

MIDDLESEX COUNTY UTILITIES AUTHORITY
REQUEST FOR QUALIFICATIONS
FOR THE PROVISION OF PROFESSIONAL GENERAL LEGAL COUNSEL SERVICES
ON AN “AS-NEEDED” BASIS DURING CALENDAR YEAR 2020

DEADLINE: 4:00pm ON TUESDAY, DECEMBER 31, 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 responsible for preserving and protecting central New Jersey’s environmental resources, and for the operation of Landfill facilities, a Water Treatment Plant and its entire connecting sewer network, pump stations and related infrastructure, and the provision of services with respect to and in support thereof.

Qualifications for professional services are being solicited for professional general legal counsel services in support of the Authority’s Capital and Operating programs for the Solid Waste (SW) and Wastewater (WW) Divisions. Once firms become qualified, it is intended to issue requests for proposals, and as appropriate, award professional service contracts for 2020, during the Authority’s Annual Reorganizational and Regular Meeting, which is scheduled to take place on Tuesday, February 25, 2020.

Entities interested in becoming qualified to render professional services during 2020, must submit two (2) separate and sealed envelopes in accordance with the following format:

The first package submission shall address *in quadruplicate* the items listed under Roman numeral I. SELECTION PROCESS AND EVALUATION CRITERIA, Letters A, B and C only. The outside of said first package submission shall be labeled with:

- Name of the Firm
- RFQ Title
- EVALUATION CRITERIA

The second package submission shall address *in quadruplicate* the items listed under Roman numerals II, and III, which include GENERAL AND MINIMUM QUALIFICATIONS FOR EACH SERVICE. The package submission shall be labeled with:

- Name of the Firm
- RFQ Title
- QUALIFICATIONS

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

J. Joaquín González, P.E., Chief Engineer
Middlesex County Utilities Authority
PO Box 159
2571 Main Street Extension
Sayreville, NJ 08872

I. SELECTION PROCESS AND EVALUATION CRITERIA

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

- A. Qualifications and experience of the staff proposed to perform the services hereunder:
 - 1. In this section, detail the experience of key individuals (including other support firms, if any) to be responsible for the successful completion of the intended 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 render on-time, and within budget, and good technical 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 client's schedule.
 - 1. Describe the firm's expertise and list the following:
 - a. Submit your firm's qualifications and experience in providing the services contained 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.
 - b. Identify specific relevant experience of your firm in providing the services contemplated herein. Identify comparable services performed during the last five (5) years, owners, contact information (for verification purposes), and indicate whether said projects were completed on schedule and within budget.

- C. Management approach to the performance of the intended services.
 - 1. Provide a detailed description of the firm'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 issues, progress, and status, while ensuring the quality of the work product.
 - 2. Provide an organization chart identifying key individuals, their firms, work locations, and management structure addressing roles, responsibilities, and lines of communication during the performance of the services.
 - 3. Provide a general description of proposer's Quality Control/Quality Assurance (QA/QC) plan, that includes policies and procedures for identifying and addressing quality deficiencies during the performance of the services, and how to prevent them from reoccurring, as applicable.

Immediately following the deadline for submissions, submission packages of all timely responders will be 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 these factors, and upon favorable review of the general and minimum qualifications described herein, 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 these services.

II. GENERAL QUALIFICATIONS

Interested entities shall demonstrate that they satisfy the general qualification and provide the name and contact information of a duly Authorized Representative.

Proposers shall include a signed statement by the duly Authorized Representative of the firm, indicating the firm's willingness and ability to satisfy 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 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 \$1,000,000.00 combined single limit per occurrence, and General Aggregate of \$2,000,000.00 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

\$1,000,000.00 for any one person and \$500,000.00 for any one accident for bodily injury and \$1,000,000.00 for each accident for property damage, or a combined single limit of \$2,000,000.00. 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:

Consultants 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.

5. Cyber Security Insurance:

The Entity shall maintain Cyber Security Insurance for protection against all claims arising out of performance of services under the agreement drafted in accordance with this RFP caused by negligent acts, errors or omissions for which the Entity is legally liable, with a coverage limit of \$2,000,000 per claim and annual aggregate.

- F. Indemnification: Provider agrees to save, indemnify, defend and hold harmless the Authority, its respective agents, commissioners, employees, 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 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 with all Federal laws and regulations applicable to projects funded through grants or reimbursements by 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. Should the Authority select to issue an RFP for the services being sought, a 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.

III. MINIMUM QUALIFICATIONS

GENERAL LEGAL COUNSEL. The duties include representation of the Authority in all of its operations, including but not limited to, general advise, 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, preparation of easements, and procurement of goods, materials and services.

The criteria to be utilized for the evaluation shall include the following:

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.

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, who may be supported by no more than four (4) other senior staff members proposed to work on the project.

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.

Joseph P. Cryan, Executive Director
Middlesex County Utilities Authority
Sayreville, New Jersey