

**MIDDLESEX COUNTY UTILITIES AUTHORITY**  
**REQUEST FOR QUALIFICATIONS**  
**FOR**  
**LEGAL COUNSEL SERVICES**  
**FOR THE AUTHORITY'S SOLID WASTE AND WASTEWATER DIVISIONS**

**DEADLINE: 12:00 NOON ON FRIDAY, FEBRUARY 8, 2019**

This REQUEST FOR QUALIFICATIONS is hereby published by the MIDDLESEX COUNTY UTILITIES AUTHORITY (the "Authority") pursuant to 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 adopted procedures for compliance with New Jersey Local Unit Pay-to-Play Law.

The Authority is soliciting qualifications from interested professionals and consultants for the positions identified above and herein, with the intention of requesting proposals and making appointments throughout 2019 and at the Authority's [annual Reorganizational Meeting and Regular Meeting on Thursday, February 28, 2019.]

Qualifications for Legal Counsel services, are being solicited in support of the Capital and Operating programs for the Authority's Solid Waste Division (SWD) and Waste Water Division (WWD).

The sought Legal Counsel services pertain to the management of Authority's Landfill facilities, a Water Treatment Plant, and its entire connecting sewer network, pump stations and related infrastructure, and the provision of the sought services with respect to and in support thereof.

Minimum qualifications for the sought services are set forth under No. I below.

Entities interested in becoming qualified to perform these services, must submit two (2) separate and sealed envelopes in accordance with the following format:

The first envelope shall contain the responses *in quadruplicate* to the items listed under Roman numeral II, SELECTION PROCESS AND EVALUATION CRITERIA, Letters A, B and C only. The outside of said first envelope shall be labeled with:

- Name of the Firm
- RFQ Title
- Division: SWD, WWD or both
- EVALUATION CRITERIA

The second envelope shall contain the responses *in quadruplicate* to the items listed under

Roman numerals I and III, as appropriate, which addresses the General and Minimum Qualifications for the respective position for which services are sought. Entities interested in seeking multiple, future professional service appointments under the various solicitations being put out by the Authority, as the case may be, must separately address the required qualifications, identify Division(s), and the services being sought, as the case may be, also in quadruplicate. The outside of said second envelope (submission package) shall be labeled with:

- Name of the Firm
- RFQ Title
- Division: SWD, WWD or both
- QUALIFICATIONS

Interested entities are hereby requested to submit their responses to this Request for Qualifications to:

Joseph P. Cryan, Executive Director  
Middlesex County Utilities Authority  
PO Box 159  
2571 Main Street Extension  
Sayreville, NJ 08872

***I. MINIMUM QUALIFICATIONS FOR LEGAL COUNSEL SERVICES***

**A. LEGAL COUNSEL SERVICES**

The duties include representation of the Authority in all of its operations, including but not limited to, general administrative preparation and easements, negotiation of collective bargaining agreements, labor law, litigation, 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. Admission to the New Jersey Bar Association and proof that it has maintained a license 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 entity or utility authority in its interactions with governmental entities, including NJDEP, and laws applicable to various governmental entities;
4. Experience with Public Contracts Law preferably in a New Jersey wastewater treatment and/or landfill environment;
5. Experience with construction law preferably in a New Jersey wastewater treatment facility and/or landfill environment;
6. Experience in the field of labor related matters representing governmental entities in New Jersey including negotiation of collective bargaining agreements, workers compensation and personal injury litigation;
7. Experience in dispute resolutions, litigation, mediation and claim settlements from construction activities;
8. Experience with environmental law in the areas of wastewater treatment;
9. Experience representing governmental entities in the field of public finance and experience representing public entities before the New Jersey Local Finance Board;
10. Nationally recognized as a bond counsel and listed in the Bond Buyer's Municipal Marketplace Directory;

11. Experience in the field of financing;
12. Experience in the field of energy regulation;
13. Experience with environmental law, air emissions, and water quality.
14. Experience in the preparation of easements agreements, and other instruments intended to enter upon, use and occupy property own by, or under the jurisdiction of non-MCUA entities.
15. Experience as defense counsel for similar public entities.

## **II. SELECTION PROCESS AND EVALUATION CRITERIA**

The evaluation and selection process for the requested services sought by this solicitation, will be qualifications-based, and take into consideration the following criteria listed below in order of importance.

- A. Qualifications and experience of the staff and/or subconsultants, proposed to perform the services hereunder:
  1. In this section, detail the experience of key individuals (including subconsultants, if any) to be responsible for the successful completion of the contemplated services. Attach a detailed resume for each key individual that includes their relevant experience and specific areas of expertise. The resumes should contain their education, professional credentials and clearly identify the years of experience in the field related to the tasks for which the individual will be responsible.
  2. Provide examples of demonstrated ability to deliver projects on time, within budgets, and good technical or professional quality.
- B. Qualifications and experience of the firm, including the quality of similar services provided to others relative to performance, and ability to complete the work in accordance with the project schedule.
  1. Submit your firm's qualifications and experience in providing the services contained and sought hereunder. For projects used as reference, include name of owner/client, brief description of the value of services performed, contact person, and contact information for verification purposes.
  2. Identify specific relevant experience of your firm in providing the services contemplated herein. Identify comparable services performed during the last five (5) years, owners/clients, contact information (for verification purposes), and indicate whether said projects or tasks were completed on schedule and within budget.

C. Management approach to the performance of the contemplated services.

1. Provide a detailed description of the responder's proposed Management Approach to be taken for the performance of the required services, by addressing the Authority's needs, procedures for keeping the Authority apprised of projects, issues, progress, and status, while ensuring the quality of the work product.
2. Provide an organizational chart or narrative description, identifying key individuals, their firms, work locations, and management structure addressing roles, responsibilities, and clear lines of communication during the performance of the services applied for.
3. Provide a general description of responder's/proposer's Quality Control/Quality Assurance (QA/QC) plan (if applicable), that includes policies and procedures for identifying and addressing quality deficiencies during a project, and how to prevent them from reoccurring.

Immediately following the deadline for submissions, submission packages of all timely responders will be publicly opened. The Authority shall not be responsible for nor be required to grant relief from non-delivery or late delivery of responses forwarded by mail or third-party messenger/delivery services.

After evaluating the forgoing factors, and upon favorable review of the general and minimum qualifications described herein for the services sought, the Authority may request from the firm or firms deemed to be qualified based on the foregoing criteria, the submission of a Request for Proposal (RFP) for the performance of the sought services.

***III. GENERAL QUALIFICATIONS AND SUBMISSION REQUIREMENTS***

Interested entities shall demonstrate that they satisfy the minimum qualification requirements specific to each sought service for which they wish the Authority to qualify them, and provide the name and contact information of a duly Authorized Representative.

The qualifications submission package for each sought service shall include a signed statement by the Authorized Representative of the interested entity, indicating that the entity is willing and able to comply with the following mandatory General Requirements:

- 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 to the service sought, with the Federal Occupational Safety and Health Act and regulations promulgated pursuant thereto (29 C.F.R. 1910 and/or 1926);
- D. Compliance with requirements of applicable law regarding disclosure, including any disclosure statements (e.g., Business Entity Disclosure and Political Contribution Disclosure), as may be required to be filed with or submitted to the Authority and 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 name the Authority as an additional insured, with 30 day notice rights prior to any termination, cancellation and/or material modification of any coverage. Such insurance coverage shall include the following as an anticipated 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 applicable 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 \$1,000,000.00 per project or location. The Authority shall be named as an additional insured consistent with the above. 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 minimum coverage limit of \$2,000,000 per claim and annual aggregate for each project;

- F. Indemnification. Provider agrees to save, indemnify, defend and hold harmless the Authority, its respective agents, tenants, representatives, successors and assigns (all collectively, the "Authority Indemnified Parties"), from and against all liability, costs (including reasonable attorneys' fees), damages, and/or loss, relating to or arising out of the Provider's willful misconduct or negligent performance of any Contracted Services.
- G. 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, holding applicable licenses;
- H. Ability to comply as applicable, with all Federal laws and Regulations applicable to projects funded through grants or reimbursements of the Federal Emergency Management Administration (FEMA), including all requirements set forth in the Code of Federal Regulations at 44 C.F.R. 13, as well as all applicable regulations for performed Work that may be reimbursed and/or funded by State of New Jersey grants and/or loans upon the Authority's request.
- I. Statement committing to submit the following:
  - 1. Ownership Disclosure Form;
  - 2. Disclosure of Investigations and Other Activities Involving Bidder Form;
  - 3. Disclosure of Investment Activities in Iran; and,
  - 4. Non-Collusion Affidavit,

in the event the Authority selects to issue a RFP for the services being sought.

***IV. ORAL PRESENTATIONS***

After review of all RFQ submissions, the Authority may, but is not obligated to, request an oral presentation to the selection committee and others, as appropriate. It should be noted that firms selected to make presentations may be given short advance notice. Presentations

would be limited to 30 minutes, and include the material contained in your submission. The presentation would be followed by an approximately 30-minute question and answer session. Proposer's staff providing the presentation shall be led by the proposed project manager or Authorized Representative of the Proposer, who may be supported at the presentation by no more than four (4) other senior staff members proposed to work on the project or to render the sought services.

The Authority reserves the right, in its sole discretion, to reject all submittals, to undertake discussions and modifications with one or more professional entity(ies) to combine multiple service categories, to waive defects in submittals, and to proceed with the issuance of Requests for Proposals based on modified services, if any, which in its judgment, will best serve the public interest.

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