile or e-mail. Proposals shall be in a sealed envelope, marked "Proposal for the Provision of Basketball Instruction." To be considered, proposals shall be delivered to or received by the BOROUGH Clerk no later than 11 a.m. on December 10, 2020.

- F.** Respondents are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. See attached Exhibit A.
- G.** By submission of a Proposal, the respondent certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and a successful respondent shall, at its expense, defend any and all actions or suits charging such infringement, and will save the BOROUGH harmless in any case of any such infringement.
- H.** No respondent shall influence, or attempt to influence, or cause to be influenced, any BOROUGH officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- I.** No respondent shall cause or influence, or attempt to cause or influence, any BOROUGH officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the respondent or any other person.
- J.** Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Borough Counsel's decision shall be final and conclusive.
- K.** All costs incurred by the Respondent in connection with responding to this RFP shall be become solely by the Respondent. The BOROUGH OF NEW PROVIDENCE shall not be responsible for any expenditure of monies or other expenses incurred by the Respondent.
- L.** The checklist, affidavits, notices and the like presented at the end of this RFP are a part of this RFP and shall be completed and submitted as part of a Proposal.
- M.** All Proposals shall become the property of the BOROUGH and will not be returned.
- N.** All Proposals will be made available to the public at the appropriate time, as determined by the BOROUGH (in the exercise of its sole and absolute discretion) and in accordance with law.
- O.** The BOROUGH may request Respondents to send representatives to the BOROUGH for interviews with less than 24 hours advance notice.
- P.** Neither the BOROUGH, nor their respective staffs, consultants or advisors (including, but not limited to, the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Proposal, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Proposal or for participating in this procurement process.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

A contract, if any, shall be awarded based upon the following factors:

EVALUATION FACTORS

- A. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned**

- B. Knowledge of the BOROUGH OF NEW PROVIDENCE and the subject matter to be addressed under this Request for Proposals**

- C. Relevance and Extent of Similar Engagements performed**

- D. Proposal contains all required information**

- E. Reasonableness of Cost Proposal**

PROPOSAL CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

INITIAL BELOW

- | | | |
|----|--|-------|
| A. | An original and one signed copies of your complete proposal | _____ |
| B. | Affirmative Action Statement | _____ |
| C. | Non-Collusion Affidavit, properly notarized | _____ |
| D. | Owners Disclosure Information, properly notarized, listing the names of all persons owning ten (10%) percent or more of the proposing entity | _____ |
| E. | Disclosure Statement | _____ |
| F. | Authorized signatures on all forms | _____ |
| G. | Business Registration Certificate(s) | _____ |

Note: N.J.S.A 52:32-44 provides that the BOROUGH shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS

NAME OF RESPONDENT:

Person, Firm or Corporation

BY: (NAME)

(TITLE)

(REVISED 4/10)

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

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 ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates or 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.

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 qualified applicants 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.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression,

disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel 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.

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, race, 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.

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:

Letter of Federal Affirmative Action Plan

Approval Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity 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 Public Contracts equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

OWNER DISCLOSURE INFORMATION

Set forth below are the names and addresses of all owners of 10% or more of the proposing business entity.

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

NAME OF BUSINESS ENTITY

SIGNATURE

TITLE

Notary Public of

My Commission Expires: _____, 20__.

DISCLOSURE STATEMENT
(To be submitted with Proposal)

- (a) Is or was anyone in your firm or company a member of the BOROUGH governing body within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes_____

No_____

Name

Position

Relationship

- (b) Has any principal/partner of your firm been convicted of an indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes_____

No_____

Name

Position

Relationship

- (c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes_____

No_____

Name

Position

Term

Reason for censure:

- (d) Has any member of your firm ever been barred from doing business with any state, BOROUGH or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes_____

No_____

Name

State, County or
Municipality

Date

- (e) Has your firm sued the BOROUGH OF NEW PROVIDENCE in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes_____

No_____

Name

Date

By_____

Title_____