

**Responses Due:
REQUEST FOR PROPOSAL & QUALIFICATIONS (RFP)
FOR
LEASE OF MUNICIPAL REAL ESTATE FOR
WIRELESS COMMUNICATION FACILITIES**

I. PURPOSE AND INTENT

Through this Request for Proposal & Qualifications (RFP), the Borough of Audubon (hereinafter the “Borough”) seeks to engage a vendor to Lease a Borough owned Cell Tower for the purpose of erecting, operating, and maintaining one wireless communications tower facility and related equipment commencing July 1, 2024, until July 1, 2029. This contract will be awarded in a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

II. PROPOSAL SUBMISSION

An original, clearly marked as the “ORIGINAL,” and three (3) full, complete and exact copies of each proposal shall be in sealed envelopes and must be marked with the “Lessor of Borough Cell Tower” and addressed to:

Municipal Clerk
Borough of Audubon
606 West Nicholson Road
Audubon, NJ 08106

**The proposals must be received no later than March 12, 2024, 10:00 A.M.
Proposals will be publicly opened on March 12, 2024, at 10:00 A.M. in the Conference Room of
Borough Hall, 606 West Nicholson Road, Audubon, NJ 08106.**

Faxed proposals will NOT be accepted.

Any inquiry concerning this RFP should be directed in writing to:

Danielle Ingves
Municipal Clerk
Borough of Audubon
606 W. Nicholson Road
Audubon, NJ 08106

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-I et seq. The Borough will not be responsible for any costs associated with the oral or written presentation of the proposals. The Borough reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Borough further reserves the right to make such informalities in the proposals. The Borough 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 Borough reserves the right to re-solicit proposals.

III. GENERAL INFORMATION

1. Description of the Property

The Land/Cell Tower is located at 247 Oakland Ave, Audubon, Camden County, New Jersey, and being described as a parcel containing 900 square feet, as shown on the Tax Map of the Town of Audubon as, Block 70, Lot 7 on which there is a preexisting cell tower, as shown and highlighted on the topographical survey prepared by the Township Engineer, Bach Associates, PC attached as **Exhibit A**.

IV. TERMS AND CONDITIONS OF THE LEASE:

1. The Town seeks to lease the Property (the "Lease") for development of wireless communications facilities at the Property (the "Equipment"). The Lease shall have an initial term of five (5) years, with three (3) renewal terms of five (5) years each (at the lessee's option) for a total of twenty (20) years.
2. The Lease shall permit the use of the Property for the installation, construction, operation, maintenance, repair, upgrades or replacement, at lessee's sole expense, of a multiple user communication tower facility, including without limitation, the erection and operation of an antenna mounting structures(s), equipment shelter(s), utility lines, supporting structures and other associated improvements and equipment for the transmission and reception of radio communication signals as licensed by the Federal Communications Commission (the "FCC") and for no other purpose.
3. The selected lessee shall be required to enter, within thirty (30) days of selection (which term may be extended at the sole discretion of the Borough) a Lease Agreement with the Borough.
4. The selected lessee shall be solely responsible for obtaining any land use permits and other permits that may be necessary to construct the Equipment, and the Town makes no assurances with respect to the issuance of any such permits by Borough's boards and departments.
5. The selected lessee shall be solely responsible for all costs associated with the design, installation and maintenance of the Equipment, and shall pay all taxes applicable to the Equipment and the Property.
6. Installation and maintenance of the Equipment shall not interfere with the Borough's use of the Property, or any adjacent or nearby Borough owned property.
7. The selected lessee shall indemnify, defend and hold harmless the Borough from all damages to life and property that may occur due to its activities at the Property and Equipment, or the activities of his employees, subcontractors (if any), or any others under his control or influence. Such indemnification obligation shall be in addition to, and in no way be limited by, the requirement that the lessee maintain liability and property damage insurance in amounts of at least One Million Dollars (\$1,000,000.00), it to include the Borough as an additionally insured.
8. Any assignments of the Lease shall require the written consent of the Borough.
9. The selected lessee shall comply with all applicable federal, state, and local laws, codes and regulations applicable to the Equipment and the Property.

V. MINIMUM REQUIREMENTS:

Minimum Proposer Requirements:

Any proposer submitting a bid must meet one of the following criteria:

1. Demonstrate that it is licensed by the Federal Communications Commission to provide personal wireless services (an "FCC licensed carrier");
2. Demonstrate that the proposal is made jointly with an FCC licensed carrier.
3. Demonstrate that it has an executed agreement to lease space at the Equipment proposed in its RFP to an FCC licensed carrier; or
4. Demonstrate that the proposal is made by a builder of personal wireless services facilities that includes with its proposal a written agreement that it will not apply for a building permit for the Equipment unless and until it has a written agreement with an FCC licensed carrier to locate the carrier's equipment.

Proposals that do not meet one (1) of these minimum proposer requirements will be rejected as nonresponsive.

Minimum Rent Requirements:

All proposals must meet or exceed the following minimum rent requirements:

1. Minimum Base Rent, Lease Monthly: \$5,500.00/month.
2. Rent shall be increased by a minimum of four percent (4%) annually beginning in each successive year.
3. At least three (3) FCC licensed carriers may sublease space from the lessee, provided that every sublease entered by the lessee shall require the sublessee to pay directly to the Borough fifty percent (50%) of the total amount of rent otherwise due to the lessee under the sublease throughout the whole term of agreement.

Proposals that do not meet all these minimum rent requirements will be rejected as nonresponsive.

VI. EVALUATION CRITERIA:

The Borough Administrator will review and evaluate all proposals received by the Submission Deadline. Each proposal will be evaluated according to the criteria set forth below. The Borough Administrator shall rank and recommend to the Borough Commission the most responsive and responsible proposals that meet the objectives of this RFP.

The Borough will consider the following when evaluating proposals:

1. The responsiveness of the proposal:
 - (a) received by the Submission Deadline;
 - (b) all required forms completed;
 - (c) compliance with all Submission Requirements of this RFP;
 - (d) compliance with the Minimum Requirements of this RFP.
2. Demonstrated experience developing similar projects on municipal property in New Jersey; and
3. The value of the Rent Proposal.

VII. METHOD OF SELECTION, RULE FOR AWARD:

The Borough Administrator shall evaluate and rank, in accordance with the terms herein, each proposal received in response to this RFP. The Borough Administrator shall submit the evaluations, rankings and recommendations to the Borough Commission for consideration.

The Lease will be awarded, if at all, to a responsive and responsible proposer whose proposal is deemed by the Borough Commission to be the most advantageous to the Borough, taking into consideration the value of the proposed rent and the evaluation criteria set forth herein.

VIII. SUBMISSION REQUIREMENTS:

1. Sealed proposals must be submitted to the Borough Clerk's office located at 606 West Nicholson Road, Audubon, NJ 08106 by **10:00 AM on March 12, 2024** (the "Submission Deadline"), at which time they will be publicly opened and read.
2. Proposers shall submit a sealed envelope clearly marked on the outside with the following information:

Proposal for Lease for Wireless Communications Facilities

Submitted By: -----

Submission Deadline: March 12, 2024_

3. Inside the sealed envelope should be two (2) separate envelopes: one envelope shall contain one (1) original and three (3) copies of the proposal, excluding the Rent Proposal Form; and a second envelope shall contain one (1) original and three copies of the completed Rent Proposal Form.
4. Should proposals confidential amounts be received, the proposal with the earliest date and time stamp will be first considered.
5. Each proposal shall include schematic plans and a site plan for the proposed Equipment.
6. Each proposal shall be signed by the prospective lessee or lessees if more than one.
7. A certified check in the amount of twenty percent (20%) of the proposed Year 1 (base year) rent payment must be submitted with the proposal as a deposit. This deposit shall be applied toward the Year 1 rent payment of the selected lessee and returned to any proposers not selected by the Borough. This deposit shall be forfeited to the Borough by a selected lessee that fails to execute a Lease Agreement with the Borough within the time period set forth herein.
8. Each proposal shall contain evidence that the proposer has sufficient funds or financial means to obtain financing or funding for the Lease and the development of the Equipment.
9. Each proposal shall contain evidence of the proposer's experience developing similar projects on municipal property in New Jersey.
10. A Proposal Form, Rent Proposal Form, Certificate of Non-Collusion, New Jersey Tax Statement and Disclosure of Beneficial Interest in Real Property (all attached) must be submitted with the proposal.
11. No modification of any proposal will be considered unless received by the Office of the Municipal Clerk prior to the Submission Deadline.
12. A proposal may be withdrawn prior to the Submission Deadline only upon providing written notice to the Office of the Municipal Clerk.
13. All proposals shall remain in effect for a period of 120 days from the Submission Deadline.
14. Proposals that are incomplete, not properly signed, conditional, obscure or otherwise contrary to the requirements of this RFP may be rejected.
15. The Borough may reject multiple proposals submitted by the same proposer.

PROPOSER FORM

1. Name of Person or Entity Submitting Proposal:

Address:

2. Please check off one of the following:

If a corporation, State of Incorporation:

If a partnership, names of partners:

Individual

Other: _____

3. Social Security or Federal Identification Number:

4. Signature:

Name:

Title: _____

Date: _____

RENT PROPOSAL FORM

Available Site:

Parcel ____ on Borough Assessor's Map _____, located at ____ Street, Audubon, New Jersey.

Proposer's Information:

Name of Officer:

Proposed Amount(s):

\$ _____ rent payment for Year 1 (base year) of the Lease, subject to an annual escalation increase of ____ % beginning in the second year of the Lease, for a payment schedule as follows:

LEASE YEAR 1	\$ _____
LEASEYEAR 2	\$ _____
LEASEYEAR 3	\$ _____
LEASEYEAR 4	\$ _____
LEASE YEAR 5	\$ _____

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid, or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of person signing bid or proposal:

Name:

Title: _____

Date: _____

CERTIFICATE OF TAX COMPLIANCE

Pursuant to New Jersey State Law, I hereby certify under penalties of perjury that the entity listed below has to the best of my knowledge and belief, complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Social Security or Federal ID Number

Signature: Individual or Corporate Officer

Date

Printed Name

Corporate Name of Proposer

Address

PO Box

City, State, Zip Code

DISCLOSURE OF BENEFICIAL INTERESTS
IN REAL PROPERTY TRANSACTION

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the New Jersey Division of Capital Asset Management and Maintenance, as required by _____, prior to the conveyance of or execution of a lease for the real property described below. Attach additional sheets if necessary.

1. Public agency involved in this transaction: Borough of Audubon

Complete legal description of the Property:

2. Type of transaction Sale Lease or rental for _____

3. Seller(s) or Lessor(s): Borough of Audubon

Purchaser(s) or Lessee(s): _____

4. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. *Note: If a corporation has or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need not be disclosed.*

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

None of the persons listed in this section is an official elected to public office in the State of New Jersey except as noted below:

Name

Title or position

5. This section must be signed by the individual(s) or organization(s) entering into this real property transaction with the public agency named in item 1. If this form is signed on behalf of a corporation, it must be signed by a duly authorized officer of that corporation.

The undersigned acknowledges that any changes or additions to item 4 of this form during the term of any lease or rental will require filing a new disclosure with the Division of Capital Asset Management and Maintenance within 30 days following the change or addition.

The undersigned swears under the pains and penalties of perjury that this form is complete and accurate in all respects.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Exhibit A



BACH Associates, PC
ENGINEERS • ARCHITECTS • PLANNERS

304 White Horse Pike
Haddon Heights, New Jersey 08035
Tel: 856-546-8611
Fax: 856-546-8612
www.BachDesignGroup.com

SEALS:

Anthony F. Dirosa

ANTHONY F. DIROSA, PE, PLS
N.J. PROFESSIONAL ENGINEER & LAND SURVEYOR NO. 246804257000

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

PROJECT:

**TOPOGRAPHIC SURVEY
AUDUBON SENIOR CENTER**

BOROUGH OF AUDUBON
CAMDEN COUNTY, NEW JERSEY

ALL DOCUMENTS PREPARED BY BACH ASSOCIATES, PC ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY BACH ASSOCIATES, PC FOR THE SPECIFIC PURPOSES INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO BACH ASSOCIATES, PC. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS BACH ASSOCIATES, PC FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

REVISIONS

NO.	DESCRIPTION	DATE

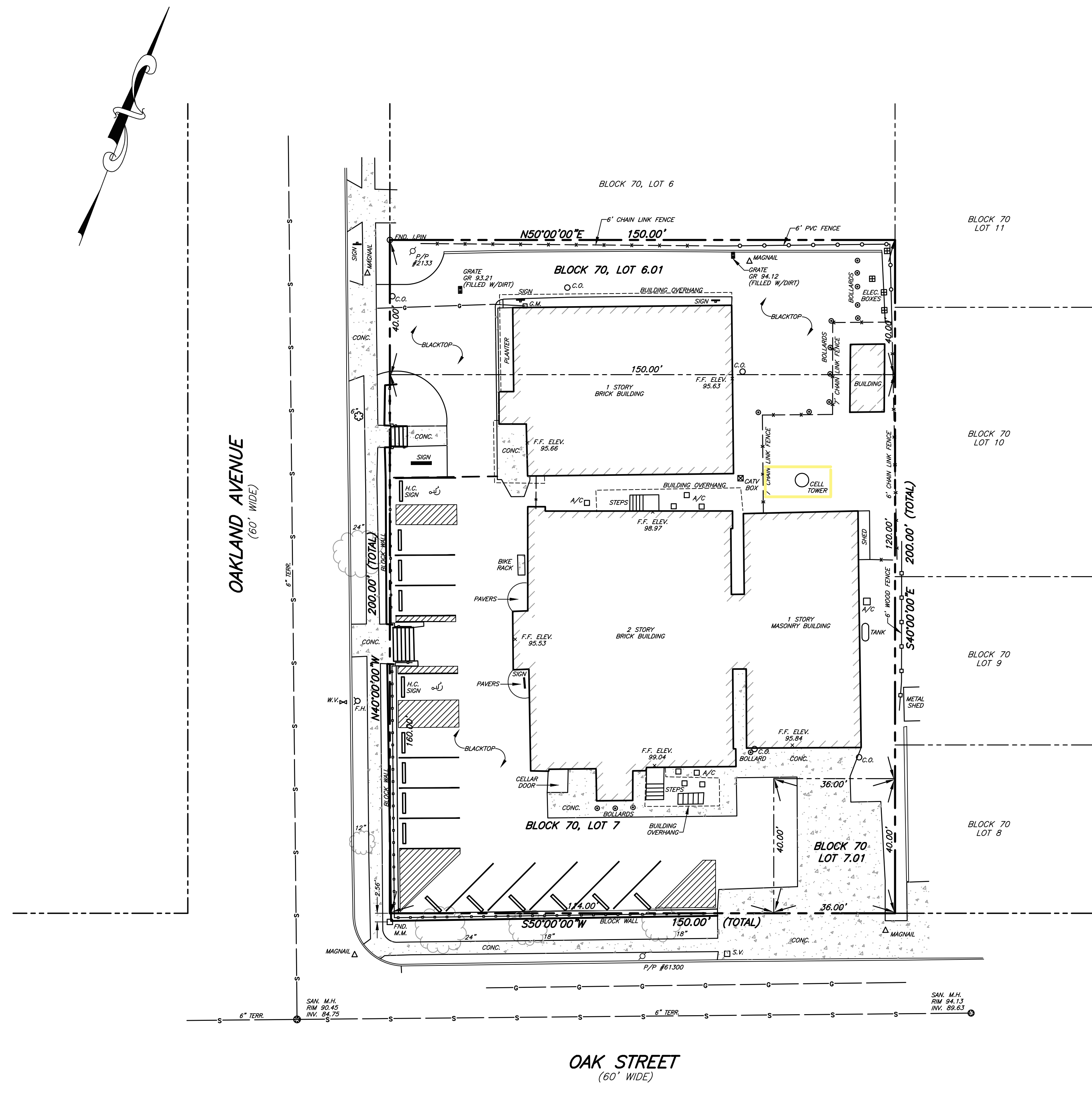
DRAWING TITLE:

**AUDUBON
SENIOR CENTER**

JOB NO: AB2019-5	DESIGNED BY:
DATE: 11/28/2023	DRAWN BY: LML
SCALE: 1"=20'	CHECKED BY: AFD

DRAWING NUMBER:

TP-1



TOPOGRAPHIC SURVEY

SCALE: 1" = 20'

