REQUEST FOR PROPOSALS

For

LEGAL SERVICES

Contract No. GP-0162-R01

ISSUE DATE: Thursday, December 9, 2010

MANDATORY ELECTRONIC NOTICE OF INTENT TO PARTICIPATE
Due on Monday, December 27, 2010, before 5:00 PM Eastern Time
(See the Introduction, within, for details)

PROPOSAL DUE DATE: Thursday, January 13, 2011 by 5:00 PM Eastern Time

At the

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
{See Section 2.0, within, for delivery addresses}

PREPARED BY

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
ONE WEST STATE STREET
PO BOX 991
TRENTON, NEW JERSEY 08625-0991

REQUEST FOR PROPOSALS
FOR
LEGAL SERVICES

INTRODUCTION

Through this Request for Proposals ("RFP"), the New Jersey Schools Development Authority ("NJSDA") seeks to engage a number of Firms to provide legal services to the NJSDA in ten (10) legal specialty areas. For each specialty area, three (3) Firms will be engaged to assist the NJSDA's Division of Chief Counsel and to provide legal advice, consultative services, and, when required, formal representation of the NJSDA. The NJSDA anticipates engaging and utilizing Firms in the specialty areas of (1) Insurance Coverage; (2) Bankruptcy and Insolvency Proceedings; (3) Environmental Claims; (4) Professional Errors and/or Omissions and Cost Recovery; (5) Employment Litigation; (6) Government Contracting; (7) Appeals; (8) Construction Litigation; (9) Real Estate Law (transactions, acquisitions, voluntary and involuntary condemnations) and (10) Design-Build delivery method for school facilities projects. An interested Firm may submit a Proposal to be considered for engagement in any or all of these specialty areas. Specific work assignments to Firms that are engaged through this procurement shall be made on a "task-order" basis as determined by NJSDA. Firms will be required to submit a proposed budget for each task order assignment. The budget shall be subject to NJSDA's approval and acceptance prior to commencement of services under the task order assignment.

The Firm must be prepared to provide required services within fifteen (15) business days of the transmittal of Notice to Proceed from NJSDA. The Firm must be willing to provide its services at a blended hourly rate of $200 per hour for attorney services and an hourly rate of $90 per hour for paralegal services and to comply with the NJSDA Legal Services Management Guidelines as described in this RFP.

The initial term of the engagement of the Firm will be two (2) years. Each Firm will be expected to accept task order assignments for a period of two (2) years from the Notice to Proceed. If any task order assignment is not completed before two (2) years from the Notice to Proceed, the term of the firm's engagement shall be extended until completion of all task order assignments. The above-quoted hourly rates will be charged through the duration of the task order assignment regardless of whether the assignment's duration extends beyond the two (2) year anniversary of the Notice to Proceed. Notwithstanding the issuance of a Notice to Proceed to a Firm, the NJSDA shall have no obligation to make task order assignments to the Firm or to make task order assignments with any particular frequency. At its sole option, the NJSDA may extend the term of the engagement of the Firm for an additional one (1) year, provided written notice of the exercise of the option to extend is sent to the Firm prior to the expiration of the initial two (2) year term.

Total Compensation to the Firm, regardless of whether it is engaged in one or more of the specialty areas, shall not exceed $1,500,000 for the initial two (2) year term. If the NJSDA exercises its option to extend the term of the engagement of the Firm for an additional year, Total Compensation to the Firm for initial and extended terms of the engagement shall not exceed $2,250,000.

This REQUEST FOR PROPOSALS PACKAGE consists of the following items:

1. Request for Proposals
2. Attachment A: Scope of Services
3. Attachment B: Moral Integrity Questionnaire
4. Attachment C: P.L. 2005, c. 51 (formerly Executive Order No. 134) Forms
5. Attachment D: Legal Services Fee Statement
6. Attachment E: Legal Services Management Guidelines

These documents must be read in their entirety as they define the scope of services and responsibilities of the Firm and NJSDA. General information about the School Construction Program can be found at NJSDA's web site, **www.njsda.gov.**

NJSDA shall not hold a traditional pre-proposal conference for this procurement. All Firms wishing to submit a proposal must sign-in electronically by sending a mandatory email Notice of Intent to Participate to Megan Cox at mcox@njsda.gov, no later than 5:00 PM Eastern Time on Monday, December 27, 2010.

Firms may submit written questions regarding this procurement to NJSDA by sending them by email to Megan Cox at mcox@njsda.gov, no later than 5:00 PM Eastern Time on Monday, December 27, 2010. The questions and answers shall be provided electronically to each Firm that submitted a timely email Notice of Intent to Participate.

PROPOSALS ARE DUE ON THURSDAY, JANUARY 13, 2011
NO LATER THAN 5:00 PM EASTERN TIME AT
NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
{See Section 2.0, within, for delivery addresses}

Following review and scoring of Proposals by a Selection Committee, a short-list of Firms will be established for each legal specialty area consisting of the five (5) Firms with the highest Proposal Scores in the specialty area.

Interviews with shortlisted Firms will then be scheduled and held at the NJSDA Main Office, 1 West State Street, Trenton, NJ 08625. At a minimum, all Key Team Members listed in a Firm's Proposal must attend the Firm interview.

Following scoring of short-listed Firms based upon interviews, the three (3) Firms in each specialty area with the highest Final Combined Score will receive notices of award.

Upon award, NJSDA shall enter into a letter retention agreement with the Firm that incorporates by reference the provisions, documentation and requirements set forth in this RFP.

1.0 BACKGROUND

1.1 Scope of Services

The Firm will be required to assemble a multi-disciplined team and, on a Task Order basis, to assist NJSDA and NJSDA's Division of Chief Counsel by providing legal advice, consultative services, and, when required, formal representation of the NJSDA, in the specialty areas of (1) Insurance Coverage; (2) Bankruptcy and Insolvency Proceedings; (3) Environmental Claims; (4)

Professional Errors and/or Omissions and Cost Recovery; (5) Employment Litigation; (6) Government Contracting; (7) Appeals; (8) Construction Litigation; (9) Real Estate Law (transactions, acquisitions, voluntary and involuntary condemnations) and (10) Design-Build delivery method for school facilities projects. A firm may submit a Proposal to be considered in any or all of the specialty areas. Services are expected to be provided from the Firm's normal business location. NJSDA will not provide office space or equipment. Attachment A to this RFP provides a detailed Scope of Services with respect to each of the specialty areas.

1.2 Other Requirements of the Firm

(a) No NJSDA Prequalification

There is no standard NJSDA pre-qualification requirement applicable to this engagement. Firms must demonstrate experience and qualifications as more fully described in Section 2 below.

(b) Business Registration

Pursuant to N.J.S.A. 52:32-44, as amended by P.L. 2004, c. 57, each proposing firm must provide proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the "Division of Revenue") in its Proposal.

Firms may obtain New Jersey Business Registration assistance by going on-line to www.state.nj.us/treasury/revenue/gettingregistered.htm, or by calling the New Jersey Department of Treasury at (609) 292-1730. Please be advised, however, that business registrations are mailed generally within seven to ten days, so firms should plan accordingly.

(c) Political Contributions. P.L. 2005, c. 51 amended and supplemented N.J.S.A. 19:44A-20.1 *et seq.,* and superseded Executive Order 134 (2004), addresses the effect of political contributions on State contracting. Accordingly, a selected firm will be required to respond in a timely fashion to certification and disclosure requirements that will be stated in the Notice of Award issued by the NJSDA. Additionally, Executive Order No. 117, which is designed to enhance New Jersey's efforts to protect the integrity of government contractual decisions and increase the public's confidence in government. The Executive Order builds on the provisions of P.L. 2005, c. 51 ("Chapter 51"), which limits contributions to certain political candidates and committees by for-profit business entities that are, or seek to become, State government vendors.

Requirements for Selected Firm. The Firm shall receive a notice of award that will, among other things, notify the Firm that it must submit a Certification and Disclosure of Political Contributions form and Business Entity Disclosure form as provided by NJSDA, samples of which are set forth in Attachment B to this RFP. Instructions for completing the forms are also included with Attachment B. Failure to submit these forms in a timely fashion shall be cause for rejection of the Firm.

Firm's Continuing Obligation to Comply with P.L. 2005, c. 51. The Firm shall be required on a continuing basis to disclose and report to NJSDA any contributions made during the contract term by the Business Entity on forms provided by NJSDA, at the time it makes the contribution.

(d) Political Contributions Disclosure. Firms are advised of their responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission ("ELEC"), pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c. 271,

section 3), in the event they receive contracts in excess of $50,000 from a public entity in a calendar year. It is a firm's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

(e) Anti-Discrimination Requirements. In addition, the Firm shall not discriminate in employment and shall abide by all anti-discrimination laws including those contained within N.J.S.A. 10:5-1 *et seq.* and all rules and regulations issued there under, including N.J.A.C. 17:27-1 *et seq.* **Accordingly, a firm shall be required to submit to NJSDA, with its executed letter retention agreement, one of the following three documents:**

(1) appropriate evidence that the contractor is operating under an existing Federally approved or sanctioned affirmative action program;

(2) a certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4; or

(3) an initial employee information report (Form AA302) provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4.

(f) Professional Liability Coverage. The Firm shall maintain Professional Liability (Malpractice or Errors and Omissions) Insurance coverage throughout the term of its engagement and continuing for two (2) years after the term of the engagement. Limits shall be a minimum of $1 million for each claim and $1 million in the aggregate each policy period. Written evidence of such coverage must be provided prior to the issuance of a Notice to Proceed. Thereafter, written evidence of such coverage shall be immediately provided to the NJSDA upon request. Failure to submit satisfactory evidence of Professional Liability coverage in a timely fashion shall be cause for rejection of the Firm and for termination of the Firm's engagement.

1.3 Conflicts of Interest

In this procurement and throughout the course of engagement hereunder, the Firm must comply with RPC 1.7. Potential conflicts are to be evaluated on a case-by-case basis in accordance with the New Jersey Rules of Professional Conduct and other applicable law. A Firm may have a conflict with respect to a particular task order assignment and may be required to decline the assignment. Firms should be aware that when a concurrent conflict of interest exists, RPC 1.7 expressly disallows public entities like the NJSDA from consenting to representation when a concurrent conflict of interest exists. RPC 1.7 also prohibits a public entity from consenting to a representation otherwise prohibited by the rule.

2.0 INSTRUCTIONS FOR SUBMITTING A PROPOSAL

A Firm must become thoroughly familiar with this RFP to ensure responsiveness in its submitted Proposal. The Proposal must consist of the following:

2.1 Cover letter
2.2 Firm Experience - Case Studies
2.3 Team(s) Structure
2.4 Resumes of Key Team Members

2.5 Key Team Members' Experience
2.6 Approach to Providing the Required Scope of Services
2.7 Control of Schedule
2.8 Business Registration

The Firm's Proposal must be organized and presented in the foregoing order and must not exceed forty (40) one-sided 8.5" X 11" pages. Organizational charts, staffing structure, and schedules may be on larger paper. The following items will not count toward the page limit: resumes, required forms, and section dividers. Each Proposal will be ranked using the Evaluation Criteria listed in this RFP, with information contained in a Proposal verified as may be necessary.

In addition, at the same time as a Proposal is submitted, the Firm **must** also submit to NJSDA one (1) original (and no copies) of a completed Moral Integrity Questionnaire for submission to the New Jersey State Police, in the form attached as Attachment B to this RFP. NJSDA will hold all submitted Questionnaires, unopened, until after all Firms have been ranked, unless special circumstances warrant otherwise. Thereafter, NJSDA staff will forward the Questionnaires of the top-ranked Firms to the New Jersey State Police for review. **Moral Integrity approval is a prerequisite to engagement of the Firm.**

The Firm **must** also submit at the same time that its Proposal is submitted a completed Legal Services Fee Statement in the form attached as Attachment D to this RFP.

Proposal Package Mailing Instructions. The Firm must submit one (1) unbound original and four (4) bound copies of a Proposal, one (1) original of the corresponding Legal Services Fee Statement and one (1) original, completed Moral Integrity Questionnaire (in a sealed envelope separate from the package containing the Proposal and Legal Services Fee Statement) to be received by the NJSDA no later than **5:00 PM on Thursday, January 13, 2011**, as follows:

If submitting by hand or overnight delivery, at the:

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
Contract Procurement & Administration
1 West State Street – 1st Floor
Trenton, New Jersey 08625-0991
Attention: Megan Cox, Division of Procurement
Subject: Legal Services Proposal – GP-0162-R01

If submitting by U.S. Mail, address packages to:

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
Contract Procurement & Administration
P.O. Box 991
Trenton, New Jersey 08625-0991
Attention: Megan Cox, Division of Procurement
Subject: Legal Services Proposal – GP-0162-R01

Submissions received after the above date and time will not be considered. Faxed or emailed Proposals will not be accepted.

Any firm wishing to submit a Proposal must submit a timely electronic notice of intent to participate, as provided in the Introduction, above.

A more detailed description of the items required in the Proposal follows.

2.1 Cover Letter

Present a brief recital of the Firm's understanding of the purposes of this engagement, as described in the Scope of Services set forth in Section 1.1 of this RFP. Include in the cover letter a list of those legal specialty areas for which the Firm seeks to be considered and any other information relevant to the Firm's qualifications not set forth elsewhere in its Proposal.

2.2 Firm Experience - Case Studies

Firm experience shall be assessed through a brief summary of the Firm's general relevant experience relating to any or all of the specialty areas described in the Scope of Services. The Firm may include examples of past successes in all or any combination of the enumerated specialties. Firms may include up to **ten (10) case studies** that must address examples of the proposing Firm's past provision of services of the type and scale outlined in the Scope of Services. No firm will be penalized for not specializing in every specialty area. The case studies must address examples of the proposing firm's past provision of services of the type and scale outlined in the Scope of Services. Thus, the case studies must concisely set forth the basic background information (e.g., client, nature of claim or litigation, etc.), the scope of services provided, and results of said engagement. **Case studies may be based on the representation of either public or private sector clients.** The Firm must identify the name and address of the client entity and the name, title and telephone number of a contact person associated with the client entity who is familiar with and able to comment on the Firm's performance on each project.

2.3 Team(s) Structure

Present a narrative detailing the structure of the Key Team or Teams which will represent NJSDA in each or any of the specialty areas listed in the Scope of Services, as well as the Key Team Member or Members who will be responsible for this engagement. The narrative should also describe the contemplated role and level of responsibility of each Key Team Member. For the purpose of this engagement, a "Key Team Member" is a principal, partner or officer of the Firm, senior associate, mid-level associate or associate, represented in the Proposal as having a responsible role in the successful completion of the required Services.

2.4 Resumes of Key Team Members

A resume of each Key Team Member must be included in the Proposal.

2.5 Key Team Members' Experience

Present a narrative which details the individual experience of each of the Key Team Members. Case studies should be submitted to illustrate the individual experience of each of the Key Team Members. A maximum of five (5) case studies similar in scope to this engagement should be listed for each Key Team Member. The case studies must concisely set forth the basic background information (e.g., client, nature of claim or litigation, etc.), the specific contributions/responsibilities of the Key Team Member, and results of the engagement. Case studies may be based on the representation of either public or private sector clients.

2.6 Approach to Providing the Required Scope of Services

Explain in detail the specific approach to providing the Services required in the Scope of Services in Section 1.1 of this RFP.

2.7 Control of Schedule

The turnaround time required for the Firm's services may in certain cases be extremely short, so the Firm should indicate its ability to meet tight deadlines here. The Division of Chief Counsel may establish deadlines for completion of the Services listed in each Task Order.

2.8 Business Registration

Pursuant to N.J.S.A. 52:32-44, as amended by P.L. 2004, c. 57, each proposing firm must provide proof of valid business registration with the Division of Revenue of the New Jersey Department of the Treasury (the "Division of Revenue"), in its Proposal.

Firms may obtain New Jersey Business Registration assistance by going on-line to www.state.nj.us/treasury/revenue/gettingregistered.htm, or by calling the New Jersey Department of Treasury at (609) 292-1730. Please be advised, however, that business registrations are mailed generally within seven to ten days, so firms should plan accordingly.

3.0 FEE/LEGAL SERVICES MANAGEMENT GUIDELINES

The Firm must submit with its Proposal, a Legal Services Fee Statement, in the form attached as Attachment D to this RFP, indicating that the Firm will provide legal services at a blended hourly rate in the amount of $200 per hour for attorney services and an hourly rate of $90 per hour for paralegal services. During the term of engagement (as described in the Introduction to this RFP), the Firm will follow the NJSDA Legal Services Management Guidelines set forth in Attachment E to this RFP.

4.0 SELECTION PROCEDURES

Each Proposal will be reviewed to determine responsiveness. If the Firm has requested to be considered for more than one legal specialty area, the Firm will be evaluated separately with respect to each specialty. Non-responsive Proposals will be rejected without evaluation. Responsive Proposals will be evaluated by a Selection Committee ("Committee") established for this purpose. Evaluations of the Proposals will be made based upon the information provided by the Firm in response to this RFP, and any necessary verification thereof. The Selection Committee members will independently score each Firm Proposal for each legal specialty area the Firm seeks to be considered in accordance with the following evaluation criteria:

EVALUATION CRITERIA	MAXIMUM POINTS
Understanding of the Purposes of this Engagement	10
Firm Experience – Case Studies	30
Experience of Key Team Members	30
Approach to Providing the Required Scope of Services	30
TOTAL:	**100**

The scores of the Selection Committee members will be aggregated to obtain a Proposal Score for each Firm. A Firm will receive a Proposal Score based on the above-described evaluation criteria in each legal specialty area in which it has requested to be considered. For each legal specialty area, the five (5) Firms receiving the highest Proposal Scores will be placed on a short list. In the event of a tie in Proposal Scores for the fifth Firm to be selected for the short-list, all Firms with the tie Proposal Scores will be placed on the short-list.

The short-listed firms will be invited to be interviewed by the Selection Committee. At interview, the Selection Committee will evaluate the short-listed Firms in each of the legal specialty areas based upon the same evaluation criteria set forth above. The Selection Committee members will independently score each short-listed Firm in the legal specialty areas. The scores of the Selection Committee members will be aggregated to obtain an Interview Score.

The Proposal Score and the Interview Score assigned each short-listed Firm will be added together to obtain the Firm's Final Combined Score. For each legal specialty area, the short-listed Firms with the three (3) highest Final Combined Scores will be awarded the engagement. In the event of a tie in Final Combined Scores for the third Firm to be selected, all Firms with the tie Final Combined Scores will be awarded the engagement.

ATTACHMENT A

SCOPE OF SERVICES

The Firm will be asked to provide legal advice, consultative services, and, when required, formal representation of the NJSDA, in one or more of the following specialty areas of

(1) Insurance Coverage;

(2) Bankruptcy and Insolvency Proceedings;

(3) Environmental Claims (including interpretation and compliance with Federal, State and Local laws, assertion of affirmative claims and defending against claims asserted by others);

(4) Professional Errors and/or Omissions and Cost Recovery (including Construction defects claims and including both affirmative claims and defense against claims asserted by others);

(5) Employment Litigation (including representation in Federal and State proceedings);

(6) Government Contracting (including interpretation and compliance with Federal, State and Local laws; interpretation and drafting of documents; procurement matters and bid protests and related appeals);

(7) Appeals (including representation in Federal and State proceedings);

(8) Construction Litigation;

(9) Real Estate Law (transactions, acquisitions, voluntary and involuntary condemnations); and

(10) Design-Build delivery method for school facilities projects.

The Firm may be selected to provide legal services in any one or a combination of the specialty areas, but will not be penalized in the selection process if it does not specialize in each of the specialty areas.

ATTACHMENT B

MORAL INTEGRITY QUESTIONNAIRE

<table>
<tr><td colspan="3">NEW JERSEY STATE POLICE/SDA QUESTIONNAIRE
NEW JERSEY SCHOOL DEVELOPMENT AUTHORITY
PROCUREMENT & CONTRACT SERVICES
1 WEST STATE STREET, P.O. BOX 991
TRENTON, N.J. 08625-0991</td></tr>
<tr><td>CHECK ALL THAT APPLY:
☐ CONTRACTOR ☐ PROFESSIONAL SERVICES
☐ VENDOR/SUPPLIER</td><td>CHECK ONE:
☐ INITIAL ☐ RENEWAL</td><td>FEDERAL TAX ID #
_____</td></tr>
<tr><td rowspan="3">BUSINESS LEGAL NAME AND ADDRESS:

"DOING BUSINESS AS" NAME(S):</td><td>TELEPHONE #</td><td>DUNS # (if known)
_____</td></tr>
<tr><td>FAX #

E-MAIL ADDRESS</td><td rowspan="2">TYPE OF BUSINESS:
☐ INDIVIDUAL
☐ PARTNERSHIP
☐ CORPORATION
☐ L.L.C.
☐ OTHER (SPECIFY)
_____</td></tr>
<tr><td>WEB ADDRESS</td></tr>
<tr><td>If the books and accounts of the Applicant Business Concern are not at the above address, disclose the address of the location where the books and accounts are kept:</td><td colspan="2">NEW JERSEY COMMERCE & ECONOMIC GROWTH COMMISSION
☐ SBE REGISTRATION (Attach copy)
☐ MBE REGISTRATION (Attach copy)
☐ WBE REGISTRATION (Attach copy)</td></tr>
</table>

CONTACT PERSON

Name: _____ Title: _____

Telephone: _____ Fax: _____ E-Mail Address: _____

NOTE: Accurate, truthful and complete information will help speed the review of your questionnaire and expedite action on your Business Concern's application to be FISC Bureau approved. If there is not enough space on this form to give a complete answer, attach additional sheets of paper. Please be sure that each additional sheet includes the Applicant Business Concern's name and Federal Tax ID Number to identify the page as yours and that you clearly identify the question you are answering. This application will not be sufficient to merit prequalification if you fail to provide additional information if requested to resolve questions about any of the disclosures made in this questionnaire.

FOR CORPORATIONS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS ONLY

Name of Registered Agent in New Jersey: _____

Address of Registered Office in New Jersey: _____

If the Applicant Business Concern is a corporation, provide the following:

Date Incorporated: _____ State in which incorporated: _____

NJ Corporate ID: _____

IF NOT A N.J. CORPORATION, SUBMIT A COPY OF THE CERTIFICATE OF AUTHORITY TO PERFORM WORK IN N.J. AS ISSUED BY THE N.J. DEPARTMENT OF THE TREASURY, DIVISION OF REVENUE, COMMERCIAL RECORDING.

1. How long has the Applicant Business Concern done business under its present name? _____ years
2. List each other name the Applicant Business Concern has done business under in the past ten (10) years:

   D/b/a: _____ Dates Name Used: _____

   D/b/a: _____ Dates Name Used: _____

   D/b/a: _____ Dates Name Used: _____

3. At any time during the past five (5) years, has the Applicant Business Concern shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other business concern? (If yes, disclose the name of the other business concern and provide a description of the sharing arrangement, including the location of the facilities.)
   ☐ Yes ☐ No

DISCLOSURE OF OWNERS AND KEY PERSONS

"Key Person" means any individual employed by the Applicant Business Concern in a supervisory capacity or empowered to make discretionary decisions with respect to bids and/or contracts within the State of New Jersey. "Key Person" also means any person who owns a beneficial interest of **10%** or more in the business concern, and the managing members of limited liability companies and corporate directors and officers (e.g., president, vice presidents, secretary and treasurer).

For purposes of this questionnaire, "supervisory capacity or empowered to make discretionary decisions" means able to bind the Applicant Business Concern to New Jersey bids and/or contracts of $50,000 or more and/or authorized to sign checks to make payments of $50,000 or more in connection with New Jersey contracts.

4. Use this table to enter identifying information for each individual who is a "Key Person" of the Applicant Business Concern. **Identify any entity or business concern that owns a beneficial interest of 10% or more as well. For entities or business concerns, disregard birth date and provide federal tax identification number instead of social security number.**

Name (Last, First, Middle)	Address	Birth Date (MM/DD/YYYY)	Social Security Number*	Position	Ownership %

*Disclosure of Social Security Number is voluntary. However, disclosure will help speed review and action on your application to be prequalified.

AT ANY TIME DURING THE PAST TEN (10) YEARS, HAS THE APPLICANT BUSINESS CONCERN:

5. Been indebted to an individual or entity, other than a bank or other commercial lending institution, in the cumulative amount of $100,000 or more? (If yes, give details, including the name of each party to the transaction, the date and the amount of indebtedness.) ☐ Yes ☐ No
6. Loaned monies generated by this business concern, in the cumulative amount of $100,000 or more, to another business concern or individual? (If yes, give details, including the name of each party to the transaction, the date and the amount of the indebtedness.) ☐ Yes ☐ No

7. Had an injunction, order or lien entered against it in favor of any government agency including, but not limited to, judgments or liens based on taxes assessed or fines and penalties imposed by any government agency? (If yes, give details, including name of the government agency, caption, date, case number or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.) ☐ Yes ☐ No
8. Been a party in any civil litigation or administrative proceeding alleging violation of any of the following: antitrust statutes; racketeering statutes; environmental laws; laws banning workplace discrimination; laws governing wages, hours or labor standards; laws governing the conduct of occupations, professions or regulated industries; or any other law indicating a lack of business integrity or honesty? (If yes, give details, including the nature of the claims and defenses, the caption, date, case number or docket number, and name of the court or agency before which the case is pending or before which it was heard and current status.) ☐ Yes ☐ No
9. Paid a fine or otherwise paid to settle any of the allegations listed in Question 8, whether with or without an admission of responsibility? (If yes, give details, including the caption, date, case number or docket number, and name of the court or agency before which the case was brought.) ☐ Yes ☐ No
10. Been denied any license, permit or other similar authorization required to engage in the business concern's trade(s) or professional discipline(s), or has any such license, permit or similar authorization been suspended or revoked by any agency of federal, state or local government? (If yes, give details, including name of the licensing or permitting agency, caption, date, case number or docket number, and disposition.) ☐ Yes ☐ No
11. Been suspended, debarred, disqualified, denied a classification rating or prequalification or otherwise been declared not responsible to bid on or to perform work on any public contract or subcontract? (If yes, give details, including name of the contracting agency, caption, date, case number or docket number, and disposition.) ☐ Yes ☐ No
12. Been required by an agreement or settlement with any governmental agency (including any school board) to refrain from bidding or proposing on any public contract? (If yes, describe the agreement and give the name of the government agency, date, caption and case number or docket number, if any.) ☐ Yes ☐ No
13. Been required to engage a monitor or independent private sector inspector general (IPSIG) as a condition of being classified or prequalified, or as a condition of any contract award, or as a condition for being permitted to complete a contract? (If yes, describe the agreement and give the name of the government agency, date and the name of the monitor or IPSIG.) ☐ Yes ☐ No
14. Been indicted or otherwise charged as a defendant, or named as an unindicted co-conspirator, alleged to have committed any crime or offense other than a motor vehicle offense? (If yes, give details, including the conduct alleged, the caption,

date, case number or docket number, and name of the court before which the case is pending or before which it was heard.) ☐ Yes ☐ No

15. Been convicted, after trial or by plea, of any crime or offense other than a motor vehicle offense? (If yes, give details, including the crime or offense, the caption, date, case number or docket number, and name of the court before which the case was heard.) ☐ Yes ☐ No
16. Filed with, or submitted to, a government agency, or to any employee or representative thereof, any document which contained a false statement or false information? Filing or submission could be by any means, including telefax, e-mail, and any other form of electronic communication. (If yes, explain. Your explanation should include a description of the document(s), the date and the name of the government agency.) ☐ Yes ☐ No
17. Paid anyone other than its own key persons or its own employees commissions or finders fees to obtain contracts or work? (If yes, give details, including a description of the transaction, the name of each party to the transaction, the date and the amount of the commission or finders fee paid.) ☐ Yes ☐ No
18. Given, or offered to give, money, gifts or anything of value, or any other benefit, to a labor official, public official, public employee or public servant with whom the Applicant Business Concern, or any affiliated entity disclosed in this questionnaire, conducted business? (If yes, give details, including the date(s), location(s), a description of the benefit(s) and the name(s) of the individual(s) to whom the benefits were given or offered.) ☐ Yes ☐ No
19. Agreed with another business concern or representative thereof to submit identical or complementary bids, prices or proposals or to otherwise not bid competitively or to withdraw or abstain from bidding or proposing? (If yes, give details, including the date(s), location(s), description(s) of the contract(s) that were the subject of the bid(s), who put the contract(s) out to bid and the name(s) of the other individual(s) with whom the Applicant Business Concern or any affiliated entity disclosed in this questionnaire agreed.) ☐ Yes ☐ No

REQUIRED SUBMITTALS CHECKLIST

☐ **Any additional attachments necessary to support disclosures made in answer to any questions above.**

☐ **Notarized affidavit (see page 4 attached) of the individual submitting this FISC Bureau Questionnaire on behalf of the Applicant Business Concern.**

AFFIDAVIT

State of _____:

SS

County of _____:

I, _____, hereby represent and state as follows:
(full name)

That I am _____of_____, that I am duly authorized to

(title) *(business concern name and Federal Tax ID Number)*

submit this FISC Bureau Questionnaire ("Questionnaire") on behalf of the Applicant Business Concern, and that I have read and understood the nineteen (19) questions asked in the previous three (3) pages..

I represent and state that the information given in response to each question is full, complete and truthful. Further, I represent and state that truthfully answering this Questionnaire is an event entirely within my control.

I recognize that all the information submitted is for the express purpose of inducing the State of New Jersey to award a contract and/or allow the Applicant Business Concern to participate in school facilities projects financed through the Educational Facilities Construction and Financing Act as a prime contractor or subcontractor. I understand and agree that the Questionnaire and any attachments filed with the State of New Jersey shall become the property of the State.

I acknowledge that the State of New Jersey may, by means it deems appropriate, determine the accuracy, truth and completeness of the statements made in this Questionnaire and any attachments submitted with it and the statements made in any application or request for classification or prequalification made to the Department of Treasury, Division of Property Management and Construction and the attachments thereto. Therefore, I authorize the State of New Jersey to contact any entity or person named in this Questionnaire for purposes of determining the accuracy, truth and completeness of the information supplied by me on behalf of the Applicant Business Concern. If required, a photocopy of this affidavit shall be considered as effective and valid as the original as evidence of the permission given by the Applicant Business Concern for others to release information to the State for purposes of verifying the accuracy, truth and completeness of the information supplied by me.

I represent that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. Further, I am aware that a false statement or omission made in connection with this application may subject me to civil and criminal penalties available at law and is sufficient cause for denial of the application, revocation of a prior approval or termination for cause of any school facilities project contract that may be awarded to the Applicant Business Concern.

Sworn and subscribed to before me

on this _____ day of _____ 20___

_____

(Notary Public: Not an officer of the firm)

_____

SIGNATURE

Name: _____

(PRINT OR TYPE)

SSN: _____

(or Alien Registration Number or Date of Birth)

Affix Corporate Seal if Applicable

ATTACHMENT C

P.L. 2005, c. 51 & EO 117
FORMS

{See attached sheets}

INFORMATION AND INSTRUCTIONS
For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

Background Information

On September 22, 2004, then-Governor James E. McGreevey issued Executive Order 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, Executive Order 134 prohibited State departments, agencies and authorities from entering into contracts exceeding $17,500 with individuals or entities that made certain political contributions. Executive Order 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 ("Chapter 51").

On September 24, 2008, Governor Jon S. Corzine issued Executive Order No. 117 ("E.O. 117"), which is designed to enhance New Jersey's efforts to protect the integrity of procurement decisions and increase the public's confidence in government. The Executive Order builds upon the provisions of Chapter 51.

Two-Year Certification Process

Upon approval by the State, the Certification and Disclosure of Political Contributions form (CH51.1R1/21/2009) is valid for a two (2) year period. Thus, if a vendor receives approval on Jan 1, 2009, the certification expiration date would be Dec 31, 2011. Any change in the vendor's ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/EO117 forms to the State Review Unit. **Please note that it is the vendor's responsibility to file new forms with the State should these changes occur.**

Prior to the awarding of a contract, the agency should first send an e-mail to CD134@treas.state.nj.us to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

Instructions for Completing the Forms

NOTE: *Please refer to the next section, "Useful Definitions for Purposes of Ch. 51 and E.O. 117," for guidance when completing the forms.*

Part 1: VENDOR INFORMATION

Business Name – Enter the full name of the Vendor, including trade name if applicable.

Business Type -- Select the vendor's business organization from the list provided.

Address, City, State, Zip and Phone Number -- Enter the vendor's street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor's primary email address.

Vendor FEIN – Please enter the vendor's Federal Employment Identification Number.

INFORMATION AND INSTRUCTIONS
For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

Part 2: PUBLIC LAW 2005, Chapter 51 / EXECUTIVE ORDER 117 (2008) DUAL CERTIFICATION

Read the following statements and verify that from the period beginning on or after October 15, 2004, no contributions as set forth at subsections 1(a)-(c) have been made by either the vendor or any individual whose contributions are attributable to the vendor pursuant to Executive Order 117 (2008).

NOTE: Contributions made prior to November 15, 2008 are applicable to Chapter 51 only.

Part 3: DISCLOSURE OF CONTRIBUTIONS MADE

Check the box at top of page 2 if no reportable contributions have been made by the vendor. If the vendor has no contributions to report, this box must be checked.

Name of Recipient Entity – Enter the full name of the recipient entity.

Address of Recipient Entity – Enter the recipient entity's street address.

Date of Contribution – Indicate the date of the contribution.

Amount of Contribution – Enter the amount of the reportable contribution.

Type of Contribution – Select the type of contribution from the list provided.

Contributor Name – Enter the full name of the contributor.

Relationship of Contributor to the Vendor -- Indicate relationship of the contributor to the vendor, e.g. officer or partner of the company, spouse of officer or partner, resident child of officer or partner, parent company of the vendor, subsidiary of the vendor, etc.

NOTE: If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

Part 4: CERTIFICATION

Check box A if the person completing the certification and disclosure is doing so on behalf of the vendor and all individuals and/or entities whose contributions are attributable to the vendor.

Check box B if the person completing the certification and disclosure is doing so on behalf of the vendor only.

Check box C if the person completing the certification and disclosure is doing so on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Enter the full name of the person authorized to complete the certification and disclosure, the person's title or position, date and telephone number.

INFORMATION AND INSTRUCTIONS
For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

USEFUL DEFINITIONS FOR THE PURPOSES OF Ch. 51 and E.O. 117

- **"Vendor"** means the contracting entity.

- **"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 New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of "business entity," that individual's spouse or civil union partner and any child residing with that person.[1]

- **"Officer"** means a president, vice-president with senior management responsibility, secretary, treasurer, chief executive officer, or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.

- **"Partner"** means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.

- **"Reportable Contributions"** are those contributions, including in-kind contributions, in excess of $300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee.

- **"In-kind Contribution"** means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

- **"Continuing Political Committee"** includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

[1] Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.

INFORMATION AND INSTRUCTIONS
For Completing The "Two- Year Vendor Certification and Disclosure of Political Contributions" Forms

- **"Candidate Committee"** means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a), for the purpose of receiving contributions and making expenditures.
- **"State Political Party Committee"** means a committee organized pursuant to N.J.S.A. 19:5-4.
- **"County Political Party Committee"** means a committee organized pursuant to N.J.S.A. 19:5-3.
- **"Municipal Political Party Committee"** means a committee organized pursuant to N.J.S.A. 19:5-2.
- **"Legislative Leadership Committee"** means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.
- **"Political Party Committee"** means:

    1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
    2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
    3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to cd134@treas.state.nj.us or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9th Floor, Trenton, NJ 08625. Original forms should remain with the Agency and copies should be sent to the Chapter 51 Review Unit.

Questions & Answers

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or Executive Order 117 (2008) may be submitted electronically through the Division of Purchase and Property website at http://www.state.nj.us/treasury/purchase/execorder134.htm. Responses to previous questions are posted on the website, as well as additional reference materials and forms.

NOTE: *The Chapter 51 Q&A on the website **DOES NOT** address the expanded pay-to-play requirements imposed by Executive Order 117. The Chapter 51 Q&A are only applicable to contributions made prior to November 15, 2008. There is a separate, combined Chapter 51/E.O. 117 Q&A section dealing specifically with issues pertaining to contributions made after November 15, 2008, available at http://www.state.nj.us/treasury/purchase/execorder134.htm#state.*

State of New Jersey
Division of Purchase and Property
Two-Year Chapter 51 / Executive Order 117 Vendor Certification and Disclosure of Political Contributions

For AGENCY USE ONLY

General Information

Solicitation, RFP or Contract No. _____ Award Amount _____

Description of Services _____

Agency Contact Information

Agency _____ Contact Person _____

Phone Number _____ Agency Email _____

Part 1: Vendor Information

Full Legal Business Name _____
(Including trade name if applicable)

Business Type ☐ Corporation ☐ Limited Partnership ☐ Professional Corporation ☐ General Partnership
☐ Limited Liability Company ☐ Sole Proprietorship ☐ Limited Liability Partnership

Address 1 _____ Address 2 _____

City _____ State _____ Zip _____ Phone _____

Vendor Email _____ **Vendor FEIN** _____

Part 2: Public Law 2005, Chapter 51/ Executive Order 117 (2008) Certification

I hereby certify as follows:

1. On or after October 15, 2004, neither the below-named entity nor any individual whose contributions are attributable to the entity pursuant to Executive Order 117 (2008) has solicited or made any contribution of money, pledge of contribution, including in-kind contributions, company or organization contributions, as set forth below that would bar the award of a contract to the vendor, pursuant to the terms of Executive Order 117 (2008).

a) **Within the preceding 18 months,** the below-named person or organization has not made a contribution to:

(i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor or ***Lieutenant Governor***;
(ii) Any State, county, ***municipal*** political party committee; OR
(iii) Any ***legislative leadership committee***.

b) **During the term of office of the current Governor(s),** the below-named person or organization has not made a contribution to

(i) Any candidate, committee and/or election fund of the Governor or ***Lieutenant Governor***; OR
(ii) Any State, county or ***municipal*** political party committee nominating such Governor in the election preceding the commencement of said Governor's term.

c) **Within the 18 months immediately prior to the first day of the term of office of the Governor(s),** the below-named person or organization has not made a contribution to

(i) Any candidate, committee and/or election fund of the Governor or ***Lieutenant Governor***; OR
Any State, county, ***municipal*** political party committee of the political party nominating the successful gubernatorial candidate(s) in the last gubernatorial election.

PLEASE NOTE: Prior to November 15, 2008, the only disqualifying contributions include those made by the vendor or a principal owning or controlling more than 10 percent of the profits or assets of a business entity (or 10 percent of the stock in the case of a business entity that is a corporation for profit) to any candidate committee and/or election fund of the Governor or to any state or county political party within the preceding18 months, during the term of office of the current Governor or within the 18 months immediately prior to the first day of the term of Office of Governor.

Part 3: Disclosure of Contributions Made

☐ **Check this box if no reportable contributions have been made by the above-named business entity or individual.**

Name of Recipient _____ Address of Recipient _____

Date of Contribution _____ Amount of Contribution _____

Type of Contribution (i.e. currency, check, loan, in-kind _____

Contributor Name _____

Relationship of Contributor to the Vendor _____

Contributor Address _____

City _____ State _____ Zip _____

If this form is not being completed electronically, please attach pages for additional contributions as necessary. Otherwise click "Add a Contribution" to enter additional contributions.

Part 4: Certification

I have read the instructions accompanying this form prior to completing this certification on behalf of the above-named business entity. I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

I understand that this certification will be in effect for two (2) years from the date of approval, provided the ownership status does not change and/or additional contributions are not made. If there are any changes in the ownership of the entity or additional contributions are made, a new full set of documents are required to be completed and submitted. By submitting this Certification and Disclosure, the person or entity named herein acknowledges this continuing reporting responsibility and certifies that it will adhere to it.

(CHECK ONE BOX A, B or C)

(A) ☐ I am certifying on behalf of the above-named business entity and all individuals and/or entities whose contributions are attributable to the entity pursuant to Executive Order 117 (2008).

(B) ☐ I am certifying on behalf of the above-named business entity only.

(C) ☐ I am certifying on behalf of an individual and/or entity whose contributions are attributable to the vendor.

Signed Name _____ Print Name _____

Phone Number _____ Date _____

Title/Position _____

Agency Submission of Forms

The agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms, together with a completed Ownership Disclosure form, either electronically to cd134@treas.state.nj.us, or regular mail at Chapter 51 Review Unit, P.O. Box 039, 33 West State Street, 9th Floor, Trenton, NJ 08625. The agency should save the forms locally and keep the original forms on file, and submit copies to the Chapter 51 Review Unit.

ATTACHMENT D

LEGAL SERVICES

FEE PROPOSAL STATEMENT

Contract No. GP-0162-R01

_____ ("Firm") will provide legal services at a blended
(Firm)

rate of $200 per hour for attorney services and $90 per hour for paralegal services.

I am duly authorized to sign this Fee Proposal Statement on behalf of the above mentioned Firm:

Name: _____
(Signature)

_____
(Print)

Date: _____

ATTACHMENT E

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY LEGAL SERVICES MANAGEMENT GUIDELINES

The New Jersey School Development Authority ("NJSDA") expects to work with your Firm to achieve the best result for the NJSDA. Legal services should be completed in an efficient and economical manner consistent with your ethical obligations and in conformity with the guidelines hereinafter set forth.

ATTORNEY/ STAFFING ASSIGNMENTS

Your Firm should designate an engagement partner to coordinate the assignment of matters with respect to which your firm will represent NJSDA. One lead attorney should be assigned to each matter. Specific duties of the lead attorney with respect to an assigned matter shall include, but not be limited to: attendance at meetings, hearings, real estate closings, substantive court appearances, settlement negotiations, depositions, and participation in conference calls. NJSDA will pay for only one attorney in attendance. Any changes to the case staffing must also be discussed with the Division of Chief Counsel at the NJSDA prior to the firm undertaking those changes.

NJSDA recognizes the value of paralegal services when used appropriately to perform work in a file. Where practical, a paralegal should be assigned to work with the lead attorney on an NJSDA matter. Tasks generally accepted as approved paralegal tasks will be paid at paralegal rates. These tasks include, but are not limited to:

(1) In connection with litigation matters: preparation of Subpoenas, preparation of routine discovery and pleadings, summaries of deposition transcripts, routine correspondence and contact with the Division of Chief Counsel at the NJSDA; and

(2) In connection with real estate matters: correspondence and communications pertaining to clearing title issues; preparation of closing documents, preparation of HUD-1 settlement sheets, preparation of closing binders, post closing follow up pertaining to release of escrowed funds.

GENERAL BUDGET MANAGEMENT GUIDELINES

- NJSDA will not pay attorney rates for tasks generally recognized as paralegal tasks. NJSDA will not pay for either attorney or paralegal time spent on services which are clerical in nature, such as scheduling conferences, file organization or Bates stamping, or where there is no significant value added to the case.

- NJSDA will not maintain a retainer balance.

- Travel time will be billed at ½ the hourly rate. Allowable travel expenses are (1) tolls; (2) mileage; and (3) parking. Mileage will be paid at the rate in effect for NJSDA employees as of the date of the travel. Parking and tolls will be reimbursed only upon submission of original paid receipts.

- NJSDA will not pay for interoffice conferences.

- Since assignments are made to firms which have been selected for their expertise in particular areas of law, NJSDA will not pay for research which is routine in nature. Legal research in excess of 2 hours should not be embarked upon without prior authorization from Division of Chief Counsel of the NJSDA. NJSDA will not pay for redundant research.

- NJSDA will not pay for time or expenses related to correcting inefficiencies or poor performance. Appropriate adjustments will be made to invoices submitted containing line items for such work.

- Email is the preferred method of exchanging information. The NJSDA will not pay for other methods of delivery when email is available and sufficient.

- The necessity for use of overnight courier, messenger or comparable services should be discussed with NJSDA's Division of Chief Counsel and approved prior to incurring charges for such services, except in emergency situations.

- Standardized NJSDA forms and standardized letters of transmittal shall be utilized whenever appropriate to minimize amounts billed for routine correspondence.

Specific Budget Guidelines. Budgets are necessary in every matter assigned as a means of documenting legal expenses that are likely to be incurred with reasonable accuracy. Budgets should be submitted as soon as possible after the receipt of an assignment as follows:

For litigation matters, each budget/budget update should address:

- Legal tasks that counsel will initiate;
- Legal tasks that opponents are anticipated to initiate;
- Legal tasks that the court or others are anticipated to initiate;
- Legal tasks relating to case management, reporting and communications;
- Anticipated expenses, itemized based on typical fees based on prior experience; and,
- Total projection of legal fees and expenses based on anticipated tasks and calculated on an estimate of hours per task at the contract rate.

For real estate /non-litigation matters each budget/budget update should address:

- Tasks to be performed;
- Documents to be drafted; and
- Total projection of legal fees and expenses based on anticipated tasks and estimated hours per assigned staff at the contract rate.

NOTE: Substantial variances from the budget (whether because of new tasks or additional time needed on previously identified tasks) should be discussed before services are rendered.

Overhead and Non-billable items:

NJSDA considers the following items to be overhead costs, included in the Firm's hourly rate, or otherwise non-billable:

- Charges for computerized legal research services such as Westlaw or Lexis;
- Charges for opening or closing files;
- Charges for preparation of required budget submission for anticipated legal services or for the preparation or collection of bills or invoices and/or charges for resolving invoice related issues;
- Word processing, clerical or secretarial charges;
- Storage charges for open or closed files, and for standard office supplies or equipment;
- Local telephone charges, facsimile charges of any kind, postage (other than certified mail fees or overnight delivery charges); transmission of email;
- Photocopy/printing charges for printing email transmissions received; and,
- Profit or mark-up on any expenses.

CASE MANAGEMENT COMMUNICATION GUIDELINES

The firm should search for conflicts or potential conflicts immediately after being contacted to represent the NJDSA in a matter. Any conflict or potential conflict must be discussed with an attorney from NJSDA's Division of Chief Counsel before accepting a task assignment or as soon as the conflict or potential conflict is identified.

The firm should have, within 14 days after accepting a task assignment, a detailed planning conversation with appropriate NJSDA personnel wherein the critical issues that must be resolved and overall case management issues are discussed. A preliminary budget should be submitted to NJSDA within 5 days after the planning discussion takes place. Status updates should be made every 30 days thereafter.

The firm will need to obtain authorization for the following: commencement of litigation, filing of responsive pleadings, filing of all motions and discovery, retention of third parties such as experts or investigators and scheduling of depositions.

All interrogatories, request for production of documents, requests for admissions and/or other discovery received from other parties will be sent directly to the Division of Chief Counsel at the NJSDA within 48 hours of receipt of discovery documents.

Additionally, the following items should be sent to the Office of Chief Counsel:

- In connection with eminent domain proceedings:
-
    - Filed condemnation pleadings: Complaint, Declaration of Taking; Order to Show Cause, Order for Deposit into Court;
    - Recorded documents: Notice of Lis Pendens, Recorded Declaration of Taking;
    - Final Order for Judgment as to Condemnation and Appointing Commissioners;
    - Final Order as to Just Compensation; and
    - Notification of Condemnee's appeal of Commissioners Report.

- In connection with non-eminent domain litigation:

    - The Answer, any Amended Complaints, and any third-party pleadings;
    - Copies of substantive pleadings or motions;
    - Responses to interrogatories;
    - All settlement overtures, whether written or oral;
    - Releases, dismissals or final judgments and all orders of the court; and,
    - All discovery responses that will require certification by NJSDA personnel, with sufficient time to review those responses.

Expert witnesses, including medical witnesses, should not be engaged without prior consultation with the Division of Chief Counsel at the NJSDA.

Whenever you represent the NJSDA in a matter in which your firm is required to give a legal opinion to the NJSDA, that opinion letter must be reviewed and approved by the Office of Chief Counsel at the NJSDA. You should forward a draft of any opinion letter to Chief Counsel of the NJSDA in advance of issuance to permit review of the opinion.

The firm must provide a written pre-trial report to Division of Chief Counsel at the NJSDA. The report should be submitted at the close of discovery, within 10 business days after the case is set for trial, but not more than 120 days to the scheduled trial date, whichever occurs first.

Settlement authority rests solely in the NJSDA. Requests for settlement authority must be made on a timely basis, preferably no less than 30 days prior to settlement discussion. Such requests should never be made on the "eve of trial" or the day before a settlement conference. Settlement demands shall be communicated to the Division of Chief Counsel at the NJSDA as soon as they are received, with a settlement recommendation to follow as soon as possible. The firm must notify the Division of Chief Counsel at the NJSDA of all settlement conferences, mediations, arbitration hearings, or trial dates as soon as dates are set, and must advise of any subsequent changes. The results of hearings, arbitrations or other substantive court appearances must be communicated to the Division of Chief Counsel at the NJSDA within one business day. During trial, counsel must communicate with the Division of Chief Counsel at least once a day.

NJSDA handles all contact with the media on NJSDA matters. All media inquiries should be referred to the Division of Chief Counsel at the NJSDA.

BILLING GUIDELINES

With respect to specific billing requirements:

- Bills should be submitted monthly;
- For litigation matters, each bill should have a distinct invoice number and should reflect the Docket Number;
- Each bill should include a reference to the relevant NJSDA contract number and project number;
- All charges for services by attorneys and paralegals must be itemized based upon their actual time in one-tenth (.10) hour increments;
- Separate bills should be presented for each NJSDA matter assigned, identifying the business contact person or assigned in-house lawyer as the primary contact person;
- Bills should reflect a description of specific tasks and identify the lawyer or paralegal working on each task;
- Time should be chronologically listed (unless a different format has been specifically requested);
- Bills should set forth both the current invoiced amount and the total billed to date amount;
- Fees and disbursements should be subtotaled separately; and
- Prior unpaid balances should not be added to a later invoice.

Eligible Disbursements

- NJSDA will reimburse for actual long distance charges directly related to the file. The invoice must indicate the date of the telephone call, the telephone number and the total cost.
- Travel time should only be billed to the extent the attorney is working on NJSDA matters during travel. Travel should be approved in advance and alternatives to travel should be used when possible.
- Photocopying may be billed at the maximum of 10 cents per page.

Causes for Rejection:

- Billing for time spent when a firm transfers a project to another lawyer or paralegal in the firm will be rejected.
- Significant time involved in educating associates or paralegals will be rejected.
- More than one attorney attending meetings, hearings or drafting documents will be rejected without prior authorization from the NJSDA.
- Time spent on bill preparation will be rejected.
- Block billing and overly generalized and vague billing entries.