

REQUEST FOR PROPOSALS OF
QUALIFICATIONS FOR
Outside Legal Services for the 2020
Calendar Year

	(X) Please indicate the services RFPQ submission applies to:	
1		Borough Attorney
2		Labor/Employment Counsel
3		Appellate Practice (Federal, Superior Court, Civil Appeals)
4		Board of Health Counsel
5		Rent Control Board Counsel
6	X	Bond Counsel
7		Prosecutor
8		Public Defender
9		Redevelopment Counsel
10		Planning Board Attorney
11		Zoning Board Attorney
12		Special Counsel
13		Tax Appeals
14		Alternate Prosecutor
15		Alternate Public Defender
16		Alternate Borough Counsel
17		Conflicts Counsel
18		Special Litigation Counsel
19		Council on Affordable Housing Counsel
20		Hearing Officer
21		Affordable Housing Attorney
22		Special Investigation Counsel
23		Human Resources Investigation Counsel
24		
25		
26		
27		
28		
29		

STEVEN L. ROGUT
DANIEL J. McCARTHY
DIANE U. DABULAS
THOMAS J. BACE ††

ROGUT MCCARTHY LLC
COUNSELLORS AT LAW

ANN S. BEDDINGFIELD, Of Counsel †
PATRICE E. HEW

37 ALDEN STREET
CRANFORD, NEW JERSEY 07016-2106

Telephone (908) 931-1150
Facsimile (908) 931-1151
Facsimile (908) 653-4832

† ADMITTED IN NY AND NC ONLY
†† ALSO ADMITTED IN FL AND DC

QUALIFICATION STATEMENT OF
ROGUT MCCARTHY LLC
FOR BOND COUNSEL SERVICES

to the

BOROUGH OF WALLINGTON
FOR 2020

Submitted to

MR. HECTOR OLMO
BOROUGH ADMINISTRATOR
BOROUGH OF WALLINGTON
24 UNION BOULEVARD
WALLINGTON, NJ 07057

Dated: December 10, 2019

ADMINISTRATIVE INFORMATION

A. Basic Respondent Information

Name - Rogut McCarthy LLC
Address - 37 Alden Street
Cranford, NJ 07016
Phone Number - (908) 931-1150
Contact Person - Steven L. Rogut

B. Organizational Information

Type - New Jersey Limited Liability Company
Ownership - 2 Principals (Members of LLC)

Steven L. Rogut	Daniel J. McCarthy
37 Alden Street	37 Alden Street
Cranford, NJ 07016	Cranford, NJ 07016

C. Operating History

Years in Business - 24
Years Operating Under Present Name - 13
Years Under Current Management - 21

D. Affirmative Action, Legal Matters, Licensing

Affirmative Action - The firm is in compliance with all applicable affirmative action (or similar) requirements with respect to its activities. (see attached NJ Certificate of Employee Information Report)

Malpractice - The firm has not been adjudicated liable for professional malpractice in its 24 year history. The firm will maintain professional liability insurance during 2020 in the amount of at least \$100,000.

Bankruptcy - The firm is not now nor has it ever been involved in any bankruptcy or reorganization proceedings in its 24 year history.

Licensing - The firm's attorneys are duly licensed to practice law.

State of New Jersey Business Registration Certificate - (see attached)

PROFESSIONAL INFORMATION

General

Rogut McCarthy LLC provides representation to governmental entities, corporations and individuals in several specialized areas of practice: public finance; litigation; labor and employment law; municipal law; insurance/surety; and real estate. Our firm brings together experienced attorneys dedicated to, and capable of, serving clients in an efficient, timely and result-oriented manner.

The firm appreciates the opportunity to continue serving as bond counsel to Wallington. Steven L. Rogut has served as bond counsel to Wallington since 2003. Mr. Rogut and other firm personnel have a strong understanding of the Borough's financial condition and borrowing history and needs. This allows for efficient and cost-effective service since the Borough is not paying for time spent on the learning curve, and also allows for meaningful input into financing discussions with Borough officials and advisors. Mr. Rogut will be available for any meeting concerning bonding. Mr. Rogut is the contact person for the Wallington representation. He either personally performs or directly supervises all bond counsel work done for the Borough.

Mr. Rogut is the contact person for the Wallington representation. He either personally performs or directly supervises all bond counsel work done for the Wallington. The firm does not subcontract any bond counsel services. The principals of the firm have no relatives associated with the Borough.

Public Finance Practice

Steven L. Rogut heads the firm's public finance practice, and is assisted by Messrs. Bace and Calhoun and Ms. Beddingfield. The firm presently serves as bond counsel to over 110 municipalities, counties, authorities, boards of education and fire districts in New Jersey. Representative clients include Union County, Millburn, the Warren Township Sewerage Authority, the Hillsdale Board of Education, and Wood-Ridge, Garfield, Carlstadt and Hasbrouck Heights, in close proximity to Wallington. Attached as Appendix A is a list of bond issues for which this firm has served as bond counsel in the last three years.

As bond counsel to New Jersey municipalities, the firm provides comprehensive legal services in the financial area. Working closely with municipal finance officers, clerks, auditors and attorneys, public finance attorneys prepare the various documents required for a municipality to issue debt under the laws of the State of New Jersey and the Internal Revenue Code. In order to assure the purchasers of municipal bonds and notes that the obligations they purchase have been issued in compliance with law, the firm renders an approving legal opinion as to the validity of the proceedings authorizing the bonds or notes, the security for the obligations, and the tax-exempt status of interest on the bonds or notes.

The firm has extensive experience in representing municipalities in obtaining sewer, water and open space acquisition loans from the New Jersey Infrastructure Bank (the "I-Bank" - formerly known as the New Jersey Environmental Infrastructure Trust Financing Program). We have represented numerous borrowers over the years. Mr. Rogut's personal experience with the I-Bank and the Trust Program dates back to the inception of the Program in 1987 when he represented the City of Elizabeth, while employed at LeBoeuf, Lamb, Greene & MacRae in Newark and New York City. Mr. Rogut has a close working relationship with the Trust and NJDEP officials and staff, as well as their professionals and advisors.

The basic services provided to municipalities include: (1) preparation of bond ordinances; (2) preparation of note issues (bond anticipation notes, tax anticipation notes, emergency notes, etc.) with accompanying documentation and approving legal opinion; (3) preparation of bond issues with accompanying documentation and approving legal opinion; and (4) at the request of clients, legal research on municipal law questions.

Because bond ordinances constitute the basic authorization for both capital projects and the debt required to finance them, public finance attorneys are actively involved in providing expert advice as to the legality, under state and federal law, of proposed projects and the proper state law procedures for adoption of bond ordinances. We work closely with the municipal finance officer and auditor to make sure that funds are available for down payments (when required) and that supplemental debt statements and capital budget amendments are filed.

The issuance of notes requires our involvement in the preparation of the notes themselves and accompanying documentation as well as the planning of the sale of the notes by the municipal finance officer. For example, after verification that the bond ordinance under which bond anticipation notes are to be issued has been validly adopted (including proper advertisement), public finance attorneys work with the municipal finance officer in scheduling a sale of the notes to banks and investment houses. Due to the increasingly competitive market for notes, we strongly recommend to clients that they solicit bids from several potential purchasers and, upon request, we will provide a list of potential bidders.

Our involvement in bond sales is comprehensive. From work sessions with elected and appointed municipal officials, the auditor and the municipal attorney to discuss the size and terms of bond issues and determine a schedule for the issue, through the public sale of the bonds and concluding with the delivery of the bonds in exchange for payment at closing, public finance attorneys are intimately involved in all aspects of the transaction. Since our legal opinion is relied upon by the marketplace as assurance that the bonds have been legally issued and are tax exempt, and in order to maintain the reputation of the firm's clients in the financial community, we go to great lengths to ensure that a bond sale goes smoothly. We realize that bond issues are major events for municipalities. Therefore, our attorneys look forward to explaining the many details of selling bonds to elected and appointed officials so as to provide them with understanding and comfort in making the decision to issue debt.

In providing the services described above, the firm is known for its willingness and ability to meet deadlines for the production of documents and for answers to various questions of municipal law and federal income tax law. We also make it a point to be readily accessible to our clients - either in person or over the phone.

Biographies (Bond Counsel)

Steven L. Rogut. Principal. Georgetown University A.B. '81 (magna cum laude). Georgetown University Law Center J.D. '85 (cum laude). Admitted to practice in 1985. He has been practicing public finance law since 1985 and has worked on major bond financings throughout the United States. In 1995, Mr. Rogut left the Newark office of a major international law firm (LeBoeuf, Lamb, Greene & MacRae) to be a co-founder of Rogut McCarthy PC in order to continue serving his New Jersey bond clients. He is experienced in general obligation bond transactions for New Jersey municipalities, counties and boards of education as well as authority revenue bond transactions and industrial development financings. He is a member of the National Association of Bond Lawyers. Mr. Rogut was the author of a chapter on municipal bonds in the New Jersey Municipal Clerk's Guidebook, and has lectured on bonds in the New Jersey Municipal Clerk's certification courses, courses for newly elected municipal officials, accounting continuing education courses and as a guest speaker for school business administrators' and Mayors' associations. Since 2009, he has organized and conducted quarterly meetings of New Jersey bond attorneys to share information and experiences to better serve public finance clients in the State.

Thomas J. Bace. Partner. University of South Carolina B.A. '95 (cum laude). Rutgers University School of Law (Camden) J.D. '98. Admitted to practice in New Jersey (1998), Florida (2007) and District of Columbia (2007). Mr. Bace joined the firm in 2007 after seven years with a prominent Monmouth County firm where he had broad experience in municipal, public finance and real estate law. He is primarily involved in the firm's general obligation bond practice.

Ann S. Beddingfield. Of Counsel. Mount Holyoke College A.B. '65 (National Merit Scholar). University of North Carolina School of Law J.D. '73. Columbia University School of Law L.L.M. (General) '80. New York University School of Law L.L.M. (Taxation) '84. Admitted to practice in North Carolina (1973), New York (1981) and Connecticut (1985). Ms. Beddingfield joined the firm in 2004 as Of Counsel after twenty years as a tax lawyer for several major bond firms in New York City, including Hawkins, Delafield & Wood and Brown & Wood. She participated on a national basis in housing, hospital, 501(c)(3), industrial development, solid waste and governmental bond issues. She has experience in drafting ruling requests submitted to the Internal Revenue Service. Ms. Beddingfield, in addition to performing the firm's tax work on bond issues, is also involved in all aspects of bond counsel representations on the State level and serves as trustee's counsel.

Peter J. Calhoun. Paralegal. Horizon Institute of Paralegal Studies '03. Mr. Calhoun has 16 years experience as a paralegal. He joined the firm in 2013 and works exclusively in the general obligation bond practice.

FEE SCHEDULE

(unchanged from inception of representation in 2003)

The fee for the approval of general obligation bonds at public sale consists of a base fee of \$5,000 plus a fee of \$1.00 per \$1,000 of bonds approved.

All issues of bonds regardless of the dollar amount require an additional \$1,000 charge for each series for an issue with multiple series of bonds.

Bond ordinances and other capital ordinances will be billed on the basis of \$400 per ordinance prepared or reviewed. Multipurpose ordinances will be billed at \$750. There is no charge for reviewing existing bond ordinances or other prior activities for new clients.

Issues for notes in anticipation of the issuance of bonds are based on a charge of \$50 per \$100,000 of notes prepared, or fraction thereof, with a minimum of \$500 for each issue of notes.

Disbursements are added separately as part of any billing.

The fee schedule does not cover matters requiring more than ordinary time and travel. Such schedule also does not apply to general obligation refunding issues, revenue bond issues or Trust Program financings. A fixed fee arrangement acceptable to the client would be agreed to prior to undertaking such financings. Additional charges would be made for the public offering of bonds of the municipality and for an offering of notes of the municipality involving the preparation of an offering statement to accompany the Notice of Sale and the preparation of multiple notes. We do not bill separately for time spent on telephone calls or routine legal research in the course of doing our regular work for clients (bond ordinances, notes and bond issues). However, responses to inquiries involving research on complicated questions of law, review or preparation of financing documents for special financings, special tax counsel opinions, and attendance at meetings would be charged separately at the following hourly rates: \$150 for a partner, \$125 for an of counsel, and \$100 for an associate.

References

1. Borough of Wood-Ridge
Mr. Nicholas Fargo
Chief Financial Officer
(201) 939-2681
2. Borough of Paramus
Ms. Sheryl A. Biondi
Chief Financial Officer
(201) 265-2100, ext. 2271
3. Borough of Palisades Park
Ms. Gina Kim
Borough Clerk
(201) 585-4100
4. Borough of Norwood
Ms. Laura Borchers
Borough Administrator/Clerk
(201) 767-7200, ext. 4010

Conclusion

We appreciate the opportunity to respond to your request for proposal. If you have any questions, please do not hesitate to contact me.

ROGUT MCCARTHY LLC



Steven L. Rogut
President

Dated: December 10, 2019

Certification 21110

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-APR-2017 to 15-APR-2024

ROGUT MCCARTHY LLC
37 ALDEN STREET
CRANFORD

NJ 07016



Ford M. Scudder

FORD M. SCUDDER
State Treasurer

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 252
TRENTON, N.J. 08646-0252

TAXPAYER NAME:
ROGUT MCCARTHY LLC

ADDRESS:
37 ALDEN STREET
CRANFORD NJ 07016
EFFECTIVE DATE:

12/06/07

TRADE NAME:

SEQUENCE NUMBER:
1376247

ISSUANCE DATE:
12/27/07

James J. Quisiano
Acting Director
New Jersey Division of Revenue

FORM BRC(03-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

STEVEN L. ROGUT
DANIEL J. McCARTHY
DIANE U. DABULAS
THOMAS J. BACE ††

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Federal EIN: 26-1546993

Appendix A

LETTER OF INTENT

December 10, 2019

Borough of Wallington
24 Union Boulevard
Wallington, NJ 07057

Attn: Hector Olmo, Borough Administrator

Re: RFQ for Outside Legal Services for 2020 - Bond Counsel

Dear Mr. Olmo:

The undersigned, as Respondent, has submitted the attached Proposal of Qualification Statement in response to a Request for Proposal of Qualifications (RFQ), issued by the Borough of Wallington ("Borough"), dated November 26, 2019, in connection with the services set forth above.

Rogut McCarthy LLC ("Respondent") HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information. We affirm that the contents of our Proposal of Qualification Statement (which Qualification Statement is incorporated herein by reference) is accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon express understanding that any false statement may result in the disqualification of Rogut McCarthy LLC.

2. The undersigned Respondent is interested in being invited to respond to the Borough of Wallington request for Proposals of Qualifications (RFQ). It is the intent of Respondent, to complete and submit a Qualification Statement for the provision of the services set forth above and to enter into a contract for said services if selected and awarded a contract by the Mayor and Council of the Borough of Wallington.

3. The undersigned Respondent agrees to participate in good faith in the procurement process as described in the RFQ and to adhere to the Borough's procurement schedule.

4. The undersigned Respondent agrees that all costs incurred by it in connection with the preparation and submission of the Proposal of Qualification Statement submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.

5. The undersigned Respondent hereby declares that the only persons participating in this Proposal of Qualification Statements as Principals are named herein and that no person other than those herein mentioned has any participation in this Proposal of Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating principals, but only if acceptable to the Borough. Rogut McCarthy LLC further declares that this Proposal of Qualification Statement is made without connection with any other person, firm or parties who has submitted a Proposal of Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

6. The undersigned Respondent acknowledges and agrees that the Borough may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Borough shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.

7. The undersigned Respondent acknowledges that any contract executed with respect to the provision of the above referenced services must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

8. The undersigned Respondent acknowledges and agrees that it will be obligated to satisfy the requirements set forth in Section Two of this RFQ at the time of submission of its Proposal of Qualification Statement. The Respondent hereby states that (as of the date hereof) it has a reasonable expectation that it will be able to satisfy such criteria and requirements as of the date of its submittal.



Steven L. Rogut, President

Rogut McCarthy LLC

Dated: 12/10/19

APPENDIX B
CERTIFICATIONS

In addition to responding to the foregoing items, the undersigned Respondent certifies that:

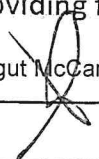
A. The firm's participation in the matters contemplated by this RFQ will not create any conflict of interest for the firm or any of its officers or employees.

B. The firm is an equal opportunity employer and does not discriminate against applicants or employees on the basis of race, color, religion, sex, age, disability, national origin, or ancestry.

C. The firm is not currently in violation of or under any investigation or review for a violation of any state or federal law or regulation that might have a material adverse impact on the firm's ability to serve if selected.

D. The firm understands and agrees that during the time it is a member of the group of qualified firms it will not be eligible to serve as financial advisor to the Borough of Wallington, and that it does not, and will not during that time, have a financial interest in any firm providing financial advisory services to the Borough of Wallington.

Firm: Rogut McCarthy LLC

By: 

Name Steven L. Rogut

Title: President

December 10, 2019

OWNERSHIP DISCLOSURE CERTIFICATION

This Statement Shall Be Included with Bid Submission

Name of Business

Rogut McCarthy LLC

1 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. However if a parent entity holding 10% or more is a publicly traded entity, then the respondent in complying with N.J.S.A. 52:25-24.2 may submit the name and address of each publicly traded entity, and the name and address of each person holding 10% or more beneficial interest in the publicly' traded entity as of the last the last annual filling with the Security Exchange Commission (SEC), or foreign equivalent.

OR

1 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:

☐ Partnership ☐ Corporation ☐ Sole Proprietorship ☐ Limited Partnership
☒ Limited Liability Corporation ☐ Limited Liability Partnership ☐ Other
Company

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

Stockholders:

Name: Steven L. Rogut

Name: Daniel J. McCarthy

Home Address: 333 Central Avenue, Apt. 405
Westfield, NJ 07090

Home Address: 719 Lawrence Avenue
Westfield, NJ 07090

Name:

Name:

Home Address:

Home Address:

Subscribed and sworn before me this 10th day of
December, 2019

(Notary Public)

Nancy C. Arena

NANCY C. ARENA

My Commission expires:

A Notary Public of New Jersey
My Commission Expires 10/02/2021

(Corporate Seal)

(Affiant)

Steven L. Rogut, President

(Print name & title of affiant)

DISCLOSURE STATEMENT

The attention of prospective bidders is drawn to the provisions of the Local Government Ethics Law (N.J.S.A. 40A:9-22-1, et seq.) which prohibits a Borough Officer or employee or member of his/her immediate family from having an interest in a business organization or engaging in any business transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest.

In furtherance thereof, every bidder must disclose below, being a Wallington officer or employee or whether an immediate family member is a Wallington officer or employee. If the bidder is a business organization, then disclosure shall be made with respect to anyone having an interest in the business and their immediate family members.

Please answer the following:

Is the bidder, or a member of the bidder's immediate family, or anyone having an interest in the bidder's business organization including their immediate family members, an officer or employee of Borough of Wallington

NO _____ X _____ YES _____



* President, Vice President or Signature of
Authorized Representative

Steven L. Rogut
Print Name

President
Title

If yes, provide the name of the individual and identify the position held, below, and notify in writing the Office of the Borough Administrator, 24 Union Boulevard, Wallington, NJ 07057. (Attach a copy of the correspondence to this form).

NOTE: All terms used herein are to be construed in accordance with their meaning under the Local Government Ethics Law, cited above.

*** FAILURE TO SIGN THIS AFFIDAVIT BY A DULY AUTHORIZED COMPANY OFFICIAL MAY RESULT IN REJECTION OF THIS PROPOSAL.**

Disclosure of Investment Activities in IRAN

BID/RFP/Solicitation Number: RFQ-20-001

Bidder/Offeror: Rogut McCarthy LLC

Part 1: Certification

BIDDERS ARE TO COMPLETE PART 1 BY CHECKING EITHER BOX.

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

PLEASE CHECK THE APPROPRIATE BOX:

X

I certify, pursuant to Public Law 012. c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran

pursuant to 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.

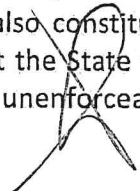
OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below.

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

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran on additional sheets provided by you.

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

Full Name: (Print): Steven L. Rogut Signature: 

Title: President

Date: December 10, 2019