

**REQUEST FOR PROPOSALS  
FOR SPECIAL COUNSEL SERVICES  
OPIOID LITIGATION  
BURLINGTON COUNTY SOLICITOR'S OFFICE**

**Three copies of Responses to this Request for Proposals 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, August 29, 2018. 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 a contract for Special Counsel Services--Opioid Litigation.

Contracts will be awarded to the successful firm for the term commencing when a contract is authorized by Resolution of the Board of Chosen Freeholders.

**Qualification Requirements:**

Any attorney/law firm responding to this RFP for legal services shall meet the following requirements:

1. The respondent must be licensed as an active attorney and/or duly admitted as pro hoc vice counsel by a Court of competent jurisdiction by the State of New Jersey.
2. The respondent shall have a Certificate of Good Standing with the New Jersey Bar/Federal District Court.
3. The respondent shall identify any and all disciplinary matters pertaining to the attorneys and the current law firm even if the venue is in a different state.
4. Attorneys/Law Firms must be familiar with state and federal laws regarding investigation, litigation, or negotiation for settlement, any legitimate and actionable claims that may be pursued by the County against individuals and entities related to the manufacturing, advertising, marketing, prescribing, distribution or sale of opioids. The remedies sought may include monetary compensation, injunction, declaratory judgment, damages, restitution, payment of penalties as authorized by law, or other remedies.

**Resumes demonstrating such experience must be submitted in response to this RFP for EACH attorney proposing to be qualified.**

Each attorney/law firm must execute and deliver with the response to this RFP 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.

**Scope of Work:**

Attorneys/Law Firms awarded a contract by the County will be required to perform all legal services and duties customarily and usually performed by counsel with respect to the plaintiff opioid litigation and representation of the County.

The County shall be ultimate decision maker on all matters relating to the investigation and/or litigation, including whether to file litigation and whether and on what terms to settle such litigation.

The Firm(s) shall consult with and obtain the approval of the County concerning important issues regarding the investigation, litigation, and any settlement, including but not limited to the complaint and dispositive motions, selection of consultants, experts and other professional services, discovery, pre-trial proceedings, trial, and settlement offers, demands, or negotiations. All draft filings shall be provided to the County sufficiently in advance of filing to permit the County's review.

**Proposal Requirements:**

The respondent shall submit the following information for evaluation.

1. Biographical information regarding all members of the firm who are expected to work under the proposed contract.
2. A complete listing of the professional experience of all members of the firm with particular emphasis upon the experience in the opioid litigation area deemed most important to the County as have been enumerated in the section entitled Eligibility Requirements.
3. The respondent should address the following issues in their submission to show the clarity, direction and mission of the opioid litigation:
  - a. What are the goals of the litigation?

- b. Who are the parties-plaintiffs?
- c. Who are the defendants and why?
- d. Where is the venue of the action?
- e. If a law firm is the principal, is their entire team pro hoc vice?
- f. What is the staffing for the lawsuit?
- g. What are the respondent's expectations regarding commitment of county employee time in compiling relevant supporting information, documents in support of a claim?
- h. What are the risks of entering into discovery regarding County monies and programs? Will an audit be required?
- i. How will the lawsuit translate into remedies for opioid crisis?
  - Injunctions on product manufacturing
  - Illegality of the product or sale of it.
  - Removal from FDA approval list
  - Doctors Association Ban of the Product
  - Health Clinics reimbursement funding
  - Addiction care and clinics
  - Removal and destruction of the drug
  - Criminal Penalties and Fines
  - Other

**Submission of Qualifications:**

This RFP 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 RFP;
- 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.

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 commencing when a contract is authorized by Resolution of the Board of Chosen Freeholders for one year, or the conclusion of the litigation, whichever is later.

**Attorneys/Law Firms responding to this RFP must submit three (3) complete copies of their responses, including all necessary documentation no later 3:00 p.m. Wednesday, August 29, 2018 to the Burlington County Solicitor's Office, 49 Rancocas Road, Room 225, P.O. Box 6000, Mount Holly, New Jersey 08060.**

#### **Schedule Of Fees:**

The Attorney/Law Firm(s) shall submit its proposal for compensation for services in the form of a Contingent Fee Agreement consistent with New Jersey law and Rules of Court. There shall be no reimbursable expenses. Any and all expenses incurred are the responsibility of the awarded Attorney/Law Firm as part of the Contingent Fee Agreement. Travel time shall not be compensable.

#### **Contract Award:**

The Contract to serve as the attorney/law firm for the designated Special Counsel-Opioid Litigation services will be awarded based upon proposed contingent fee 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 RFP. 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 and 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.

The State Division of Revenue issues Business Registration Certificates. There is no cost to file, and renewal is unnecessary, though changes to information must be submitted.

Information on how a business can obtain a certificate on the Internet at [www.nj.gov/njbgs](http://www.nj.gov/njbgs) or by phone at (609) 292-1730.



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](http://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.**