

PUBLIC NOTICE

BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
1551 HIGHWAY 88 WEST, BRICK, NJ 08724

NOTICE OF SOLICITATION FOR RFQs

Notice is hereby given that pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq. (New Jersey Pay to Play Law) the Brick Township Municipal Utilities Authority (the “BTMUA”), Township of Brick, County of Ocean and State of New Jersey is seeking Requests For Qualifications for Professional Service Contracts under a fair and open process. The professional services to be provided to the BTMUA are listed below and shall be for the period beginning February 1, 2023 and ending January 31, 2024

BTMUA General Counsel
BTMUA Alternate Counsel
BTMUA Labor Counsel
BTMUA Bond Counsel
BTMUA Consulting Engineer
BTMUA Alternate Engineer
BTMUA Auditor
BTMUA Financial Advisor
BTMUA Risk Management Consultant

Request for Qualifications (RFQ) is on file in the Administrative Building of the BTMUA located at 1551 Highway 88 West, Brick, NJ 08724 and may be downloaded from the BTMUA website www.brickmua.com.

RFQs will be opened at 10:00 AM on Wednesday, January 4, 2023 at the offices of the Brick Township Municipal Utilities Authority located at 1551 Highway 88 West, Brick, NJ 08724. Chris A. Theodos, Executive Director, must receive all RFQs no later than the opening date and time. Any RFQs received after said time, whether by mail or otherwise will be returned unopened. It is recommended that each RFQ be hand delivered to the Authority. One (1) copy of the RFQ shall be submitted in sealed envelopes with the name of the Professional Service RFQ clearly marked on the outside of the envelope. RFQs may NOT be faxed, transmitted over the telephone or emailed. The Authority assumes no responsibility for the delays in any form of carrier, mail or delivery service causing the RFQ to be received at the Authority later than the above referenced scheduled time. Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

All questions concerning this notice must be addressed to Chris A. Theodos, Executive Director, at 732-458-7000 x 4237. The decision of the BTMUA as to what constitutes a fair and open process shall be final.

Chris A. Theodos, Executive Director

REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL CONSULTING SERVICES



1551 HIGHWAY 88 WEST
BRICK, NJ 08724
732-458-7000

The Brick Township Municipal Utilities Authority (BTMUA) is soliciting Request for Qualifications (RFQs) pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq. (New Jersey Pay to Play Law). It is the intent of the BTMUA to award contracts for Professional Services under a “fair and open process”. Interested parties may submit statements of qualifications for professional service contracts to the BTMUA, Attention Chris A. Theodos, Executive Director, no later than 10:00 AM on Wednesday, January 4, 2023 at 1551 Highway 88 West, Brick, New Jersey 08724. **IMPORTANT: All statements of qualifications MUST include at a minimum the following information, clearly identified by Item no. and in this order at the beginning of the submission package**

1. General Information

- A. Identify the person who will be primarily responsible for the services required by the BTMUA and provide a description of the education and experience of the primary person with projects and issues similar to those that will be undertaken and performed on behalf of the BTMUA. Please provide a resume(s).
- B. Identify persons who will serve as a backup to the primary person and attach a resume.
- C. Identify and describe key staff that will be assigned to the BTMUA to perform the tasks required under the contract(s).
- D. A listing of the experience possessed by the person to be primarily responsible for the services required by the BTMUA, describing the services rendered by such person to other municipal utility authority water and sewer districts boards and agencies.
- E. A copy of a Certificate of Insurance, issued by an insurance carrier licensed in the State of New Jersey, for the firm/company showing the amount of professional liability insurance and all other coverage in place as of January 1, 2023.

Throughout the term of your agreement, the consultant must maintain General Liability insurance coverage in the amount of one million dollars (\$1,000,000.00) per occurrence and three million dollars (\$3,000,000.00) in the aggregate per year and Licensed Professional Liability insurance coverage in the amount of one million dollars (\$1,000,000.00) per occurrence and three million (\$3,000,000.00) in the aggregate, per year. The consultant shall provide the Authority with evidence of such coverage upon request once appointed.

- F. A copy of your Business Registration Certificate.

G. Completion of Non-Collusion Affidavit and Statement of Corporate Ownership.
(Attachments A and B)

H. Affirmative Action Regulations requirements of N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27., including a copy of their Affirmative Action Certificate, **along with** the completion of the attached **Attachment C**: P.L. 1975, N.J.S.A. 10:5-31 et seq., C. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE for GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

2. Professional References:

A. Provide names, addresses and telephone numbers of persons who can verify the professional experience of the person primarily responsible and of the firm to which such person belongs.

3. Ability to provide services in a timely manner:

A. Describe your ability to attend regular public meetings of the BTMUA in addition to any project related meetings.

B. Identify key business equipment and software that will facilitate the performance of tasks undertaken on behalf of the BTMUA.

BASIC CRITERIA FOR PROFESSIONAL SERVICES

BTMUA GENERAL COUNSEL and ALTERNATE COUNSEL: The BTMUA General Counsel and Alternate Counsel must be a licensed attorney in the State of New Jersey; must have at least ten (10) years of professional experience; must have experience representing municipal entities or utilities authorities, or departments, and be well versed in the fields of Municipal Law, Public Contracts Law and laws involving Municipal Utilities; must possess the ability to develop and litigate complex municipal utility issues and must hold a valid New Jersey Business Registration certificate.

BTMUA LABOR COUNSEL: The BTMUA Labor Counsel must be a licensed attorney in the State of New Jersey and have at least ten (10) years of professional experience; must have experience representing public agencies, municipal entities or utilities authorities, or departments, and be well versed in the field of public employment, law and labor law; must have experience and knowledge regarding contract negotiations, arbitration and grievance procedures and must have the ability to represent the BTMUA before state agencies regarding labor and/or employer/employee adversarial proceedings. Must hold a valid New Jersey Business Registration Certificate.

BTMUA BOND COUNSEL: The BTMUA Bond Counsel must be a licensed attorney in the State of New Jersey; must have at least ten (10) years of professional experience in municipal utility or governmental bonding; must have specific knowledge of the New Jersey local Bond Law, Local Budget and Fiscal Affair Law, regulations promulgated by the New Jersey Division of Local Government Services and Local Finance Board; must hold a valid New Jersey Business Registration certificate; must be listed in such established books and guides as qualified to do financial and bonding work.

BTMUA ENGINEER and/or ALTERNATE ENGINEER: The BTMUA Engineer and Alternate Engineer(s) must have at least ten (10) years of professional experience in municipal or utility engineering and have demonstrated experience in performing reviews of public and private water and sewer infrastructure improvements; must possess the ability to perform inspections on public works projects, onsite and offsite improvements by public and private entities; must have the ability to prepare and review estimates for public and private infrastructure projects; must have the ability to perform and prepare surveys for public entities; must hold a valid New Jersey Professional Engineer's License; Certified Municipal Engineer (CME) is preferred but not required, a valid New Jersey Business Registration certificate.

BTMUA AUDITOR: The BTMUA Auditor must have a minimum of ten (10) years of professional experience in serving and performing municipal or utility auditing; must be well versed in the rules and regulations promulgated by the State of New Jersey Local Finance Board; must hold a valid New Jersey Certified Public Accountant license; must have a "Registered Municipal Accountant" certificate from the State of New Jersey and must hold a valid New Jersey Business Registration certificate. The audit report must be received by the Authority within 210 calendar days of the fiscal year end as this is required to meet the Authority's continuing disclosure obligations.

BTMUA FINANCIAL ADVISOR: The BTMUA Financial Advisor must have a minimum of ten (10) years of professional experience in performing municipal or utility financial advising; must be well versed in the rules and regulations promulgated by the State of New Jersey Local Finance Board; must have demonstrated experience with the issuance of bonds in the State of New Jersey for municipal utility authorities and local government entities; and must hold a valid New Jersey Business Registration certificate.

BTMUA RISK MANAGEMENT CONSULTANT: Services of the BTMUA Risk Management Consultant shall include but not be limited to assisting the AUTHORITY in its association with the NJUA JIF by identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss, reviewing coverage that the consultant feels should be carried, assist in the preparation of all applications, statements of values and similar documents, review certificates of insurance, review the assessment as prepared by the fund, review loss reports and recommend ways to minimize loss, assist with the settlement of claims when needed, perform risk management related services as required by the NJUA JIF by laws. Must hold a valid NJ Business Registration Certificate.

FAIR AND OPEN PROPOSAL AWARD CRITERIA/QUALIFICATION EVALUATION

The BTMUA will utilize a fair and open process to evaluate the RFQs for professional services contracts. The decision of the BTMUA as to what constitutes a fair and open process shall be final. The award of these contracts shall be made to the person or firm submitting the proposal which is deemed to be what is most advantageous to the Authority, price and other factors considered. The governing body of the Brick Township Municipal Utilities Authority will evaluate the RFQs based on the following criteria:

1. History, experience and reputation in performing professional work in the applicable field;
2. Qualification and experience of personnel;
3. Knowledge of the Brick Township Municipal Utilities Authority, or other

government entities, and the subject matter to be addressed under the professional services contract(s);

4. Availability to accommodate any required meetings of the agency;
5. Availability of personnel, facilities, equipment and other resources;
6. Demonstration of financial stability and sufficient financial resources to meet obligations under the professional services contract(s);
7. Compensation proposal in accordance with attached Schedule of Fees
8. Other factors if demonstrated to be in the best interest of the Brick Township Municipal Utilities Authority.

The Authority has established rates for all legal services required. Services billed at this rate shall include but not be limited to telephone calls, correspondence, legal research, preparation of ordinances, preparation of resolutions, preparation of contracts, negotiations, meetings, hearings, litigation and any other services rendered on behalf of the Authority. Any other charges must be noted and must accompany this proposal. Please use the attached exception sheet for any exceptions you may want to take regarding any details in the specifications.

The Authority has established rates for engineering services which are attached to this document. Anyone submitting an RFQ may provide a compensation submission but such rates as are submitted shall not exceed those shown on the Authority's rate schedule.

The Authority has established rates for auditing services which are attached to this document. Anyone submitting an RFQ may provide a compensation submission but such rates as are submitted shall not exceed those shown on the Authority's rate schedule.

The Authority has established rates for financial advisory services which are attached to this document. Anyone submitting an RFQ may provide a compensation submission, but such rates as are submitted shall not exceed those shown on the Authority's rate schedule.

The Authority reserves the right not to appoint any of the positions advertised herein, or to reject any and all RFQ's.

IMPORTANT

Those persons submitting proposals must comply with the following:

1. Affirmative Action Regulations requirements of N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27., including a copy of their Affirmative Action Certificate, **along with** the completion of ATTACHMENT C; P.L. 1975, NJSA 10.5-31 et seq., C. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE for GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

2. P.L. 2004, c. 57 which amends and supplements the business registration provisions of N.J.S.A. 52:32-44.



Schedule of Professional Consultants Fees 2023-2024

<p>BTMUA General Counsel \$175.00/hour</p>
<p>BTMUA Alternate Counsel \$175.00/hour</p>
<p>BTMUA Labor Counsel \$175.00/hour</p>
<p>BTMUA Bond Counsel \$175.00/hour \$ 90.00/hour Legal Asst. \$175.00/hour - NJIB Funding</p>
<p>BTMUA Engineer Principal: \$165.00/hour Sr. Project Mgr.: \$145.00/hour Project Mgr.: \$140.00/hour Sr. Tech. Mgr./Prof. LS: \$135.00/hour Tech. Mgr.: \$135.00/hour Sr. Project Professional: \$130.00/hour Project Professional: \$115.00/hour Sr. Prof. Sr. Drafts, Sr. Inspector: \$110.00/hr. Tech. Prof., Jr. Drafts, Inspector: \$100.00/hr. Asst. Tech Prof.: \$85.00/hr. Sr. Tech.: \$80.00/hr. Tech. Assist. \$60.00/hr. Two Person Crew: \$200.00/hr. \$27,000/year retainer billed monthly includes meeting attendance*</p>
<p>BTMUA Alternate Engineer Same as Engineer Above *(No retainer, Meeting Fee)</p>
<p>BTMUA Auditor Partner: \$155.00/hour Manager: \$135.00/hour Sr. Staff: \$110.00/hour Jr. Staff: \$85.00/hour Audit Fee: \$42,000 Monthly Meeting Attendance Fee: \$500</p>
<p>BTMUA Financial Advisor \$150.00/hour \$0.85 per bond plus out of pocket expenses \$150.00/hour – Note Issue</p>
<p>BTMUA Risk Management Consultant 6% of the Authority's annual assessment as promulgated by the NJUA JIF</p>

Attachment A
NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OF _____ SS:

I, _____ of _____

_____ of full age, being
In the County of _____ and the State of _____
duly sworn according to law on my oath, depose and say that:

I am _____ of the Firm of _____ the Bidder making the Proposal for the Project, and that I executed the Proposal with full authority to do so, that said Bidder has not directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free, competitive bidding in connection with the Project, and that all statements contained in the Proposal and in this Affidavit are true and correct, and made with full knowledge that Brick Utilities relies upon the truth of the statements contained in the Proposal and in the statements contained in this Affidavit in awarding the Contract for the Project.

I warrant that no requirement or commitment was made in reference to any persons, or elected official and that no undisclosed benefits of any kind were promised to anyone connected with the Project.

I further warrant that no person or selling agent has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees or bonafide established commercial or selling agencies maintained by _____ (N.J.S.A. 52:34-15).

(Name of Contractor)

I further warrant and represent that I have never been convicted or acknowledge nor admitted to any payment of kickbacks or unlawful gifts for which conduct Brick Utilities deems me disqualified from bidding.

I also understand that the above disqualification does not apply to any vendor who cooperates with the prosecution and gives supporting testimony on behalf of the prosecution in the course of a judicial inquiry.

Subscribed and sworn to

Before me this ____ day
Of _____ 20 ____

Signature of Affiant

Notary Public of
Affiant
My Commission expires

Print or Type Name of

STATEMENT OF CORPORATE OWNERSHIP

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, county, municipality or school district, or any subsidiary or agency thereof, unless prior to the receipt of the bid of the corporation or partnership, there is submitted to the public contracting unit a statement setting forth the names of all individuals who own 10% or more of stock or interest in the corporation or partnership.”

1. If the bidder is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the bidder is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock in any class.
3. If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the bidder is other than a corporation or partnership, bidder shall indicate the form of corporate ownership as listed below.

Part I – 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

Name of Stock Holder	Home Address

Part II – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity will be liable for any penalty permitted under law.

Name _____ of _____ Business _____ Entity: _____

Signed: _____ Title: _____

Print Name: _____ Date: _____

Subscribed and sworn before me this _____ day of _____, 2020.

My Commission Expires:

(Affiant)

(Print Name & Title of Affiant)(Corporate Seal)

EXHIBIT A

STATE OF NEW JERSEY EQUAL EMPLOYMENT OPPORTUNITY
REQUIREMENTS
(N.J.S.A. 10:5-31 et seq.)
(N.J.A.C. 17:27)
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
GOODS, PROFESSIONAL SERVICES and GENERAL SERVICE
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, upgrading, 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, where applicable, will send to each labor union or representative of 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 workers' representative of the contractor's commitments under this act 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 the 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 afford equal employment opportunities to minority and women workers consistent with good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2

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,

national origin, ancestry, marital status, affectional or sexual orientation, gender identity and 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 personal testing conforms with the principals 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 and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

REQUIRED AFFIRMATIVE ACTION EVIDENCE

A. Procurement, Professional & Services Contracts

All successful vendors must submit within three days of the notice of intent to award or the signing of the contract, one of the following documents to the Authority. Failure to one of the following will result in the contractor's bid being rejected as non-responsive.

1. A photo copy of their Federal Letter of Affirmative Action Plan Approval.
2. A photo copy of their Certificate of Employee Information Report.
3. If the contractor cannot present (1) or (2), the contractor is required to submit a completed Employees Information Report (Form AA-302). This form will be made available to contractors by the Brick Township Municipal Utilities Authority.

Name of Company: _____

Signature: Title: _____

Date: _____