

MIDDLESEX COUNTY UTILITIES AUTHORITY

REQUEST FOR QUALIFICATIONS

FOR PROVIDING ADDITIONAL LEGAL SERVICES AS THE AUTHORITY'S

GENERAL COUNSEL 2011

DEADLINE: 12:00 NOON ON FEBRUARY 14, 2012

This REQUEST FOR QUALIFICATIONS is hereby published by the MIDDLESEX COUNTY UTILITIES AUTHORITY ("Authority") through a fair and open process in accordance with the State of New Jersey Local Unit Pay-to-Play Law (N.J.S.A. 19:44A-20.4 *et seq.*). This advertisement also provides notice that the Authority has initiated procedures for compliance with New Jersey Local Unit Pay-to-Play Law. In accordance with the Authority's procedures, notices in compliance with N.J.S.A. 19:44A-20.4 *et seq.* may be published on the Authority's web site *www.mcua.com* in lieu of publication in the Authority's Official Newspapers.

The Authority is soliciting qualifications from interested Law firms to provide additional legal services as Legal Construction Counsel for the time period through February 29, 2012, with the intention of making appointments at the Authority's Commissioners Board February 2012 Meeting. Interested persons are hereby solicited to submit their qualifications *on or before the deadline of 12:00 Noon prevailing time on February 14, 2012* to:

Richard L. Fitamant, Executive Director
Middlesex County Utilities Authority
PO Box 159
2571 Main Street Extension
Sayreville, NJ 08872

Documentation of qualifications in response to this request shall be submitted *in triplicate* in a sealed envelope. All submissions in response to this request shall be clearly labeled on the *outside* of the submission package with the following identifying information:

- * Name and description of the Contracted Service for which the qualifications are being submitted *Additional Legal Services as Authority's General Counsel 2011*;
- * Name of the Authorized Representative for the entity submitting qualifications; and
- * Address and telephone number for the Authorized Representative

Immediately following the deadline for submissions, submission packages of all timely responders will be publicly opened.

The conforming submissions will be evaluated by the Authority technically and legally based on the criteria outlined for the Contracted Services identified herein. One or more entities deemed to be qualified will subsequently be requested to provide proposals for this project. The proposals will be evaluated, and the final selection shall be determined on the basis of responsiveness to evaluation criteria detailed below, the most advantageous price, and other factors considered to be in the best interest of the Authority.

Accordingly, the Authority, hereby provides notice that the following shall be the Authority's evaluation criteria and the Contracted Services for which interested professionals and consultants are requested to submit their qualifications:

*I. **GENERAL QUALIFICATIONS***

The qualifications submission package for each Contracted Service shall include a signed statement by the Authorized Representative of the interested entity that the entity is willing and able to comply with the following General Qualifications:

- A. Compliance with New Jersey Law Against Discrimination pertaining to Public Contracts (N.J.S.A. 10:5-31 et seq.), New Jersey Affirmative Action Rules (N.J.A.C. 17:27-3.5 and 17:27-3.7) and New Jersey Equal Employment Opportunities Act (N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27);
- B. Compliance with New Jersey Business Registration Law (N.J.S.A. 52:32-44 et seq.);
- C. Compliance as applicable with the Federal Occupational Safety and Health Act and regulations promulgated pursuant thereto (29 CFR 1900 and/or 1926);
- D. Compliance with requirements of law regarding disclosure, including any disclosure statements (e.g. Business Entity Disclosure and Political Contribution Disclosure) as may be required to be filed with the New Jersey Election Law Enforcement Commission.
- E. Ability to secure insurance from a company or companies lawfully authorized to do business in New Jersey to protect the entity and the Authority from claims which may arise out of or result from activities undertaken in connection with services under contract with the Authority and for which the contractor may be legally liable, whether such activities be by the Contractor or by a Subcontractor, or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable. Such insurance coverage shall include the following as a minimum, with additional coverage and/or higher limits necessary dependent upon the scope of services:
 1. Workers Compensation Coverage and Employers' Liability Coverage, covering all employees engaged in the performance of this Contract and in accordance with applicable statutes, except where the Contractor has certified

on Authority forms that they are self-employed as an individual and have no employees and are, therefore, not subject to the law.

2. Commercial General Liability Insurance

Commercial General Liability Insurance with limits of not less than \$500,000.00 combined single limit per occurrence and General Aggregate of \$1,000,00.00 per project or location. The Authority shall be named as an additional insured as respects the acts of the Provider. This coverage shall be primary and shall include defense of the Authority as a supplement to the limit of liability.

3. Business Automobile Liability Insurance

Business Automobile Liability Insurance covering the Contractor for claims arising from "Any Auto" including owned, hired and non-owned vehicles, with limits of not less than \$500,000.00 for any one person and \$500,000.00 for any one accident for bodily injury and \$500,000.00 for each accident for property damage, or a combined single limit of \$1,000,000.00. The Authority and its representatives shall be included under the omnibus clause as an organization legally responsible for use of the Contractor's vehicles, or by an Additional Insured Endorsement.

4. Professional Liability Insurance

Contractors shall maintain Professional Liability Insurance for protection against claims arising out of performance of contracted services for the Authority caused by negligent acts, errors or omissions for which the Contractor is legally liable, with a coverage limit of \$1,000,000 per claim and annual aggregate.

- F. Assigned personnel for Contracted Services shall demonstrate a high level of education and experience in the field and shall be directly supervised by persons having a minimum of ten (10) years of experience in the field and holding applicable licenses.

II. CONTRACTED SERVICES AND QUALIFICATION CRITERIA

LEGAL COUNSEL The Authority requires additional services for *general legal counsel for its Wastewater Division and Solid Waste Division which includes an emphasis on construction and regulatory affairs*. The duties include representation of the Authority in all of its operations, including but not limited to, general administrative preparation and review of contracts, negotiation of collective bargaining agreements, review and advice in connection with legislation and legal issues involving solid waste disposal and wastewater treatment, real estate transactions including acquisition by eminent domain and easements, and procurement

of goods, materials, and services. The minimum threshold criteria that will be utilized for the evaluation of the responses shall be as follows:

1. Licensed to practice law in the State of New Jersey for a minimum of ten (10) years;
2. Have a multi-disciplinary law practice in the area of civil matters for a minimum of ten (10) years;
3. Experience representing the interests of a New Jersey Public Wastewater Treatment Facility and a Solid Waste Facility (Landfill) in its relations with governmental entities, specifically NJDEP, the Middlesex County Public Health Department, Middlesex County Division of Solid Waste Management, and laws applicable to various governmental entities for a minimum of ten (10) years;
4. Minimum of ten (10) years experience with specific Public Contracts Law experience in a New Jersey wastewater treatment environment;
5. Minimum of ten (10) years experience with specific legal construction experience in a New Jersey wastewater treatment facility environment;
6. Experience in the field of labor related matters representing governmental entities including negotiation of collective bargaining agreements for a minimum of ten (10) years;
7. Minimum of ten (10) years experience with environmental law in the areas of wastewater treatment, water quality, and air emissions
8. Experience representing governmental entities in the field of public finance and experience representing public entities before the New Jersey Local finance board;
9. Nationally recognized as a bond counsel and listed in the Bond Buyer's Municipal Marketplace Directory; and
10. Minimum of five (5) years experience in the field of energy regulation.
11. Minimum of ten (10) years experience with specific Public Contracts Law experience in a New Jersey Landfill environment;
12. Minimum of ten (10) years experience with specific legal construction experience in a New Jersey Landfill environment;
13. Minimum of ten (10) years experience with environmental law, landfill financing and bonding activities; and

14. Knowledge of the Authority and its operations.
15. Knowledge of the specific details in connection with the Authority's current legal proceedings against Spectraserv, Incorporated, a construction firm formally retained by the Authority.

Ted Light, Chairman
Middlesex County Utilities Authority
Sayreville, New Jersey