

REQUEST FOR PROPOSALS  
BY  
THE WILLINGBORO MUNICIPAL  
UTILITIES AUTHORITY  
FOR THE PREPARATION OF A  
USER RATE STUDY

**MAY 2019**

## **REQUEST FOR PROPOSALS FOR USER RATE STUDY**

### **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Willingboro Municipal Utilities Authority (“WMUA”) will receive sealed Proposals from qualified professional entities for the **PREPARATION OF A USER FEE RATE STUDY**. All Proposals will be publicly received, opened, and read aloud on **June 7, 2019 at 11:00 A.M.** prevailing time at WMUA’s Administrative Offices, located at 433 John F. Kennedy Way, Willingboro, New Jersey 08046-2119.

To be considered for the award of a contract, two copies including one CD ROM in a PDF format of a Proposal must be submitted to WMUA. Any Proposal received after the date and time above will be rejected. Qualifications Statements may be submitted in person, by U.S. Mail certified mail return receipt requested or private courier services. WMUA will not be responsible for the loss, non-delivery or physical condition of Qualifications Statements sent by mail or courier service. Proposals must be submitted individually in a sealed envelope addressed to the Purchasing Agent. Proposals will be evaluated by WMUA's Staff and General Counsel.

WMUA is issuing this Request for Proposals (“RFP”) pursuant to the extraordinary unspecifiable services exception to public bidding in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and intends to enter into an agreement **FOR THE PREPARATION OF A USER FEE RATE STUDY** on the basis of a “fair and open” process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.

During the evaluation process, WMUA reserves the right, where it may serve the WMUA’s best interests (in its sole discretion), to request additional information or clarifications regarding Proposals, to waive any technical errors, to reject any Proposal, or any part thereof, for any reason whatsoever or to reject all Proposals and abandon the process.

The cost of the preparation and submittal of a Proposal is the responsibility of each Respondent. WMUA will not, under any circumstances, be responsible for payment of any of the costs or expenses associated with the preparation or submission of a Proposal.

An entity responding to this RFP is required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq. and must indicate the type of business organization under which it operates, e.g. corporation, partnership, sole proprietorship, or

non-profit organization. If an entity is a subsidiary or direct or indirect affiliate of any other organization, it must indicate in the Proposal the name of the related organization and the relationship. If it is a partnership, it shall list the name of all partners and, if it is a corporation, it shall list the names of those stockholders 10% or more of the outstanding stock. See Ownership Disclosure Form.

Also, an entity responding to this RFP must comply with the requirements of N.J.S.A. 52:32-44 et seq. with regard to Business Registration for Public Contracts. A Respondent must provide a copy of its Business Registration Certificate with its Proposal.

Requests for Qualifications are available from the Willingboro Municipal Utilities Authority, 433 John F. Kennedy Way, Willingboro, New Jersey 08046-2119, Diallyo Diggs, Director of Finance (609) 877-2900, Ext. 101, or [DDiggs@WMUA.info](mailto:DDiggs@WMUA.info) and online at [www.wmua.info](http://www.wmua.info)

DIALLYO DIGGS  
Director of Finance

## GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

“WMUA” - refers to the Willingboro Municipal Utilities Authority.

“Proposal” - refers to the complete responses to this RFP submitted by the Respondents.

“RFP” - refers to this Request for Proposals, including any amendments thereof or supplements thereto.

“Respondent” or “Respondents” - refers to the interested firm(s) that submits a Proposal.

“Services” - refers to the responsibilities to be performed by a Respondent awarded a contract to prepare a User Fee Rate Study for WMUA in accordance with the provisions of this RFP.

“Successful Respondent” - refers to the firm that submits a Proposal that complies with the requirements of this RFP, is deemed best able to provide the Services, and is awarded a contract by WMUA.

## SECTION 1

### INTRODUCTION AND GENERAL INFORMATION

#### 1.1. **Introduction and Purpose.**

WMUA is soliciting Proposals from interested persons or firms for the provision of the Services, as more particularly described herein. Through the issuance of an RFP as described herein, persons or firms interested in assisting the WMUA with the provision of the Services must prepare and submit a Proposal in accordance with the procedure and schedule in this RFP. WMUA will review Proposals only from those persons or firms who submit a Proposal that includes all the information required to be included as described herein (in the sole judgment of WMUA). WMUA intends to select a person or firm that (a) possesses the professional, financial and administrative capabilities to provide the Services, and (b) will agree to work under the compensation terms and conditions determined by the WMUA to provide the greatest benefit to the ratepayers of the WMUA .

#### **Disclosure of Contribution to New Jersey Election Law Enforcement Commission.**

All business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (“ELEC”) pursuant to N.J.S.A. 19:44A-20.27 if they receive contract in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at [www.elec.state.nj.us](http://www.elec.state.nj.us).

#### 1.2. **Procurement Process and Schedule.**

The selection of a Respondent for the award of a contract for performance of the Services is subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq. WMUA has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Proposal in response to the RFP. Proposals will be evaluated in accordance with the criteria set forth in Section 2 of this RFP, which will be applied in the same manner to each Proposal received.

Qualified persons or firms will be reviewed and evaluated by WMUA Staff and its legal and/or financial advisors (collectively, the “Review Team”). Proposals will be reviewed to determine if the Respondent has met the minimum professional, administrative and

financial areas described in this RFP. Under no circumstances will a member of the Review Team review responses to an RFP for a job which they or their firm submitted a response. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, WMUA will (in its sole judgment) determine those Respondents who are qualified (from professional, administrative and financial standpoints) and each Respondent that meets the requirements of the RFP (in the sole judgement of the WMUA) will be considered through the evaluation process set forth in the Evaluation and Selection Section of this RFP and given the opportunity to participate in the selection process determined by WMUA.

All communications concerning this RFP or the procurement and contract award process shall be directed to the WMUA's Designated Contact Person, in writing.

Designated Contact Person  
Diallyo Diggs  
Director of Finance  
Willingboro Municipal Utilities Authority  
433 John F. Kennedy Way  
Willingboro, New Jersey 08046-2119  
(609) 877-2900, Ext. 101

Proposals must be submitted to, and be received by, the WMUA, via mail or hand delivery, by 11:00 a.m. prevailing time on **May 31, 2019**. Proposals will not be accepted by facsimile transmission or e-mail.

Subsequent to issuance of this RFP, WMUA (through the issuance of addenda to all firms that have received a copy of the RFP) may modify, supplement or amend the provisions of this RFP in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the WMUA.

## **TABLE 1**

### **ANTICIPATED PROCUREMENT SCHEDULE**

<b>ACTIVITY</b>	<b>DATE</b>
1. Issuance of RFP	5/20/19
2. Receipt and Opening of Proposals	6/7/19

3. Award of a Contract for the Services

6//19/19

Section 1.3. **Conditions Applicable to RFP.**

Upon submission of a Proposal in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Proposal:

- WMUA reserves the right (in its sole judgment) to reject for any reason all responses and components thereof and to eliminate any and all Respondents responding to this RFP from further consideration for this procurement.
- WMUA reserves the right (in its sole judgment) to reject any Respondent that submits an incomplete Proposal in response to this RFP, or a Proposal that is not responsive to the requirements of this RFP.
- WMUA reserves the right, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All Proposals shall become the property of the WMUA and will not be returned.
- All Proposals will be made available to the public at the appropriate time, as determined by the WMUA (in the exercise of its sole discretion) in accordance with law.
- WMUA may request Respondents to send representatives to the WMUA for interviews.
- Proposals must be received by the WMUA by 11:00 a.m. Prevailing Time at the time designated.
- Neither the WMUA, nor their respective staffs, consultants or advisors (including but not limited to the Review Team) shall be liable for any claims or damages resulting from the solicitation or preparation of Proposals in response to this RFP, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Proposal or for participating in this procurement process.

Section 1.4. **Rights of WMUA.**

WMUA reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Proposal received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of

addenda to all prospective Respondents who have received a copy of this RFP.

- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the WMUA deems necessary or convenient, to clarify the information provided as part of the RFP and to request additional information to support the information included in any Proposal.
- To suspend or terminate the procurement process described in this RFP at any time (in its sole discretion.) If terminated, WMUA may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- WMUA shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

Section 1.5. **Addenda or Amendments to RFP.**

During the period provided for the preparation of Proposals in response to this RFP, WMUA may issue addenda, amendments or answers to written inquires. Those addenda will be noticed by WMUA and will constitute a part of the RFP. All Proposals in response to this RFP shall be prepared with full consideration of the addenda issued prior to the date for submission of Proposals.

Section 1.6. **Cost of Proposal Preparation.**

Each Proposal and all information required to be submitted pursuant to this RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the WMUA, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of Proposals or other information required by the RFP.

Section 1.7. **Proposal Format.**

Proposals should provide all information requested in the in the RFP. Proposals that in the sole judgement of the WMUA fail to meet the requirements of this RFP or that are in any way conditional, incomplete, obscure, contain additions or deletions from requested

information, or contain errors may be rejected.

## **SECTION 2**

### **SERVICES AND RESPONSIBILITIES**

It is the intent of WMUA to solicit Proposals from Respondents that have expertise in the provision of the Services. Firms and/or persons responding to this RFP shall be able to demonstrate that they have and will have the continuing capabilities to perform these Services.

The Successful Respondent shall prepare a complete water and sewer rate study in accordance with the requirements of the State of New Jersey, Division of Local Government Services, and any rules or regulations, and budgetary planning, and analysis as may be required by WMUA. The Successful Respondent shall attend or be duly represented at any hearing that may be required with regard to the rate study at the offices of WMUA and at such other meetings as shall be reasonably requested by WMUA. These duties shall be for all accounting matters concerning WMUA's responsibilities for the management of the its water and sewer infrastructure as directed by the Director of Finance or Executive Director.

The objectives of the Services in preparing the study involve addressing the following items:

1. Cost of service
2. Rates and rate structure
3. Conservation incentives;
4. Additional billing classes
5. Impact fees (tap, raw water contribution, plant investment, and storm drainage)
6. Bulk water sales rates
7. Adequate funding for anticipated infrastructure replacements
8. Financial model for future forecasting.

More detailed topics that should be examined within the scope of the study are as follows:

1. Cost of Service Analysis
2. Long term capital investment funding – setting impact fees (tap, raw water contribution, plant investment, storm drainage, etc.).
3. Existing customer categories to track water trends or to allocate different costs of service to each category
4. Allocation of costs to various customer classes served
5. Appropriate base rates to cover fixed costs
6. Variable costs and commodity costs
7. Rate Design Strategies
8. Rates and rate structure for water and sewer
9. Rate structure options for commercial customers
10. Seasonal rates, tiered rates, or a combination thereof to encourage conservation
11. Surcharge rates for wastewater customers based on BOD or TSS concentration
12. Peak-hour considerations
13. Comparison of rates to surrounding municipalities
14. Financial Model
15. Creation of a financial model to forecast costs, revenues, and rates
16. Training of WMUA staff in the use of the financial modeling package or software

The Successful Respondent's scope of work shall consist of the following general tasks.

The Successful Respondent may propose alterations to the scope of work with additions, deletions, or modifications as desired to highlight the Successful Respondent's approach to this study. Each proposal should include the Successful Respondent's detailed scope of work.

#### Task 1: Scope of Study and Project Meetings

A meeting to discuss the scope of the study will be held at the outset of the project to familiarize all parties with the project as well as obtain and provide input and information to and from WMUA. The meeting is intended to discuss study objectives and other project management items. Additional project meetings may be conducted to facilitate project activity coordination and to keep WMUA staff informed of the progress of the study. The Successful Respondent will be responsible for setting and conducting all meetings in coordination with WMUA's Executive Director or Director of Finance. The Successful Respondent will be responsible for preparing all required materials for the meetings, and will provide the materials to WMUA's Executive Director and Director of Finance in advance of the meetings, and prepare all meeting records.

#### Task 2: Information Review

The Successful Respondent shall collect and review existing water and sewer rates and develop a general familiarity with WMUA's utility billing system as well as review financial and other pertinent information needed to complete the study. WMUA will provide relevant studies, analyses, and data sets that are available. The Successful Respondent must coordinate with WMUA to identify and determine other data that may need to be collected for review.

#### Task 3: Cost of Service Analysis

The cost of service analysis involves the allocation of costs to WMUA's various customer classes served (residential, commercial, etc.) corresponding to the level of service provided. Topics expected to be analyzed should include, but not be limited to, the project goals stated above. The cost of service analysis should provide justification for the manner in which costs are assigned. Revenue requirements should be developed as the basis for the cost of service analysis and can include the amount of revenue required to meet annual expenditures such as operating, capital, changes in reserves, debt service, etc. The Successful Respondent must prepare the analysis to account for WMUA's specific requirements and should base its cost allocation process on the industry standard methodologies published by the AWWA's "Manual M1, Principles of Water Rates, Fees, and Charges." As part of this task, the Successful Respondent shall conduct a complete evaluation of WMUA's existing water and sewer impact fees, including its methodologies and fee structure, compare those to industry-accepted methodologies, and

provide a recommendation on an approach that will best meet WMUA's needs. These fees should recover the costs of capacity required to serve new customers as well as growth-related costs at the time a new tap is requested, and should include in-place capital improvement plans that may be identified by WMUA.

#### Task 4: Rate Design

This task involves the design of water and sewer rates to collect the required level of revenues based on the results of the revenue requirements, the cost of service analysis, and to meet WMUA's financial and capital improvement requirements. The Successful Respondent should identify the volume (variable) and customer-related (fixed) costs to be recovered through rates. Water volume-related costs recover the costs to treat, store, and distribute water to customers. Sewer-related costs recover the costs to collect, treat, and discharge treated wastewater. Customer-related costs typically include meter reading, maintenance, and administrative costs. The Successful Respondent should develop a typical bill for WMUA's existing and proposed rate structures and compare those to surrounding water and sewer systems. The Successful Respondent may utilize existing customer categories to track and discern trends or to allocate different costs of service. Rate structure options for residential and commercial customers should be examined in terms of promoting water conservation by using seasonal rates, tiered rates, or a combination thereof. Separate rates and surcharge rates for sewer customers based on BOD or TSS concentration shall also be considered. WMUA's bulk water sales should be examined in terms of fees, function, operational costs, and location.

#### Task 5: Financial Model

This task involves the creation of a financial model for WMUA to help forecast costs, revenues, and rates as related to water and sewer facilities. The financial model will be used to evaluate projections of rates and other revenues and their ability to meet annual expenditures. In preparation of model development, the Successful Respondent should review and project customer billing data, develop rate revenue projections, and project budgeted operating and capital expenditures. The financial model must include the projection of accounts, usage, and rate revenue; grants and bonds; debt service; operating expenses; capital expenditures; and rate revenue adjustments. The financial model may include cash flow charts, capital spending, annual revenue adjustments, or other parameters required by WMUA. The Successful Respondent must include training of WMUA staff in the use of the financial modeling package or software.

### SECTION 3

#### **BACKGROUND OF WMUA, SERVICES AND RATES**

Willingboro Township is located in Burlington County, New Jersey, United States, and has a population of approximately 32,062 as of 2017. The Township had a total area of 8.150 square miles, including 7.738 square miles of land and 0.412 square miles of water, and borders the Burlington County municipalities of Edgewater Park Township, Burlington Township, Westhampton Township, Mount Laurel Township, Mooretown Township, Delran Township, and Delanco Township.

The Township created the WMUA on February 24, 1958 and consists of five (5) citizens of the Township who are appointed by the local governing body to serve staggered five (5) year terms. WMUA was the first body in the State of New Jersey formed pursuant to the Municipal Utilities Authority Law.

WMUA provides potable water and sanitary sewer services to the citizens of the Township and Westampton Township.

The current billing rates for water and sewer services are as follows:

**Schedule I - Residential Water and/or Sewer Service:**

**WATER:**

1. Quarterly MINIMUM charge for water service is \$65.50.
2. Water Allowance for the quarterly minimum charge of \$65.50 is 10,000 gallons.
3. Usage charge for consumption exceeding the gallonage allowance is as follows:
  - a) \$2.20 per 1,000 gallons from 10,001 to 13,000 gallons.
  - b) \$ 5.35 per 1,000 gallons from 13,001 to 26,000 gallons.c)\$ 6.25 per 1,000 gallons over 26,000 gallons.
4. Separately metered swimming pools, irrigation systems, lawn watering systems or similar facilities shall be charged for actual usage each quarter at the rate of \$4.00 per thousand gallons with no minimum charge or minimum allowance.

**SEWER:**

1. Quarterly MINIMUM charge for sewer service is \$53.50.
2. Sewer allowance based on metered water usage for the quarterly minimum charge of \$53.50 is 10,000 gallons.

3. Usage charge for consumption exceeding the gallonage allowance based on metered water usage is as follows:

- a) \$4.29 per 1,000 gallons from 10,000 to 26,000 gallons.
- b) \$5.00 per 1,000 gallons over 26,000 gallons

## **Schedule II - Commercial Water and/or Sewer Service**

### **WATER:**

1. Quarterly MINIMUM charge for water service is \$106.00.
2. Water Allowance for the quarterly minimum charge of \$106.00 is 10,000 gallons.
3. Usage charge for consumption exceeding the gallonage allowance is as follows:
  - a) \$5.75 per 1,000 gallons from 10,001 to 13,000 gallons.
  - b) \$7.25 per 1,000 gallons from 13,001 to 26,000 gallons.
  - c) \$8.75 per 1,000 gallons over 26,000 gallons.
4. Separately metered swimming pools, irrigation systems, lawn watering systems or similar facilities shall be charged for actual usage each quarter at the rate of \$4.00 per thousand gallons with no minimum charge or minimum allowance.

### **Bulk Water Sales Agreement**

WMUA provides water from its water system on a bulk basis pursuant to contract with another municipal utilities authority. The bulk water rate is set at \$2.75 per thousand gallons.

### **SEWER:**

1. Quarterly MINIMUM charge for sewer service is \$62.50.
2. Sewer allowance based on metered water usage for the quarterly minimum charge of \$62.50 is 10,000 gallons.
3. Usage charge for consumption exceeding the gallonage allowance based on metered water usage is as follows:
  - a) \$5.50 per 1,000 gallons from 10,000 to 26,000 gallons.

b) \$7.00 per 1,000 gallons over 26,000 gallons

## SECTION 4

### **SUBMISSION REQUIREMENTS**

#### Section 3.1 **General Requirements.**

The Company Profile submitted by a Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplements information that it feels may be useful in evaluating its company. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

#### Section 3.2 **Administrative Information Requirements.**

The Respondent shall, as part of its Company Profile, provide the following information:

- a. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the RFP.
- b. Name, address and telephone number of the person or firm submitting the Proposal, and the name of the key contact person.
- c. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
  - (i) Provide the names and business addresses of all Principals of the firm or firms submitting the Proposals. For purposes of this RFP, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of 10% or more in the firm.
  - (ii) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Proposals. Describe the approval process.

- (iii) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
- (iv) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.

- d. The number of years the business organization has been in business under the present name.
- e. The number of years the business organization has been under the current management,
- f. A statement that the Respondent is in compliance with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
- g. Any judgments within the last three years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
- h. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.
- i. Confirm appropriate federal and state licenses to perform activities.
- j. Hourly Rate Schedule for performance of the Services.
- k. New Jersey Business Registration Certificate
- l. Affirmative Action Evidence
- m. Non-Collision Affidavit
- n. Stockholder Disclosure Statement
- o. A narrative statement of the Respondent's understanding of WMUA's needs and goals.
- p. List all immediate relatives of Principal(s) of Respondent who are WMUA employees or elected officials of Willingboro Township. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

Section 3.3 **Professional Information Requirements.**

- a. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFP. At a minimum, the following

information on past experience should be included as appropriate to the RFP.

1. Description and scope of work be Respondent.
2. Name, address and contact information of references
3. Explanation of perceived relevance of the experience to the RFP.
  - b. Described the services that Respondent would perform directly.
  - c. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with the project.
  - d. Does the Respondent normally employ union or non-union employees?
  - e. Resumes of key employees.

## SECTION 5

### INSTRUCTION TO RESPONDENTS

#### 4.1 **Submission of Request for Proposals.**

Respondent must submit an original, two (e) copies and a CD ROM Version in a PDF Format of its Proposals to WMUA's Purchasing Agent:

Diallyo Diggs  
Director of Finance  
Willingboro Municipal Utilities Authority  
433 John F. Kennedy Way  
Willingboro, New Jersey 08046-2119

Proposals must be received by the WMUA no later than 11:00 a.m. (prevailing time) on **Friday, May 31, 2019** and must be mailed or hand-delivered. Proposals forwarded by facsimile or e-mail will not be accepted. Proposals received after this time will not be considered. WMUA will not bear responsibility for delays in delivery for any reason.

To be responsive, Proposals must provide all requested information, and must be in strict conformance with the instructions set forth herein. Proposals and all related information must be bound, and signed and acknowledged by the Respondent.

## **SECTION 6**

### **EVALUATION**

WMUA's objective in soliciting Proposals is to enable it to select a person or firm that will provide high quality and cost effective services to the WMUA only from persons or firms that, in the WMUA's sole judgment, have demonstrated the capability and willingness to provide high quality Services to the WMUA in the manner described in this RFP.

The proposed overall fee, while considered important, will not be the sole consideration in the selection of the Successful Respondent. WMUA reserves the sole right to award a contract based upon the set of criteria as set forth in this RFP.

## EVALUATION AND SELECTION

All responses will be reviewed by an evaluation team using a weighted award criteria. The criteria for award will be revealed at the opening of the Proposals. The team will determine which Qualification Statements best meet the needs of the WMUA. Although cost is important it will not be the sole factor in determining the person or firm to be awarded a contract to perform the Services. WMUA will evaluate all Proposals utilizing a weighted criteria based on the criteria listed below. The criteria are listed below are not ranked in order of importance:

- a). Experience and reputation in the performance of the Services.
- b). Knowledge of county and municipal utilities authorities, and other governmental entities, and the subject matter to be addressed under the contract.
- c). Availability to accommodate any required meetings of WMUA.
- d). Cost proposal.

The above criteria will be applied in determining the Respondent who will be awarded a contract for the Services. WMUA reserves the right to weight the evaluation criteria as it, in its sole discretion and in accordance with law, shall determine to be in its best interests. In accordance with law, such weights will be provided to all Respondents after receipt of Proposals, but prior to public opening of the Proposals.

Respondents are advised that WMUA reserves the right to meet with Respondents to discuss details of their Proposals and/or to request written clarification or additional details. All such additional, supplemental or clarifying information shall be considered part of the technical evaluation of the Proposals.

### Rejection of Proposals:

WMUA reserves the right to reject any or all Proposals or abandon this procurement upon determining that such action is in the best interest of the WMUA.

NON-COLLUSION AFFIDAVIT

STATE OF

SS.

COUNTY OF

I, \_\_\_\_\_ of the City of

in the County of \_\_\_\_\_ and the State of  
of full age, being duly sworn according to law on my oath depose and say that:

I am \_\_\_\_\_, in the firm of \_\_\_\_\_,  
(Title)

submitting a Proposal to the Willingboro Municipal Utilities Authority for performance of the Services and that I executed the said Proposal with full authority to do so that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project and that all statements contained in said Proposal and in this affidavit are true and correct, made with full knowledge that the Board of Commissioners of the Willingboro Municipal Authority relies upon the truth of the statements contained in said Proposal and in the statements contained in this Affidavit 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 contract upon an agreement or understanding, except bona fide employees of the Contractor, and as may be permitted by law.

(Also Type or Print Name of Affiant Under Signature)

\_\_\_\_\_

\_\_\_\_\_  
(Also Type or Print Name of Affiant Under Signature)

Subscribed and sworn to before me

this \_\_\_\_day of May 2019.

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## General Contractor Requirements

### NEW JERSEY BUSINESS REGISTRATION ACT

- a. A contractor must include proof of business registration at the time it submits a bid or proposal in response to a request for bids or proposals. This applies to both construction work as well as non-construction bids. Proof of business registration shall be a copy of a Business Registration Certificate issued by the Department of the Treasury, Division of Revenue Information on how a business can obtain a certificate can be obtained on the Internet at [www.nj.aov/njbgs](http://www.nj.aov/njbgs) or by phone at (309) 292-1730.

Failure to provide proof of registration prior to the award of a contract shall be cause for rejection of bid.

### **"New Jersey Business Registration Requirements"**

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq. or N.J.S.A. 5:12-92, or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency".

### Non-Construction Contract Language

The contracting agency shall include the following language in each bid specification,

purchase order or other contracting document:

### **"New Jersey Business Registration Requirements"**

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates (N.J.S.A. 52:32-44 (g) (3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to N.J.S.A. 52:32-44 et seq. or N.J.S.A. 5:12-92, or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency

### **AFFIRMATIVE ACTION REQUIREMENTS**

All Respondents are required by New Jersey State Law to provide proof that they are in compliance with all affirmative action requirements of the State of New Jersey, including those required by to N.J.S.A. 10:5-31 et seq. and the rules and regulations issued by the Treasurer, State of New Jersey.

### **GENERAL REQUIREMENTS FOR PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTORS**

Awarded Contracts Under N.J.S.A. 10:5-31 et seq. (N.J.A.C. 17:27)

All successful procurement and service vendors must submit after notification of award of a goods and services contract, but prior to signing one of the following forms of affirmative action evidence to the public agency:

1. An existing federally approved or sanctioned Affirmative Action Program. OR

2. A Certificate of Employee Information Report. OR
3. If you cannot present items 1 or 2 then you are required to submit a Completed Employee Information Report (FormAA302). This form will be made available to you by the Public Agency awarding the contract.

A Respondent's Proposal will be rejected as non-responsive if the Respondent fails to submit either 1, 2 or 3 within the time specified.

**EXHIBIT A**  
**(Revised 2010)**  
**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**N.J.S.A. 10:5-31 et seq.; N.J.A.C. 17:27-1 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](http://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.**

**STOCKHOLDER DISCLOSURE CERTIFICATION**  
**This Statement shall be included with Submission**

Name of Business \_\_\_\_\_

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

**OR**

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Partnership              | <input type="checkbox"/> Corporation                   | <input type="checkbox"/> Sole Proprietorship           |
| <input type="checkbox"/> Limited Partnership      | <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Limited Liability Partnership |
| <input type="checkbox"/> Subchapter S Corporation |  |  |

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Address: \_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of  
May 2019

(Notary Public)

\_\_\_\_\_  
(Affiant)

\_\_\_\_\_

My Commissioner expires:

(Print name & title of affiant)

(Corporate Seal)

**PARTNERSHIP DISCLOSURE STATEMENT**

(To be submitted with Proposal)

In the past five (5) years, is or was anyone in your firm or company an officer or employee of the Township of Willingboro or WMUA or an officer or employee of an independent county authority, commission or agency? If yes, then provide the name of the individual and position held.

Yes                      No

Name	Position	Term
------	----------	------

Is or was anyone in your firm or company a member of the Township of Willingboro Council or County freeholder board or a member of his/her family? If yes, then provide the name of the individual below and his/her relationship.

Yes                      No

Name	Position	Term
------	----------	------

Has any individual in your firm ever been arrested, indicted, or convicted of a crime? If yes, then please further explanation and copies of any relative documents.

Yes                      No

Name	Position	Term
------	----------	------

Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes                      No

Name

Position

Term

*Reason for censure:*



Name

Date

If yes, list all immediate relatives of principals and/or employees of Respondent who are employees of the Willingboro Municipal Utilities Authority or elected officials of the Township of Willingboro.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
 For Non-fair and Open Contracts  
 Required Pursuant To N.J.S.A. 19:44A-20.8  
**WILLINGBORO MUNICIPAL UTILITIES AUTHORITY**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that *<name of entity>* has not made and will not make any contributions in violation of the **Township of Willingboro’s Contractor Pay-to-Play Regulations**, and has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding (*date of award scheduled for approval of the contract by WMUA on June 19, 2019*) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the *<name of entity of elected officials>* as set forth in the Township of Willingboro Code or as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

<b>Mayor Martin Nock</b>	<b>Willingboro Organization</b>	<b>Democratic</b>
<b>Deputy Mayor Rebecca Perrone</b>	<b>Willingboro Organization</b>	<b>Republican</b>
<b>Council Member Jacqueline Jennings</b>	<b>Burlington County Organization</b>	<b>Democratic</b>
<b>Council Member Nathaniel Anderson</b>	<b>Burlington County Organization</b>	<b>Republican</b>
<b>Council Member Darvis Holley</b>		

**Part II – Ownership Disclosure Certification**

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business entity:**

- Partnership                      Corporation                      Sole Proprietorship  
Subchapter S

Corporation

Limited Partnership  
 Liability Partnership

Limited Liability Corporation

Limited



## **BUSINESS ENTITY DISCLOSURE CERTIFICATION**

Required Pursuant To N.J.S.A. 19:44A-20.8

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

**“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)**

**19:44A-20.6 Certain contributions deemed as contributions by business entity.**

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

**19:44A-20.7 Definitions relative to certain campaign contributions.**

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; “interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

**Temporary and Executing**

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~  
**The New Jersey Campaign Contributions and Expenditures Reporting Act  
(N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by N.J.S.A. 19:44A-7.2.

**CERTIFIED COPY OF RESOLUTION OF  
BOARD OF DIRECTORS**

\_\_\_\_\_  
Name of Corporation

RESOLVED that \_\_\_\_\_, \_\_\_\_\_  
(Person Authorized to Sign) (Title)

of \_\_\_\_\_ be authorized to sign and  
(Name of Corporation)

submit the Proposal of this corporation for the following project:

RFP FOR PREPARATION OF A USER RATE STUDY

The following is a true and correct copy of the resolution adopted by

\_\_\_\_\_  
(Name of Corporation)

at a meeting of its Board of Directors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

(SEAL)

**ABOVE MUST BE COMPLETED IF THE COMPANY IS A CORPORATION**

**DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**  
***WILLINGBORO MUNICIPAL UTILITIES AUTHORITY***

**PART 1: CERTIFICATION**

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

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract with WMUA 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>. Respondents **must** review this list prior to completing the below certification. **Failure to complete the certification will render a Respondent's proposal non-responsive.** If WMUA finds a person or entity to be in violation of law, WMUA 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 respondent listed above nor any of the respondent'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 P.L. 2012, c. 25 ("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 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 respondent 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.**

**[CONTINUED ON NEXT PAGE]**

**DISCLOSURE OF  
INVESTMENT  
ACTIVITIES IN  
IRAN (Continued)**

**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 responding 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, PLEASE PROVIDE ON A SEPARATE ATTACHED PAGE.**

Name \_\_\_\_\_

Relationship to Respondent \_\_\_\_\_

Description of

Activities \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Duration of Engagement \_\_\_\_\_ Anticipated Cessation Date

\_\_\_\_\_

Respondent's Contact Person \_\_\_\_\_

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 WMUA 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 WMUA to notify it in writing of any changes to the**

**answers or 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 contract(s) with WMUA that, at its option, may declare any contract(s) resulting from this certification void and unenforceable.**

Full Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_