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*Jennifer L. Bowens, Purchasing Agent*

**COUNTY OF OCEAN  
ADMINISTRATION BUILDING  
101 HOOPER AVENUE  
TOMS RIVER, NEW JERSEY 08753**

***REQUEST***

***FOR***

***QUALIFICATIONS***

***FOR***

**TITLE BINDER AND COMMITMENT/INSURANCE  
AND SEARCH SERVICES FOR  
VARIOUS PROJECTS IN OCEAN COUNTY,  
WHERE AND AS DIRECTED BY  
VARIOUS DEPARTMENTS OF OCEAN COUNTY**

## **REQUEST FOR QUALIFICATIONS**

The Ocean County Board of Commissioners is requesting qualifications for vendors to provide **Title Binder and Commitment/Insurance and Search Services for Various Projects in Ocean County, Where and As Directed by Various Departments of Ocean County.**

The Request for Qualifications (RFQ) is available on the Ocean County Procurement Portal Website: <https://secure.procurenow.com/portal/oceancounty> or by contacting the Ocean County Purchasing Department at 732-929-2101.

All proposals must be received prior to **4:00pm**, prevailing time on **Thursday, January 6, 2022**. The County will not be responsible for late submissions and no proposals will be accepted after the time stipulated in this notice.

By order of the Board of Commissioners of the County of Ocean.

Signed: **GARY QUINN**  
Director

**JENNIFER BOWENS**  
County Purchasing Agent

## **INTRODUCTION**

The County of Ocean is a County of Fifth Class as defined in N.J.S.A. 40A:6-1 et seq. Pursuant to N.J.S.A. 19:44A-20.4 et seq., the County of Ocean requests qualifications from vendors capable of providing Title Binder and Commitment/Insurance and Search Services for Various Projects in Ocean County, Where and As Directed by Various Departments of Ocean County for a one year contract term.

If there are any questions regarding the project, please contact John N. Ernst, Ocean County Engineer, at 732-929-2130.

## **METHOD OF SUBMISSION**

The county of Ocean is accepting **only electronic proposals** for this RFQ. Submitting your proposal manually is cause for rejection.

You may only submit one (1) proposal. **DO NOT** submit a hard copy of your electronic submission.

## **ALL SUBMISSIONS MUST INCLUDE THE FOLLOWING MINIMUM INFORMATION:**

The proposal shall include at a minimum, the items discussed in Section 1.4 and Section 2 and shall be submitted in accordance with Section 1.2 of this Request for Qualifications (RFQ).

The introduction background statement should demonstrate the firm's understanding and approach to the project, as well as detail the firm's previous Ocean County experience and/or experience with projects of comparable size and complexity. Specific information should be provided that demonstrates familiarity with the following:

1. Title Search Binder and Commitment/Insurance meeting NJ Green Acres standards.
2. Title Search Binder & Commitment/Insurance meeting the requirement of the Farmland Preservation Program and State Agriculture Development Board.
3. Title issues/standards for deed overlap and gore issues and quiet title experience.
4. Title issues/standards for road right-of-way parcel acquisitions as a report consisting of:
  - A. Legal Description
  - B. Title Binder
  - C. 30 Year, 40 Year, 60 Year and longer Title Search
    - I. Title document showing current owner as Grantee
    - II. Corporation, Limited Liability Corporation, Partnership, etc. document giving names and last known addresses of responsible parties of current owner Grantee
    - III. All documents related to current property regarding easements, dedications, vacations, restriction, especially if current tax map indicates they exist, etc.
  - D. Tax and Assessment Searches
  - E. Search for Water/Sewer/Liens
  - F. State and Federal Court Searches (Upper/Lower)
  - G. Mortgage Liens
  - H. Time limit to submit searches and commitment: 21 days each, exceptions possible
5. Any other work as required by the County, including in court testimony regarding title issues in condemnation matters.

Firms interested in entering into a contract with the County should provide the following:

1. A brief statement of qualifications.
2. The firm's fee schedule for all charges including an hourly rate, searches, direct expenses, and any other expenses that might be billed to the County for services rendered.
3. The firm should also indicate the type of work it is qualified and experienced in performing for the County from the above list.
4. All work must be performed and underwritten by a Title Insurance Company licensed to do business in the State of New Jersey.
5. Length of the firm's experience.
6. Employee resumes and length of experience.
7. References.

The County reserves the right to disqualify submitters. Those submitting proposals must be prepared to present the County with suitable evidence of financial standing upon request.

## **SUBMISSION REQUIREMENTS**

All responses to the Request for Qualifications ("RFQ"):

1. Must be submitted electronically and must be received prior to 4:00pm, prevailing time on the date on which they are to be unsealed.
2. The County will not be responsible for late submissions and no responses to this RFQ will be accepted by the County if received after the time stipulated above.
3. The County reserves the right to reject any or all proposals, or to waive any informality in the proposals and to accept any proposal deemed in the best interest of the County.
4. Proposer shall complete and sign all procedural documents (failure to do so may be cause for rejection):
  - Non-Collusion Certification
  - Affirmative Action Questionnaire
  - Signature Page including "Conflict of Interest Statement"
  - Statement of Ownership (Chapter 33 of the Laws of 1977)\*
  - Disclosure of Investment Activities in Iran
  - Acknowledgment of Receipt of Addenda or Revisions (if issued)\*
  - Any other documents that may be required in the Specifications

\* Failure to provide these completed documents is cause for rejection

## **EVALUATION CRITERIA**

Proposal Evaluation: All proposals will be reviewed to determine if they are responsive. A committee, using the criteria set forth herein, will then evaluate responsive proposals. Proximity to the Ocean County seat is an important selection criteria as it relates to the Consultant's ability to respond to public meetings, field operations and to provide the County Engineer with frequent in-person updates.

**20% Proximity to County Seat**  
**30% Responsiveness to the Request for Qualifications**  
**50% Experience and Knowledge of the Firm and Team Members**

A. Responsiveness to the Request for Qualifications includes:

- 1) Demonstrating thorough understanding of the project requirements
- 2) Technical quality of the proposal
- 3) Location of Firm
- 4) Compliance with all applicable requirements of this Request for Qualifications

B. Experience and Knowledge of the Firm and Team Members:

- 1) Details of recent and similar projects
- 2) Project team organization
- 3) Knowledge of Ocean County and all other applicable Public Agency requirements
- 4) Qualifications of the designated Team Members

Ranking:

All proposals will be reviewed for completeness and qualifications.

All complete and qualified proposals will be ranked in accordance with the evaluation criteria.

The County of Ocean shall award a contract to the vendor or vendors that best meet the needs and interests of Ocean County. The County reserves the right to negotiate the terms and conditions of a contract with the successful vendor or vendors to obtain the most cost advantageous services for the County.

**BASIS FOR PROPOSAL:**

1. Proposer's Experience and Qualifications

- A. The proposer firm must provide an organizational chart specific to those personnel assigned to the project, as well as their qualifications. This shall include, but not be limited to, the resumes, names and phone numbers of assigned personnel, as well as descriptions of similar work and references.
- B. Disclosure of Proposal Contents: All proposals and other material submitted become property of the County and may be returned only at the County's option. Information contained in the proposals will not be disclosed during the evaluation process. Under New Jersey's "Right to Know" laws, public records are required to be open to reasonable inspection. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process and prior to the time the Notice of Award is issued.

2. Conflict of Interest

- A. Each proposal shall include a statement indicating whether or not the firm or any individual working on the contract has a possible conflict of interest (e.g. themselves, spouse or child employed by the County of Ocean) and if so, the nature of that conflict. The County reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the project to be performed by the vendor. The County's determination regarding any question of conflict of interest shall be final.
- B. The County may exclude a proposer from submitting a proposal, or may reject a proposer's proposal, after making a written determination that the proposer received payment for assistance in drafting the RFQ, or gained substantial information regarding the RFQ that was not available to the public.

3. **Submission of Proposal:** As discussed in "Method of Submission", proposals submitted for **Title Binder and Commitment/Insurance and Search Services for Various Projects in Ocean County, Where and As Directed by Various Departments of Ocean County**, must be submitted electronically. Physical submissions will not be accepted.
4. **Discussions with Proposers:** The County may elect to conduct discussions with responsible proposers who submit proposals determined to be eligible for award. The purpose of these discussions will be to clarify and assure proposer's full understanding of, and responsiveness to, the solicitation requirements. Proposers reasonably eligible for award shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before award of the contract for the purpose of obtaining best and final offers. In conducting these discussions, the County may not disclose information derived from proposals submitted by competing proposers.
5. **Rate Schedule:** The proposer shall provide a rate schedule. The rate schedule must include all direct and indirect costs associated with the performance of the various tasks project. Costs must include, but are not limited to, direct expenses, payroll, supplies, overhead assigned to each person working on the project and profit.
6. A statement acknowledging that the proposer shall comply with all conditions outlined. An Officer of the company empowered to bind the company must sign the proposal.
7. **Exception/Alternate Proposals:** To be considered, proposers must follow the instructions outlined in this document. Any exceptions to the terms, conditions or other requirements in any part of the RFQ must be clearly stated in the proposal. Otherwise, the County will consider that all proposals offered are in strict compliance with this RFQ and the successful proposer will be responsible for compliance.
8. **Right to Negotiate:** After the County's completion of the evaluation process, including any discussion held with proposers during the evaluation process, the County may elect to initiate contract negotiations. The option of whether or not to initiate contract negotiations rests solely on the County. If the County elects to initiate contract negotiations, these negotiations cannot involve changes in the County's requirements or the proposal submitted, which would, by their nature, affect the basis of the source selection and competition previously conducted.
9. **Failure to Negotiate:** If the selected proposer fails to provide information required to begin negotiation in a timely manner, if the proposer fails to negotiate in good faith, if the County and proposer cannot mutually agree to an acceptable expenditure or if the proposer and the County, after a good faith effort, simply cannot come to terms, the County may terminate negotiations with the proposer initially selected and commence negotiation with the next highest ranked proposer.
10. **Intent:** The County intends to award contracts to all qualified firms for Title Binder and Commitment/Insurance and Search Services for Various Projects in Ocean County, Where and As Directed by Various Departments of Ocean County.

## **AWARD**

The County of Ocean shall award a contract to the vendor or vendors that best meet the needs and interests of Ocean County. The County reserves the right to negotiate the terms and conditions of a contract with the successful vendor or vendors to obtain the most cost advantageous services for the County.

The County reserves the right to reject any or all proposals in accordance with N.J.S.A. 40A:11-13.2, or to waive any informalities and non-material defects in the proposals and to accept any proposal deemed in the best interest of the County.

It is to be understood by the proposer that their proposal is submitted on the basis of specifications prepared by the County and the fact that any proposer is not familiar with these specifications or conditions will not be accepted as an excuse.

### **INDEMNITY CLAUSE**

The proposer, if awarded a contract, agrees to protect, defend and save harmless the County against any damage for payment for the use of any patented material process, article or device that may enter into the manufacture, construction or form a part of the work covered by either order or contract, and he further agrees to indemnify and save harmless the County from suits or actions of every nature and description brought against it, for, or on account of injuries or damages received or sustained by any party or parties by, or from any of the negligent acts of the contractor, his servants or agents.

### **INSURANCE REQUIREMENTS**

The contractor shall maintain primary insurance to protect against all claims under Worker's Compensation, Comprehensive General Liability and Automobile. Except for Worker's Compensation, all coverage shall apply as primary coverage with respect to any other insurance or self-insurance program afforded to the County. There shall be no endorsement or modification of this coverage to make it excess over other available insurance/coverage; alternatively, if the CGL and umbrella, excess of reinsurance states that it is pro rata, it shall be endorsed to be primary with respect to the County. Primary coverage shall be subject to approval for adequacy of protection as per the following limits:

#### **Worker's Compensation**

1. Limits according to Worker's compensation Laws of the State of New Jersey.
2. Contractor's Liability not less than \$100,000.

#### **Comprehensive General Liability**

1. Bodily Injury - \$500,000 per person; \$1,000,000 per occurrence.
2. Property Damage - \$1,000,000 per occurrence.

#### **Comprehensive General Liability shall include the following:**

1. Coverage for explosion, collapse or underground hazards.
2. Occurrence basis coverage.
3. Broad form property damage coverage.
4. Coverage for personal injury sustained by any person as a result of an offense directly or indirectly related to the employment of such person by the insured.

#### **Comprehensive Automobile Liability shall include the following:**

Business auto liability insurance or its equivalent with a minimum limit of \$1,000,000 per accident and including coverage for all of the following:

- a. Liability arising out of the ownership, maintenance or use of any auto;
- b. Auto non-ownership and hired car coverage.
- c. Contractor's Worker's Compensation, Comprehensive General Liability and Comprehensive Automobile Liability arising out of subcontractor's operations shall be identical as that listed above.

## Professional Liability

1. Errors and Omissions Coverage - not less than \$1,000,000.

**Copies of each insurance certificate shall be furnished to the County with Proposal (when requested) and must state that the County of Ocean is additionally insured.**

## ADDITIONAL INFORMATION

A Purchase Order/Contract will be issued for the specific assignment based upon the submitted quote that is in the best interest of the County determined by the County Engineer at the firm's contract rates. Fees will be paid for on the basis of actual hours worked and not to exceed a defined amount per assignment.

The contract shall remain in effect for one year.

It is to be understood by the proposer that their proposal is submitted on the basis of specifications prepared by the County and the fact that any proposer is not familiar with these specifications or conditions will not be accepted as an excuse.

Payments will be made upon the approval of vouchers submitted by the successful proposer in accordance with the requirements of the Board of Commissioners and subject to the Board of Commissioners customary procedures. The County will not pay interest or late fees regardless of language provided.

The County of Ocean is exempt from any State sales tax or Federal excise tax.

Ocean County Board of Commissioners will make award within sixty (60) days after receipt of proposals.

“All contractors must comply with the provisions of New Jersey Statute Title 40A:11-18, when applicable.”

## PAY TO PLAY REQUIREMENTS

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

## CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN IRAN

Pursuant to N.J.S.A. 52:32-58, the proposer must certify that neither the proposer, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the proposer is unable to so certify, the proposer shall provide a detailed and precise description of such activities. Prior to contract award or authorization, the contractor shall provide the Contracting Agency with a completed Certification on Non-Involvement in Prohibited Activities in Iran.



## **TRANSITIONAL PERIOD** (excluding Professional Contracts)

In the event services are terminated by contract expiration or by voluntary termination by either the Contractor or the County of Ocean, the Contractor shall continue all terms and conditions of said contract for a period not to exceed one month, at the County's request.

## **NEW JERSEY BUSINESS REGISTRATION CERTIFICATE**

Pursuant to N.J.S.A. 52:32-44, Ocean County ("Contracting Agency") is prohibited from entering into a contract with an entity unless the bidder/proposer/contractor, and each subcontractor that is required by law to be named in a bid/proposal/contract has a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services within the Department of the Treasury.

Prior to contract award or authorization, the contractor shall provide the Contracting Agency with its proof of business registration and that of any named subcontractor(s).

Subcontractors named in a bid or other proposal shall provide proof of business registration to the bidder, who in turn, shall provide it to the Contracting Agency prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

During the course of contract performance:

- (1) the contractor shall not enter into a contract with a subcontractor unless the subcontractor first provides the contractor with a valid proof of business registration.
- (2) the contractor shall maintain and submit to the Contracting Agency a list of subcontractors and their addresses that may be updated from time to time.
- (3) the contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Taxation at (609)292-6400. Form NJ-REG can be filed online at [www.state.nj.us/treasury/revenue/busregcert.shtml](http://www.state.nj.us/treasury/revenue/busregcert.shtml).

Before final payment is made under the contract, the contractor shall submit to the Contracting Agency a complete and accurate list of all subcontractors used and their addresses.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required, or that provides false business registration information, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000, for each proof of business registration not properly provided under a contract with a contracting agency.

## **COMPLETION OF DOCUMENTS**

Proposer's shall complete all documents and acknowledge all terms included with this proposal package. All documents should be from this proposal package and must not be dated or executed prior to the date of advertising. Failure to follow these instructions is cause for rejection.