

**REQUEST FOR QUALIFICATIONS
FOR SPECIALIZED LEGAL SERVICES
BURLINGTON COUNTY INSURANCE COMMISSION**

Description:

The Burlington County Insurance Commission is seeking responses from qualified attorneys/law firms, duly licensed and in good standing in the State of New Jersey, to provide services to the Burlington County Insurance BCIC (“BCIC”) for the contract period of January 1, 2022 through January 1, 2023.

Qualification Requirements:

Each attorney/law firm proposed to provide work for the BCIC and must be licensed in the State of New Jersey and demonstrate the ability to provide legal advice in the area of law for which they request to be qualified. **Resumes must be submitted in response to this RFQ for EACH attorney proposing to be qualified.**

Each attorney/law firm must execute and deliver with the response to this RFQ a certification in the form provided stating that the candidate has no conflicts of interest, actual or apparent, that would compromise his/her independence of judgment in the performance of the designated services.

Each attorney/law firm must comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. Each attorney law firm must also comply with the New Jersey Business Registration Act and Statement of Ownership, N.J.S.A. 52:25-24.2.

Additional Qualification Requirements for each area of specialized legal services are specified under the Scope of Work descriptions set forth below.

Scope of Work:

Attorneys/Law Firms may submit responses to any or all areas of specialized legal services as set forth in this RFQ.

Each area of specialized legal services, as well as any additional qualification and experience requirements for that area, are set forth as follows:

**DETAILED RQUIREMENTS OF THE
BURLINGTON COUNTY INSURANCE COMMISSION**

REQUEST FOR PROPOSAL FOR QUALIFICATIONS

1. **NATURE OF SERVICES** – The BCIC is requesting proposals from qualified individuals and firms for the provision of Attorney services. The Proposer should educate itself further with regard to additional statistical information which it may need to prepare its proposal.
2. **STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL** – Proposer should submit a technical proposal which contains the following:
 - A. The name of the proposer, the principal place of business and, if different, the place where the services will be provided;
 - B. The age of the proposer’s firm and the average number of employees over the past three years;
 - C. The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles;
 - D. A listing of all other engagements where services of the types being proposed were provided in the past ten years. This should include other BCICs at other levels of government. Contact information for the recipients of the similar services must be provided. The BCIC may obtain references from any of the parties listed;
 - E. A detailed plan for providing the proposed services;
 - F. Proof of professional liability insurance;
 - G. Proof of any necessary professional license or certification from the State of New Jersey for all professionals assigned to the engagement;
 - H. Statement that the firm has Workers’ Compensation and Employer’s Liability Insurance in accordance with New Jersey Law;
 - I. Statement that neither the firm nor any individuals assigned to this engagement are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
 - J. A description of the proposer’s office location and an explanation of the proposer’s availability for meetings, conferences, training and emergency response at the BCIC’s facilities;
 - K. An Affirmative Action Statement (copy of form attached);
 - L. A completed Non-Collusion Affidavit (copy of form attached);
 - M. A completed Owner Disclosure Statement (copy of form attached);

- N. A statement that the proposer will comply with the General Terms and Conditions required by the BCIC and enter into the BCIC's standard Professional Services Contract;
- O. A copy of the proposer's New Jersey Business Registration Statement;
- P. A representation that all services will be performed within the United States of America.

3. **SPECIALIZED REQUIREMENTS OF TECHNICAL PROPOSAL** – The successful candidate will provide services related to, but not necessarily limited to:

Commission Attorney:

As a minimum, the applicant shall demonstrate the ability to provide legal advice to the Burlington County Insurance Commission. The applicant must demonstrate a consistent pattern of providing legal leadership and must quantify the results achieved in the area of litigation management. The applicant also must demonstrate a high degree of knowledge concerning (1) the finance and operation of local governmental units in New Jersey; (2) the management of a governmental entity comprised of numerous governmental entities and involving numerous vendors; (3) workers compensation, liability and property matters involving New Jersey governmental entities and (4) the regulations of the Department of Banking and Insurance and the Department of Community Affairs pertaining to joint insurance BCICs.

- A. To provide legal advice to the BCIC.
- B. To recommend to the BCIC, attorneys to handle claims against the BCIC or the member entities where the BCIC is obligated to provide a defense, and to supervise the work of such attorneys who shall not be a member of the same law firm, except with the consent of the BCIC.
- C. To provide reports to the BCIC on such matters and at such times as the BCIC may direct.
- D. Assist the Executive Director/Administrator and the Claims Service Company in the analysis of claims to prevent future similar occurrences, with periodic reports to the BCIC with such recommendations as may, in the opinion of the attorney, assist in the reduction of claims.
- E. Coordinate the handling of litigated claims with the Claims Service Company and with attorneys approved by the BCIC.
- F. Assist new members in developing Personnel Policies & Procedures Manual.
- G. Such other services as may be required by the BCIC Commissioners, Executive Director/Administrator, the BCIC Bylaws, the Risk Management Plan and/or the statutes or regulations pertaining to the BCIC.

4. **LICENSING** – If the successful proposer or any of its subcontractors is required to maintain a license in order to perform the services which are the subject of this contract, then prior to the effective date of this contract, and as a condition precedent to its taking effect, the successful proposer shall provide to the BCIC a copy of all current licenses to operate in the State of New Jersey. All licenses shall be current and in good standing and shall not be subject to any current action to revoke or suspend.

Successful proposer shall notify the BCIC immediately in the event of suspension, revocation or any change in status (or in the event of initiation of any action in status) of license or certification held by the successful proposer or its agents and/or subcontractors. The successful proposer shall during the term of the contract, provide the BCIC with proof of renewal of any license for any of proposer's employees, which renewals occur during the term of the contract.

Submission of Bids:

This RFQ is open to all qualified candidates. The Burlington County Insurance Commission will not discriminate on the basis of gender, race, age, ethnicity, handicap or any other legally protected class.

A review committee will be established within the Burlington County Insurance Commission which shall review and evaluate all responses and determine a limited number of best-qualified candidate applicants with which to negotiate. The evaluation will consider:

- a. Experience and reputation in the respective areas of specialized legal services including meeting the minimum experience requirements set forth in this RFQ;
- b. Demonstrated knowledge of the respective areas of specialized legal services;
- c. Location of office relative to location of where work is to be performed;
- d. Other factors, if demonstrated to be in the best interest of the Burlington County Insurance Commission.

Submit (a) one original paper copy, clearly marked as the "ORIGINAL" plus (b) three additional exact copies. The proposal must be addressed to:

Cathy Dodd
Burlington County Insurance Commission
c/o PERMA Risk Management Services
9 Campus Drive, Suite 216
Parsippany, NJ 07054
(Contains BCIC RFQ)

The proposal must be received by November 4, 2021 at 3:00 PM.

Faxed or E-Mailed proposals will NOT be accepted.

Insurance:

All attorneys/law firms deemed qualified shall maintain adequate insurance coverage during the term of any Contract awarded as a result of being selected from the Qualified Attorney/Law Firm List for a given project pursuant to the following guidelines:

- a) All statutory Workers' Compensation coverage required to be held by law; and Employer's Liability; and
- b) Commercial, General Liability including Products/Completed Operations coverage for Personal Injury and Property Damage Liability of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate; and
- c) Comprehensive Automobile Bodily Injury and Property Damage Liability coverage of not less than \$500,000 combined single limit; and
- d) Professional Liability/Errors and Omissions insurance coverage of not less than \$1,000,000 each wrongful act, \$1,000,000 aggregate.

All attorneys/law firms shall provide a Certificate of Insurance as verification of the existence of said insurance policies as part of its response to the RFQ. Failure to submit such Certificate may be cause to determine any attorney/law firm as being non-responsive and to be disqualified from consideration. Approval of the coverage and the Certificate by the Insurance and Risk Management Division is a precedent to the taking effect of any contract awarded to any attorney/law firm selected from the Qualified Attorney/Law Firm List for a given matter. Any questions regarding insurance should be directed to Cathy Dodd, Account Manager at (973) 659-6410. The Certificate should be issued to:

Burlington County Insurance Commission
9 Campus Drive, Suite 216
Parsippany, NJ 07054

Attorneys/Law Firms shall agree to the inclusion of the following language in any contract ultimately awarded:

“Contractor shall be solely responsible for and shall keep, save, defend and hold harmless the Board and its servants, employees and agents from and against any and all claims, demands, suits, actions, recoveries, judgments, costs and expenses in connection therewith on account of personal injury, loss of life, and damage and loss of real and personal property of any person, agency, corporation, or government entity arising out or in consequence to any acts or omissions of Contractor, his employees, agents and subcontractors, in the performance of the work covered by this

Agreement or the failure to comply with the terms and conditions of this Agreement.”

The attorneys’/law firm’s conduct and performance pursuant to any contract awarded shall be subject to all applicable laws, rules and regulations pertaining to licensed attorneys. The attorneys/law firms shall at all times be regarded as an independent contractor. Nothing herein shall be construed to create an employer-employee relationship between the Commission and the attorneys/law firms.

State of New Jersey Business Registration Certificate

P.L.2004, c.57 (Chapter 57) amends and supplements the business registration provisions of N.J.S.A. 52:32-44 which impose certain requirements upon a business competing for or entering into a contract with a public contracting agency.

All bidders must submit a copy of their State of New Jersey Business Registration Certificate with each bid submission.

The State Division of Revenue issues Business Registration Certificates. There is no cost to file, and renewal is unnecessary, though changes to information must be submitted.

Information on how a business can obtain a certificate on the Internet at www.nj.gov/njbgs or by phone at (609) 292-1730.

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 et seq. (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type) Limited Liability Company (LLC)
- Partnership Limited Partnership Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

- The list below contains the names and addresses of all stockholders in the corporation who own ten percent (10%) or more of its stock, of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein, or of all members in the limited liability company who own a ten percent (10%) or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- No one stockholder in the corporation owns ten percent (10%) or more of its stock, of any class, or no individual partner in the partnership owns a ten percent (10%) or greater interest therein, or no member in the limited liability company owns a ten percent (10%) or greater interest therein, as the case may be.
(SKIP TO PART IV)

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

Part III DISCLOSURE OF TEN PERCENT (10%) OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a Bidder/Proposer has a direct or indirect parent entity which is publicly traded, and any person holds a ten percent (10%) or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a ten percent (10%) or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #'s

Please list the names and addresses of each stockholder, partner or member owning a ten percent (10%) or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the ten percent (10%) ownership criteria established pursuant to N.J.S.A. 52:25-24.2 et seq. has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the Bidder/Proposer; that the **County of Burlington** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the **County of Burlington** to notify the **County of Burlington** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the **County of Burlington** to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):			
Signature:			

CONFLICT OF INTEREST CERTIFICATION

The undersigned certifies to the Burlington County Insurance Commission that, in performing services for the Commission, he knows of no circumstance that would constitute a conflict of interest, financial or otherwise, between himself or his firm and the Burlington County Insurance Commission, its members or with the interests of the Commission in general. The undersigned further certifies that he knows of no circumstances or relationships between himself or his firm and third parties that would cause the actual or appearance of a conflict of interest or a compromise of judgment and independence in the performance of the designated services.

The undersigned acknowledges this is a continuing certification and shall remain in effect for the term of the consulting services.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C.127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

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

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2. The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, 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.

In conforming with the targeted employment goals, 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, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, 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 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance 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 Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF _____

ss:

I AM _____

OF THE FIRM OF _____

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE COUNTY OF xxxxxxxxx RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDED THE CONTRACT FOR THE SAID ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL OF SELLING AGENCIES OF THE PROPOSER.
(N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY

OF _____ 20 _____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMISSION EXPIRES: _____
20 _____

BASIS OF AWARD

(To be completed by the Insurance Commission evaluation committee)

EVALUATION FACTORS Points awarded will be based on the information contained in the technical proposal, any supplemental information obtained and information gathered during the interview, if one is conducted.	SCORE
A. Proposal contains all required checklist information <u>5</u> points	
B. Relevance and Extent of Qualifications, Experience, and Training of Personnel to be assigned <u>25</u> points	
C. Relevance and Extent of Similar Engagements performed <u>25</u> points	
D. Plan for performing engagement is realistic, thorough, and demonstrates knowledge of requirements and personnel availability <u>25</u> points	
E. Reasonableness of Cost Proposal <u>20</u> points	
TOTALS	