

BOROUGH OF FRANKLIN

REQUEST FOR PROPOSALS FOR BOND COUNSEL

A. INTRODUCTION

The Borough of Franklin is seeking proposals from attorneys to act as Bond Counsel to the Borough for Calendar Year 2018 and to represent the Borough of Franklin on financial matters as may be required.

Successful applicants will be required to comply with requirements of Equal Employment Opportunity, N.J.S.A. 10:5-31; N.J.S.A. 52:32-44, et. seq., New Jersey Business Registration; N.J.A.C. 17:27 Affirmative Action; 42 U.S.C. 121 01 et. seq., Americans with Disabilities Act; and Business Entity Disclosure Certification.

B. SCOPE OF WORK

The Borough of Franklin desires to engage the services of Bond Counsel for advice generally related to public finance, redevelopment, or other non-public finance services.

1. Bond Counsel must be an attorney at law of New Jersey.
2. Counsel will prepare and review all bond ordinances introduced or to be introduced by the governing body.
3. Counsel will 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.
4. For issuance of bonds or notes, Counsel will prepare the necessary resolutions or other operative documents to set up the bond or notes sale and will submit them to the Borough of Franklin's general counsel for review. Counsel will seek the advice of the Borough of Franklin's CFO, financial advisor and/or auditor in connection with the appropriate maturity schedule for the bonds or notes to be sold and will review legal issues relating to the structure of the bond or note issue. Counsel will review those sections of the official statement, private placement memorandum or other form of offering or disclosure document to be disseminated in connection with the authorization, issuance and deliver of bonds or notes.

Counsel will review those sections of the official statement, private placement memorandum or other form of offering or disclosure document to be disseminated in connection with the sale of the bonds or notes and will arrange for the printing and the distribution of such offering or disclosure document. Counsel will prepare and review the notice of sale pertaining to the competitive sale of the bonds or notes and will arrange for the printing of such notice of sale in The Bond Buyer, as applicable, and will answer inquiries made by the investment community concerning the bond or note sale. Counsel will assist the Client in presenting information to bond rating organizations and providers of credit enhancement relating to legal issues affecting the issuance of bonds or notes. Counsel will render legal advice as necessary concerning the submission of bids for the bonds or notes in accordance with the notice of sale and the requirements of law. After the bond or note sale, Counsel will prepare the bonds or notes for execution, will prepare and see to the execution of the necessary closing certificates, including the continuing disclosure undertaking of the Client, and will establish a time and the place for the delivery of the bonds or notes to the successful bidder. Counsel will coordinate the closing, at which time the bonds or notes will be delivered, payment will be made for the bonds or notes, and Counsel will issue a final approving legal opinion with respect to the validity and binding effect of the bonds or notes, the source of payment and security for the bonds or notes and the excludability of interest on the bonds or notes from gross income for federal and New Jersey income tax purposes, if applicable.

5. Counsel will provide 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.
6. Counsel will provide such other services as may be requested from time to time by the Client including any referendum, validation proceedings or other action relating to the Client or the authorization and issuance of a financing instrument by the client.

C. MINIMUM REQUIREMENTS

1. Five years of experience as Bond Counsel in the State of New Jersey.
2. A list of five (3) professional references for work as Bond Counsel, including at least three (3) NJ municipalities.

3. Any Attorney or Firm that has represented a Party in litigation against the Borough of Franklin, its Officials, Employees, Boards, Agencies etc., during the past 10 years will not be considered.
4. The Attorney or Firm shall carry professional liability insurance during the term of his/her retention.
5. The Attorney and Firm shall be subject to all applicable anti-pay-to-play requirements.

D. INSTRUCTIONS

Include a single page summary to include the following:

- References
- Hourly costs
- Areas of specialties

A proposal should include a cover letter and resume outlining candidate's credentials and experience and include a completed "RFP Cost Form."

All proposals must be in a sealed envelope and clearly marked "Sealed Proposal-Bond Counsel."

Proposals must be received by 4:00 p.m. on Thursday, November 30, 2017.

Original and one copy of the proposal must be presented.

All proposals are to be delivered to:

Borough of Franklin
46 Main Street
Franklin, NJ 07416
Attn: Nicholas Giordano, Mayor

And emailed to ngiordano@franklinborough.org

Questions and comments should be directed to Nicholas Giordano, Mayor, 973-827-9280 x105.

Interviews may be determined a week after closing date of proposals.

**RFP COST FORM
BOROUGH OF FRANKLIN
BOND COUNSEL**

Hourly Rate of Pay

\$ _____

Signature

Type or Printed Name

Title

Company

Address

Telephone

BOROUGH OF FRANKLIN

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The Borough of Franklin is seeking proposals from attorneys to act as municipal Bond Counsel for Calendar Year 2018.

Proposals can be obtained in the Administrator's Office, Borough of Franklin, 46 Main Street, Franklin, NJ 07416 or by email clerk@franklinborough.org.

Proposals will be accepted up until 4:00pm on November 30, 2017, at the above address. The award of a contract for the described services will be made by the Borough of Franklin based on the respondent's qualifications including, but not limited to the following: cost of services, references, knowledge and interpretation of the Borough of Franklin's needs and experience.

Nicholas Giordano, Mayor

BASIS OF AWARD

(To be completed by the Borough's Evaluation Committee)

EVALUATION FACTORS

1. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned.
2. Knowledge of the Borough of Franklin and the subject matter to be addressed under this engagement.
3. Relevance and Extent of Similar Engagement performed.
4. Technical Proposal contains all required information.
5. Reasonableness of Cost Proposal including rates for principal, associates and any administrative costs.