

## Request for Qualifications

### **Purpose:**

The following procedures are designed to provide for a fair and open process in awarding professional services based on qualifications, merit and cost effectiveness through accessible advertising. Services include annual appointments and day-to-day programs, projects and contracts.

### **Scope of Services:**                    **BOND COUNSEL**

Any person or firm interested in providing professional services to the Township of Deptford as defined in the New Jersey Statutes, NJSA 40A:11-2(6).

**1) Appointment of Township Bond Counsel.** Bond Counsel shall be appointed by Township Council by a majority vote of a quorum of its members and shall serve for a term of one (1) year from the first day of January of the year of appointment and until a successor has been appointed and qualified. Bond Counsel shall be appointed in a manner consistent with the Local Public Contracts Law and shall receive such compensation as shall be agreed upon by Township Council of the Township of Deptford.

### **2) Duties.**

The Bond Counsel shall:

- A. Provide legal services on general public finance matters, i.e. preparation of bond ordinances, etc.
- B. Provide legal services in connection with the issuance of short-term obligations, as set forth in Section D below.
- C. Provide legal services in connection with the issuance of long-term obligations, as set forth in Section D below.
- D. With respect to the issuance of short-term obligations (“Notes”) and long-term obligations (“Bonds”), Bond Counsel will undertake the following tasks as applicable and appropriate.
  - a. Meet with Township officials, including its counsel, auditor and others, as often as necessary for the issuance of the Bonds or Notes and items related thereto.
  - b. Review or draft all authorizing and operative financial documents

necessary to effectuate the transaction. In developing a financing plan, Bond Counsel will give advice with respect to tax law, securities law and state law consequences and will review the proposed use of the proceeds of the Bonds or Notes to ensure compliance with the provisions of the Internal Revenue Code and the regulations promulgated thereunder.

c. Attend meetings with rating agencies and/or insurance companies, as necessary, to assist in obtaining a credit rating for the Bonds or Notes.

d. Prepare all applications and filings and appear before the appropriate state agencies, if necessary, in connection with the sale of the Bonds or Notes.

e. After the sale of the Bonds or Notes, Bond Counsel will prepare and arrange for the preparation of the Bonds or Notes for execution, will prepare and oversee the execution of the necessary closing certifications and will establish a time and place for delivery of the Bonds or Notes to the purchaser. Bond Counsel will attend the closing with appropriate Township officials, at which time the Bonds or Notes will be delivered, payment will be made for the Bonds or Notes and Bond Counsel will issue a written legal opinion based on facts and laws existing as of said date that:

1. The Bonds or Notes are legal, valid and binding obligations of the Township enforceable in accordance with the terms thereof; and

2. Subject to certain limitations which may be expressed in the opinion, the interest on the Bonds or Notes will be:

(i) excluded from gross income for federal income tax purposes; and

(ii) exempt from New Jersey income tax.

In rendering opinions, Bond Counsel will rely upon the certified proceedings and other certifications of Township officials and other persons furnished to us without undertaking to verify the same by independent investigation.

f. Bond Counsel does not advocate the interests of the Township or any other party in the transaction. Bond Counsel assumes that the

Township will be represented by its counsel and other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interest.

- 3) **Residence.** Bond Counsel need not be a resident of Deptford Township.

**Applicants'/Proposers' Responsibility in Responding to Township's Request For Qualifications**

The applicant/proposer shall in response to the Township's RFQ, at a minimum, include the following information:

A. Qualification requirements to compete for the needed service or activity as set forth in the "duties and responsibilities" of the position defined in the Township's RFQ. Qualifications, at a minimum, shall include requirements defined as follows:

1. Full name and business address.
2. Listing of all post high school education of the applicant and/or members of a professional firm seeking to provide professional services as described within the body of the RFQ.
3. Dates of licensure in the State of New Jersey and any other state as to the professional discipline requested to serve the needs of Deptford Township.
4. A listing of any professional affiliations or membership in any professional societies or organizations, with an indication as to any offices held.
5. The number of licensed professionals employed (if a professional firm) and/or affiliated with the professional entity seeking to provide services to the Township. A description of each individual's qualifications, including education, licensure and years of professional experience.
6. A listing of all previous Public Sector entities served by the applicant/proposer licensed professional including dates of service and position(s) held.
7. Proposed cost of the service(s) or activities, including the hourly rate of individuals who will perform the services or activities. The proposed cost should include:
  - a. Attorney meetings.
  - b. Site visits and expenses
  - c. Expenses for travel, postage and telephone excluded from the hourly rate.
  - d. Additional services defined beyond the scope of regular services.

8. **Insurance.** The applicant/proposer, as a member of a profession which is subject to suit for professional malpractice, shall provide documentation that insurance for professional liability/malpractice coverage with limits as to liability acceptable to the Township of Deptford.

9. **Financial Disclosure.** The applicant/proposer as a “professional”, if required by law, shall file a Financial Disclosure Statement pursuant to a Local Government Ethics Law NJSA 40A:9-22(1) et.seq.

10. **Law Against Discrimination and Affirmative Action.** The applicant/proposer as a “professional” shall file a statement as to compliance with NJSA 10:5-1 et. Seq.

B. The applicant/proposer shall submit **two (2) copies** of his/her proposal to the attention of the Township Clerk for review and consideration by the Township Manager and Township Council.

**Basis for Award of Contract/Agreement for Professional Services**

The Township shall award all professional service contracts or agreements based on qualification, merit and cost competitiveness. Selection criteria will include:

1. Qualifications of the individual or firms who will perform the service or activity.
2. Experience and references.
3. Ability to perform the service or activity in a timely fashion, including staffing and the staff’s familiarity of the service or activity.
4. Cost Competitiveness. Min. hourly rate \$125.00 – Max. hourly rate \$150.00.
5. The Township reserves the right to conduct an interview or interviews with the prospective professional to discuss the scope of the professional services as outlined in the applicant’s/proposer’s proposal.
6. All awards or waivers will be by resolution acted on by the Township Council at a Township meeting.
7. For annual appointments, the Township Council, Township Manager and Administrative staff will conduct a performance review a minimum of once per year in late November, early December.
8. All awards are subject to availability of funds.

9. This policy will include, but not be limited to, all of the above listed requirements.

**“The Township shall require that all public documents held by outside vendors/professionals be copied and provided to the Township, without charge, if requested by the Township. The vendor/professional shall comply with a request for public documents by the Township within five (5) working days of the request.”**