

**GENERAL INFORMATION AND SPECIFICATIONS FOR PROSPECTIVE
CONTRACTORS SUBMITTING QUALIFICATIONS AND PROPOSALS FOR 2017
CONTRACT FOR POSITION OF BOND COUNSEL**

- I. Invitation to Submit Qualifications and Proposal.** The City of North Wildwood is requesting qualifications and proposals from individuals and/or firms for the following contract for the year 2017: Bond Counsel. The qualifications and proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, *et. seq.*
- II. Submitting and Delivery of Qualifications and Proposals.** Qualifications and proposals must be submitted on or before December 14, 2016 and may be submitted either by mail or in person by the prospective contractor or his agent. Qualifications and proposals must be enclosed in a sealed envelope and plainly marked “Qualifications and Proposal for 2017 Bond Counsel Contract” and the envelope also shall have plainly marked on it the name and address of the prospective contractor.
- III. Time and Place for Acceptance of Qualifications and Proposals.** The North Wildwood City Clerk has been designated as the person authorized to receive all qualifications and proposals. All qualifications and proposals must be submitted in sealed envelopes to the City Clerk, City of North Wildwood, 901 Atlantic Avenue, North Wildwood, New Jersey, 08260, either by mail or in person by the prospective contractor or his agent on or prior to December 14, 2016 at 2:00 p.m., prevailing time. The City Clerk will record the date and time of receipt of all proposals on the sealed envelope. No proposal will be received after the time designated for receipt.
- IV. Contract Description; Qualifications; Proposal.**
- a. Contract Description.** Bond Counsel shall perform all of the services customarily performed by Bond Counsel of a City the size of the City of North Wildwood (taking into account its permanent and seasonal population). Such services include, but are not necessarily limited to, the following:
- i. Counsel will prepare and review all bond ordinances adopted or to be adopted by the governing body.
 - ii. Counsel will assemble a certified record of proceedings to evidence the proper adoption of each bond ordinance in accordance with the provisions of the Local Bond Law and other applicable New Jersey Statutes.

General Information and Specifications (continued)

- iii. When the City determines to issue bonds, Counsel will prepare the necessary resolutions or other operative documents to set up the bond sale. Counsel will seek the advice of the Auditor in connection with the appropriate maturity schedule for the bonds to be sold. Counsel will see to the printing and the distribution of the preliminary and final official statement. It will arrange for the printing of the notice of sale in the Bond Buyer and will answer inquiries made by the investment community concerning the bond sale. Counsel will attend the bond sale and will render legal advice as necessary concerning the submission of bids for the bonds in accordance with the notice of sale and the requirements of law. After the bond sale, Counsel will prepare the bonds for execution, will prepare and see to the execution of the necessary closing certificates and will establish the time and the place for the delivery of the bonds to the successful bidder. Counsel will attend the closing with the appropriate officials, at which time the bonds will be delivered, payment will be made on the bonds, and Counsel will issue a final approving legal opinion with respect to the validity of the bonds.
- iv. When the City determines to issue bond anticipation notes or tax anticipation notes, Counsel will prepare any necessary resolutions to authorize the sale of such notes and will submit them to the City's Solicitor for review. When the purchaser and the details of the notes have been determined, Bond Counsel will prepare the notes for execution and will prepare the appropriate closing certificates and an approving legal opinion with respect to the notes. Unless requested otherwise, Counsel will forward the notes, closing papers and approving legal opinion to the City's Solicitor for execution and delivery.
- v. Counsel will provide basic advice with regard to the effect of the federal arbitrage regulations on the issuance of bonds or bond anticipation notes and the investment of the proceeds thereof.
- vi. Counsel will provide such other services as may be requested from time to time by the City including any referendum or other action relating to the City or the authorization and issuance of a financing instrument by the City.

- b. Qualifications.** The contractor shall possess all required State of New Jersey licenses or certifications.
- c. Proposal.** The resume's or *curricula vitae* of all individuals who will perform services under the contract on behalf of the City of North Wildwood shall be submitted with the prospective contractor's proposal.

The prospective contractor's proposal shall clearly set forth the proposed financial compensation to be paid to the contractor under the contract.

A proposed contract shall be submitted with the contractor's proposal.

- V. Selection Process & Award of Contract.** Upon receipt of qualifications and proposals, the City Clerk will transmit copies of each proposal to a review committee that consists of the Administration Committee of City Council and the Mayor or his designee. Proposals will be evaluated on the basis of the most advantageous, price and other factors considered. The evaluation will consider:
 - a. Experience and reputation of the prospective contractor in the field that is the subject matter of the contract;
 - b. Knowledge of the City of North Wildwood, issues that are unique to North Wildwood and the subject matter to be addressed under the contract;
 - c. Availability to accommodate any required meetings of the City of North Wildwood or its various departments;
 - d. Compensation proposal; and
 - e. Other factors as demonstrated to be in the best interest of the City of North Wildwood.

Upon completion of the review process, the review committee shall transmit its findings and recommendations to the City Council which may award the subject contract on or about January 3, 2017 by resolution.

- VI. Obligation of Prospective Contractor.** At the time of receipt of proposals, each prospective contractor will be presumed to have read and to be thoroughly familiar with the contents of the Notice of Availability of Requests for Qualifications and Proposals that has been posted on the City of North Wildwood website and with the contents of this document. The failure or omission of any prospective contractor to receive or examine either document shall in no way relieve any prospective contractor from any obligation with respect to the proposal

submitted.

- VII. Investigation of Qualifications.** The City of North Wildwood will make such investigations as it deems necessary to determine the responsibility of the prospective contractor and the prospective contractor shall furnish the City of North Wildwood all such information as may be requested by the City of North Wildwood notwithstanding the fact that the release of such information to the City of North Wildwood may result in the disqualification of the prospective contractor and the proposal submitted.

The City of North Wildwood reserves the right to reject any proposal if the evidence submitted by, or the investigation of, such prospective contractor fails to satisfy the City of North Wildwood that such prospective contractor properly is qualified to carry out the obligations of the contract for the work as provided and as described in this document.

- VIII. Signing of Proposal Documentation.** The qualification and proposal documentation that is submitted by the prospective contractor shall be signed by the individual or on behalf of the entity to be bound by the contract.

- IX. New Jersey Business Registration Certificate; Ownership Disclosure Statement; Disclosure of Investment Activities in Iran.**

a. New Jersey Business Registration Certificate. Business organizations or individuals doing business in New Jersey are required to register with the Department of Treasury, Division of Revenue. Under the provisions of N.J.S.A. 52:32-44b(1), contractors shall provide the City of North Wildwood a copy of their New Jersey Business Registration Certification prior to award of a contract by City Council. Therefore, it is strongly recommended that prospective contractors include with their proposal a copy of their New Jersey Business Registration Certificate at the time that their proposal is submitted to the City.

b. Ownership Disclosure Statement. Prospective contractors are required to comply with the requirements of the Public Law, 1975, C.127 N.J.S.A. 34:11-56, 25 et. seq. as amended in Chapter 64 of the Laws of 1974 and P.L. 1977 Ch. 33, N.J.S.A. 52:25-24.2 which requires a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class, or of all individual partners in the partnership who own 10% or greater interest therein, as the case may be. An Ownership Disclosure Statement is annexed.

c. Disclosure of Investment Activities in Iran. Prospective contractors are required to comply with the requirements of P.L. 2012, c.25 and N.J.S.A. 40A:11-2.1 which require that any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with a local contracting unit must complete a certification attesting, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries or affiliates is not identified on a list created or maintained by the New Jersey Department of the Treasury as a person or entity engaging in investment activities in Iran. A Certification is annexed.

X. Miscellaneous.

- a. Nothing herein shall be construed as an obligation on the part of the City of North Wildwood to award the subject contract under the fair and open procedures described above and the City of North Wildwood, after review of qualifications and proposals that have been submitted, if deemed to be in the best interests of the City of North Wildwood, specifically reserves the right to award the subject contract by utilizing the non-fair and open procedures that are set forth at N.J.S.A. 19:44A-20.5, *et. seq.*
- b. All contracts awarded by the City of North Wildwood shall be governed by and interpreted in accordance with the Laws of the State of New Jersey.
- c. For additional information contact: Kevin Yecco, City Administrator, North Wildwood City Hall, 901 Atlantic Avenue, North Wildwood, New Jersey, 08260
Telephone: 609-522-6464
Email: kyecco@northwildwood.com

XI. Proposal Documents Checklist. Prospective Contractors are required to submit all of the following documents:

- _____ Proposal in the form described above.
- _____ Ownership Disclosure Statement
- _____ Disclosure of Investment Activities in Iran
- _____ New Jersey Business Registration Certificate (Prior to award of contract)
- _____ Resume's or curricula vitae of all individuals who will perform services under the contract
- _____ Proposed contract

Where a form is provided by the City of North Wildwood with these

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Specifications, prospective contractors are required to utilize the form supplied and substitutions will not be accepted. If more space is needed to complete any form that is supplied than has been provided in the form then extra pages are to be attached to the form for which extra space is needed.

Pursuant to the provisions of N.J.S.A. 52:32-44b(1), contractors shall provide to the City of North Wildwood a copy of their New Jersey Business Registration Certificate to the City prior to award of a contract.

OWNERSHIP DISCLOSURE STATEMENT

In accordance with P.L. 1977, c. 33 ((N.J.S.A. 52:25-24.2), corporate and partnership bidders on this Contract must submit a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class, or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one of more such stockholder or partner is itself a corporation or partnership, the names and addresses of stockholders holding 10% or more of that corporation's stock, or of the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every known corporate stockholder, and individual partner, exceeding the 10% ownership criterion, has been listed. If the bidder is neither a corporation nor a partnership, he shall so attest in the spaces provided below. For the purpose of responding to this Ownership Disclosure Statement, a Limited Liability Company shall be considered equivalent to a partnership and as such, bidders must provide the information requested herein regarding ownership.

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____

Note: Add additional pages if necessary.

Note: Submit Statement for each member if a Joint Venture.

Signature of Disclosure Statement on behalf of Partnership or Limited Liability Company:

Name of Partnership or Limited Liability Company

Witness Signature

By _____
General Partner or Authorized Member
Date: _____

Signature of Disclosure Statement on behalf of Corporation (President and Secretary must sign or corporate resolution authorizing others to sign must be affixed). Affix corporate seals to all resolutions and to the Statement.

Attest:

Name of Corporation:

By _____

Corporate Seal

Date: _____

Signature of Disclosure Statement by Individual Proprietor.

The Bidder is Neither a Corporation Nor a Partnership.

Witnessed:

(Signature of Individual Proprietor)

Date: _____