

NOTE: The Mercer County Improvement Authority will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.



RFQ2024-001

REQUEST FOR QUALIFICATIONS

FOR THE PROVISION OF

BOND COUNSEL SERVICES

ISSUED

April 2, 2024

DUE

April 30, 2024

Issued by:

The Mercer County Improvement Authority

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

"MCIA" or "Authority" – refers to the Mercer County Improvement Authority.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the Respondents.

"Qualified Respondent" - refers to those Respondents who (in the sole judgment of the MCIA) have satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested firm(s) that submit a Qualification Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The Mercer County Improvement Authority has been created by a resolution of the Board of Chosen Freeholders of the County of Mercer (the "County") as a public body corporate and politic of the State of New Jersey, pursuant to, and in accordance with the County Improvement Authority Law, N.J.S.A. 40:37A-44, *et seq.*, and the acts amendatory thereof and supplemental thereto.

The MCIA is soliciting Qualification Statements from interested persons and/or firms for the provision of the professional services described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the MCIA with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The MCIA will review Qualification Statements only from those firms that submit a Qualification Statement, which includes all the information required to be included as described herein (in the sole judgment of the MCIA). The MCIA intends to qualify person(s) and/or firm(s) that (a) possesses the professional capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the MCIA to provide the greatest benefit to the taxpayers of Mercer County.

1.2. Procurement Process and Schedule.

The MCIA is soliciting Qualification Statements through a "fair and open process" in accordance with New Jersey Local Unit Pay to Play Legislation, N.J.S.A. 19:44A-20.4 *et seq.* and P.L. 2005 c. 271. The MCIA has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the MCIA and its appropriate staff (collectively, the "Review Team"). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative, and financial areas described in this RFQ. Under no circumstances will a member of the review team review responses to an RFQ for a job which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the

reputation and experience of each Respondent, the MCIA will (in its sole judgment) determine which Respondents are qualified (from professional, administrative, and financial standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the MCIA) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the MCIA.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The MCIA reserves the right to, among other things, amend, modify, or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the MCIA's Designated Contact Person, in writing.

Designated Contact Person:

Carol Navarro, Purchasing Agent, QPA
Mercer County Improvement Authority
80 Hamilton Avenue, 2nd Floor
Trenton, New Jersey 08611

Responses to this RFQ must be submitted to, and be received by, the MCIA, via mail or hand delivery, by 11:00 a.m. Prevailing Time on April 30, 2024. Any and all Qualification Statements not received by 11:00 a.m. on the Due Date will be rejected. Responses will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFQ, the MCIA (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the MCIA.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE

<u>ACTIVITY</u>	<u>DATE</u>
1. Issuance of Request for Qualifications	April 2, 2024
2. Receipt of Responses	April 30, 2024
3. Completion of Evaluation of Responses	May 3, 2024
4. Consideration of Review Team Recommendations, Award of Contract	May 14, 2024

Section 1.3. Conditions Applicable to RFQ

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the MCIA to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The MCIA reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
- The MCIA reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
- The MCIA reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements shall become the property of the MCIA and will not be returned.

- All Qualification Statements will be made available to the public at the appropriate time, as determined by the MCIA (in the exercise of its sole discretion) in accordance with law.
- The MCIA may request Respondents to send representatives to the MCIA for interviews.
- Neither the MCIA, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.
- Respondents are advised of the responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, s.3) if the Respondent receives contracts in excess of \$50,000 from public entities in a calendar year. It is the Respondent's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us."

Section 1.4. Rights of MCIA.

The MCIA reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
- To waive any technical non-conformance with the terms of this RFQ.
- To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.

- To conduct investigations of any or all of the Respondents, as the MCIA deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion.) If terminated, the MCIA may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The MCIA shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

1.5 Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the MCIA may issue addenda, amendments, or answers to written inquiries. Those addenda will be noticed by the MCIA and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the proposal submission date.

1.6 Cost of Proposal Preparation.

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the MCIA, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7 Proposal Format.

Responses should cover the information requested in Section 3, *infra*. Responses which in the judgment of the MCIA fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

2.1 Bond Counsel Services

It is the intent of the MCIA to solicit Qualification Statements from Respondents that have expertise in the provision of Bond Counsel Services. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to:

a. Bond counsel services as requested by the MCIA, including, for example (i) preparation or review of all bond resolution adopted or to be adopted by the MCIA; (ii) assembling a certified record of proceedings to evidence the proper adoption of each bond resolution in accordance with the bond sale; (iv) when the purchaser and the details of the notes have been determined, preparation of the notes for execution and preparation of the appropriate closing certificates and an approving legal opinion with respect to the notes (v) forwarding the notes, closing papers and approving legal opinion for execution and delivery; (vi) providing basic advice in regard to the effect of the federal arbitrage regulations on the issuance of bonds or notes and the investment of the proceeds thereof; (vii) providing basic advice in regard to compliance with Rule 15c2-12 of the Securities and Exchange Commission and (viii) other related services and advices as deemed necessary.

b. Attendance at regular, special and emergency meetings of the MCIA, if required;

c. Attendances at all other meetings that the MCIA or its Executive Director deem necessary;

d. Prepare legal opinions and legal memoranda requested by the MCIA or its Executive Director; and

e. Review correspondence referred by the MCIA or its Executive Director, and preparation of correspondence on behalf of the MCIA, if requested.

2.2 Fees

Provide a fee schedule.

Note: All attorneys who will be performing legal services for the MCIA must be licensed to practice law in the State of New Jersey.

SECTION 3

SUBMISSION REQUIREMENTS

3.1 General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative, and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

3.2. Content and Form of Proposal Response

- a. Qualification Statement Format. Proposal content and completeness will be an important criteria in the evaluation process. In order to streamline the evaluation process and ensure that all proposals are evaluated on an equal basis, it is required that proposals adhere to the standard format outlined below for presentation of the requested information.

<u>Section</u>	<u>Section Title</u>
1	Letter of Transmittal
2	Qualifications a. Experience of the Firm b. Key Personnel
3	Legislative Compliance

b. Qualification Statement Content

i. Letter of Transmittal (Section 1)

The Respondent must provide a Letter of Transmittal signed by the individual who is authorized to commit the firm to the Scope of Services of this RFQ. This letter must incorporate the following:

- An acknowledgment of receipt of this RFQ stating that it is understood that all conditions contained in this RFQ may be incorporated into any resulting contract.

- A narrative statement of the Respondent's understanding of the MCIAs needs and goals.
- A statement acknowledging that all information contained in the proposal is factual and accurate.
- A statement acknowledging that the individual signing the letter of transmittal has the authority to commit the firm to all the provisions contained in this RFQ and the firm's corresponding proposal.

ii. Qualifications (Section 2)

1. Experience of the Firm

The Respondent must demonstrate the experience and qualifications of the firm. Respondent must provide the following:

- Brief history of the firm; highlight the benefits the firm believes it can contribute to the MCIAs.
- An explanation of fields of expertise, demonstrating particular legal expertise, if any.
- Any other information the Respondent deems pertinent and which demonstrates an ability to perform the requested services.

2. Experience of Key Personnel

The Respondent must demonstrate the experience and qualifications of the firm, and its professionals who will be performing work for the MCIAs. Therefore, Respondent shall provide the following:

- Resumes of the professionals who will be assigned and committed to the MCIAs, identifying each professional's status in the firm, i.e., partner, associate, etc and his or her applicable experience.

A list of all immediate relatives of Principal(s) of Respondent who are MCIAs employees or elected officials of the MCIAs.

For purposes of the above, “immediate relative” means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

- Other information Respondent deems pertinent which demonstrates an ability to perform the requested services.

iii. Legislative Compliance

The Respondent must submit disclosures as follows:

- Mandatory Equal Employment Opportunity Language (Exhibit A)
- Combined Russia-Belarus & Iran Investment Disclosure
- New Jersey Local Unit Pay to Pay Legislation, N.J.S.A. 19:44A-20.4 *et seq.*, P.L. 2005, c. 271
- New Jersey Business Registration Certificate (BRC)
- 2024 W-9, Request for Taxpayer Identification Number and Certification

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1 Submission of Qualification Statements

Respondents must submit one original and an electronic copy on CD/THUMB DRIVE in PDF format of their Qualification Statement to the Designated Contact Person on the Due Date.

Carol Navarro, Purchasing Agent, QPA
Mercer County Improvement Authority
80 Hamilton Avenue, 2nd Floor
Trenton, New Jersey 08611

Qualification Statements must be received by the MCIA no later than **11:00 a.m. (prevailing time) on April 30, 2024**, and must be mailed or hand delivered. Qualification Statements forwarded by facsimile or e-mail will not be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. The MCIA must receive an actual CD. Qualification Statements and all related information must be bound and signed and acknowledged by the Respondent.

SECTION 5

EVALUATION

The MCIA's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost-effective services to the MCIA. The MCIA will consider Qualification Statements only from firms or organizations that, in the MCIA's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the MCIA in the manner described in this RFQ.

In evaluating proposals, the MCIA will consider which are the most advantageous for the MCIA and the residents of the County of Mercer. Among other things, the MCIA will consider:

1. Experience and reputation in the field; and
2. Ability and availability to accommodate the legal needs of the MCIA; and
3. Responsiveness to the Request for Qualifications; and
4. Other factors determined to be in the best interest of the MCIA.

Appendix A

- Mandatory Equal Employment Opportunity Language (Exhibit A)
- Combined Russia-Belarus & Iran Investment Disclosure
- New Jersey Local Unit Pay to Pay Legislation, N.J.S.A. 19:44A-20.4 *et seq.*, P.L. 2005, c. 271
- New Jersey Business Registration Certificate (BRC)
- 2024 W-9, Request for Taxpayer Identification Number and Certification

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. 17:27-1.1 et seq.

GOODS, GENERAL SERVICES, AND PROFESSIONAL SERVICES 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, up-grading, 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 receive 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.

EXHIBIT A (Cont.)

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, or 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 but 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; or

Employee Information Report Form AA-302 (electronically provided by the Division through the Division's website at: http://www.state.nj.us/treasury/contract_compliance).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program 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 Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to N.J.A.C. 17:27-1.1 et seq.

(Company Name)

(Signature)

(Date)

Prohibited Russia-Belarus Activities & Iran Investment Activities

Person or Entity

Part 1: Certification

COMPLETE PART 1 BY CHECKING ONE OF THE THREE BOXES BELOW

Pursuant to law, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, for goods or services must complete the certification below prior to contract award to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list or Chapter 25 list as a person or entity engaging in prohibited activities in Russia, Belarus or Iran. Before a contract for goods or services can be amended or extended, a person or entity must certify that neither the person or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list. Both lists are found on Treasury's website at the following web addresses:

<https://www.nj.gov/treasury/administration/pdf/RussiaBelarusEntityList.pdf>
www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf

As applicable to the type of contract, the above-referenced lists must be reviewed prior to completing the below certification.

A person or entity unable to make the certification must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran. The person or entity must cease engaging in any prohibited activities and provide an updated certification before the contract can be entered into.

If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may be provided by law, rule, or contract, including but not limited to imposing sanctions, seeking compliance, recovering damages, declaring the party in default, and seeking debarment or suspension of the party.

CONTRACT AWARDS AND RENEWALS



I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate appears on the N.J. Department of Treasury's lists of entities engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3 or in investment activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. (Skip Part 2 and sign and complete the Certification below.)

CONTRACT AMENDMENTS AND EXTENSIONS



I certify, pursuant to law, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate is listed on the N.J. Department of the Treasury's lists of entities determined to be engaged in prohibited activities in Russia or Belarus pursuant to P.L. 2022, c. 3. I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. (Skip Part 2 and sign and complete the Certification below.)

IF UNABLE TO CERTIFY



I am unable to certify as above because the person or entity and/or a parent entity, subsidiary, or affiliate is listed on the Department's Russia-Belarus list and/or Chapter 25 Iran list. I will provide a detailed, accurate, and precise description of the activities as directed in Part 2 below, and sign and complete the Certification below. Failure to provide such will prevent the award of the contract to the person or entity, and appropriate penalties, fines, and/or sanctions will be assessed as provided by law.

Part 2: Additional Information

PLEASE PROVIDE FURTHER INFORMATION RELATED TO PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS AND/OR INVESTMENT ACTIVITIES IN IRAN.

You must provide a detailed, accurate, and precise description of the activities of the person or entity, or of a parent entity, subsidiary, or affiliate, engaging in prohibited activities in Russia or Belarus and/or investment activities in Iran in the space below and, if needed, on additional sheets provided by you.

Part 3: Certification of True and Complete Information

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there, to the best of my knowledge, are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity.

*I acknowledge that the **Mercer County Improvement Authority** is relying on the information contained herein and hereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the **Mercer County Improvement Authority** to notify the **Mercer County Improvement Authority** in writing of any changes to the answers of information contained herein.*

*I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the **Mercer County Improvement Authority** and that the **Mercer County Improvement Authority** at its option may declare any contract(s) resulting from this certification void and unenforceable.*

Full Name (Print)		Title	
Signature			Date