

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY

REQUEST FOR PROPOSAL

ATTORNEY

Monmouth County Bayshore Outfall Authority, a county outfall authority located on 200 Harbor Way, Belford, New Jersey 07718 through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq. is soliciting proposals from qualified attorney/law firm for the appointment and position of Attorney from February 6, 2012 to February 5, 2013.

POSITION/APPOINTMENT

The position of Attorney generally includes providing legal work and representation of the Authority generally as outlined in. The Position of Attorney provides that the attorney shall perform the following:

- a) Attendance at regularly and specially scheduled Authority meetings, being approximately 12 regularly scheduled meetings and special meetings as required.
- b) All conferences with the Executive Director and other personnel in the Authority involving services of a usual nature.
- c) Preparation of Authority resolutions as directed by the Executive Director.
- d) Preparation of routine reports to the Authority regarding the status of Authority matters.
- e) Legal research and review of correspondence, contracts, performance guarantees and files in relation to the Authority.

The position shall be from February 6, 2012 to February 5, 2013 or until the successor is appointed.

The position of shall be compensated at an hourly rate plus out-of-pocket expenses for the litigation and specialized legal services generally outlined as follows:

- a) Representation of the Authority in litigation matters.
- b) Representation of the Authority in connection with labor matters.
- c) Miscellaneous research and preparation of extraordinary legal memoranda involving projects and topics which require extensive additional time, research and preparation, including but not limited to, projects or a real estate, engineering or construction.

- d) Preparation, including conferences, in connection with capital bonding ordinances and the provision of legal services required to introduce and adopt said ordinances.
- e) All services of non-repetitive basis involving administration, finance, insurance, real estate, engineering and construction.
- f) Such other matters as may be assigned by the Board of Commissioners or Executive Director of The Authority.

The Authority is seeking proposals from one attorney/law firm to provide the services as Attorney.

EVALUATION

Proposals will be evaluated by the Monmouth County Bayshore Outfall Authority on the basis of the most advantageous, with due consideration to the qualifications, experience and quotations submitted and a number of other factors and criteria. The compensation proposal will be considered but will not be the controlling factor. The evaluation will generally consider the following criteria:

- A) Experience and reputation in the general field of Sewerage Authority Law, and in the representation of public entities, municipalities, and/or public employers in administrative proceedings and litigation in various areas relevant to municipal authorities. As a minimum qualification, the attorney to be appointed should have 10 years experience as an attorney actively representing municipal authorities or public entities in the State of New Jersey. The Authority will evaluate the attorney's experience in various areas of sewerage authority law, and litigation experience, representing public entities/municipal authorities, including but not limited to the following areas: tort claim defense of public entities and public employees; public contract and bond law; the Public Employment Relations Commission, the Office of Administrative Law, and other state administrative agencies involved in municipal matters; public contract; environmental law; personnel issues; negotiations of Collective negotiation agreements with public employee bargaining units and related litigation; negotiation for and acquisition of property on behalf of public entities for public purposes and/or open space, including litigation related thereto.
- B) Knowledge of the Authority legal matters. The Authority will give due weight to the familiarity of the responding attorney/law firm with on-going litigation and legal matters and the capability and ability of the attorney/law firm to continue such matters and costs and difficulties to be incurred, and the benefits obtained by reason of continuity in such litigation.
- C) Availability to accommodate the legal needs of the Authority. As reasonable accessibility is relevant consideration, the attorney/law firm should have its office within reasonable distance to the Authority. The positions require extensive time, regular contact several times daily with Authority officials, and meetings and conferences regularly. The responding attorney/law firm should provide details as to its office being staffed and

responsive, and reasonably accessible to the Authority, with sufficient support staff to adequately provide services.

- D) Ethics Issues. As integrity and ethics are critical considerations, the responding attorney must certify that neither the attorney, nor any attorney identified as available and appearing in the attorney's stead, have ever been reprimanded, censured, or suspended by the Supreme Court for ethics infractions. An attorney who has been reprimanded, censured, or suspended is disqualified.
- E) Other factors if in the best interest of the Monmouth County Bayshore Outfall Authority.

PROPOSALS

Proposals must be in writing and include the following:

- A) The Name of the Attorney seeking the position and the law firm the attorney is affiliated. The resume and/or a detailed summary of the attorney's experience and qualifications relevant to the positions, including a detailed statement of the attorney/firm's current and past detailed statement of the attorney/firm's current and past professional experience appointment/positions, important or relevant cases and case citations, and work relative to the positions and the periods during which such positions or cases were performed.
- B) A description of the location and facilities that the attorney/firm will be available at providing services from, and the staff regularly at that office/facility.
- C) The names of all principles/partners in the attorney's law firm.
- D) A summary of the experience and qualification of any attorney in the law firm that is identified as appearing in lieu of the Attorney/due to absence or illness.
- E) A statement certifying that the responding attorney, and the attorney's proposed as appearing in his absence, have never been reprimanded, censured, or suspended for ethics violations.
- F) Statement setting forth Malpractice Coverage.
- G) Fee Proposal.

PROPOSAL SUBMISSION

The Proposal (10 copies) must be received by the Monmouth County Bayshore Outfall Authority, Executive Director, 200 Harbor Way, Belford, NJ 07718, in a sealed envelope marked "Attorney" on or before January 18, 2012 at 10:00 a.m. Proposal submitted by facsimile or e-mail will not be accepted. Proposals will be publicly opened in the Conference Room at Monmouth County Bayshore Outfall Authority on January 18, 2012 at 10:00 a.m.

After receipt the Monmouth County Bayshore Outfall Authority will review and evaluate the proposals and qualifications. In the absence of unusual circumstances, the Monmouth County Bayshore Outfall Authority anticipates adopting a resolution appointing the Attorney on February 6, 2012 at their regular Meeting.

The Authority reserves the right to reject any and all proposals and waive any informality to the extent that it is lawful and in the best interest of the Authority. To the extent permitted by law, the Authority reserves the right to negotiate with qualified attorneys.

Any questions regarding this proposal/process should be submitted in writing to **Barbara Vilanova, Secretary, Monmouth County Bayshore Outfall Authority, 200 Harbor Way, P.O. Box 184, Belford, New Jersey 07718.**