

# **CUMBERLAND COUNTY UTILITIES AUTHORITY**

**FAIR AND OPEN PROCESS  
N.J.S.A. 19:44A-20.4 ET SEQ.**



**REQUEST FOR QUALIFICATIONS  
2023**

**AUTHORITY CONFLICT ENGINEER  
RFQ #2022-13**

**CUMBERLAND COUNTY UTILITIES AUTHORITY  
NOTICE OF SOLICITATION  
Request for Qualifications for Professional Services**

**Authority Conflict Engineer**

Notice is hereby given that pursuant to the provisions of N.J.S.A. 19:44A-20, New Jersey Pay to Play, and other legislative enactments, more specifically Chapter 271 of the laws of the State of New Jersey, the Cumberland County Utilities Authority located at 333 Water Street, Bridgeton, New Jersey 08302, is seeking RFQ's for professional services to be provided to the Authority as listed below for the period of January 1, 2023 to December 31, 2023. This service is excepted from formal bidding in accordance with N.J.S.A. 40A:11-5.

**Scope of Services**

The Scope of Services required under this Request for Qualifications includes the serving as the Authority's Conflict Engineer providing professional engineering services relating thereto from January 1, 2023 to December 31, 2023.

**Other Specialized Services**

The selected Professional will be expected to provide specialized professional services to the Authority during the entire year on an as needed basis. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the professional will be expected to return a phone call to the Authority on the same day. The professional will also be expected to be available to provide advice to the Authority during non-business hours including the attendance at meetings when requested.

**Minimum Qualifications**

The firm shall have two or more licensed professionals on staff whose major focus and work has been and remains providing professional services to and advising public entities. The firm shall have at least ten (10) years experience in representing public entities. The firm shall designate one professional within the firm, who will be assigned to represent the interest of the Authority. This individual shall have been admitted and/or licensed in his/her profession in the state of New Jersey and be in good standing. The firm and individuals assigned to work with the Authority shall be well versed in all aspects of the Authority's operations. The firm must maintain a current principal office within the Tri-county area.

**Submission**

Proposing firms shall provide evidence that all minimum qualifications are met.

The response to this Request for Qualifications (RFQ) shall also discuss and provide the following:

- Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
- References and record of success.

- Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
- Cost details, including the hourly rates of each of the individuals who will perform services.
- Resumes for the professionals to be assigned to work on Authority matters shall be identified.
- A list delineating the number and types of public clients served shall also be presented.
- Names of references of at least three (3) public sector employers shall be provided for this individual.
- A narrative statement of the professionals understanding of the needs and goals of the Authority.

## **Evaluation of Proposals**

The Authority intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et. seq.

The proposals will be evaluated by a committee of staff and Board Members of the Authority based upon information supplied by each Proposer in response to this RFQ and the following criteria:

- Ability to meet all minimum qualifications.
- Overall knowledge and familiarity with the operations of the Authority.
- Experience of the firm in providing similar services to other public bodies, with special emphasis on experience in New Jersey.
- Qualifications and experience of the professional.
- Qualifications and experience of the other members of the professional's firm.
- The hourly rates proposed. The proposal shall identify whether clerical and other overhead costs will be billed separately or included in the hourly labor rate for the attorneys.

Proposals will be evaluated by the Authority on the basis of which is the most advantageous, all relevant factors considered equally.

Any questions regarding this Request for Qualifications should be directed to Robert Carlson, Executive Director of the Cumberland County Utilities Authority.

**Please submit two (2) copies of the proposal to:**

**Cumberland County Utilities Authority  
333 Water Street  
Bridgeton, New Jersey 08302  
Attn: Robert Carlson, Executive Director**

**All proposals must be received at the Authority's Administrative Office by 10:00 AM, Tuesday, November 15, 2022 at which time they will be publicly opened. All proposals shall be sealed and marked on the outside "Proposal for Authority Conflict Engineer".**

## **Insurance**

Applicable insurance certificates must be furnished by the successful contractor naming the Cumberland County Utilities Authority as additionally insured and certificate holder, prior to commencement of work. Insurance shall include professional liability.

## **P.L. 1975 c.127 (N.J.A.C.17:27)**

### **Mandatory Affirmative Action Language**

During the performance of this contract, the contractor agrees to comply with all the requirements of N.J.S.A. 10:5-31 et seq and N.J.A.C. 17:27 in accordance with attached Exhibit A.

Each contractor shall submit to the Cumberland County Utilities Authority after notification of award but prior to execution of contract, one of the following documents:

1. A photocopy of a valid letter that the contractor is operating under a Federally approved or sanctioned affirmative action program; or
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. A photocopy of an Employee Report (Form AA302) completed by the contractor in accordance with N.J.A.C. 17:27-4 (goods, service, professional contracts)

## **New Jersey Business Registration Requirements**

In accordance with P.L. 2004 c.57, bidder should provide with their proposal a Business Registration Certificate issued by the State of New Jersey. Please note that having provided this form to the Cumberland County Utilities Authority previously does NOT exempt you from providing this form with this proposal.

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

1. The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
2. prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors and suppliers or attest that none was used; and
3. during the term of this contract, the contractor and its affiliates shall collect and remit, to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A.54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not provided or maintained under a contract with a contracting agency. Information on the law and its requirements are available by calling 609-292-9292.

## **Purchase Order Requirements**

No work shall be performed, services rendered or material provided by the successful bidder unless a proper purchase order has been issued by the Cumberland County Utilities Authority in accordance with the Authority's "Purchase Procedure".

Requests for payment of material or services delivered shall be made with copies of supplier's invoices attached which shall specify the quantity, description, unit and extended prices of each item delivered. Payments shall not be provided on a frequency less than a monthly basis after services are rendered and invoices are timely submitted for review and processing.

## **Form of Contract**

The successful contractor shall provide to the Cumberland County Utilities Authority contract documents in a form acceptable to the Authority. Contract documents shall include the following language and submissions:

### **Mandatory Language:**

- \* "It is hereby agreed that (*name of professional*) will not undertake the performance and/or provide services which exceed designated Purchase Orders for those services without the express written authorization of the Authority."
- \* "This contract has been awarded consistent with the requirements of N.J.S.A. 19:44A-a20.4 et seq."
- \* Affirmative Action Language represented in enclosure Exhibit A

### **Required Documentation:**

- \* Rate schedule in accordance with proposal and award;
- \* Proof of professional liability and error/omissions insurance coverage naming the Cumberland County Utilities Authority as an additional insured;
- \* Proof that you are authorized or licensed to practice the particular profession to which you were appointed; and
- \* **ONE** of the following three documents prior to execution of your contract:
  1. Letter of Federal Affirmative Action Plan Approval
  2. Certificate of Employee Information Report
  3. Employee Information Report Form AA302

## **Disclosure of Contributions**

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

# **EXHIBIT**

## **Public Contracting (“Pay-to-Play”) Reform**

### **Prohibition on Awarding Public Contracts to Certain Contributors**

- A. Any other provision of law to the contrary notwithstanding, Cumberland County or Any of its purchasing agents or agencies or those of its independent authorities, the Planning Board and Zoning Board, as the case may be, shall not enter into an agreement or otherwise contract to procure professional, banking, insurance coverage services or any other consulting services, including those awarded pursuant to a “fair and open” process, from any professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any Cumberland County candidate or party committee, or to any political action committee (PAC) that regularly engages in, or whose primary purpose is the support of Cumberland County elections and/or Cumberland County municipal parties in excess of the thresholds specified in Subsection D within one (1) calendar year immediately preceding the date of the contract or agreement.**
- B. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendering of professional, banking or insurance coverage services or any other consulting services, including those awarded pursuant to a “fair and open” process, shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Cumberland County candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or office holder, or to any Cumberland County party committee, or to any political action committee (PAC) that regularly engages in, or who primary purpose is the support of Cumberland County elections between the time of first communications between that business entity and the Authority regarding a specific professional services agreement and the termination of negotiations or the completion of the contract or agreement, whichever is later.**
- C. For purposes of this Article, a “professional business entity” seeking a public contract means an individual, including the individual’s spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own ten (10%) percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.**
- D. Any individual meeting the definition of “professional business entity” under this section may annually contribute a maximum of three hundred dollars (\$300.00) each for any purpose to any candidate for mayor or governing body, or to any elected office holder, or three hundred dollars (\$300.00) to a Cumberland County political party or to a PAC reference in this Article, without violating Subsection A of this section. However, any group of individuals meeting the definition of**

**“professional business entity” under this section, including such principals, partners and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of two thousand five hundred dollars (\$2,500.00) to all Cumberland County candidates and elected officeholders with ultimate responsibility for the award of the contract, and all Cumberland County Political parties and PACs referenced in the ordinance combined, without violating Subsection A of this section.**

**Subscribed and sworn before me**

**This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.**

**Signature \_\_\_\_\_**

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**Notary Public**

**Print Name and Title**

## EXHIBIT A

### P.L. 1975, C. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE

#### PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACT

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agree to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, C. 1267, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.



The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

I have read the above and agree to comply with its content.

Signature

Date

Type or Print Name