

Text of Ad:

PUBLIC NOTICE
FOR THE SOLICITATION OF PRO-
FSSIONAL SERVICES
CONTRACT APPOINTMENTS
FEBRUARY 1, 2023 TO JANUARY
31, 2024

Notice is hereby given that the Borough of Buena Municipal Utilities Authority (hereafter referred to as "BBMUA" is soliciting proposals through a fair and open process for Professional Services in accordance with N.J.S.A. 19:44A-20.4 et seq.

Sealed Request for Qualifications (RFQ) responses will be received by the BBMUA, at or before 11:00 a.m. prevailing time on January 19, 2023 at 616 Central Avenue, Minotola, N. J. 08341, at which time and place responses will be opened and reviewed for:

1. Professional Auditing Services for the Borough of Buena Municipal Utilities Authority RFQ #001.
2. Professional Consulting Engineering Services for the Borough of Buena Municipal Utilities Authority RFQ #002.
3. Professional General Counseling Services for the Borough of Buena Municipal Utilities Authority RFQ #003.
4. Professional Bond Counsel Services for the Borough of Buena Municipal Utilities Authority RFQ #004.

Specifications and instructions may be obtained at the BBMUA, 616 Central Avenue, Minotola, New Jersey 08341 daily between the hours of 9:00 a.m. and 4:00 p.m. or by Mail or Email, upon telephone request by calling 856-697-1784.

Respondents shall comply with the requirements of P.L. 1975 C127 (N.J.S.A. 17:27 et seq.) Affirmative Action and P.L. 1977, C.33 (N.J.S.A. 52:25-24.2) Corporate Disclosure.

Cheryl M. Santore
Secretary/Treasurer
Ptr. Fee: \$25.35

0005541353-01

REQUEST FOR QUALIFICATIONS
FOR
PROFESSIONAL LEGAL SERVICES
RFQ# 23-003

BOROUGH OF BUENA
MUNICIPAL UTILITIES AUTHORITY
P.O. BOX 696
616 CENTRAL AVENUE
MINOTOLA, NJ 08341

Notice is hereby given that proposals will be received by Borough of Buena Municipal Utilities Authority, P.O. Box 696, 616 Central Avenue, Minotola, NJ 08341 at or before 11:00 a.m. prevailing time on January 19, 2023, at which time they will be publicly opened and read. No proposals will be accepted after the date and time specified above.

PROFESSIONAL LEGAL SERVICES

All prospective vendors submitting proposals are required to comply with the requirements of P.L. 1975, c. 127 and all duly adopted Affirmative Action Regulations, P.L. 77, c .33, and to complete a non-collusion affidavit. All respondents shall comply with Business Registration Act P.L. 2004, c. 57, and proof of your registration with the New Jersey Department of Treasury, Division of Revenue, must be submitted.

By order of the Borough of Buena Municipal Utilities Authority

Cheryl M. Santore
Secretary/Treasurer

**Request for Qualifications for Professional
Legal Services Solicited by
Borough of Buena
Municipal Utilities Authority**

Borough of Buena Municipal Utilities Authority (hereafter referred to as the “BBMUA”) is soliciting competitive proposals for Professional Legal Services beginning February 1, 2023 and ending January 31, 2024. Sealed proposals must be submitted in writing by **January 19, 2023** to the office located at 616 Central Avenue, Minotola, NJ 08341. **LATE SUBMITTALS WILL BE RETURNED UNOPENED.**

It is anticipated that the BBMUA will award the contract at their regularly scheduled meeting on February 8, 2023.

Any additional information or responses to questions altering or interpreting these specifications will be shared with all firms by an addendum. To ensure adequate time for the BBMUA to respond, no requests for additional information will be accepted after January 19, 2023.

BBMUA will award a one-year contract for legal services based on financial integrity, services provided by the firm, and the fees for such service. Firms should certify that the fees included in their bid will be in effect for the duration of the contract.

A. GENERAL INFORMATION

General requirements for legal services include:

1. Represent the BBMUA as General Counsel.
2. Represent the BBMUA in all litigation cases in which the BBMUA or any BBMUA official or employee(s) is a party.
3. Represent the BBMUA before all Federal, State, and Local Boards, Agencies and Commissions.
4. Represent the BBMUA in all real estate matters.
5. Attendance at regular and executive sessions of monthly and special meetings of the BBMUA;
6. Provision of conferencing and counsel with the Administration, Staff and BBMUA as required; and,

7. Provision of general non-litigation representation.
8. Prepare resolutions for regular and special meetings of the BBMUA.
9. Prepare routine contracts.

In addition, a fee schedule for litigation and any other billable services, which are not referenced above, except contract negotiations, should also be included.

B. QUALIFICATIONS

A formal written proposal, addressing each of the aforementioned areas of assistance should be received no later than **11:00 a.m. Thursday, January 19, 2023**, c/o Cheryl M. Santore, Secretary/Treasurer, Borough of Buena Municipal Utilities Authority, P.O. Box 696, 616 Central Avenue, Minotola, NJ 08341. The proposal is to be placed in a sealed envelope within the mailing envelope. The internal envelope is to be clearly labeled "QUALIFICATIONS FOR LEGAL SERVICES". Proposals not received by the prescribed date and time will be rejected and returned unopened to the bidder.

The written proposal should include:

1. Individual Attorney's or Law Firm Name and Address

_____ Name of the proposer's firm, local address, telephone number, name of contact person and date of proposal.

2. Profile of the Individual Attorney/Law Firm

Describe the individual attorney's or law firm's experience in the field of representing public agencies and a list of relevant clients, past and present, to be used as references.

Describe the individual attorney's or law firm's knowledge and experience in matters involving higher education. Identify the staff (including partners, senior managers, manager, and seniors) who will perform legal and support services.

If the respondent is other than the BBMUA's current legal firm, please provide your plan for transition.

Expenses for developing and presenting this proposal shall be the entire responsibility of the law firm and shall not be chargeable to the BBMUA. All supporting documentation and manuals submitted with this proposal will become the property of the BMMUA unless otherwise requested by the firm at the time of submissions.

C. TECHNICAL SCOPE OF WORK

Firms shall demonstrate their understanding of the “General Description of the Services to be Performed” in a “A” above.

D. FEE SCHEDULE

The Fee Schedule in Exhibit B showing the billing rate by professional and clerical level and reimbursable expenses must be completed and submitted with the Qualifications.

E. INSURANCE REQUIREMENTS

Certificate(s) of Insurance shall be submitted with the qualifications, showing proof of coverage of firm as follows:

1. Workers compensation and employees liability insurance.
2. A Professional errors and omissions policy in an amount not less than \$1,000,000.

F. STATUTORY REQUIREMENTS

1. Affirmative Action

If awarded a contract, your company/firm will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. Following is the required regulatory text:

EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

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 or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of 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 for the 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 or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act 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 employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to 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, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation 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

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO 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 Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

2. Americans with Disabilities Act of 1990

Discrimination on the basis of disability in contracting for the purchase of goods and services is prohibited. Bidders are required to read Americans With Disabilities language that is included below and agree that the provisions of Title II of the Act are made a part of the contract. The successful Proposer will be obligated to comply with the Act and to hold the owner harmless.

**AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability**

The contractor and the Borough of Buena Municipal Utilities Authority, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (*42 U.S.C. §12101 et seq.*), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise

out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

3. Disclosure of Contributions to New Jersey Election Law Enforcement Commission

Bidders are advised that of the 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-20.13 (P.L. 2005, c.271, s.3) if the bidder receives contracts in excess of \$50,000 from public entities in a calendar year. It is the Bidder's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

4. Business Registration Certificates

All Firms submitting proposals must include with their proposal, a Business Registration Certificate as required by N.J.S.A. 52:32-44. **Business Registration Certificates must also be included with the proposal for any sub-consultants, testing labs, or others named in the proposal as a participant in performing the work.**

G. EVALUATION OF QUALIFICATIONS

In determining the firm best suited to perform the necessary legal services for the BBMUA, the experience, reputation, size and availability of qualified staff, and cost will be considered.

Proposals shall not be considered for further evaluation unless they meet all of the following mandatory criteria:

- a. Must be an independent attorney and/or legal firm properly licensed for public practice.
- b. Knowledge of the Borough of Buena Municipal Utilities Authority and the subject matter to be addressed under the contract
- c. Must disclose any record of substandard work, ethics, infractions or any other violations for which the firm has been cited over the past 10 years. If none, please provide a statement to that effect.
- d. Availability to attend and/or represent the Authority as requested.
- e. Other factors as may be demonstrated to be in the best interest of the Authority.

Must meet any specific qualification requirements imposed by state or local law or rules and regulations.

Provision of services of the type under consideration with a preference for a firm experienced with post-secondary education.

H. OTHER INFORMATION

Questions and information regarding legal services should be directed to Cheryl M. Santore, Secretary/Treasurer, Borough of Buena Municipal Utilities Authority, P.O. Box 696, 616 Central Avenue, Minotola, NJ 08341.

To give the BBMUA latitude beyond having to hire the lowest bidders, the BBMUA reserves the right to weigh the competence of the legal firm more heavily than the price to be paid.

The BBMUA reserves the right to waive any or all information, or to reject any or all proposals submitted if deemed to be in the best interest of the BBMUA.

Sealed proposals will be received until **11:00 a.m. Thursday, January 19, 2023.**

**REQUEST FOR PROPOSAL FOR
SOLICITOR**

EXHIBIT "B"

FEE SCHEDULE

(Complete and submit with proposal)

Bidder: _____

Address: _____

Phone/Email: _____

Contact: _____

Companies should keep in mind that the BBMUA reserves the right to negotiate the proposed rates

Be as complete and specific as possible. Fill in each category; blanks will be assumed to equal \$0.00. Where \$0.00, state so; if included in standard hourly rate, state so.

FIXED ANNUAL FEE: \$ _____

HOURLY RATES FOR ADDITIONAL SERVICES:

Partner: \$ _____

Associate: \$ _____

REIMBURSABLE EXPENSES:

Photocopying: \$ _____

Legal Research: \$ _____

Telephone: \$ _____

Faxes: \$ _____

Postage: \$ _____

Overnight Delivery: \$ _____

Travel: \$ _____

Word Processing: \$ _____

How will you bill for employees' travel time to/from the BBMUA's office?

_____ No Charge

\$ _____ Hourly Billing Rate

\$ _____ ½ Hourly Billing Rate

\$ _____ / mile for Mileage

NON-COLLUSION AFFIDAVIT

Professional Legal Services

BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY

STATE OF NEW JERSEY

SS:

COUNTY OF _____

I, _____ of the City of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am (title) _____ of the firm of _____

the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; that said Bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of Buena Municipal Utilities Authority relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide established commercial or selling agencies maintained by (Name of Contractor) _____ NJSA 52:34-25.

Signature

(Also type or print name of affiant under signature)

Subscribed and sworn to before me this

_____ day of _____

Notary Public of _____

My Commission Expires _____

STATEMENT OF OWNERSHIP

(OWNERSHIP DISCLOSURE CERTIFICATION)

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This Statement Shall Be Included with All Bid and Proposal Submissions

Name of Business: _____

Address of Business: _____

Failure of the bidder/proposer to submit the required information is cause for automatic rejection of the bid or proposal.

Part I

Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, sign and notarize at the end)
- Non-Profit Corporation (skip Parts II and III, sign and notarize at the end)
- Partnership Limited Partnership Limited Liability Partnership
- Limited Liability Company
- For-profit Corporation (including Subchapters C and S or Professional Corporation)
- Other (be specific): _____

Part II

I certify that the list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. (Complete the list below, in this section.)

OR

I certify that no one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or that no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. (Skip to Part IV)

<u>Name of Individual or Business</u>	<u>Home Address (for Individuals) or Business Address</u>	<u>% Stock Owned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part III

DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. Attach additional sheets if more space is needed.

Website (URL) containing the last annual SEC (or foreign equivalent) filing

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. Attach additional sheets if more space is needed.

Part IV
Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the Borough of Buena Municipal Utilities Authority is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with Borough of Buena Municipal Utilities Authority to notify the Borough of Buena Municipal Utilities Authority in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the Borough of Buena Municipal Utilities Authority to declare any contract(s) resulting from this certification void and unenforceable.

Subscribed and sworn before me this
____ day of _____, _____.

(Signature of Affiant)

(Notary Public)
My Commission expires:

(Print Name and Title of Affiant)

Notary Seal

(Date)

EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

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ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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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, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

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- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO 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 Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Submitted by:

Name of Firm

By: _____

Title: _____

Date: _____

END OF SECTION