

**NOTICE POSTED: November 14, 2019**

**DUE DATE: December 5, 2019 @ 10:00 a.m. prevailing time**

**PUBLIC READING:** All proposals/responses will be opened at the City Council Chambers on **December 5, 2019 @ 2:00 p.m.**

**TAKE NOTICE:** The City of Bayonne, 630 Avenue C, Rm. 15, Bayonne, NJ 07002 (hereinafter referred to in this notice and the various submission documents as the “Client/Owner,” “City of Bayonne” and/or “City”) is seeking Qualifications and/or Proposals for Professional Services Providers (hereinafter referred to in this notice and the various submission documents as the “respondent,” “provider,” “contractor,” “submitting party,” “applicant,” “vendor,” “service provider,” and/or “professional service provider”) for the following professional services in accordance with a “fair and open” contracting process as defined in the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44-20.4 et seq.):

The CITY OF BAYONNE is soliciting responses/proposals for the provision of the following professional services:

**PROFESSIONAL SERVICE/TITLE SOUGHT:**

**PROFESSIONAL LEGAL SERVICES - PANEL COUNSEL (general matters and litigation)**

The City of Bayonne is a member of the New Jersey Intergovernmental Insurance Fund (NJIFF), through which it is afforded coverage, including defense, of various claims and suits. However, there are legal matters that fall outside the scope of the coverage afforded through the NJIFF, claims that pre-date the City’s membership in the NJIFF, instances where the NJIFF denies coverage and other general legal matters for which the City and/or its employees are in need of legal counsel and/or representation. Accordingly, the City desires to appoint Panel Counsel to represent the CITY OF BAYONNE and/or its employees in connection with the following matters:

1. Litigation arising out of any and all lawsuits filed in either State Superior Court, State Municipal Court, State Administrative Law Court, State Worker’s Compensation Court, Federal Court including, but not limited to, matters sounding in tort and contract, law and equity, for which there is no coverage through the NJIFF.
2. Representation of the City of Bayonne, Bayonne Police Department and individual police officers named as defendants in civil actions including civil rights actions in which the City may be required to provide a defense pursuant to N.J.S.A. 40A:14-156, for which there is no coverage through the NJIFF.

3. Representation of the City in declaratory judgment and coverage matters and actions.
4. Rendering of advice and providing opinion(s) and representation of the City in Bankruptcy matters.
5. Rendering of advice and providing opinion(s) as to general municipal matters, including employment matters, and representation of the City in administrative proceedings and court proceedings, whether the City is the plaintiff / petitioner or the defendant / respondent.
6. Work includes but is not limited to rendering advice and counsel including written opinions; research and report writing; negotiations on behalf of client and representation and defense in matters of litigation.

**TERM OF APPOINTMENT:**

The term of appointment shall be for a period not to exceed one (1) year commencing from the date of appointment.

**GENERAL REQUIREMENTS:**

Must maintain a bona fide office in the State of New Jersey and hold a license to practice law for at least three (3) years and be eligible to appear before all state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law; have familiarity with N.J. and federal law (where applicable) in the following areas of practice; criminal defense, tort including personal injury, contract, workers compensation, administrative law, labor and employment law, administrative disciplinary matters, bankruptcy, civil rights litigation, general municipal law.

**INSURANCE REQUIREMENTS:**

**Worker's Compensation Insurance**

Workers Compensation Insurance shall be maintained in full force during the life of the contract, covering all employees engaged in performance of the contract pursuant to N.J.S.A. 34:15-12(a) and N.J.A.C. 12:235-1.6

**General Liability Insurance**

The contractor shall furnish evidence to the City prior to commencement of the work that he/she or any of his/her subcontractors perform and will provide Standard Liability for any operations to be performed by contractor or subcontractors as follows:

General liability insurance shall be provided with limits of not less than \$1,000,000 for any occurrence and \$2,000,000 aggregate for bodily injury and property damage. Coverage shall be maintained in full force during the life of the contract.

### **Automotive Liability Insurance**

Automotive liability insurance covering the contractor for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000 for any one occurrence and \$2,000,000 aggregate for bodily injury and property damage. Coverage shall be maintained in full force during the life of the contract.

### **Professional Liability Insurance**

Professional liability insurance covering contractor for claims arising from its representation of the municipality with limits of not less than \$2,000,000 for any one occurrence, which shall be claim based, and coverage shall be maintained in full force and effect during the life of the contract.

## **CERTIFICATES OF THE REQUIRED INSURANCE**

Certificates of Insurance for those policies required shall be with an insurance company authorized to do business in the State of New Jersey and shall name the City as an additional insured.

## **INDEMNIFICATION**

The contractor shall indemnify, defend, and save harmless the City, at the contractor's own cost and expense, from and against all losses and all claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against him, by reason of any act or omission of the said contractor, his agents or employees, in the delivery of goods or services, execution of the work, or in the guarding of it.

**The preceding insurance requirements maybe amended before the issuance of the final contract at the sole and absolute discretion of the City on a case-by-case basis.**

## **WORK PRODUCT/DELIVERABLES:**

All documents and writings necessary to render advice to the City and to represent and defend the CITY OF BAYONNE and/or its employees performing in the course of their employment inclusive of court appearances.

## **OPRA COMPLIANCE:**

Records received, retained, retrieved, or transmitted under the terms of this contract and as a result of the “work” performed by Vendor/Contractor for or on behalf of the City may constitute public records as defined in N.J.S.A. 47.3-16, and are legal property of the City. The Vendor(s)/Contractor(s) named in this contract must agree to administer and dispose of such records in compliance with the State’s public record laws and associated administrative rules.

In the event a claim is filed against the City with the Government Records Counsel or, in the Superior Court of New Jersey, or otherwise arising out of documents that were requested of the City or its Vendor(s)/Contractor(s) under the Open Public Records Act or Common Law and the Vendor(s)/Contractor(s) failed to provide the documents, the Vendor(s)/Contractor(s) shall be responsible to defend, indemnify and hold the City harmless with respect to any such claims, fines or penalties imposed.

## **FEE SCHEDULE:**

The fee schedule for Panel Counsel is \$165 per hour for all matters except those matters involving the defense of City of Bayonne Police Officers, in which cases the fee schedule shall be \$125 per hour and worker’s compensation matters will be paid at a flat fee of \$1,250 per case.

## **EVALUATION PROCESS:**

An evaluation team will review all responses/proposals. The team will determine if the responses/proposals satisfy the Proposal Requirements, determine if a response/proposal should be rejected and then evaluate the responses/proposals based upon the Evaluation Criteria. Qualifying respondents will then be recommended to the governing body for appointment to the Panel based on price and other factors. **In specific areas, multiple contracts may be awarded.** Listed below are the criteria that the CITY OF BAYONNE will consider in the evaluation of each response/proposal. The arrangement of the criteria does not imply order of importance in the selection process. All criteria will be used to select the successful respondent.

### **1. Requirements**

Possess the general requirements stated herein.

### **2. Understanding of the Requested Work**

The responses/proposals will be evaluated for general compliance with instructions and requests issued in the RFQ-RFP. Non-compliance with significant instructions shall be grounds for disqualification of responses/proposals.

### **3. Knowledge and Technical Competence**

This includes the ability of the respondent to perform all of the tasks and fulfill adequately the stated requirements.

### **4. Management, Experience and Personnel Qualifications**

Expertise of the respondent shall be demonstrated by past contract successes providing government agencies with similar services. The respondent will be evaluated on knowledge, experience, prior collaboration and successful completion of projects/services similar to those requested in this RFQ-RFP. In addition to relevant experience, respondents shall provide personnel qualifications in the Proposal.

### **5. Ability to Complete the Services in a Timely Manner**

This is based on the estimated duration of the tasks and the respondent's ability to accomplish these tasks as stated.

### **6. Cost**

Price shall be based on rates set forth in the RFQ or where a cost proposal is required (RFP), as submitted in the cost proposal. Prices are firm for twelve (12) months. Any services not included as part of any resulting contract scope of services or cost proposal must be approved and authorized by the CITY OF BAYONNE before such work is initiated. The CITY OF BAYONNE shall pay for such approved services, at the rate or cost agreed upon between the CITY OF BAYONNE and contractor.

## **BASIS OF AWARD** **EVALUATION CRITERIA**

### **Special Legal Counsel - Panel Counsel** **Term: One Year Commencing from the Contract Date**

The following is the criteria for evaluation of the response/proposal. Points shall be awarded based on the information contained in each response/proposal for each category as listed below on a scale of 1-10, with 10 meeting all required criteria and 1 not meeting the required criteria. The highest total score shall be the basis for the contract award.

EVALUATION CRITERIA	SCORE/ POINTS
<b>TECHNICAL CRITERIA</b>	
Vendor's response/proposal demonstrates a clear understanding of the scope of work and related objectives	
Vendor's response/proposal is complete and responsive to the technical RFQ/RFP requirements	
Vendor evidences successful past performance of like projects	
<b>MANAGEMENT CRITERIA</b>	
History and experience in performing similar work	
Availability of personnel, facilities, equipment, etc.	
Qualification and experience of support personnel	
Comprehensive work plan and schedule	
Significant experience in representing <b>municipalities in defense litigation and bankruptcy matters</b>	
Proof of licensure	
<b>COST CRITERIA</b>	
Cost of goods/services to be provided	
Quality and quantity of vendor's services to previous clientele	
Vendor's financial ability to meet obligations	
<b>POINT TOTALS</b>	

**BE ADVISED THAT** absent an express written notice to the contrary in the detailed requirements, all responses:

1. Are to be submitted on "The Standardized Profession Service RFQ-RFP SUBMISSION FORMS" AND
2. Are Subject to the Standardized "General Instructions, Submission and Selection Criteria for Professional Service Contracts".

The above mentioned standardized documents are available on the City of Bayonne Website (<http://www.BayonneNJ.org>) under the heading "RFP – Requests for Proposals" by clicking on the link "Requirements for Submission," "Click here to view Requirements." and clicking on the links under Paragraphs No. 1 and No. 2. Should you be unable to obtain these from the website, copies of the solicitation package are also available at the office of the City Law Department, 630 Avenue C, 1st Floor, Rm. 15, Bayonne, NJ 07002. The Law Department is open during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

**SEALED RESPONSES/PROPOSALS SHOULD INCLUDE:**

1. The above noted Standardized Profession Service RFQ-RFP SUBMISSION FORMS which include:
  - a. The "Proposal, Qualifications and Costs Submission Form" signed and dated by the provider and clearly referencing any additional sheets or attachments

(such as a submission letter, provider service or experience description, and/or fee schedule).

b. A signed and notarized "Non-Collusion Affidavit."

c. A signed Disclosure of Ownership form.

2. A copy of the vendor's current "NJ Business Registration Certificate." Information on this certificate can be obtained on the web at "<http://www.state.nj.us/treasury/revenue/busregcert.htm>".

3. Such other documents and materials as may be appropriate to show the qualifications and experience of the provider or to meet the requirements of this RFQ-RFP.

### **SUBMISSION DEADLINE AND PUBLIC READING:**

Sealed proposals/responses must be received in the City Law Division, 630 Avenue C, 1st Floor, Room 15, Bayonne, New Jersey 07002 on or before the date and time ("due date" set forth in this notice (also referred to as the "submission deadline"). The City's Law Director and/or her designated representative will receive submissions up to the submission deadline.

The City reserves the right to extend the submission deadline at any time prior to opening of the sealed submissions, to reject all submissions without the need for cause or prior notice, to reject particular submissions due to defects in mandatory items, to waive non-mandatory items and to accept any submissions that in its judgment is in the best interest of the City.

**NOTICE POSTED: November 14, 2019**

**DUE DATE: December 5, 2019 @ 10:00 a.m. prevailing time**

**PUBLIC READING:** All proposals/responses will be opened at the City Council Chambers on **December 5, 2019 @ 2:00 p.m.**

John F. Coffey II, Esq., Law Director, 630 Avenue C, Rm. 15, Bayonne, NJ 07002