

**BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF BURLINGTON**

REQUEST FOR QUALIFICATIONS

FINANCIAL CONSULTANT SERVICES

Three copies of Responses to this Request for Qualifications including all required documentation must be received in the Burlington County Solicitor's Office, 49 Rancocas Road, Room 225, P.O. Box 6000, Mount Holly, New Jersey 08060 no later than 3:00 p.m. Thursday, October 10, 2019. Late Responses will not be considered.

1. Introduction

In accordance with N.J.S.A. 19:44A-20.4 et seq., the Board of Chosen Freeholders of the County of Burlington [hereinafter Board] is issuing this Request for Qualifications (RFQ) to firms capable of providing one or all of the Financial Consultant Services described in Section 3, SCOPE OF SERVICES, for the period of January 1, 2020 through December 31, 2020.

This Request for Qualifications provides the requirements for all providers of said Services who wish to be considered for the contracts. Proposals received in response to this RFQ will be evaluated in accordance with the criteria set forth below at Section 4, CRITERIA FOR EVALUATION OF PROPOSALS

The Contract to serve as Financial Consultant for Open Space, Recreation and Farmland and Historic Preservations Trust Fund, and Solid Waste Utility and General Capital will be awarded based on cost and other factors.

The conduct and performance of the Burlington County Financial Consultant pursuant to the Contract awarded through this Request for Qualifications shall be subject to all applicable laws, rules and regulations pertaining to licensed financial consultants. The Burlington County Financial Consultant shall at all times be regarded as an independent contractor. Nothing herein or in the Contract shall be construed to create an employer-employee relationship between the Board of Chosen Freeholders, and the Financial Consultant.

2. Overall Qualification Requirements

The Financial Consultant must obtain and maintain any licenses, certifications or regulatory approvals necessary and/or required by law, for the services requested for themselves and for any other staff who may be providing services to the County as part of the contract.

At no time may said licenses and/or certifications have been suspended or revoked in New Jersey or any other state.

The Proposer must have provided services as described herein for a minimum of five (5) years to a county in the State of New Jersey or to a municipality/city in this State of comparable population to Burlington County.

Financial consultant firms must be bonded and insured.

3. Scope of Services

The Board will contract with financial consultants in the following two areas. Proposers may submit their qualifications for any or all of the following financial consultant services.

A. BURLINGTON COUNTY OPEN SPACE, RECREATION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND

Background Information

The Burlington County Department of Resource Conservation/Division of Land Preservation is seeking qualification statements and proposals from firms to provide financial advisory services necessary for the administration of its Open Space, Recreation, and Farmland and Historic Preservation Trust Fund (the "Trust Fund"). The Trust Fund is authorized by N.J.S.A. 40:12-15.2 and created as a result of three referenda approved by the voters in 1996, 1998, and 2006, which dedicated a total of four cents through 2036 for preservation purposes. The tax generates approximately \$16 million annually.

Qualification Requirements

Interested firms must have at least five (5) years of experience serving as the financial consultant to farmland and open space preservation programs similar in structure to the County's program. All proposers must have experience in public financing of real estate transactions, particularly through issuance of IPAs and promissory notes. Proposers should demonstrate experience in assisting local governments with the development and implementation of agricultural viability strategies. Proposers must have staff that is thoroughly trained, capable and available to perform work in a timely manner, according to the Department's schedules and targets.

Description of Services

The Department seeks the services of a financial consultant to assist with monitoring of Trust Fund revenues and expenditures in four programs: (a) farmland preservation, through which the Department purchases land and development rights on land using cash, installment purchase agreements ("IPAs"), bond anticipation notes ("BANs") and grants from the State of New Jersey and municipalities within the County; (b) County open space preservation, through which the County purchases land using cash, IPAs, BANs and grants and loans from the State, (c) local open space preservation, through which the Department enters into promissory notes with municipalities for 25 percent of the cost of acquiring approved properties and (d)

historic preservation/park development, through which the Department uses cash and BANs to finance preservation of County-owned historic properties and to develop a new County park system.

In addition, the financial consultant will assist in the development of policies related to use and leveraging of trust fund revenues, assist in the debt issuance process, provide advise as to the long term financing of bonds and notes, assist in efforts to procure other sources of grant/loan funds and provide general advise on factors affecting the economic viability of agriculture.

B. BURLINGTON COUNTY SOLID WASTE UTILITY AND GENERAL CAPITAL

Background Information

Burlington County owns and operates the Burlington County Resource Recovery Complex in the Townships of Florence and Mansfield. The Complex consists of sanitary landfills, processing and storage facilities for bulky wastes and recyclables and a co-composting facility. Pursuant to N.J.S.A. 13:1E-27, the Complex is deemed a public utility and subject to economic regulation by the New Jersey Department of Environmental Protection. The finances are governed by the County Solid Waste Disposal Financing Law, N.J.S.A. 40:66a-31.1 et seq., which generally requires that all fees received for solid waste disposal be used solely for the cost of solid waste facilities and operation of the Complex.

The annual budget for the utility is approximately \$35 million. Included within that budget is the operation of the County's regional recycling program which provides recycling collection and marketing services to all 40 Burlington County municipalities. In addition, the County has recently executed a 20 year contract for design, construction and operation of a landfill gas to energy facility through which it will derive certain revenues over the term of the contract.

Qualification Requirements

Interested firms must at least five (5) years of experience in providing financial advisory services in the State of New Jersey, particularly as such services relate to solid waste utilities. Proposers must be experienced in all areas of public finance.

Description of Services

The County is seeking the services of a financial consultant to assist it in all matters relating to the finances of the Solid Waste Utility, Solid Waste Utility Capital and General Capital. Responsibilities of the FA may include:

1. development of short and long term budget and revenue projections, including rate modeling;
2. assisting in capital planning, debt restructuring, and debt issuance;

3. assisting in preparing applications for grants and loans that may be available from federal, state or other entities;
4. assisting in securing financial assistance from the State of New Jersey for debt service relief;
5. preparation of applications and appearances before the Local Finance Board, as may be necessary;
6. assisting in the monitoring of contracts awarded for operation of facilities within the Resource Recovery Complex;
7. assisting in the procurement of operators for solid waste facilities as existing contracts approach their termination date. Such work shall consist of development and review of proposal documents, review of proposals from an economic perspective, negotiation with bidders, and recommendations on award of contract; and
8. assisting in the procurement of vendors to design and construct new facilities or the procurement of other services as the utility may require.

4. Criteria for Evaluation of Proposals

A Review Committee has been established to independently evaluate each submission and make a recommendation to the Board of Chosen Freeholders of the County of Burlington as to the financial consultant firms that shall be included in the list of qualified financial consultants for the services described in this RFQ. The Board of Chosen Freeholders shall make the final decision.

The Criteria to be used in reviewing the Proposals shall be:

- a. Experience in providing the described financial consultant services;
- b. Compliance with Section 6, Submission of Qualifications;
- c. Location of office relative to location of where work is to be performed;
- d. Other factors.

5. Schedule of Fees

Please provide a standardized Schedule of Fees for the services to be provided, setting forth the job title and hourly rate for each type of employee that will perform service. If some other fee arrangement is proposed, please provide the proposed fee and method of calculation for that fee, if any.

6. Submission of Qualifications

The Submission of Qualifications of those seeking to be placed on the list of Qualified Financial Consultants shall comply with the following requirements.

- a. A **complete description** experience of the Proposer in providing financial consultant services described in this RFQ as well as the experience of any principal or staff member who would provide services to the Board.
- b. Resumes of any principal or staff member who provide services to the Board pursuant to a contract for Financial Consultant Services.
- c. The name, address, contact person and contract telephone number of each county or municipality in the State of New Jersey for whom the Proposer has provided broker services described in this RFQ.
- d. A certification in the form provided stating that the Proposer has no conflicts of interest, actual or apparent, that would compromise his/her independence of judgment in the performance of the designated services.
- e. Evidence of compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.
- f. Proof of compliance with the New Jersey Business Registration Act.
- g. Statement of Ownership, N.J.S.A. 52:25-24.2.
- h. Submission of proof of the required insurance coverage in the form of a Certificate or Certificates of Insurance is a condition precedent to the execution of the contract by the Board.

The following insurance requirements must be maintained throughout the term of the contract:

Errors and omissions insurance coverage of not less than one million dollars (\$1,000,000) per occurrence/one million dollars (\$1,000,000) aggregate with the Board of Chosen Freeholders of the County of Burlington named as a certificate holders and with an attached contractual liability endorsement from the insurer stating that the errors and omissions coverage applies to the services of the Financial Consultant.

During the term of the contract, it shall be the responsibility of the Financial Consultant to provide the County with additional Certificates of Insurance in compliance with the above showing current coverage when any insurance policy for the above-listed coverage expires.

- i. Signature Page

7. SIGNATURE PAGE

COUNTY OF BURLINGTON, NEW JERSEY

FINANCIAL CONSULTANT SERVICES

Date: _____, 20____

To: Board of Chosen Freeholders
County of Burlington
49 Rancocas Road
Mount Holly, New Jersey 08060-6000

The undersigned hereby submits this Response to the Request for Qualifications for the following Financial Consultant Services:

_____ Burlington County Open Space, Recreation and Farmland and
Historic Preservation Trust Fund

_____ Burlington County Solid Waste Utility and General Capital

Date: _____

(Name of Financial Consultant)

(Signature)

(Please print name and title)

(Address)

(City, state, zip code)

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 et seq. (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 ten percent (10%) or more of its stock, of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein, or of all members in the limited liability company who own a ten percent (10%) or greater interest therein, as the case may be. (COMPLETE THE LIST BELOW IN THIS SECTION)
- OR
- No one stockholder in the corporation owns ten percent (10%) or more of its stock, of any class, or no individual partner in the partnership owns a ten percent (10%) or greater interest therein, or no member in the limited liability company owns a ten percent (10%) 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 | Home Address (for Individuals) or Business Address |
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Part III DISCLOSURE OF TEN PERCENT (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 ten percent (10%) 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 ten percent (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 |
|---|----------|
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Please list the names and addresses of each stockholder, partner or member owning a ten percent (10%) 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 ten percent (10%) ownership criteria established pursuant to N.J.S.A. 52:25-24.2 et seq. has been listed. **Attach additional sheets if more space is needed.**

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Home Address (for Individuals) or Business Address |
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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 **County of Burlington** 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 the **County of Burlington** to notify the **County of Burlington** 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 **County of Burlington** to declare any contract(s) resulting from this certification void and unenforceable.

| | | | |
|---------------|--|--------|--|
| Name (Print): | | Title: | |
| Signature: | | Date: | |

CONFLICT OF INTEREST CERTIFICATION

The undersigned certifies to the Board of Chosen Freeholders of the County of Burlington that, in performing services to Burlington County, he knows of no circumstance that would constitute a conflict of interest, financial or otherwise, between himself or his firm and the Board, its members or with the interest of the County of Burlington in general. The undersigned further certifies that he knows of no circumstances or relationships between himself or his firm and third parties that would cause the actual or appearance of a conflict of interest or a compromise of judgment and independence in the performance of the designated services.

The undersigned acknowledges this is a continuing certification and shall remain in effect for the term of the consulting services.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C.127)
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity 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 forth 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 received consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter 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 meet targeted county employment goals established in accordance with 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, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality 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 targeted 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, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality 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 by 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 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office 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 Public Contracts Equal Employment Opportunity Compliance for conduction a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

A Business Registration Certificate issued by the Division of Revenue in the New Jersey Department of the Treasury to a bidder for the contract must be submitted either with the bid or prior to the final award of contract to the successful bidder.

The submittal of a Business Registration Certificate is not required from a government agency or an organization organized as a nonprofit entity under 26 U.S.C. Section 501(c).

For the term of this contract, the contractor and subcontractors shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on all their sales of tangible personal property delivered into this State. For the purposes of this paragraph, "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this paragraph, an entity controls another entity if it owns, directly or individually, more than 50% of the ownership interest in that entity.