

**REQUEST FOR QUALIFICATIONS**  
**FOR THE PROVISION OF LEGAL SERVICES –**  
**General Counsel**

**ISSUE DATE: December 11, 2017**

**DUE DATE: December 28, 2017**

**Issued by:**

**Rahway Parking Authority**

**NOTE: In the event an interested firm has downloaded these specifications from the RPA website, you are responsible for providing the RPA via email at [RPAInfo@rahwayparking.org](mailto:RPAInfo@rahwayparking.org) your contact information, including: Firm Name, Contact Person, Address, Email address, Phone Number, Fax Number, in the event the RPA issue Addendums or extends the time for submission of Qualifications.**

## **GLOSSARY**

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

"Authority" - refers to the Rahway Parking Authority.

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

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

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

## SECTION 1

### INTRODUCTION AND GENERAL INFORMATION

#### 1.1. Introduction and Purpose.

The Authority is soliciting Qualification Statements from interested persons and/or firms for the provision of **Legal Services –General Counsel** for the period of January 4, 2018 to December 31, 2018, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Authority with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Authority 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 Authority). The Authority 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 Authority to provide the greatest benefit to the Rahway Parking Authority.

#### 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., however. The Authority 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 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 2 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.

Qualification Statements will be reviewed and evaluated by the Authority and its Chairman and/or financial advisors (collectively, the "Review Team"). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Under no circumstances will a member of the review team review responses to an RFQ for a job which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Authority 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 Authority) will be

designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Authority.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The Authority reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

**NOTE: In the event an interested firm has downloaded these specifications from the RPA website, you are responsible for providing the RPA via email at [RPAInfo@rahwayparking.org](mailto:RPAInfo@rahwayparking.org) your contact information, including: Firm Name, Contact Person, Address, Email address, Phone Number, Fax Number, in the event the RPA issues Addendums or extends the time for submission of Qualifications.**

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

**Designated Contact Person:**

Chairman James Walker  
Rahway Parking Authority  
67 Lewis Street  
Rahway, N.J. 07065

**Qualification Statements must be submitted to, and be received by, the Authority, via mail or hand delivery, by 2:00 p.m. Prevailing Time on December 28, 2017 Qualification Statements will not be accepted by facsimile transmission or e-mail.**

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

**TABLE 1**

**ANTICIPATED PROCUREMENT SCHEDULE**

<b>ACTIVITY</b>	<b>DATE</b>
1. Issuance of Request for Qualifications	December 11, 2017
2. Receipt of Qualification Statements	December 28, 2017

- |    |  |                 |
|----|--|-----------------|
| 3. | Completion of Evaluation of Qualification Statements by the Review Team                          | January 4, 2018 |
| 4. | Authority Review of Review Team Recommendations  | January 4, 2018 |
| 5. | Approval of Professional Services Resolutions by Rahway Parking Authority Board of Commissioners | January 4, 2018 |

**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 Authority to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- The Authority 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 Authority 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 Authority 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 Authority and will not be returned.
- All Qualification Statements will be made available to the public at the appropriate time, as determined by the Authority (in the exercise of its sole discretion) in accordance with law.

- The Authority may request Respondents to send representatives to the Authority for interviews.
- Any and all Qualification Statements not received by the Authority by 2:00 p.m. Prevailing Time on December 28, 2017 will be rejected.
- Neither the Authority, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) 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 Authority.**

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

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

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

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

### **1.6 Cost of Proposal Preparation.**

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the Authority, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

### **1.7 Proposal Format.**

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

Responses which in the judgment of the Authority 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 Authority to solicit Qualification Statements from Respondents that have expertise in the provision of **Legal Services –to serve as General Counsel to the Authority and Attend Monthly Board Meeting– 8 Hour per Month Retainer. Additional billable hours as requested by the RPA.** 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 feels 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 for **Legal Services –General Counsel**, 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 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 has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance
5. An executed Letter of Intent (See Appendix B).
  6. The number of years your organization has been in business under the present name.
  7. The number of years the business organization has been under the current management.
  8. 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.
  9. 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.
  10. 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.**

Respondent shall submit a description of its overall experience in providing **Legal Services – General Counsel** sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

Legal services shall include but shall not be limited to the following:

#### **General Counsel Scope of Services**

- A. Attending all Authority meetings (regular or special)
- B. Attendance at committee meetings when requested.
- C. Conferring with and advising the officers, employees and members of the Authority on legal matters when requested.
- D. Advice and assistance to the Authority in the preparation of legal documents, papers, contracts, specifications, waivers, and such other legal drafting as may be required from time to time.

- E. Appearance for and representation of the Authority in court in litigated matters.
- F. Approval of the legality of public bid documents and contracts.
- G. Handling of legal questions and matters arising under contracts of the Authority and rendering of legal opinions on matters submitted by the Authority.
- H. When requested review and approval of documents, as general counsel, pertaining to Temporary and Permanent Financing relating to projects covered by this Agreement.
- I. Giving notice to and consulting with the Authority's Insurance Carriers in cases of injury to person or property involving the Authority.
- J. Preparation of motions and resolutions for adoption by the Authority's Board of Commissioners, as requested.
- K. Closing of Sale and acquisition of real estate
- L. Acquisition of real estate through condemnation and negotiated purchases.
- M. Preparation and review of leases for the Authority as both lessee and lessor.
- N. Preparation and review of parking management agreements for and by the Authority.
- O. Research of legal issues as required by the Authority.
- P. Assist the Board of Commissioners of the Authority in employment issues, including employee discipline and discharge.
- Q. Advise the Chairperson and Board of Commissioners as required.
- R. General Knowledge of Employment Law and Employee Disciplinary Procedures

**In Addition to the above Scope of Service please provide**

1. Description and scope of work by Respondent
2. Name, address and contact information of references
3. Describe Legal Knowledge & Experience in the following areas:
  - (a) NJSA 40:11A et seq – Parking Authority Act
  - (b) NJSA 40A11 et seq – Public Contracts law
  - (c) NJSA 47:1A-1 et seq – Open Public Records Act
  - (d) NJSA 20:3- et seq – Eminent Domain Act
  - (e) NJSA 39: 4 et seq – General & Handicapped Parking Regulation Statutes
  - (f) Residential Permit Parking – Drafting of Program Rules & Regulations
  - (g) Drafting of Municipal Parking Regulation Ordinances
3. Describe the services that Respondent would perform directly.
4. 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.
5. Does the Respondent normally employ union or non-union employees?
6. Resumes of key employees
7. A narrative statement of the Respondent's understanding of the Authority's needs and goals.

8. List all immediate relatives of Principal(s) of Respondent who are Authority employees or elected officials of the City of Rahway. 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**

**4.1 Submission of Qualification Statements.**

Respondents must submit an original and five (5) copies of their Qualification Statement to the Designated Contact Person:

Chairman James Walker  
Rahway Parking Authority  
67 Lewis Street  
Rahway, N.J. 07065

Qualification Statements must be received by the Authority no later than 2:00 p.m. (prevailing time) on December 28, 2017 and must be mailed or hand-delivered. 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 bound, and signed and acknowledged by the Respondent.

**SECTION 5**

**EVALUATION**

The Authority's objective in soliciting Qualification Statements is to enable it to select a firm or organization that will provide high quality and cost effective **Legal Services –General Counsel** to the Rahway Parking Authority. The Authority will consider Qualification Statements only from firms or organizations that, in the Authority's judgment, have demonstrated the capability and willingness to provide high quality services to the Rahway Parking Authority in the manner described in this RFQ. Proposals will be evaluated by the Authority (Evaluation Team) on the basis of the most advantageous, all relevant factors considered.

**Evaluation Criteria:**

1. 20 Points: Experience and reputation in the legal field representing government entities, including; state, county, municipal and/or independent authorities
2. 30 Points: Years of Experience representing Parking Entities, State, County & Municipal, including; Authority, Utility, Divisions and/or Departments
3. 40 Points: Knowledge of the subject matter requested by the RPA in RFQ
4. 5 Points: Knowledge of the RPA and availability to accommodate the required meetings of the Authority; and
5. 5 Points: Retainer for 8 Hours of Legal services per Month & Hourly Rate.

**Evaluation Methodology:**

**Item 1 Government Experience:** 4 Points for every year of legal experience representing government state, county, municipal or authority clients.

**Item2 Parking Entity Experience:** 4 Points for every year of legal experience representing parking related government state, county, municipal or authority clients.

**Item 3 Parking Authority Knowledge:** Up to 4 Points for knowledge and experience for each of the subject matter areas listed in Section 3.3 – Professional Information Requirements

**Item 4 Knowledge of Authority:** Up to 5 Points for Knowledge of the RPA’s Operations and ability to accommodate Authority meeting schedule.

**Item 5 Fees for Services:** 5 Points for Lowest fee proposed for 15 Hours per Month Legal Retainer and Hourly Rate for Billable Legal Services. Next lowest proposal to be awarded 4 Points and each respondent thereafter awarded 1 Point less in ascending price order, until zero points are awarded.

**APPENDIX A  
LETTER OF QUALIFICATION**

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

[insert date]

Chairman James Walker  
Rahway Parking Authority  
67 Lewis Street  
Rahway, N.J. 07065

Dear Mr. Walker:

The undersigned have reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Rahway Parking Authority ("Authority"), dated [insert date] in connection with the Authority's need for **Legal Services –General 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 express understanding that any false statement may result in the disqualification of (Name of Respondent).

Our fixed Retainer Fee for 15 Hours of Legal Work per Month is: \$ \_\_\_\_\_,  
(Write Amount of Retainer in Words)\_\_\_\_\_.

Our Hourly Legal Fee is: \$ \_\_\_\_\_,  
(Write Hourly Legal Fee in Words)\_\_\_\_\_.

Dated: \_\_\_\_\_, 2017

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

\_\_\_\_\_  
(Type Name of Firm)  
(If a joint venture, appropriate officers of each company shall sign.)

## APPENDIX B

### LETTER OF INTENT

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

[insert date]

Chairman Walker  
Rahway Parking Authority  
67 Lewis Street  
Rahway, N.J. 07065

Dear Mr. Walker:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Rahway Parking Authority ("Authority"), [inset date] in connection with the Authority's need for **Legal Services – General Counsel**.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Authority'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 there from 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 Authority. (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 Authority may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Authority shall 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 [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
(Signature of Chief Executive Officer)

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

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

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