

CITY OF HOBOKEN
Department of Administration



DAWN ZIMMER
Mayor

Arch Liston
Business Administrator

February 25, 2011

VIA EMAIL AND CERTIFIED MAIL

Dorothy Donnelly
Director of Procurement Division
New Jersey Office of the State Comptroller
PO Box 024
Trenton, New Jersey 08625-0024

Re: *Comptroller Review of the City of Hoboken Procurements*

Dear Ms. Donnelly,

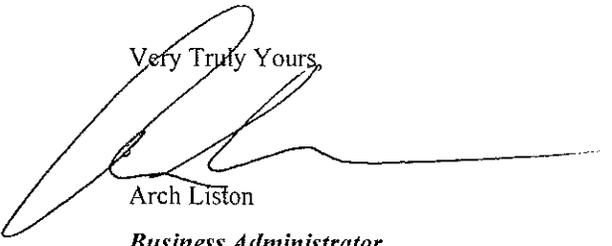
Please accept this letter and enclosures in response to your letter dated February 1, 2011. Pursuant to your letter, I have enclosed a written description of the City of Hoboken's ("City") present procurement practices, entitled "City of Hoboken Professional Service/ Extraordinary Unspecifiable Service Contracting Action Plan." To demonstrate the City's intent to cooperate with your procurement oversight, you will see in the Action Plan that the City has agreed to set up a formal evaluation committee, even though there is no legal requirement to do so in order to demonstrate use of the "Fair and Open Process."

Although the City intends to work with the Office of the State Comptroller to demonstrate proper procurement procedures are in place and maintained, the City respectfully requests the State Comptroller take into account the entire factual background which led to the negative audit the City received. The first of two main concerns was inability of the City to produce documents showing the City properly utilized the "Fair and Open Process" pursuant to N.J.S.A. 19:44A-20.7 in procuring professional service and EUS contracts between 2008 and 2009. As you may be aware, the City of Hoboken was under state supervision during that time period, pursuant to N.J.S.A. 52:27BB-54 et seq.. As a result, the City's procurement of professional service and EUS contracts was directed and controlled by the State's Director of the Division of Local Government Services, and the State's Fiscal Monitor appointed to the City. The current City Administration, therefore, requests the State Comptroller consider review of the City's procurement records in six (6) months or less, to determine whether continued supervision,

under N.J.S.A. 52:15C-11, is necessary. Given the current City Administration's significant efforts to update its policies and procedures, which began well before receiving your recent letter, it seems unwarranted to require additional measures not otherwise required by law, such as a thirty (30) day notice to the State Comptroller prior to publishing any RFP/RFQ.

Therefore, the City requests the State Comptroller reevaluate the City's procurement procedures and records in six (6) months or less, and agree to release the City from the State Comptroller's oversight if all procedures and records show that the current Administration's procurement procedures and files show resolution of the two issues addressed in your letter. The City also requests a waiver from the thirty (30) day notice requirement whenever emergency situations require the City to procure services expeditiously. The City further requests guidance on the means of providing the State Comptroller with the thirty (30) day notice. The Administration would prefer to provide someone from your office with all of the thirty (30) day notices via email. Please advise whom those notices should be sent to, and the email address that the notices should be directed to. Lastly, I am enclosing a template of the City's evaluation criteria sheet, which is utilized by the Review Committee for each submission on all City RFP's/RFQ's. The City Administration respectfully requests your written approval of the form. The City of Hoboken looks forward to cooperating with your efforts to assure State-wide procurements are properly achieved. We, additionally, look forward to demonstrating that the City of Hoboken's current procedures are satisfactory in meeting the procurement requirements and in eliminating the concerns you posited in your letter. I remain,

Very Truly Yours,



Arch Liston

Business Administrator

AL/amps

Encls.

cc: Dawn Zimmer, Mayor of the City of Hoboken (*VIA HAND DELIVERY*)
A. Matthew Boxer, State Comptroller (*VIA CERTIFIED MAIL*)

CITY OF HOBOKEN
Office of Corporation Counsel

DAWN ZIMMER
Mayor



MARK. A. TABAKIN
Corporation Counsel

***CITY OF HOBOKEN PROFESSIONAL SERVICE/ EXTRAORDINARY UNSPECIFIABLE SERVICE
CONTRACTING ACTION PLAN***

The City of Hoboken, pursuant to Local Public Contracts Law and City of Hoboken Ordinance Chapter 20A, shall use competitive contracting procedures for all professional service contract and extraordinary unspecifiable services, except where waiver of those provisions is allowed by law. In an attempt to maintain compliance with state and local contracting laws, the Administration hereby formalizes this Action Plan to document its current public contracting procedures, which are followed by all Administrative Departments in the contracting of professional service and/or extraordinary unspecifiable service vendors. Whenever the Director of a City Administrative Department determines the need for a professional service (PS) or extraordinary unspecifiable services (EUS) the following process shall be followed:

- A meeting shall be held between the Director and Business Administrator to determine the specific needs of PS or EUS. An estimated budget amount shall be determined between the Director and the Business Administrator. Once the need is affirmed by the Business Administrator, the City shall forward a notice to the State Comptroller that the City intends to create and effectuate an RFP/RFQ for PS or EUS.¹
- The Director or Division head shall meet with a member of the Corporate Counsel's Office (CCO) to determine the legal requirements, format and need for the PS or EUS
- The scope of work within the Request for Proposals (RFP) / Request for Qualifications (RFQ) shall be prepared in substance by the Director/Division Head requesting the services, and forwarded to the Qualified Purchasing Agent (QPA), Business Administrator (BA) and the CCO. The QPA, BA and CCO have created a standardized RFP/RFQ form, which incorporates all the legal

¹ Although the Comptroller has requested a thirty (30) day notice prior to publication of any RFP/RFQ, the City asserts that there will be instances where thirty (30) day notice will not be possible. The City will notify the State Comptroller immediately upon realizing any PS or EUS is necessary. However, the City will not delay time constrained necessary services in order to effectuate the requested thirty (30) day notice, when such would be to the detriment of the City. For example, when litigation documents are served on the City, by law the City is required to respond within an express period of time (i.e. to file an answer within thirty (30) days). In such cases, if outside specialized legal counsel is required which the City has not previously appointed and contracted with pursuant to law, providing the State Comptroller with the thirty (30) day review prior to publishing for the services would constitute a default in the litigation by the City. Although the City agrees to comply with the thirty (30) day requirement for all annually reoccurring PS and EUS contracts, and will make every effort to provide immediate notice of any anticipated RFP/RFQ, the City respectfully requests a waiver of the thirty day requirement for unexpected, unanticipated and emergent municipal service needs.

requirements and incorporates an evaluation sheet and evaluation process, to maintain transparency. The scope of work shall be imputed into the standard RFP/RFQ form, and reviewed by the CCO or the Qualified Purchasing Agent (QPA) who must both approve the finalized RFP/RFQ for legal content, transparency, appropriate evaluation criteria and form.

- The RFP/RFQ once approved shall be forwarded to the City Clerk's Office for publication in the official newspaper(s) of the City. Each RFP/RFQ will also be posted on the City's website on or before the publication date (www.hobokennj.org). A minimum of 15 days shall be allowed from date of publication for response, unless a lesser period of time is expressly stated in the RFP/RFQ and allowed by law. All responses shall be received by the City Clerk's Office and date stamped upon receipt.
- The City Clerk's Office shall forward all RFP/RFQ responses, on or before the date and time of submission, to the CCO. All RFP/RFQ shall be opened at the date and time specified. The opening may be done by the QPA or an attorney from the CCO. All documents shall be held by the CCO and retained at that location.
- A standing Review Committee has been established by the Administration. Each member of this Review Committee shall receive a copy of each submission for each RFP/RFQ within two business days of the opening date. This Committee includes an employee from the Mayor's Office, the Business Administrator, the Purchasing Agent, and the Director of the Department which requested the services. An attorney from the CCO shall act as an administrative member of the Committee. The attorney shall screen all Committee members for conflicts of interest, shall dispense a copy of each RFP submission to each member of the Review Committee, and shall accept finalized evaluation sheets from each member of the Committee within fifteen (15) days of the submission date.
- The attorney from the CCO shall assess the final evaluation scores, shall review each submission for compliance with all the submission requirements and contract submission forms. The CCO shall then forward a memorandum to the Business Administrator, QPA, Mayor, requesting Director, and City Council stating the successful vendor, and whether that vendor met all the other contract compliance requirements. The City Clerk and CCO shall create a Resolution to be placed on the next City Council Agenda for City Council approval of the successful vendor.
- Once the Resolution approving the successful vendor is passed by the City Council, a copy of the resolution shall be forwarded, with a copy of the RFP/RFQ notice of publication, a copy of the RFP/RFQ, and a copy of each evaluation sheet, to the State Comptroller's Office for review and recording.
- The Administration shall provide the State Comptroller with a thirty (30) day period of review for each potential contract submitted hereunder. If the Administration does not hear, affirmatively or negatively, from the State Comptroller within that thirty (30) day period, a contract shall be executed by the Mayor with the successful PA or EUS vendor, in concurrence with the City Council resolution. All executed contracts shall be forwarded to the City Clerk's Office, posted on the City's website and retained by the Contract Compliance Officer.

BASIS OF AWARD
EVALUATION CRITERIA

Request for Qualifications from Individuals or Firms
Interested in Serving as _____ to the City of Hoboken
for the Period _____ through _____

The following is the criteria for evaluation of the proposal. Points shall be awarded based on the information contained in the proposal for each category as listed below on a scale of 1-10, with 10 meeting all required criteria and 1 not meeting the required criteria. The highest total score shall be the basis for the contract award, except where a majority of the Review Committee votes to override the highest total score based on the "Additional Comments" included by any member of the Review Committee.

EVALUATION CRITERIA	SCORE/ POINTS
TECHNICAL CRITERIA	
Vendor's proposal demonstrates a clear understanding of the scope of work and related objectives	
Vendor's proposal is complete and responsive to the technical/RFP requirements	
Vendor's past performance of like projects	
Vendor's use of innovative technology and techniques	
MANAGEMENT CRITERIA	
History and experience in performing work	
Availability of personnel, facilities, equipment, etc.	
Qualification and experience of personnel	
Comprehensive work plan and schedule	
COST CRITERIA	
Cost of goods/services to be provided	
Vendor's financial ability to meet obligations	
POINT TOTALS	

Additional Comments: