

**RESOLUTION 2016 – 11-9-2
ESTABLISHING AND IMPLEMENTING
A FAIR AND OPEN PROCESS FOR THE SELECTION OF
VARIOUS PROFESSIONAL SERVICE AGREEMENTS**

WHEREAS, the WMUA requires the services of various professional service providers; and

WHEREAS, professional services are exempt from the requirement of public bidding pursuant to N J S A 40A:11-5; and

WHEREAS, the WMUA continues to find it advisable to select professionals primarily on the basis of qualification including qualifications uniquely suited to the needs of the WMUA; and

WHEREAS, the WMUA has determined that it is appropriate to implement a fair and open process for the awarding of professional services contracts; and

WHEREAS, to receive statements of qualification in a manner that fosters a fair and open process it is necessary and advisable to establish advance general criteria and specific minimum requirements for so many of those appointments as possible; and

WHEREAS, the WMUA has determined that a fair and open process requires public advertisement of professional appointments in a manner and with sufficient time to provide notice in advance of the contemplation of the appointment and the criteria to be considered in making the appointment; and

WHEREAS, the WMUA has determined that a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the governing body and then published in accordance with N.J.S.A.40A:11-5.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. All professional service appointments contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.

2. The Executive Director shall cause a legal notice to be published in a newspaper authorized to publish legal notices for the WMUA, stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualifications will be posted on the WMUA's Internet website beginning no later than November 18, 2016. This newspaper notice also shall be published no later than November 18, 2016.

3. The criteria for each position contained on Schedule A follows immediately subsequent to the listing on Schedule A. These criteria shall be disclosed together with the posting of these positions on the WMUA's internet web site as set forth above.

4. The website posting shall inform potential applicants that all submissions must be made to the WMUA and received not later than 12:00 noon, December 13, 2016.

5. Commencing at 12:01 p.m. on December 13, 2016, or as soon thereafter as may be possible, the WMUA or its designee shall publicly open and announce all submissions in the WMUA's public meeting room.

6. The Commissioners shall thereafter have the opportunity to review all submissions which will be located in the Executive Director's Office during regular business hours.

7. Appointments shall thereafter be made at a public meeting of the Commissioners no later than its annual reorganization meeting.

8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED, that those positions included on Schedule A are those which the WMUA reasonably believes will be subject to appointment for the year 2017. However, all such appointments are subject to the availability of funds and the needs of the WMUA. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled it will be subject to the process contained herein.

BE IT FURTHER RESOLVED that the Commissioners have determined that the terms of this Resolution constitute a fair and open process as to all positions included herein.

Clayton Sills, Chairman

CERTIFICATION BY SECRETARY

I, Andrew Weber, Assistant Secretary of the Willingboro Municipal Utilities Authority do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Authority at the regular meeting held on Wednesday, November 9, 2016.

Andrew Weber, Assistant Secretary

SCHEDULE A

The Willingboro Municipal Utilities Authority solicits statements of qualification for applicants for appointment to the following professional positions. 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 12:00 PM Tuesday, December 13, 2016. 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 February 1, 2017 through January 31, 2017 and subject to the execution of an appropriate contract.

GENERAL PROPOSAL REQUIREMENTS

The request for qualifications is to be formatted as follows to assure consistency:

- Section A. Understanding of the Scope of Services to be provided for the Willingboro Municipal Utilities Authority including those set forth in the WMUA 2017 budget
- Section B. Qualifications & Experience
- Section C. Resume & Qualifications of Key Personnel
- Section D. Client Reference List
- Section E. Conflict of Interest(s): This section should disclose any potential conflicts of interest that the firm may have in performing these services for the Willingboro Municipal Utilities Authority
- Section F. Miscellaneous/Other information (This section is for any further pertinent data and information not included elsewhere in the RFQ and found necessary by the proposer).
- Section G. Fee structure of all personnel who will provide services to the WMUA

MISCELLANEOUS REQUIREMENTS

1. The Willingboro Municipal Utilities Authority will not be responsible for any expenses incurred by any firm 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(s) 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. Firms whose proposals are not accepted will be notified in writing.
5. Any selected firm 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(s) 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(s) shall be required to provide a Business Registration Form(s).
8. The selected firm(s) may be required to provide Proof of Insurance.

EVALUATION OF PROPOSALS

The proposal will be independently evaluation on the basis of the criteria listed below:

Proven record of experience, including referrals, in providing the type of services detailed herein

- Ability to provide services in a timely manner.
- Personnel qualifications and fees to be charged to the WMUA
- Understanding of the services requested (including completeness and clarity of submission), and qualitative nature of the services proposed.

SPECIFIC PROPOSAL REQUIREMENTS

ATTORNEY (SOLICITOR)

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint an attorney who will be the chief, general legal officer of the Authority. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey environmental law and municipal contract law. Any experience or knowledge of matters directly affecting the Willingboro Municipal Utilities Authority should be addressed.

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 (5) years experience in the general representation of municipal governments or municipal authorities.
3. Must list past and present municipal or government authorities represented.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. 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.

LABOR COUNSEL

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint an attorney or firm who will be the Authority's primary representative in all matters relating to labor relations. Applicants should demonstrate knowledge of and experience in the representation of public employers. Any experience or knowledge of matters that directly affect the Willingboro Municipal Utilities Authority should be addressed.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative agencies of the State of New Jersey for a period of not less than ten (10) years preceding appointment.
2. Must have a minimum of seven (5) years experience, representing public employers in labor relation matters.
3. Must have sufficient support staff to provide all services required by the Authority including, but not limited to, legal research, preparation of legal memoranda, contracts and other legal documents.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must list past and present public employers represented as Labor Counsel.

BOND COUNSEL

GENERAL CRITERIA The Willingboro Municipal Utilities Authority desires to appoint an attorney or firm who will be the primary legal representative of the Authority in all matters relating to the issuance of public debt instruments including bonds and bond anticipation notes of the Authority. Applicant should demonstrate knowledge of municipal bond and finance law. Any experience or knowledge of matters that directly affect the Willingboro Municipal Utilities Authority should be addressed.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be licensed to practice law in the State of New Jersey and eligible to appear before all state and federal courts and administrative offices of the State of New Jersey for a period of not less than ten (10) years preceding~ appointment.
2. Must have a minimum of ten (10) years experience representing municipal entities in connection with the approval of bond ordinances and the issuance of municipal bonds and/or notes.
3. Must maintain a bona fide office in the State of New Jersey.
4. Must have sufficient support staff to provide all services required by the Authority including, but not limited to, the preparation of all documents necessary and incidental to the issuance of bonds and other municipal obligations.
5. Must list past and present public entities represented as Bond Counsel.

INDEPENDENT AUDITOR

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint a firm of certified public accountants to act as municipal auditor for the Willingboro Municipal Utilities Authority. Applicant(s) should demonstrate knowledge of municipal utilities auditing laws and regulations and experience in providing advice to municipal entities on records compliance issues. Any experience or knowledge of matters that directly affect the Willingboro Municipal Utilities Authority should be addressed.

MANDATORY MINIMUM REQUIREMENTS:

1. The firm must employ a minimum of ten (10) certified public accountants who have been licensed in that capacity for a period of not less than seven (7) years each prior to the date of appointment.
2. The firm must employ a minimum of five (5) registered municipal accountants qualified in that capacity for a minimum of five (5) years each prior to the appointment.

3. Must have a minimum of ten (10) years' experience in providing auditing services to utilities authorities within the State of New Jersey.

4. Must maintain a current principal office within the State of New Jersey.

5. Must describe any special services available to municipal clients,

6. Must list all past and present municipal clients.

AUTHORITY PHYSICIAN

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint an Authority physician who will be a primary resource to provide emergency medical attention as required for employees of the Authority of Willingboro and regular care and referral services for employees injured while in the course of their employment as well as drug and alcohol screening. Applicants should demonstrate knowledge and experience serving as physicians for municipal entities. Any experience or knowledge of matters that directly affect the Willingboro Municipal Utilities Authority should be addressed.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be licensed to practice medicine in the State of New Jersey for a minimum of ten (10) years prior to appointment.
2. Must have a minimum of ten (10) years experience in treatment and care as it relates to occupational health issues.
3. Must have demonstrable experience in dealing with issues particular to the fitness for duty of public employees.
4. Must have sufficient staff to perform all clerical functions required by a municipal entity of its appointed physician.
5. Must have a principal office in close proximity to the Willingboro Municipal Utilities Authority, preferably within the Willingboro Municipal Utilities Authority for the purpose of providing prompt access for Authority employees.
6. Must list all past and present municipal clients.

WATER TREATMENT PLANT AND DISTRIBUTION ENGINEER

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint a firm or firms to act as engineers for the Willingboro Municipal Utilities Authority for its Water Treatment Plant and water distribution. Applicant(s) should demonstrate knowledge of municipal utilities operations, maintenance, regulations and experience. Any experience or knowledge of matters that directly affect the Willingboro Municipal Utilities Authority should be addressed, specifically those items that are listed in the 2017 budget including review of its maintenance and operations.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be certified to provide engineering services in the State of New Jersey.

2. Must have a minimum of five (5) years experience in providing consulting services to municipalities and or utility authorities including demonstrated experience with water and sewer projects, drainage improvement projects, utility upgrades and replacement, public building improvement programs, land surveying and mapping projects.

3. Must be experienced in obtaining permits and approvals from various state, county and local regulatory agencies.

4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Willingboro Municipal Utilities Authority including but not limited to: civil engineers, land surveyors, planners, environmental scientists and construction administrators.

5. Must maintain a principal office location in close proximity to Willingboro so as to be able to respond to emergent matters promptly.

6. Must be experienced in the preparation of grant applications.

7. Must have project managers with at least five (5) years of municipal experience.

8. Must list past and present municipalities served as Engineer for Water Treatment plants

9. Must include a list all personnel and their licenses issued by the NJDEP of who may providing services to the WMUA.

WASTE WATER TREATMENT PLANT AND SEWER DISTRIBUTION ENGINEER

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint a firm or firms to act as engineers for the Willingboro Municipal Utilities Authority for its Waste Water Treatment Plant and sewer distribution. Applicant(s) should demonstrate knowledge of municipal utilities operations, maintenance, regulations and experience. Any experience or knowledge of matters that directly affect the Willingboro Municipal Utilities Authority should be addressed, specifically those items that are listed in the 2017 budget including review of its maintenance and operations.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be certified to provide engineering services in the State of New Jersey.

2. Must have a minimum of five (5) years experience in providing consulting services to municipalities and or utility authorities including demonstrated experience

with water and sewer projects, drainage improvement projects, utility upgrades and replacement, public building improvement programs, land surveying and mapping projects.

3. Must be experienced in obtaining permits and approvals from various state, county and local regulatory agencies.

4. Must maintain a staff of New Jersey licensed or certified professionals sufficient to service the Willingboro Municipal Utilities Authority including but not limited to: civil engineers, land surveyors, planners, environmental scientists and construction administrators.

5. Must maintain a principal office location in close proximity to Willingboro so as to be able to respond to emergent matters promptly.

6. Must be experienced in the preparation of grant applications.

7. Must have project managers with at least five (5) years of municipal experience.

8. Must list past and present municipalities served as Engineer for Waste Water Treatment and sewer distribution.

9. Must include a list all personnel and their licenses issued by the NJDEP of who may providing services to the WMUA.

INSURANCE BROKER

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint an insurance broker. Applicants should demonstrate knowledge of New Jersey municipal insurance law and practice.

MANDATORY MINIMUM REQUIREMENTS:

1. Must be licensed as an insurance broker in the State of New Jersey for a period of not less than ten (10) years preceding the proposed appointment, and eligible to perform all tasks associated with insurance coverage for New Jersey municipal utility authorities.

2. Must have a minimum of five (5) years experience in the general representation of municipal governments or municipal authorities in the insurance practice.

3. Must list past and present municipal or government authorities represented.

4. Must maintain a bona fide principal office in the State of New Jersey.

5. Must have sufficient support staff available to provide all general insurance services required by the Authority.

SPECIAL LEGAL COUNSEL

GENERAL CRITERIA: The Willingboro Municipal Utilities Authority desires to appoint an attorney or law firms who will represent the WMUA in special and or conflict matters as determined by the Executive Director. Applicants should demonstrate knowledge of general New Jersey municipal law, New Jersey environmental law and municipal contract law and litigation. Any experience or knowledge of matters directly affecting the Willingboro Municipal Utilities Authority should be addressed.

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 (5) years experience in the general representation of municipal governments or municipal authorities.

3. Must list past and present municipal or government authorities represented.

4. Must maintain a bona fide principal office in the State of New Jersey.

5. 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 and representing the Authority before any state or federal court or agency.

6. Must list all clients who have a contract or provide services to the Authority or have an adverse position to the Authority.

INSURANCE REQUIREMENTS:

Prior to commencing work under contract, the successful firm shall furnish the Willingboro Municipal Utilities Authority with a certificate of insurance as evidence that it has procured the insurance coverage required herein. A carrier approved by the Willingboro Municipal Utilities Authority must provide the coverage. Firms must give the Willingboro Municipal Utilities Authority 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).

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.