

# **MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY**

## **REQUEST FOR PROPOSAL**

### **BOND COUNSEL**

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 Bond Counsel from February 3, 2025 to February 2, 2026.

### **POSITION/APPOINTMENT**

The position of Bond Counsel is a position/appointment for specialized legal work and services in connection with matters of public finance and other matters as directed by the Commissioners of MCBOA including but not limited to the authorization, issuance, sale and delivery of Bonds and/or Bond anticipation notes for MCBOA, including the preparation of any bond ordinances, the preparation and review of the notice of sale and the bond or bond anticipation notes, the assistance in the preparation and review of Official Statement, the preparation of all closing documents necessary for the issuance of bonds or bond anticipation notes, attendance at the closing of the bonds or bond anticipation notes, preparation and providing final approving opinions for bond or bond anticipation note issues. The bond counsel may be assigned to advise, consult with, and/or represent MCBOA and/or its officials in these or related matters.

The position of Bond Counsel shall be until, February 2, 2026 or until the successor is appointed. There is no salary for the position, the proposal/quotation is sought for a per hour rate and qualifications for which the services will be provided for that appointment. MCBOA will be appointing one attorney as Bond Counsel based on its evaluation.

### **EVALUATION**

Proposals will be evaluated by the Commissioner of MCBOA on the basis of the most advantageous, with due consideration to the qualifications of the responding attorney 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 field of representing municipalities/public entities in public finance and bond related matters. As a minimum qualification, the attorney to be appointed Bond Counsel must have 10 years experience as an attorney active engaged in providing counsel and representation to public entities in matters of public finance, including but not limited to the financing of capitol projects through the adoption of appropriate bond ordinances and the issuance of bonds and/or bond anticipation notes. The attorney must be listed as an Approved Bond Counsel in the Bond Buyer's

Municipal Marketplace Directory (Red Book), have substantial tax expertise with County Improvement Authorities, preferably including the Monmouth County Improvement Authority. The responding attorney should be supported by a firm with sufficient professional/ support staff to adequately provide the required services. MCBOA will evaluate the attorney's experience in the area of public finance and the financing of capital projects through bonds or bond anticipation notes.

- (b) Knowledge of MCBOA's legal matters. MCBOA will give due weight to the familiarity of the responding attorney thorough prior services with it's public financing requirements and procedures, and the capability and ability of the attorney to continue advice and consultation in such matters and the benefits obtained by reason of continuity in such matters.
- (c) Availability to accommodate the legal needs of MCBOA. The responding attorney should demonstrate that reasonably qualified backup support services are available if needed, and staff capabilities are present to perform the work.
- (d) Compensation proposal. As noted, the responding attorney should provide a proposal clearly describing the basis for billing services and including a per bond/note transaction fee schedule and a rate schedule for hourly rates for key personnel.
- (e) Ethic Issues. As integrity and ethics are critical considerations, the responding attorney must certify that the attorney has never been reprimanded, censured, or suspended by the Supreme Court for ethics infractions. An attorney who has been reprimanded, censured, or suspended is disqualified.
- (f) Other factors if in the best interest of MCBOA.

## **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 resumes 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 professional experience relative to public financing and bond transactions and representation, relevant appointment/positions, and work relative to the positions and the periods during which such positions or cases were performed.
- (b) The location and facilities that the attorney will be available at and providing services from, and the staff regularly at that office/facility.
- (c) The name of all principals /partners in the attorney's law firm.
- (d) A statement certifying that he responding attorney has never been reprimanded, censured, or suspended for ethic violations.
- (e) Compensation proposal clearly describing the basis for billing services and including a per bond/note transaction fee schedule and the rate schedule for hourly rates for key personnel.
- (f) Statement setting forth Malpractice Coverage.

## PROPOSAL SUBMISSION

The proposal (12 copies) must be received by the Monmouth County Bayshore Outfall Authority, Executive Director, 200 Harbor Way, Belford, New Jersey 07718, in a sealed envelope marked "Bond Counsel" on or before January 23, 2025 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 23, 2025 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 circumstance, the Monmouth County Bayshore Outfall Authority anticipates adopting a resolution appointing Bond Counsel on February 3, 2025 at their meeting.

The Authority reserves the right to reject any and all proposals and waive 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.**