

**REQUEST FOR QUALIFICATIONS
FOR SPECIALIZED LEGAL SERVICES
BURLINGTON COUNTY SOLICITOR'S OFFICE**

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. Wednesday, November 30, 2016. Late Responses will not be considered.

Description:

The County of Burlington is seeking responses from qualified attorneys/law firms, duly licensed and in good standing in the State of New Jersey from which submissions it will award contracts for the following specialized services:

1. Public Sector Labor and Employment Law
2. Governmental/Solid Waste/Environmental: Administrative, Regulatory, Budget, Contractual, Litigation and other matters as assigned.
3. Farmlands/Open Space: Tax Counsel/Installment Purchase Agreements
4. Farmland/Open Space/Real Estate/Land Use Matters
5. Bond Counsel
6. Municipal Court Defense Matters
7. Representation of County Adjuster's Office -- Civil Commitment Hearings and Involuntary Outpatient Commitment Hearings
8. Representation of County Adjuster's Office -- Civil Commitment Hearings and Involuntary Outpatient Commitment Hearings When Assigned Counsel is Unavailable (Substitute Counsel)

Contracts will be awarded to the successful firm in each category for the term January 1, 2017 through December 31, 2017.

Qualification Requirements:

Each attorney/law firm proposed to provide work for the County must be licensed in the State of New Jersey and have at least ten (10) years of experience in the area of law for which they request to be qualified. **Resumes demonstrating such experience must**

be submitted in response to this RFQ for EACH attorney proposing to be qualified.

Each attorney/law firm must execute and deliver with the response to this RFQ a certification in the form provided stating that the candidate has no conflicts of interest, actual or apparent, that would compromise his/her independence of judgment in the performance of the designated services.

Each attorney/law firm must comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. Each attorney law firm must also comply with the New Jersey Business Registration Act and Statement of Ownership, N.J.S.A. 52:25-24.2.

Additional Qualification Requirements for each area of specialized legal services are specified under the Scope of Work descriptions set forth below.

Scope of Work:

Attorneys/Law Firms may submit responses to any or all areas of specialized legal services as set forth in this RFQ.

Each area of specialized legal services, as well as any additional qualification and experience requirements for that area, are set forth as follows:

1. Public Sector Labor and Employment Law

Qualified attorneys/law firms must have the experience and knowledge to act as lead counsel assisting County negotiation teams from commencement of negotiations to the execution of a contract with designated collective bargaining units representing Burlington County employees, including law enforcement units. Qualified attorneys/law firms must also have the experience and knowledge to represent the County in miscellaneous public sector labor and employment law matters; including, but not limited to representing New Jersey public agencies at departmental hearings, Office of Administrative Law hearings, State and Federal Court proceedings and matters filed with the Public Employee Relations Commission. To be qualified, attorneys/law firms must have proven experience as the lead attorney on behalf of New Jersey public entities in collective negotiations from commencement through to execution of a collective bargaining agreement, with at least five (5) examples of collective negotiations involving law enforcement units. To be qualified, attorneys/law firms must also have proven experience in representing management in matters before State and Federal Agencies and familiarity with internal investigations. **A statement describing relevant experience in this area of law and examples of New Jersey public entities served must be submitted in response to this RFQ.**

2. Governmental/Solid Waste/Environmental: Administrative, Regulatory, Budget, Contractual, Litigation and other matters as assigned

Qualified attorneys/law firms must have a proven record of representing New Jersey counties, improvement authorities or utilities authorities in matters relating to Governmental/Solid Waste/Environmental: Administrative; Regulatory, Budget and Contractual matters as assigned before New Jersey administrative and regulatory agencies including, but not limited to the New Jersey Department of Environmental Protection, the N.J. Board of Public Utilities and the Attorney General's Office. Examples of potential work assignments are permitting, tariff approvals, appeals of violations, litigation and other environmental, regulatory or related matters. **A statement describing relevant experience in this area of law and examples of New Jersey counties, improvement authorities or utilities authorities served must be submitted in response to this RFQ.**

In addition, qualified attorneys/law firms must also have a proven record representing New Jersey counties, improvement authorities or utilities authorities in preparation for and negotiation of contracts relating to solid waste related services. **A statement describing relevant experience in this area of law and examples of New Jersey counties, improvement authorities or utilities authorities served must be submitted in response to this RFQ.**

Qualified attorneys/law firms must also have a proven record of representing New Jersey counties, improvement authorities or utilities authorities in governmental, environmental, regulatory, budgetary, contractual, or other matters, including administrative appeals and litigation. **A statement describing relevant experience in this area of law and examples of New Jersey counties, improvement authorities or utilities authorities served must be submitted in response to this RFQ.**

3. Farmlands/Open Space: Tax Counsel/Installment Purchase Agreements

Qualified attorneys/law firms must have proven experience and expertise with Installment Purchase Agreements and associated legal matters in assisting New Jersey counties, its counsel, and other representatives, in every phase of proceedings for the preparation, authorization and issuance of Installment Purchase Agreements, including, but not limited to review of procedures and the rendering of legal opinions associated therewith in connection with the acquisition of farmlands and open space. To be qualified, potential attorneys/law firms must have been involved in the preparation and finalization of at least one (1) IPA over the last five (5) years related to the purchase of farmland and open space on behalf of New Jersey counties. **A statement setting forth the name of the County and the number of transactions must be submitted as part of the response to this RFQ.**

4. Farmlands/Open Space/Real Estate/Land Use Matters

Qualified attorneys/law firms must have proven experience in advising and representing New Jersey counties and/or municipalities in regard to farmlands and open space acquisitions, real estate and related land use matters. **A statement setting forth the**

name of the County and the number and type of matters must be submitted as part of the response to this RFQ.

5. Bond Counsel

Qualified attorneys/law firms must be a nationally recognized municipal bond counsel firm, having all appropriate qualifications and experience to approve the legality of the obligations the County issues, fully qualified to be bond counsel for counties within New Jersey and will be required to assist the Board of Chosen Freeholders and its counsel, including its representatives, in every phase of the authorization proceedings for the sale of bonds or notes ("bonds"); to review all proceedings, including but not limited to, procedures to adopt the required ordinances which are included in the sale of bonds or combined sale, and if that be the case, to supervise the actual issuance of the bonds; to prepare the required notices and arrange for the advertising and holding a public sale; to review the pertinent portions of any preliminary or final official statement; to supervise the preparation of the bonds and necessary closing certificates and delivery and payment for such bonds at closing; to aid in the smooth and efficient consummation of such sales, to arrange or coordinate any D.T.C. Qualification; and to ensure the legality of the bonds by issuing an approving legal opinion which accompanies such bonds. To be qualified, attorneys/law firms must have completed and consummated no less than ten (10) public bond financings for New Jersey counties, improvement authorities or utilities authorities over the last five (5) years. **A statement describing relevant experience in this area of law and examples of New Jersey counties, improvement authorities or utility authorities served must be submitted in response to this RFQ.**

6. Municipal Court Defense Matters

Qualified attorneys/law firms must have proven experience in the representation of defendants in municipal court matters. As an example of the County's need, at times County Correction Officers are the subject of municipal court complaints for assault, etc. as a result of interactions with inmates at the Burlington County Jail. To be qualified, attorneys/law firms must submit no less than twenty (20) examples of representation of municipal court defendants over the last two (2) years which should include no less than five (5) examples of representation of defendants charged with non-traffic related matters such as assault, etc. **A statement setting forth the municipal court, nature of such matters and the name of the municipal court judge must be submitted in response to this RFQ.**

7. Representation of County Adjuster's Office- Civil Commitment and Involuntary Outpatient Commitment Hearings

Qualified attorneys/law firms must have proven experience in representing New Jersey counties in civil commitment and/or involuntary outpatient commitment hearings at designated institutions. To be qualified, attorneys/law firms must demonstrate appearances on behalf of New Jersey counties in not less than fifty (50) civil

commitment hearings and/or involuntary outpatient commitment hearings over the last three (3) years. **A statement listing the name of the county and number of cases over the last three (3) years must be submitted in response to this RFQ.**

8. Representation of County Adjuster's Office- Civil Commitment and Involuntary Outpatient Commitment Hearings When Assigned Counsel is Unavailable (Substitute Counsel)

Qualified attorneys/law firms must have proven experience in representing New Jersey counties in civil commitment and/or involuntary outpatient commitment hearings. To be qualified, attorneys/law firms must demonstrate appearances on behalf of New Jersey counties in not less than five (5) civil commitment hearings and/or involuntary outpatient commitment hearings.

Submission of Qualifications:

This RFQ is open to all qualified candidates. The County of Burlington will not discriminate on the basis of gender, race, age, ethnicity, handicap or any other legally protected class.

A review committee will be established within the Solicitor's Office which shall review and evaluate all responses and determine a limited number of best-qualified candidates applicants with which to negotiate. The evaluation will consider:

- a. Experience and reputation in the respective areas of specialized legal services including meeting the minimum experience requirements set forth in this RFQ;
- b. Demonstrated knowledge of the respective areas of specialized legal services;
- c. Location of office relative to location of where work is to be performed;
- d. Other factors, if demonstrated to be in the best interest of Burlington County and the Solicitor's Office.

After negotiations, the review committee will present to the Burlington County Board of Chosen Freeholders a recommendation for an award of contract for legal services for the period January 1, 2017 through December 31, 2017.

Attorneys/Law Firms responding to this RFQ must submit three (3) complete copies of their responses, including all necessary documentation no later 3:00 p.m. Wednesday, November 30, 2016 to the Burlington County Solicitor's Office, 49 Rancocas Road, Room 225, P.O. Box 6000, Mount Holly, New Jersey 08060.

Schedule Of Fees: Please provide a standardized Schedule of Fees for each type of professional service for which the responder will provide, setting forth the job title and hourly rate for each type of employee envisioned to perform such services.

Contract Award:

The Contract to serve as the attorney/law firm for the designated specialized services contained in this RFQ will be awarded based on cost and other factors.

The conduct and performance of the attorney/law firm pursuant to the Contract awarded through this Request for Qualifications shall be subject to all applicable laws, rules and regulations pertaining to licensed attorneys. The attorney/law firm 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 attorney/law firm.

Insurance:

All attorneys/law firms deemed qualified shall maintain adequate insurance coverage during the term of any Contract awarded as a result of being selected from the Qualified Attorney/Law firm List for a given project pursuant to the following guidelines:

- a. Statutory Worker's Compensation and Employer's Liability Insurance; and
- b. Commercial General Liability including Products Completed Operations coverage for Personal Injury and Property Damage of not less than one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) annual aggregate.
- c. Comprehensive Automobile Bodily Injury and Property Damage Liability coverage of not less than \$1,000,000 combined single limit; and
- d. Professional Liability/Errors and Omissions insurance coverage of not less than \$1,000,000 each wrongful act, \$2,000,000 aggregate.

Prior to the effective date of this Agreement, and as a condition precedent to its taking effect, the FIRM shall provide a Certificate of Insurance as verification of the existence of said insurance policies. Approval of the coverage and the Certificate by the Insurance and Risk Management Division is a precedent to the taking effect of this Agreement. The Certificate must name the Burlington County Board of Chosen Freeholders as an additional insured and should be issued to:

Burlington County Board of Chosen Freeholders
Attn: Insurance and Risk Management Division
49 Rancocas Road, P.O. Box 6000
Mt. Holly, NJ 08060-6000

All above-mentioned insurance policies shall be primary and noncontributory to any other insurance or self-insurance maintained by Burlington County.

All attorneys/law firms shall provide a Certificate of Insurance as verification of the existence of said insurance policies as part of its response to the RFQ. Failure to submit such Certificate may be cause to determine any attorney/law firm as being non-responsive and to be disqualified from consideration. Approval of the coverage and the Certificate by the Insurance and Risk Management Division is a precedent to the taking effect of any contract awarded to any attorney/law firm selected from the Qualified Attorney/Law Firm List for a given matter. Any questions regarding insurance should be directed to Damon Burke, Risk Manager at (609) 702-7135.

Attorneys/Law Firms shall agree to the inclusion of the following language in any contract ultimately awarded:

"Contractor shall be solely responsible for and shall keep, save, defend and hold harmless the Board and its servants, employees and agents from and against any and all claims, demands, suits, actions, recoveries, judgments, cost and expenses in connection therewith on account of personal injury, loss of life, and damage and loss of real and personal property of any person, agency, corporation, or government entity arising out or in consequence to any acts or omissions of Contractor, his employees, agents and subcontractors, in the performance of the work covered by this Agreement or the failure to comply with the terms and conditions of this Agreement."

The attorneys'/law firm's conduct and performance pursuant to any contract awarded for any area of specialized legal services shall be subject to all applicable laws, rules and regulations pertaining to licensed attorneys. The attorneys/law firms shall at all times be regarded as an independent contractor. Nothing herein shall be construed to create an employer-employee relationship between the Board and the attorneys/law firms.

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

P.L.2004, c.57 (Chapter 57) amends and supplements the business registration provisions of N.J.S.A. 52:32-44 which impose certain requirements upon a business competing for or entering into a contract with a public contracting agency.

All bidders must submit a copy of their State of New Jersey Business Registration Certificate prior to award of any contract.

I certify that (check one):

_____ the list of persons named above is current and correct to the best of my knowledge.

Or

_____ There are no persons having a 10% or greater interest in the Firm's firm to the best of my knowledge.

Authorized signature

Date

typed/printed name

Title

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: _____

(REVISED 4/10)

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.**