

**RAHWAY VALLEY SEWERAGE AUTHORITY  
REQUEST FOR PROPOSALS (RFP) FOR SPECIAL COUNSEL SERVICES –  
SPECIFICALLY RELATED TO FUNDING OPTIONS FOR FACILITY UPGRADES  
AND A POSSIBLE PUBLIC PRIVATE PARTNERSHIP, CONTRACT #1420, FOR THE  
AWARD OF A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN  
ACCORDANCE WITH N.J.S.A. 19:44A-20.5, ET SEQ.**

**I. Introduction**

The Rahway Valley Sewerage Authority (Authority) is seeking proposals from qualified Legal Firms for Professional Services, to serve as the Authority’s Special Counsel/Bond Counsel specifically related to facility upgrades and/or a possible Public Private Partnership. The firm shall provide the name of a designated individual who will work directly with the Authority.

The contract for these services shall be for the period beginning January 20, 2014 or as soon thereafter that a contract may be awarded and entered into.

Said services, such as “Professional Services” and “Extraordinary Unspecifiable Services” are exempt from the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

All responders should familiarize themselves with the Authority’s Professional Service Agreement (PSA) and be able to fully execute same if they are the chosen responder.

Proposers should consider familiarizing themselves with the Authority’s Service Agreements and Financial Reports, which can be obtained from our website at [www.rahwayvalleysa.com](http://www.rahwayvalleysa.com).

**II. Services**

The work to be performed by the successful proposer shall include but not be limited to the following:

**TASK 1**

1. Review of legal matters, which are situation specific, and to assist in assessing project alternatives.
2. Review and assist in evaluating funding / financing options for projects being considered by the Authority which include several upgrades (“Projects”) as well as a potential Public Private Partnership.
3. Assist in the preparation of the Request For Proposals for the perspective parties involved in the potential Public Private Partnership.
4. Draft the appropriate contract to be entered into between the parties.
5. Maintain contact with the Authority’s Executive Director, other management personnel, attorneys and other parties to discuss legal matters related to the project.

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6. Attend meetings with Authority personnel and third parties involved in “Projects” under consideration by the Authority.

**TASK 2**

1. Provide legal recommendations regarding all matters pertaining to the Project transactions under consideration by the Authority.
2. Advise and assist in the drafting of documents such as: Request For Proposals; the financing of a Public-Private Partnership utilizing the Authority’s assets and equipment under a Contract between the parties of a Public-Private Partnership; and other legal issues that may arise relate to this Project.
3. Attend meetings, provide advice in the area of strategies, etc., as requested by the Board, Executive Director or designated personnel.

The fees/rates for these services shall be outlined in a rate schedule including billable hourly rates for all staff members, blended hourly rates if applicable, multipliers, per item/diem rates, expenses, etc.

For budgetary purposes, assume 150 hours for the services outlined in Tasks 1 and 2. The fees/rates for these services shall be outlined in a rate schedule as noted in Section IV.

**Required Information**

The response to the RFP shall include but not be limited to the following:

1. The proposal covering all items as outlined under Section “II. Services”, above.
2. The firm’s name, mailing address, name of primary contact, telephone number, fax number and email address.
3. A description of qualifications, experience.
4. A summary of the names of your firm’s key personnel who will be involved with the “services” outlined herein, and the name of the “designated” attorney, including but not limited to experience with comparable work and length of time in providing these services to sewerage authorities, municipalities and/or any other government agency.
5. A copy of your firm’s current State of New Jersey Business Registration Certificate as required by State Law P.L. 2004, c.57.
6. A copy of your firm’s Federal Affirmative Action Plan, New Jersey Certificate of Approval for Affirmative Action or a completed AA-302 form (blank forms are available from the Authority).

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7. In accordance with Chapter 271 of P.L. 2005, and in addition to any other documentation submitted in response to the Authority's request for proposals, each responder shall submit a list of all applicable, reportable political contributions (a copy of the form can be downloaded from our web site) made by the responder during the previous twelve (12) months immediately preceding the date of the submission.
8. A completed Stockholder Disclosure Certification or Disclosure of Ownership Form as required by law (a copy of the form can be downloaded from our web site).
9. A copy of your firm's Insurance Certificate. Contractor shall provide general liability insurance in the amount of Two Million (\$2,000,000.00) Dollars and errors and omissions insurance in the amount of Two Million (\$2,000,000.00) Dollars.

Any and all **questions must be submitted** in writing to the Authority's Purchasing Agent at the Authority's office, 1050 East Hazelwood Avenue, Rahway, NJ 07065, **no later than December 19, 2013.**

**IV. Proposals**

Respondents shall submit one original and two copies (no faxes) of the formal proposal including rates (i.e. hourly rates, blended hourly rates, multipliers, etc.) and a proposed "estimated amount" as well as all "Required Information", to the Authority's Purchasing Agent at the Authority's office, 1050 East Hazelwood Avenue, Rahway, NJ 07065, by **11:00 a.m., January 7, 2014, with the words "SEALED PROPOSAL FOR CONTRACT #1420** on the outside of the envelope. Contracts due on January 7, 2014 will be opened and read aloud, beginning at 11:00 a.m.

For Work to be performed under Tasks 1 and 2 above.

<u>No.</u>	<u>Description</u>	<u>Rate</u>	<u>Amount</u>
	Partner	\$ _____/hr	
	Associates	\$ _____/hr	
	Paralegal	\$ _____/hr	
	Secretary	\$ _____/hr	
	Blended Rate if applicable	\$ _____/hr	
1.	Retainer Fee Services, use 75 Hours at designated Partner's rate for Budgetary Purposes		\$ _____
2.	For Budgetary Purposes, assume 75 hours at Associate Counsels rate		\$ _____
	Provide a 2014 Rate Schedule for all services.		
3.	Estimated Total (Task 1 and 2)		\$ _____

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**V. Selection Criteria**

Proposals shall be evaluated by the Authority based on that which is most advantageous to the Authority, taking into consideration the following factors, of which no single one shall be determinative:

1. Qualifications of the individuals who will perform the tasks and your firm's references.
2. Familiarity with the Authority's Outstanding Debt Obligations (reference is made to the disclosures included in the Authority's Audited Financial Statements for the years ended December 2012 and 2011, which can be downloaded from the Authority's website).
3. Ability to perform the tasks in a timely fashion.
4. Cost competitiveness.
5. Other items that the Authority deems necessary for evaluation of proposals and award of a contract.
6. Any other factors demonstrated to be in the best interests of the Authority.

Issuance of this RFP does not commit the Authority to award a contract, to pay any costs incurred in preparation of a response to this request, or to procure or contract any services or supplies. The Authority reserves the right to reject any and all proposals, and to re-solicit as necessary.