

EXHIBIT I

FAIR AND OPEN PROCESS

I. PURPOSE AND INTENT

As outlined in the Municipal Regulation #001-2006 the following shall serve as the Township's "Fair and Open Process". Through this "Fair and Open Process", the Township of Old Bridge shall seek and encourage vendors to submit "proposals" for all contracts in which the Township is permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m)(the "Statute") from any Professional Business Entity, or for specific projects as needed.

However the following services are specifically excluded from the "Fair and Open Process".

1. All medical doctors, psychologists, and doctors of veterinarian medicine;
2. Professional artistic services;
3. Litigation support services required by the Municipal Prosecutor in carrying out his law enforcement duties, such as expert witnesses, court reporters, etc;
4. Litigation support services required by the Township Attorney, such as expert witnesses, court reporters, etc.
5. Services provided by members of the clergy;
6. Financial Services;
7. Insurance Services;
8. All Statutory appointments and employees of the Township and any agency, instrumentality or authority of the Township.

II. NOTICE REQUIREMENTS

A. Notice of contracts as outlined in Section I. of this Executive Order shall be posted on the Township Web Site or in the Official Township Newspaper, at least 10 days prior to contracting for the goods or services. In addition, monthly notice may be sent to local newspaper(s) identifying that these contracts are posted on the Township web site:

(1) Such Web Site postings, at a minimum, shall include:

- (a) Identification of the Contract to be awarded;
- (b) General description and scope of the Contract including criteria for selection, including any special criteria required for any particular project, also where in the Township written copies can be obtained;
- (c) Location of the Contract if a specific location is required;
- (d) Deadline for submission of proposals;
- (e) Indication of how interested professionals or providers can apply for consideration;
- (f) The Township's intention to award to more than 1 firm, if applicable; and
- (g) How the project will be purchased, (i.e. based on a time and/or materials bases; with a not to exceed amount, or lump sum pricing depending on the scope of services, or if the Township is offering specific compensation for the services, or a combination of these).

(h) Notice that proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #001-2006.

III. PROPOSAL SUBMISSION REQUIREMENTS

In all cases, in which a proposal is delivered by public or private mailing, or hand delivered, the following address and notation shall appear prominently on the front of the outside envelope:

Re: Contract # 2006-XX

Township Clerks Office
Township of Old Bridge
One Old Bridge Plaza
Old Bridge, NJ 08857

The proposal documents shall be placed in an envelope which shall have the following endorsement in the upper right corner of the envelope:

Contract # 2006-XX
Proposal for: _____
Proposal opening date: DATE
Proposal opening time: TIME

Proposal documents must include the following copies:

(a) One original paper copy clearly marked as the "ORIGINAL plus four full, complete and exact paper copies.

Faxed proposals will NOT be accepted.

Any inquiry concerning this notice must be directed ONLY in writing or via email to:

Purchasing Department
Old Bridge Township
One Old Bridge Plaza
Old Bridge, NJ 08857
Email: purchasing@oldbridge.com

All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Township reserves the right to re-solicit proposals.

IV. GENERAL & TECHNICAL SPECIFICATIONS

See Exhibit A

V. MINIMUM QUALIFICATIONS

See Exhibit A

VI. MANDATORY CONTENTS OF PROPOSAL

In its proposal, the vendor must include the following:

- 1) Contact Information: Provide the name and address of the firm, the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal.
- 2) Acknowledgement that the fees offered by the Township for the specified services are acceptable or a proposal of fees to be charged as outlined in the solicitation for proposals.
- 3) An executive summary of not more than two pages identifying and substantiating why the vendor is best qualified to provide the requested services.
- 4) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience, years and type of experience, and number of years with the vendor.
- 5) A description of the vendor's experience in performing services of the type described in this FAIR AND OPEN PROCESS. Specifically identify client size and specific examples of similarities with the scope of services required under this FAIR AND OPEN PROCESS.
- 6) A description of resources of the vendor (i.e., background, location, experience, staff resources, financial resources, other resources, etc.).
- 7) The location of the office, if other than the vendor's main office, at which the vendor proposes to perform services required under this FAIR AND OPEN PROCESS. Describe your presence in New Jersey.
- 8) Provide references including the contact names, titles, address and phone numbers.
- 9) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Township.
- 10) Proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #001-2006.
- 11) Completed data forms provided in Exhibit B. and attached hereto.
- 12) Documentation that the vendor meets the minimum qualifications for the position as outlined in "Exhibit A".

VIII. RECIEPT AND OPENING OF PROPOSALS

Proposals will be received by the Township Clerks office and processed in the same manner in which the office processes public bids. The Clerks office will publicly open the proposals on the date, and at the time advertised in the Web Site notice, in the same manner in which the office opens public bids. After the public opening of the proposals is completed the Clerks office will provide the Township Administrator three (3) copies of each proposal to be submitted to the Review Committee.

IX. REVIEW COMMITTEE

The Township Review Committee shall consist of the Business Administrator, Chief Financial Officer, and any other person or persons, chosen by the Business Administrator who possesses special knowledge in the subject area that could be of benefit to the selection process. No less than three individuals shall constitute a review committee.

X. INTERVIEW

The Township Review Committee reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Township reserves the right to request clarifying information subsequent to submission of the proposal.

XI. SELECTION PROCESS

All proposals will be reviewed by the Township Review Committee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy the minimum requirements, the Township Review Committee will evaluate proposals based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- (a) The vendor's general approach to providing the services required under this Fair and Open Process.
- (b) The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this Fair and Open Process.
- (c) The qualifications and experience of the vendor's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this Fair and Open Process.
- (d) The overall ability of the vendor to mobilize, undertake and successfully complete the engagement within the timeline. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the vendor to perform the services required by this Fair and Open Process; the availability and commitment to the engagement of the vendor's management, supervisory and other staff proposed; the vendor's contract management plan, including the vendor's contract organizational chart.

XII. SELECTION CRITERIA AND CONTRACT

The Township Review Committee will select the vendor deemed most advantageous to the Township. This Township Review Committee's selection shall be forward to the Governing Body for approval. Once approved by the Governing Body the contract between the Township and the selected vendor(s) shall be comprised of the contract attached as Exhibit A, this FAIR AND OPEN PROCESS, any clarifications or addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.

XIII. REJECTION OF REVIEW COMMITTEES RECOMMENDATION

If the Governing Body rejects the recommendation of the Review Committee the process shall start over from the beginning.

XIV. IF NO PROPOSALS ARE RECEIVED

If no proposals are received after conducting the Fair and Open Process, the committee will make a recommendation for the appointment of a professional to the Governing Body as permitted in N.J.S.A. 40A:11-5(a)(i). Notwithstanding the above, all professionals receiving awards based on this sub-section must comply with the limitations on contributions imposed in the Township's Pay to Play Ordinance.