

PUBLIC NOTICE

The Willingboro Municipal Utilities Authority is soliciting statements of qualification from applicants for SPECIAL LEGAL COUNCIL

Responses should address the general criteria and mandatory minimum criteria for the position sought. All responses will be treated as confidential and reviewed only by the governing body, unless otherwise required by law. Responses must be received in the Office of the Executive Director, Willingboro Municipal Utilities authority, 433 John F. Kennedy Way, Willingboro, New Jersey 08046, no later than 1:00 PM Tuesday, July 13, 2010. All responses shall be opened and announced publicly, immediately thereafter by the Executive Director or his representative. Responses will be reviewed by the governing body and all appointments will be announced at a public meeting. Unless otherwise noted appointments shall be for the period July 21, 2010 through January 31, 2011 and subject to the execution of an appropriate contract.

The Willingboro Municipal Utilities Authority (WMUA) desires to appoint an attorney or firm to represent the WMUA in the specific area of labor relations or personnel matters, related to municipal governments. These services are to be performed on an as needed basis. Applicants also must demonstrate knowledge and experience of general New Jersey Municipal Law.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be licensed to practice law in the State of New Jersey for a period of not less than ten (10) years preceding the proposed appointment, and eligible to appear before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.
2. Must have a minimum of five (7) years experience in the general representation of municipal governments or municipal authorities.
3. Must have a minimum of seven (7) years experience representing public employers in labor relation matters and employment matters.
4. Must list past and present municipal or government authorities represented.
5. Must maintain a bona fide principal office in the State of New Jersey.
6. Must have sufficient support staff available to provide all general legal services required by the Authority including, but not limited to, legal research, preparation of resolutions, preparation of ordinances, preparation of contracts and other legal documents.

Section A Scope of services

The WMUA is seeking an attorney or firm to represent the utilities authority in the following areas; The selected attorney or firm will act as primary legal counsel in matters pertaining to labor law.

Section B Qualifications and experience

The interested attorney or firm must supply statements of qualifications and experience including but not limited to other authority or municipal clients they have represented in the last seven years, how long they have represented those clients and any litigation that was undertaken on behalf of those clients.

Resumes of key attorneys and managing partners who will represent Willingboro Municipal Utilities Authority must be submitted with the proposal.

Section C Conflicts of interest

Identify any potential conflicts that the individual attorney or firm may have with matters related to the Willingboro MUA.

Section E Fee schedule

Applicant must supply a fee schedule, identifying the current rates for the attorneys who will be assigned to the utilities authority representation.

Section F Insurance requirements

Prior to commencing work under contract, the successful attorney or firm shall furnish the WMUA with a certificate of insurance as evidence that it has procured the insurance coverage required herein. Firms must give the WMUA a sixty (60) day notice of cancellation, non-renewal, or change in insurance coverage. The successful firm(s) shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Qualifications:

PROFESSIONAL LIABILITY

Minimum of \$1,000,000.00 errors and omissions per occurrence to be amended based upon the specific work and values involved.

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

• Statutory coverage for New Jersey • \$100,000.00 Employer's Liability

GENERAL LIABILITY

Minimum of \$1,000,000 per occurrence to be amended based upon the specific work and values involved. The Willingboro Municipal Utilities Authority shall be named as additional insured with respect to general liability.

AUTOMOBILE LIABILITY

Minimum of \$1,000,000 per occurrence/\$1,000,000 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

Section G Indemnification

The selected firm(s) shall defend, indemnify and hold harmless the Willingboro Municipal Utilities Authority; its officers, agents, and employees from any and all claims and costs of any nature. Whether for personal injury, property damage, or other liability arising out of or in any way connected with the firm's acts or omissions under this agreement.

Section H Miscellaneous

1. The Willingboro Municipal Utilities Authority will not be responsible for any expenses incurred by any firm or individual attorney in preparing or submitting a proposal. All proposals shall provide a straightforward, concise delineation of the firm's capabilities to attest to the requirements of this Request for Qualifications. Emphasis should be on completeness and clarity of content.
2. The contents of the proposal submitted by the successful firm(s) and this Request for Qualifications may become part of the contract for these services. The successful firm or individual attorney will be expected to execute said contract with the Willingboro Municipal Utilities Authority.

3. Proposals shall be signed in ink by the individual or authorized principal of the responding party. Proposals submitted shall be valid for a minimum of 60 days from the date of opening.
4. The Willingboro Municipal Utilities Authority reserves the right to reject any and all proposals received by reason of this Request for Qualifications, or to negotiate separately in any manner necessary to serve the best interests of the Authority. The firm or individual attorney whose proposals are not accepted will be notified in writing.
5. Any selected firm or individual attorney is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement of its rights, title, or interest therein or its power to execute such agreement to any other person, company or corporation without the prior written consent of the Authority.
6. The selected firm or individual attorney shall be required to comply with the requirements of P.L. 1975, c. 127 (see attached affirmative action language) and submit an employee information report or certificate of employee information report approval. This requirement will be addressed upon execution of the Agreement.
7. The selected firm or individual attorney shall be required to provide a Business Registration Form(s).

Section I

BUSINESS ENTITY DISCLOSURE CERTIFICATION FOR NON-FAIR AND OPEN CONTRACTS Required Pursuant To N.J.S.A. 19:44A-20.8 WILLINGBORO MUNICIPAL UTILITIES AUTHORITY

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19, would bar the award of this contract in the one year period preceding March 21, 2006 to any candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Willingboro as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

Partnership Corporation Sole Proprietorship Subchapter S
 Corporation Limited Partnership Limited Liability Corporation Limited Liability
 Partnership

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8

WILLINGBORO MUA

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act: “business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; “interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq)

19:44A-3 Definitions. In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

19:44A-8 and 16 Contributions, expenditures, reports, requirements.

While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)