



CITY OF ELIZABETH

COUNTY OF UNION, NEW JERSEY

REQUEST FOR QUALIFICATIONS

BOND COUNSEL SERVICES

Contract Term

2023 State Fiscal Year (Ending June 30, 2023)

SUBMISSION DEADLINE

**11:00 A.M.
MAY 6, 2022**

**ADDRESS ALL QUALIFICATIONS STATEMENT PROPOSALS IN THE FORM
REQUIRED IN THE SPECIFICATIONS AND ONE (1) ORIGINAL AND (3) COPIES
MUST BE DELIVERED TO:**

**ANTHONY M. ZENGARO
CHIEF FINANCIAL OFFICER
CITY OF ELIZABETH
50 WINFIELD SCOTT PLAZA
ELIZABETH, NJ 07201**

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING QUALIFICATION STATEMENTS (PROPOSAL)

CITY OF ELIZABETH
50 WINFIELD SCOTT PLAZA
ELIZABETH, NJ 07201

CONTACT PERSON

ANTHONY M. ZENGARO
CHIEF FINANCIAL OFFICER
CITY OF ELIZABETH
FINANCE DEPARTMENT
50 WINFIELD SCOTT PLAZA
ELIZABETH, NEW JERSEY 07201
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PURPOSE OF REQUEST

This document, entitled a Request for Qualifications for Bond Counsel Services, is issued by the Finance Department of the City of Elizabeth. This Request for Qualifications (RFQ) is for the sole purpose of pre-qualifying prospective bond counsel firms based on Qualification Statements and experience achieved for the above category of Bond Counsel Services.

This RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City of Elizabeth (“the City”) may choose a bond counsel service that best meets the City’s needs. It is the City’s intent that no statutory, regulatory, or common law bidding requirement apply to this RFQ. The City intends to award contracts for Bond Counsel Services pursuant to N.J.S.A. 40A:11-5 (a)(i) and Chapter 19, P.L. 2004-N.J.S.A. 19:44A-20.5 et seq. One or more individuals/firms may be selected to provide services. Accordingly, this RFQ is being solicited through a fair and open process.

PERIOD OF CONTRACT

2023 State Fiscal Year (Ending June 30, 2023)

CONTRACT FORM

The successful Firm shall be required to execute the City’s contract, which includes the indemnification, insurance, termination, and licensing provisions.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the City arising out of, or by reason of, the work done and materials furnished under this Contract.

**DETAILED REQUIREMENTS OF THE
REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL SERVICES**

1. CITY OF ELIZABETH-FACTS AND FIGURES – The City of Elizabeth is a legal, governmental entity. The City was incorporated in 1855 and operates under N.J.S.A 40:69A-1 et seq., “the Optional Municipal Charter Law-Mayor-Council Plan.”. The legislative authority and responsibilities of the City of Elizabeth is vested in the elected nine-member City Council. The executive power of the City is exercised by the Mayor who is responsible for enforcing the ordinances and general laws of the City.

The City of Elizabeth is the fourth largest city in New Jersey. The City’s population is more than 135,000 and it consists of approximately 11.7 square miles of area. The City employs approximately 1,200 people. A regional center of labor, retail, manufacturing, and transportation, the City is also the County seat of Union County, attracting the corresponding concentration of government, legal and related professional services. The largest employment sectors in the City include commercial, health, transportation, construction, retail and light industry.

The City’s operating budget is approximately \$250 million. It provides a variety of services consisting of police and fire protection, maintenance of City streets, water and sewer systems, health and human services, park and recreational facilities, cultural activities, and refuse collection.

2. NATURE/ SCOPE OF SERVICES – The City of Elizabeth is requesting proposals from qualified individuals and firms to provide Bond Counsel Services.

The City of Elizabeth has an operating budget of approximately \$250 million and employs approximately 1,200 people in about 10 departments and agencies. Furthermore, the City receives grants from both the Federal and State governments to provide services to the residents of this City.

The Proposer(s) will be required to perform, but not be limited to, the following services:

1. Prepare, opine, or review all bond ordinances adopted or to be adopted.
2. Assemble a certified record of proceedings to evidence the proper adoption of each bond ordinance in accordance with the provisions of the Local Bond Law and other applicable New Jersey Statutes.
3. Prepare the necessary resolutions or other operative documents to set up a bond sale.
4. Review and assist in updates of the Official Statement pertaining to tax and security law matters and the description of the security for the bonds. If required, arrange for the printing and distribution of the Official Statement. Arrange for the notice of sale in the Bond Buyer.
5. Participate in the bond sale, attending such when required, and will render legal advice as necessary concerning the submission of bids including bid openings and determining final award in accordance with the notice of sale and the requirements of law.

6. Prepare the bonds for execution and will issue a final approving legal opinion.
7. Prepare necessary resolutions and documentation for the sale of bond anticipation notes or tax anticipation notes including closing certificates and an approving legal opinion.
8. Advise and assist in relationship management with rating agencies and bond insurers.
9. Advise and assist the City regarding New Jersey Environmental Infrastructure Trust financing including the preparation of resolutions and related documents to apply for such financing.
10. Provide basic advice regarding federal arbitrage regulations and compliance with Continuing Disclosure Rule 15c2-12 of the Securities and Exchange Commission.
11. Attend meetings when requested for City Council, Local Finance Board, rating agencies, and bond and note sales.

3. STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL - Proposers should submit a technical proposal which contains the following:

- A.** The name of the proposer, the principal place of business and, if different, the place where the services will be provided;
- B.** Proposer must have a minimum of fifteen (15) years experience representing municipal entities in connection with the approval of bond ordinances and the issuance of municipal bonds and/or notes.
- C.** The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles;
- D.** A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other Municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The City may obtain references from any of the parties listed;

A description of all other areas of Bond Counsel Services of the proposer, with emphasis on a description of those services of interest to a City government client;

- E.** A Statement that neither the firm nor any individuals assigned to this engagement are suspended, or otherwise prohibited from professional practice by any federal, state, or local agency.
- F.** Must maintain a bona fide office in the State of New Jersey;

4. **COST PROPOSAL** - Proposers should submit a cost proposal which would include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). The City does not provide payment for or reimbursement for travel expenses.

5. **PROPOSAL EVALUATION** – The City will select the most advantageous proposals based on all of the evaluation factors set forth at the end of this RFQ. The City will make the award(s) that is in the best interest of the City.

Each proposal must satisfy the objectives and requirements detailed in this RFQ. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The City reserves the right to:

- a. Not select any of the proposals;
- b. Select only portions of a particular proposer’s proposal for further consideration; (However, proposers may specify portions of the proposal that they consider “bundled”.)

The City shall not be obligated to explain the results of the evaluation process to any proposer.

The City may require proposers to demonstrate any services described in their proposal prior to award.

6. **PROPOSAL LIMITATIONS** – This RFQ is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the City by issuance of this RFQ. The City reserves the right at the City’s sole discretion to refuse any proposal submitted.

7. **USE OF INFORMATION** - Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like (“Information”) furnished or disclosed by the City to the proposer in connection with this RFQ shall remain the property of the City. When in tangible form, all copies of such information shall be returned to the City upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the City or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFQ, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

8. GENERAL TERMS AND CONDITIONS –

- A.** The City reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the City to do so.
- B.** In case of failure by the successful proposer, the City of Elizabeth may procure the articles or services from other sources, deduct the cost of the replacement from money due to the proposer under the contract and hold the proposer responsible for any excess cost occasioned thereby.
- C.** The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.
- D.** Each proposal must be signed by the person authorized to do so.
- E.** The contract shall be in effect for the 2023 State Fiscal Year (July 1, 2022 through June 30, 2023) unless otherwise stated.
- F.** Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. In the case of mailed proposals, the City assumes no responsibility for proposals received after the designated date and time and will return late proposals unopened. Proposals will not be accepted by facsimile or e-mail.
- G.** In accordance with Affirmative Action Law, P.L. 1975, c.127 (N.J.A.C. 17:27) with implementation of July 10, 1978, successful proposers must agree to submit individual employer certifications and number or complete Affirmative Action employee information report (form AA-302). Also, during the performance of this contract, the contractor agrees as follows: (a) the contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. Such action 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 section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause: (b) 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 receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex or handicap; (c) the contractor or subcontractor, where applicable, will send to each labor union or representative or

workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.

- H.** By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the City harmless in any case of any such infringement.
- I.** No proposer shall influence, or attempt to influence, or cause to be influenced, any City officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- J.** No proposer shall cause or influence, or attempt to cause or influence, any City officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
- K.** Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the City Counsel's decision shall be final and conclusive.
- L.** The City of Elizabeth shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.
- M.** The checklist presented at the end of this Request for Qualifications is a part of this Request for Qualifications and shall be completed and submitted as part of this proposal.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

(To be completed by City Chief Financial Officer)

EVALUATION FACTORS

- A. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned**

- B. Knowledge of the City of Elizabeth and the subject matter to be addressed under this engagement**

- C. Relevance and Extent of Similar Engagements performed**

- D. Technical Proposal contains all required information**

- E. Reasonableness of Cost Proposal**

- F. Any other Qualifications or information, which in the determination of the CFO, is in the best interests of the City of Elizabeth.**

REQUEST FOR QUALIFICATIONS CHECKLIST

DOCUMENTS THAT WILL BE REQUIRED PRIOR TO A CONTRACT EXECUTION:

- A. **An original and three (3) signed copies of your complete proposal.** _____
(to be submitted with RFQ)
- B. Non-Collusion Affidavit properly notarized _____
- C. Owners Disclosure Statement, properly notarized, listing the names
of all persons owning ten (10) percent or more of the proposing entity. _____
- D. Authorized signatures on all forms. _____
- E. Affirmative Action Statement _____
- F. Partnership Disclosure Statement _____
- G. **Business Registration Certificate (s)** _____
- H. Certificate of Liability Insurance _____
- I. Certificate of Employee Information Report _____

Note: N.J.S.A 52:32-44 provides **that the City shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal.**
The contracting party must also collect the state use tax where applicable.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES AND WILL SUBMIT
THE ABOVE LISTED REQUIREMENTS PRIOR TO EXECUTION OF CONTRACT.**

NAME OF PROPOSER:

Person, Firm or Corporation Date

BY: (PRINT NAME) (TITLE)

BY: (SIGNATURE) (TITLE)