

**BOROUGH OF FRANKLIN**

**REQUEST FOR QUALIFICATIONS  
FOR THE PROVISION OF BOND COUNSEL**

**ISSUE DATE: NOVEMBER 5, 2020**

**DUE DATE: NOVEMBER 20, 2020**

**NOTE: The Borough of Franklin 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**

## **GLOSSARY**

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

"Borough" - refers to the Borough of Franklin.

"Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of ten percent (10%) or more in the firm.

"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 Borough) have satisfied the qualification criteria set forth in this RFQ.

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

"Review Team" – Members of the Borough Administration and its legal advisor/s and/or financial advisor/s and/or designated staff as appropriate who shall review the Qualification Statements.

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

## SECTION 1

### INTRODUCTION AND GENERAL INFORMATION

#### **Section 1.1. Introduction and Purpose.**

The Borough is soliciting Qualification Statements from interested persons and/or firms for the provision of **Bond Counsel**, as more particularly described herein. Through this Request for Qualification process, persons and/or firms interested in providing the Borough with such services must prepare and submit a Qualification Statement in accordance with the procedures and schedules in this RFQ. The Borough 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 Borough). The Borough intends to qualify person(s) and/or firm(s) that: (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Borough to provide the greatest benefit to the taxpayers of Franklin.

#### **Section 1.2. Procurement Process and Schedule.**

The selection of Qualified Respondents is not subject to the bidding provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq. The Borough 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 with 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 5 of this RFQ, which will be applied in the same manner to each Qualification Statement received. Respondents agree to at all times abide by all requirements of New Jersey law, including, but not limited to the aforementioned "Pay to Play" laws, as well as any and all relevant Executive Orders and the New Jersey Election Law Enforcement Commission disclosure requirements.

The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial criteria described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Borough 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 Borough) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Borough.

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

**Designated Contact Person:**

Deborah Bonanno, Borough Administrator  
Borough of Franklin  
46 Main Street  
Franklin, NJ 07416

Qualification Statements must be submitted to and received by the Borough, either by hand delivery, delivery service, or US Postal Service delivery, no later than 4:00 p.m. prevailing time on November 20, 2020. Qualification Statements will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFQ, the Borough (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 Borough.

**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 Borough to issue an RFP.
- The Borough may or may not award a contract as a result of this RFQ. If a contract is awarded, the successful Respondent will be required to comply with all local, State and Federal laws as applicable to the contracted services, including but not limited to: N.J.S.A. 34:11-56.25 et seq. (Prevailing Wage Act); N.J.S.A. 34:11-56.48 et seq. (Public Work Contractor Registration Act); N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (Affirmative Action); 42 USC S12101 et seq. (Americans w/ Disabilities Act); N.J.S.A. 52:32-44 (Business Registration), N.J.S.A. 19:44A-20.27 ("Pay-to-Play" Law), N.J.A.C. 17:44-2.2 (Document Retention), and any subsequent amendments thereto; and the Borough's current Minimum Standard Vendor Insurance Requirements.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.

- The Borough 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 Borough 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 Borough 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 Borough and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Borough, in the exercise of its sole discretion, in accordance with applicable law.
- The Borough may request Respondents to send representatives to the Borough for interviews.
- Any and all Qualification Statements not received by the Borough by 4:00 p.m. prevailing time on November 20<sup>th</sup>, 2020 will be rejected.
- Neither the Borough, its consultants or advisors, nor their respective staffs 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.

**Section 1.4. Rights of Borough.**

The Borough 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.

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- 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 Borough 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 the Borough's sole discretion. If terminated, the Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

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

**Section 1.5 Addenda or Amendments to RFQ.**

During the period provided for the preparation of responses to the RFQ, the Borough may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Borough 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.

**Section 1.6 Proposal Format.**

Responses should cover all information requested in the questions to be answered in this RFQ.

Responses which in the judgment of the Borough 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**

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

## SECTION 3

### SUBMISSION REQUIREMENTS

#### **Section 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 believes may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

#### **Section 3.2 Administrative Information Requirements.**

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification (See Appendix A to this RFQ).
3. Name, address and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
  - (a) Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of ten percent (10%) or more in the firm.
  - (b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.
  - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above

for each member of the partnership, joint venture or similar organization.

- (d) A statement that the Respondent complies with all applicable local, State and Federal laws, regulations and requirements with respect to its business activities.
- 5. An executed Letter of Intent (See Appendix B).
- 6. An executed Payment Conditions and Rate Schedules Form (See Appendix C).
- 7. A completed Statement of Ownership Disclosure (See Appendix D).
- 8. The number of years the business organization has been in business under its present name.
- 9. The number of years the business organization has been under its current management.
- 10. Any judgments, claims or suits within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
- 11. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
- 12. Confirm appropriate federal and state licenses to perform activities. Submit a copy of the Firm's Business Registration Certificate

**Section 3.3 Professional Information Requirements.**

- 1. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:
  - a. Description and scope of work by Respondent;
  - b. Name, address and contact information of a minimum of 2 references; and
  - c. Explanation of perceived relevance of the experience to the RFQ.
- 2. Describe the services that Respondent would perform directly.
- 3. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.



4. Does the Respondent normally employ union or non-union employees?
5. Resumes of key employees.
6. A narrative statement of the Respondent's understanding of the Borough's needs and goals.
7. List all immediate relatives of Principal(s) of Respondent who are Borough employees or elected officials of the Borough. 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.

## **SECTION 4**

### **INSTRUCTIONS TO RESPONDENTS**

#### **Section 4.1 Submission of Qualification Statements.**

Respondents must submit an original and four (4) copies of their Qualification Statement to the Designated Contact Person:

Deborah Bonanno, Borough Administrator  
Borough of Franklin  
46 Main Street  
Franklin, NJ 07416

Qualification Statements must be received by the Borough no later than 4:00 p.m. (prevailing time) on November 20, 2020 and by hand delivery, delivery service, or US Postal Service delivery. 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. Qualification Statements and all related information must be signed and acknowledged by the Respondent.

## **SECTION 5**

### **EVALUATION**

The Borough'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 citizens of Franklin. The Borough will consider Qualification Statements only from firms or organizations that, in the Borough's judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Borough in the manner described in this RFQ.

Proposals will be evaluated by the Borough on the basis of the most advantageous, all relevant factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Knowledge of the Borough and the subject matter addressed under the RFQ;
3. Availability to accommodate the required meetings of the Borough; and
4. Other factors demonstrated to be in the best interest of the Borough.

**APPENDIX A**

**LETTER OF QUALIFICATION**

**(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)**

[INSERT DATE]

Deborah Bonanno  
Borough Administrator  
Borough of Franklin  
46 Main Street  
Franklin, NJ 07416

Dear Ms. Bonanno:

The undersigned has reviewed its Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Borough of Franklin ("Borough"), dated [INSERT ISSUE DATE], in connection with the Borough's need for Bond Counsel.

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference), are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon the express understanding that any false statement may result in the disqualification of (Name of Respondent).

[Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.]

(Signature of Chief  
Executive Officer)

(Typed Name and Title)

(Type Name of Respondent/Firm)

Dated: \_\_\_\_\_

**APPENDIX B**

**LETTER OF INTENT**

**(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)**

[INSERT DATE]

Deborah Bonanno  
Borough Administrator  
Borough of Franklin  
46 Main Street  
Franklin, NJ 07416

Dear Ms. Bonanno:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Borough of Franklin ("Borough"), dated [INSERT ISSUE DATE] in connection with the Borough's need for **Bond Counsel**.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.

2. (Name of Respondent) agrees (agree) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough's procurement schedule.

3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.

4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Borough. (Name of Respondent) declares that this Qualification Statement is made without connection

with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

5. (Name of Respondent) acknowledges and agrees that the Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

6. (Name of Respondent) acknowledges that any contract executed with respect to the provision of Bond Counsel must comply with all applicable local, State and Federal laws, regulations and requirements. Respondent hereby agrees to take such actions as are required in order to comply with all such applicable laws, regulations and requirements.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

\_\_\_\_\_ (Typed Name and Title)

\_\_\_\_\_ (Type Name of Firm)

Dated: \_\_\_\_\_

**APPENDIX C**

**PAYMENT CONDITIONS AND RATE SCHEDULES**

1. Please attach a detailed fee schedule, including but not limited to Retainer/Base fee/hourly rate for Bond Counsel. If submitting a flat retainer for services, please include what is specifically included in the retainer and what is specifically excluded from the retainer and any applicable hourly fees.
  
2. Monthly invoices shall be submitted detailing all services performed.

**Signature: The undersigned hereby acknowledges and accepts the established payment terms.**

Name of Respondent/Firm: \_\_\_\_\_

Print name and title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

Witness

**APPENDIX D**

**STATEMENT OF OWNERSHIP DISCLOSURE**

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

**This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.**

**Name of**

**Organization:** \_\_\_\_\_

**Organization**

**Address:** \_\_\_\_\_

**Part I Check the box that represents the type of business organization:**

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)     Limited Liability Company (LLC)
- Partnership     Limited Partnership     Limited Liability Partnership (LLP)
- Other (be specific): \_\_\_\_\_

**Part II**

The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

**OR**

No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

**Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

**If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

**Please list** the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above.** The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**



Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the Borough of Franklin is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Borough of Franklin to notify the Borough of Franklin in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the Borough of Franklin to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	