

Warren County Community College
475 Route 57 West
Washington, N.J. 07882



Request for Proposals:
Professional Legal Counsel
24-08

Office of Campus Operations
Dennis Florentine
Dean of Administration

REQUEST FOR PROPOSALS: PROFESSIONAL LEGAL COUNSEL

Key Dates

Request for Proposals Available: September 12, 2023

Key Dates for Proposers:

Any Clarification Questions on the RFB must be received by the College in writing by: October 3, 2023

College will respond to all potential firms With answers to clarifying questions by: October 6, 2023

Proposals must be received by the College By 2:00 pm on: October 19, 2023

Contract Awarded by Board of Trustees: November 15, 2023

Contact Information for questions:

Mr. Dennis Florentine
Dean of Administration
Warren County Community College
475 Route 57 West
Washington, NJ 07882-9605
Fax 908-689-9262
Email: dflorentine@warren.edu

**WARREN COUNTY COMMUNITY COLLEGE
475 ROUTE 57 WEST
WASHINGTON, NJ 07882-4343**

REQUEST FOR PROPOSAL (RFP): PROFESSIONAL LEGAL COUNSEL

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WARREN COUNTY COMMUNITY COLLEGE
475 Route 57 West
Washington, NJ 07882-4343

REQUEST FOR PROPOSAL (RFP): PROFESSIONAL LEGAL COUNSEL SERVICES

I. OVERVIEW

Warren County Community College (College) seeks a licensed New Jersey attorney or legal firm to act as the official legal counsel (firm) representative to the College and Board of Trustees for the period of on or about November 16, 2023 through on or about November 16, 2024. The successful firm should have experience with general legal matters involving a public entity, as well as, experience with both labor and contract law.

Conflict Counsel shall represent the College in the event that the legal firm of record is unable or unwilling to do so with regard to the services described herein.

Form H identifies the areas of legal counsel for which the College seeks professional legal services. Proposers shall indicate by checking the corresponding box to the area/areas of expertise and interest by which to serve the College. The College may qualify one firm for multiple disciplines but reserves the right to qualify separate firms for the individual disciplines indicated in Form H.

The selection of Respondents is subject to the County College Contracts Law, N.J.S.A. 18A:64A-25.1 et seq. and in conjunction with N.J.S.A. 19:44A-20.4 et seq.

II. BACKGROUND ON WARREN COUNTY COMMUNITY COLLEGE

WCCC is a fully accredited, two-year institution of higher education offering Associate's degrees and certification in a variety of academic areas. The College's main campus is located at 475 Route 57 West, Washington, N.J. in Northwestern New Jersey. The main campus is situated over approximately 80 acres of property currently with one main building.

The main building consists of two (2) floors housing classrooms, offices, computer labs, science labs, nursing labs, lecture hall and common public space. The main building is approximately 81,000 sq. ft.

WCCC has an Education Center located eight (8) miles from the main campus in Phillipsburg, N.J. at 445 Marshall Street. This building has a total area of 52,500 sq. ft. Of this area, the College utilizes 31,400 sq. ft. consisting of classrooms, office space, business incubator with tenants and common areas. The balance of the area is utilized by one (1) tenant: The State of New Jersey Department of Labor and Workforce Development. This building is a one-story structure.

The College is open year-round, although its peak period of operation is September through December and January through Mid-May. The College serves approximately 1,000 students on campus and employs 60 full-time employees and approximately 50 part-time adjunct instructors. Classes are held Monday through Friday from 8:00 am to 8:00 pm.

III. GOVERNANCE

The College operates under the authority of New Jersey Statute Title 18A, Chapter 64A for County Colleges.

These statutes embody considerable requirements and provide guidance with respect to conducting day-to-day operations including: governance, board meetings, fiduciary responsibility, budgetary approvals, purchasing practices, employment policies, liability and insurance obligations.

PROPOSAL REQUIREMENTS

- Advise and alert the Board regarding how the law may affect current and emerging business and policy decisions of the college. Monitor proposed legislation and changes in the law that may impact the College and notify the Board of such changes or proposed legislation in a timely fashion.
- Provide legal opinions, advice and assistance to the College, and the Board. Provide opinions, advice and counsel to the College on matters pertaining to claims and claims management.
- Assist the Board, when requested, in reviewing proposals and contracts for services.
- Prior to Board meetings, review Board agenda, and anticipate and prepare responses to legal issues on the agenda. Notify the Board Chair and the President of recommendations for additional agenda items prior to the Board meetings. Attend Board meetings and meetings of standing and ad hoc committees. When requested, draft Board resolution or proposals of policies or procedures. Review minutes following Board meetings.
- Prompt availability and fully accessible at all times for all College staff, including telephone, in-office and on campus meetings, and written responses, as needed.
- Provide advice and counsel on personnel issues.
- Handle all litigation, either directly as trial counsel or a liaison to insurance retained counsel for matters covered by any applicable liability insurance.

A) The firm shall submit a signed proposal or letter that contains the following:

- Information about the attorney/firm, including the address, phone and fax numbers for the local office that would serve the College as well as general information about the attorney who would serve the college.
- A brief summary of the strengths of the firm and how it believes that the firm could assist WCCC in the capacity of legal counsel. Include any experience serving public entities, particularly public colleges and/or New Jersey county community colleges.

- Affirm the availability of the firm’s representative(s) to attend to College needs, including availability at early morning or evening meetings and the firm’s availability to handle ad hoc issues in a timely manner.
- As appropriate, provide information on the experience or areas of concentration of other firm members who may assist the College (e.g., any partners, associates or paralegals who may also assist the College).
- Provide a comprehensive fee schedule for services.

B) Other Requirements

1. The firm shall provide the names of three references (preferably public sector employers) that the College may contact regarding your firm upon request.
2. The successful firm must complete all required forms as requested in Section VIII prior to engagement.

IV. FEES QUOTATION FOR PROFESSIONAL SERVICES

The proposal shall include a fee schedule and anticipated out-of-pocket expenses for a one-year engagement. Please show the fees and the estimated expenses separately along with any hourly charges for supplemental services.

V. PROPOSAL SUBMISSION AND QUESTIONS

- a An original and two copies of required response to the RFP must be delivered **by Thursday October 19, 2023 no later than 2:00 p.m.** to the following address:

Mr. Dennis Florentine
 Dean of Administration
 Office of Campus Operations
 Warren County Community College
 475 Route 57 West
 Washington, NJ 07882-9605

- b Questions concerning this request can be addressed (or faxed) to:

Mr. Dennis Florentine
 Dean of Administration
 Warren County Community College
 475 Route 57 West
 Washington, NJ 07882-9605
 Fax (908) 689-9262
 Email: dflorentine@warren.edu

Questions must be received by **Tuesday October 3, 2023, by the end of the business day via email (dflorentine@warren.edu) or fax 908-689-9262** so that the College may provide timely responses to potential respondents.

- c Inquiries will not be accepted by telephone. All proposers who have received RFPs will receive copies of both the question(s) asked and answer(s) given by the College. **Responses will be made by Friday October 6, 2023, by the end of the business day.**

VII. KEY DATES

Proposals will be accepted no later than **2:00 pm on Thursday October 19, 2023** either delivered or mailed to the following by that time:

Mr. Dennis Florentine
Dean of Administration
Office of Campus Operations
Warren County Community College
475 Route 57 West
Washington, NJ 07882

It is the intention for the College to award the contract for legal counsel services at its November 15, 2023 Board of Trustees meeting.

VIII. AWARD OF THE CONTRACT

The Board will select the firm that best meets the College's overall needs. Factors that will be considered include:

- a) The experience of the firm, especially the Principle Attorney, on matters related to potential College business. This includes experience as a public solicitor and knowledge of the Open Public Meetings Act; OPRA and FERPA experience and general experience with contract law and employment law.
- b) The firm's experience in working with governmental agencies at the federal, state, and local level on matters that may be relevant to the College, including compliance requirements, permitting needs, etc.
- c) The firm's knowledge and experience working with New Jersey county colleges.
- d) The firm's apparent ability to provide timely services to the College.
- e) Price structure proposed by the firm.

IX. GENERAL TERMS AND CONDITIONS

A Insurance Requirements

Prior to the award of the contract, the firm shall provide proof of at least the following insurance coverage:

- a) Liability coverage (minimum of \$2,000,000 with the College named as an additional insured)
- b) Worker's compensation insurance
- c) Auto coverage

B Required Forms

- Form A: Non- collusion affidavit (attached)
- Form B: Stockholder's disclosure (attached)
- Form C: Evidence of affirmative action (attached)
- Form D: Disclosure of investment activities with Iran (attached)
- Form E: Acknowledgement of receipt of addenda
- Form F: Signatory page (attached)
- Form G: Fee schedule
- Form H: Area/areas of interest/expertise

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OF (Warren)

I _____ of the City of _____ in the County of _____ and the State of _____ being of full age, being duly sworn according to law on my oath deposit and that:

I am _____ of the firm of _____, the Proposer making the Proposal for the above-named project, and that I executed the said Proposal with full authority so to do; that said Proposer has not, directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action, in restraint of free, competition in connection with the above named action, in restraint of free, competition in connection with the above named project; and that all statements contained in said Proposal and in this Warren County Community College relies upon the truth of the statements contained in said Proposal, and this affidavit and in any statements contained in the Proposal, in this affidavit and in any statements requested by the College showing evidence of qualifications in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contact upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

(Name of Firm)

Subscribed and sworn to
Before me this _____ day
of _____, 20__.

(Also type or print name of affiant under signature)

NOTARY PUBLIC OF
MY COMMISSION EXPIRES .

STOCKHOLDERS DISCLOSURE FORM

Respondent must specify whether bidding as an Individual, Partnership or Corporation and fill in the appropriate section shown herein.

In accordance with N.J.S.A. 52:25-24.2, no corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, Subchapter S corporation or sole proprietorship, shall be awarded a contract, unless prior to the receipt of the bid or accompanying the bid of the corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, subchapter S corporation or sole proprietorship, there is submitted to the Owner a statement setting forth the names and addresses of all stockholders who own 10% or more of the stock, of any class or of all individual partners who own a 10% or greater interest in the corporation, partnership, limited partnership, limited liability corporation, limited liability company, limited liability partnership, Subchapter S corporation or sole proprietorship. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or 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 non-corporate stockholder and individual partner, exceeding the 10% ownership criteria established in this act has been listed. This form shall be signed and submitted with the bid/proposal whether or not a stockholder or partner owns less than 10% of the business submitting the bid. Failure to comply requires mandatory rejection of the bid/proposal.

INDIVIDUAL: (If the Respondent is an individual, complete the following)

Full Name: _____

Trading as (if applicable): _____

LEGAL ENTITY: (If the Respondent is not an individual, complete the following)

Corporation/LLC/Partnership Name: _____

Title of Officer submitting the Proposal: _____

State in which Company is incorporated: _____

Name and Address of each owner owning ten percent (10%) or more in Company, indicating percentage of ownership for each listed individual.

NAME

ADDRESS

_____ Percentage of Ownership.

NAME

ADDRESS

_____ Percentage of Ownership

Use additional sheets if needed.

If a legal entity has been listed in the prior response, identify below any owner of 10% or more of such legal entity:

NAME

ADDRESS

_____ Percentage of Ownership

Respondent's Name

Title

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 et seq.**

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 et seq.**

AFFIRMATIVE ACTION EVIDENCE

Procurement and Service Contracts

“Proposers are required to comply with the requirements of P.L. 1975 c. 127”

A. All Contracts

1. Within seven (7) days after receipt of the notification of intent to award this contract or receipt of the contract, whichever is sooner a procurement contractor should present one of the following to Warren County Community College.
 - a. An existing federally approved or sanctioned affirmative action program.
 - b. A Certificate of Employee Information Report Approval.
 - c. If the contractor cannot present “a” or “b”, the contractor is required to submit a completed employee Information Report (Form AA302). This form will be made available to the contracts by the Warren County Community College

The following questions must be answered by all prospective firms:

1. Do you have a federally approved sanctioned Affirmative Action Program?

() YES () NO

- a. **If yes, please submit a photocopy of such approval.**

2. Do you have a State of New Jersey certificate of Employee Information Report approval?

- a. **If yes, please submit.**

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Bidder/Offeror:

PART 1: CERTIFICATION
BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.
FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL
NON-RESPONSIVE

Pursuant to N.J.S.A. 18A: 64A-25.43, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in Investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders, **must** review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

PLEASE CHECK THE APPROPRIATE BOX:

- I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to N.J.S.A. 18A: 64A-25.43 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer "or representative of the entity listed above and I am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification below.****

OR

- I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.**

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name _____	Relationship to Bidder/Offeror _____
Description of Activities _____ _____ _____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offeror Contact Name WCCC _____	Contact Phone Number _____

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing Information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge 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 recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreements with the WCCC and that the WCCC at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):

Signature:

Title:

Date:

FORM E

BIDDER'S ACKNOWLEDGEMENT OF RECEIPT OF ALL ADDENDA (IF ANY) (FAILURE TO INCLUDE WITH PROPOSAL SHALL RESULT IN PROPOSAL REJECTION)

The undersigned Proposer hereby acknowledges receipt of the following Addenda:

Addendum Number Dated Acknowledge Receipt (initial)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Proposer's Representative

Name and Title of Signatory

Date of Signature

PLEASE COMPLETE AND SIGN THIS FORM AND RETURN IT WITH YOUR BID.

**PROPOSAL COVER SHEET FOR PROFESSIONAL LEGAL
COUNSEL SERVICES**

I agree that all statements made in this proposal are factual and the firm will comply with the specifications in this RFP.

Proposal Submitted by:

Name

Date

Title

Organization

Please include this form in your submission to the College.

SCHEDULE OF FEES FOR CALENDAR YEAR 2024

Hourly rates and reimbursable expenses to be provided by the respondent.

Form H

Please indicate area/areas of interest/expertise for providing professional legal services to the Board and College

	General Counsel to the Board of Trustees of Record
	Conflict Counsel to the Board of Trustees of Record
	Foundation Counsel of Record
	Special Counsel for NJEA related activities of Record
	Small Unmanned Air System (sUAS)/Federal Aviation Administration (FAA) Counsel of Record