

**TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY
COUNTY OF MONMOUTH
STATE OF NEW JERSEY
REQUEST FOR QUALIFICATIONS
BOND COUNSEL**

Sealed Request for Qualifications will be received by the Executive Director of the Township of Neptune Sewerage Authority, New Jersey and opened and read in public in the Township of Neptune Sewerage Authority Administration Building, located at 634 Old Corlies Avenue, Neptune, New Jersey, on January 11, 2023 at 10:00 a.m. for the following: Request for Qualifications from Individuals and/or Firms interested in serving as “BOND COUNSEL” to the Township of Neptune Sewerage Authority for the period February 1, 2023 through January 31, 2024.

Successful applicants will be required to comply with N.J.S.A. 52:25-24.2 requiring submission of a Statement of Ownership Disclosure; N.J.S.A. 52:32-44 requiring submission of a New Jersey Business Registration Certificate; and with N.J.S.A. 10:5-31, and N.J.A.C.17:27 requiring compliance with Equal Employment Opportunity and Affirmative Action Laws.

The right is reserved to reject any or all proposals, in whole or in part, if it is deemed to be in the best interest of the Township of Neptune Sewerage Authority to do so. The Authority also reserves the right to conduct interviews of any or all applicants, as it deems necessary.

By order of the Township of Neptune Sewerage Authority Commissioners

James W. Manning, Jr., Chairman

**Request for Qualifications from Law Firms
Interested in Serving as “BOND COUNSEL” to
the Township of Neptune Sewerage Authority for the
Period February 1, 2023 through January 31, 2024**

Pursuant to the Fair and Open Process established by N.J.S.A. 19:44A-20.5, et. seq., the Township of Neptune Sewerage Authority seeks Requests for Qualifications (“RFQ”) from Law Firms licensed to practice in the State of New Jersey that wish to serve as BOND COUNSEL to the Township of Neptune Sewerage Authority. The successful firm must have significant experience in representing New Jersey public entities in a variety of areas of consultation and litigation in State and Federal Courts, administrative forums and arbitration.

The successful firm will provide the Township of Neptune Sewerage Authority with legal guidance relating to but not necessarily limited to the following:

1. Matters involving public financing including, but not limited to the financing of various capital projects through the adoption of appropriate bond resolutions and the issuance of bonds and/or bond anticipation notes and other matters as directed by the Authority Commissioners, including but not limited to the authorization, issuance, sale and delivery of bonds and/or bond anticipation notes for the Authority, including legal services related to or necessary in connection therewith.
2. The preparation of any bond resolutions, the preparation of the resolution authorizing the financing, the preparation and review of the Notice of Sale and the bonds or bond anticipation notes, the assistance in the preparation and review of the Official Statement, the preparation of all closing documents necessary for the issuance of the bonds or bond anticipation notes, attendance at the closing at which time the bonds or bond anticipation notes will be delivered, payments being made therefore and deliver a final approving opinion for the bond or bond anticipation notes issue.
3. Preparation, review and distribution of Preliminary Official Statements and Official Statements, as directed by the Authority Commissioners.
4. Any other matters as directed by the Authority Commissioners related to financing.

The Township of Neptune Sewerage Authority has adopted the following hourly rate schedule for Bond Counsel Services rendered pursuant to this RFQ:

Attorneys	\$225.00/hr.
Paralegals	\$ 90.00/hr.

Professional Information and Qualifications

Each interested firm shall submit the following information:

1. Name of Firm;
2. Address of principle place of business and any other Offices corresponding telephone and fax numbers. Please note specifically which attorneys will be assigned to work with the Authority;
3. Areas of Practice;
4. Description of education, experience, qualifications, number of years with the firm, include a descriptive narrative of their experience with projects similar to those described above for the firms attorneys who will work with the Authority;
5. Experience related to representation of other Sewerage Authorities or public entities;
6. At least four references which must have knowledge of your representation of a Sewerage Authority with names and numbers of contact person;
7. Examples of your record of success providing such services;
8. The firm's ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff);
9. Any other information which the interested firm deems relevant;
10. A completed Statement of Ownership Disclosure form (attached);
11. A copy of your New Jersey Business Registration Certificate;
12. A completed Exhibit "A" Mandatory Equal Employment Opportunity Language and Affirmative Action Compliance Notice (attached).
13. A copy of the Certificate of Insurance, issued by an insurance carrier licenses in the State of New Jersey, showing the amount of professional liability insurance and all other coverage in place as of 1/1/23.
14. A copy of your Certificate in Good Standing.

Selection Criteria

The selection criteria for the evaluation of the Qualifications received shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation;
2. Experience and references;

3. Knowledge of the Authority, its affairs and operations;
4. Ability to perform the task in a timely fashion, including staffing and familiarity with the subject matter;
5. Cost effectiveness; and
6. Other factors deemed relevant based upon quality of submissions.

Submission Requirements

Please submit one original and one copy on a USB flash drive of the Request for Qualifications (RFQ) on 8 ½" x 11" white paper.

Responses to this RFQ must be delivered in a sealed envelope bearing the name entitled "BOND COUNSEL" by no later than 10:00 a.m. on January 11, 2023 to:

Executive Director, Township of Neptune Sewerage Authority
Township of Neptune Sewerage Authority
P.O. Box 765
634 Old Corlies Avenue
Neptune, New Jersey 07753

STATEMENT OF OWNERSHIP DISCLOSURE

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 completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- ☐ Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- ☐ Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- ☐ For-Profit Corporation (any type) ☐ Limited Liability Company (LLC)
- ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Partnership (LLP)
- ☐ Other (be specific): _____

Part II

- ☐ 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

- ☐ 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 no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Address

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	Page #'s

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.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Address

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 **<name of contracting unit>** 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 **<type of contracting unit>** to notify the **<type of contracting unit>** 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 **<type of contracting unit>** to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS – NON CONSTRUCTION

All New Jersey and out of State Business Organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The Contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the Contractor.

Before final payment of the contract is made by the Contracting Agency, the Contractor shall submit an accurate list and proof of business registration of each subcontractor or supplier used in fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the Contractor and each of its affiliates and each Subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the "Sales and Use Tax Act" (N.J.S.A. 54:32 B-1, et. seq.) on all sales of tangible personal property delivered into the State.

A Business Organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.144 (N.J.S.A. 52:32-44 et. seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A. 5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

A sample Business registration Certificate is attached. Other forms such as Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are **not** acceptable.

Any questions in this regard can be directed to the Division of Revenue at 609-292-1730. Form NJ-REG can be filed online at:
<http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27

PROCUREMENT, PROFESSIONAL AND SERVICES CONTRACTS

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, sex, 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, sex, affectional or sexual orientation. Such action shall include, but not 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 forth provisions of this nondiscrimination clause.

The Contractor or Subcontractor, where applicable, will in all solicitations or advertisement 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, sex, affectional or sexual orientation.

The Contractor or Subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contract officer advising the labor union of worker's 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. supplemented from time to time and the American with Disabilities Act.

The Contractor or Subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by 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 agree to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation 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 and 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.

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, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal Law and applicable Federal Court decisions.

The Contractor or Subcontractor shall submit to the public agency, 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 or Subcontractor 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 and EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Submitted By

Firm Name: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

Attached hereto and made a part hereof is an Affirmative Action Certificate. The Contractor shall certify compliance with the Affirmative Action regulations by one of the following types of certificate (please circle the attached Affirmative Action Certificate):

1. A photocopy of their Federal Letter of Affirmative Action Plan Approval.

OR

2. A photocopy of their Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4.

OR

3. A completed Affirmative Action Employee Information Report (AA302) provided by the Division and distributed to the public agency to be completed by the PROPOSER in accordance with N.J.A.C. 17:27-4.

The successful PROPOSER must submit copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned PROPOSER certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et. seq. and agrees to furnish the required forms of evidence.

The undersigned PROPOSER further understands that his/her bid shall be rejected as non-responsive if said PROPOSER fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et. seq.

Authorized Signer: _____ Date Signed: _____

Print Name and Title: _____

Bidder's Company Name: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____