

RFP ADMIN-2020-01 Proposal for MUNICIPAL LEGAL SERVICES

Town of Northwood, New Hampshire



REQUEST FOR PROPOSAL RFP ADMIN-2020-01

Proposal for MUNICIPAL LEGAL SERVICES

Acceptance Date: 10:00 a.m. on Friday, May 15, 2020

Four (4) Sealed bid proposals, plainly marked, "RFP ADMIN-2020-01 Municipal Legal Services" on the outside of the mailing envelope as well as the sealed bid envelope, addressed to the Board of Selectmen's Office, Town Hall, 818 First NH Turnpike, Northwood, New Hampshire, 03261, will be accepted until 10:00 a.m. on Friday, May 15, 2020 when all bids will be publicly opened and read aloud.

Bid packages may be obtained from the Town's web site: www.northwoodnh.org, or by contacting the Administration Department at the above address, or by calling (603) 942-5586.

The Town of Northwood reserves the right to reject any or all bids, to waive technical or legal deficiencies, and to accept any bid that it may deem to be in the best interest of the Town.

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I. Introduction

The Town of Northwood, NH seeks proposals from qualified legal firms to act as its counsel on an as-needed, fee-for-service basis in varied matters of general municipal law.

The services requested include providing legal counsel in the form of written and verbal opinions and presentations, and monitoring and representing the Town's interests before various judicial bodies and other entities. Specialized legal services are necessary in all areas of municipal law to include, but not limited to, municipal governance, municipal finance, labor and employment, tax assessment and abatement issues, tax collection, planning/zoning and land use, and transportation. The Town will consider awarding a contract to a single legal firm or multiple legal firms as deemed necessary to address the various specialties required.

The legal services desired are more fully described as follows:

1. Act as Town Attorney for the Town of Northwood. Provide legal advice and interpret municipal, state and federal law as it applies to the Town.
2. Represent the Town of Northwood before administrative agencies and in court proceedings; conduct legal research, find relevant facts, develop and review documents.
3. Act as legal advisor to the Town Administrator and the Board of Selectmen in all areas of municipal law as well as other Town Boards and Commissions as needed for land use, code enforcement, and conservation matters; advise any other staff member of the Town as authorized by the Town Administrator.
4. Prepare and review ordinances, resolutions, contracts, deeds, leases, and other written legal documents generated in the course of Town business, as requested.
5. Conduct title searches and handle land closings for both Conservation and general Town real estate transactions.
6. Attend meetings of the Board of Selectmen, Planning Board, Zoning Board of Adjustment and any other boards or commissions as may be required to offer legal advice and opinions.
7. Perform other legal services as assigned.

II. Purpose

The intent of this Request for Proposals (RFP) is to obtain the most advantageous relationship available. The ideal vendor will provide highly qualified and responsive consultation and representation at competitive prices.

III. Specifications

All respondents shall meet or exceed the minimum requirements contained herein.

IV. Instructions to Respondents

1. Submission of Proposals: **LATE BIDS WILL NOT BE ACCEPTED.**
2. Pricing must be inclusive, clear, and concise, including such other information as requested or required. Be sure the proposal container is completely and properly identified. The face of the container shall indicate the title of the RFP Admin-2020-01 Municipal Legal Services and the acceptance date and time. Three copies of the proposals must be received by the Town of Northwood ON or BEFORE the hour specified on the acceptance date.
3. Proposals may be either mailed to Heather Thibodeau, Town Administrator, 818 First NH Turnpike, Northwood, NH, 03261 or hand delivered to the Board of Selectmen's Office at Northwood Town Hall, 818 First NH Turnpike, Northwood, NH, 03261; Attention: Heather Thibodeau, Town Administrator

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4. **Inquiries**

Inquiries pertaining to the Request for Proposal must cite the RFP title and acceptance date and be directed to the Town Administrator, Heather Thibodeau, telephone (603) 942-5586 x204.

5. **Competition Intended**

It is the Town's intent that this RFP shall permit competition. It shall be the respondent's responsibility to advise the Town Administrator in writing if any language, requirement, specification, etc., or any combination thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source. Such notification must be received by the Town Administrator not later than ten (10) days prior to the date set for proposals to close.

6. **Reservation of Rights**

The Town of Northwood reserves the right to reject all or any part of any or all proposals, to waive technical or legal deficiencies, and to accept any proposal that it deems to be in the best interest of Town.

7. **Firm Pricing for Town Acceptance**

Proposed fees must be firm for Town acceptance for 365 days from acceptance date of proposals.

8. **Basis for Award**

In reviewing proposals, the Town will carefully weigh:

- a. Depth and breadth of experience and expertise in the practice of law, specifically in those matters most often encountered in New Hampshire municipalities such as municipal administration, RSA 91:A, tax collection and assessing, road/transportation law, zoning and planning/land use law, and municipal finance;
- b. Ability to perform legal services promptly and in a manner that permits the Town's administration to meet established deadlines, to act expeditiously in matters requiring legal counsel, and to operate in an effective and efficient manner;
- c. Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems and availability to accommodate attendance at evening meetings, as necessary;
- d. Degree to which the firm and individual attorneys stay current through continued professional development and active communications with practitioners in the field of municipal law;
- e. Communication skills and the ability to work effectively with the Board of Selectmen, Town Administrator, municipal staff members and the Town's Boards and Commissions.
- f. References of municipalities for which similar services are currently being provided;
- g. Cost of services, breaking such costs down by lead attorney and associates; and
- h. Other qualifications/criteria as deemed appropriate by the Board of Selectmen.
- i. Any appointment resulting from this RFP will not necessarily be awarded to the respondent with the lowest fees. The appointment shall be awarded to the compliant respondent whose proposal best meets the needs of the Town of Northwood, in the judgment of the Board of Selectmen. The Town reserves the right to negotiate the terms and conditions of the contract with the successful firm or firms to obtain the most advantageous situation for the Town.

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V. Proposal Requirements

The purpose of all submitted proposals is to demonstrate the qualifications, competence, depth and capability of the firms seeking to provide legal services to the Town of Northwood in conformity with the requirements of this request for proposals.

Items to be Addressed:

The proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects and questions must be addressed.

1. Name, address, telephone number, fax number and e-mail address of firm.
2. Name of contact person and telephone number for purposes of communications regarding the proposal.
3. State the size of the firm, the size of the firm's municipal law staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement.
4. Narrative about the history of the firm, including date of inception, experience with relevant New Hampshire municipal, state and federal law and experience providing services to New Hampshire municipalities.
5. Narrative of the qualifications of the person(s) proposed to work directly with the Town to include:
 - Legal training, years of practice, area of specialization; include date of admittance to NH Bar
 - Years of municipal law practice
 - Litigation experience and demonstration of a satisfactory court track record
 - Identify any professional affiliations
 - Detail experience in representing New Hampshire municipalities.
6. Identify the accessibility of the proposed designated lead Attorney, and the response time that the individual offers to the Town.
7. Narrative about the resources of the firm, to include clerical and support staff, library and research capabilities, and other relevant information.
8. Describe the level of coverage for malpractice insurance your firm carries. Is the coverage on a per client basis, or is the dollar figure applied to the firm as a whole? Provide documentation of the malpractice insurance coverage.
9. Within the last five years has your organization, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the services provided by your entity? If so, provide an explanation and indicate the current status or disposition of any such situation.
10. State whether the firm, its officers, partners, principals, agents, or employees that are expected to perform services under this RFP, have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
11. Has the firm been in bankruptcy, reorganization or receivership in the last five years? If so, please explain current status.
12. Has the firm been disqualified or terminated by any public agency or Town? If so, please explain under what circumstances this disqualification or termination occurred.

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VI. References

All respondents shall include with their proposal a list of at least three (3) current references for whom comparable work has been performed. This list shall include municipality name, person to contact, address and telephone number. Failure to include references may be ample cause for rejection of proposal as non-responsive.

VII. Insurance

The awarded vendor at their cost will be required to provide certificate of liability insurance before installation can commence naming the Town of Northwood as additional insured. The following standard insurance shall be required:

General Liability:	\$1,000,000	Per Occurrence
	\$2,000,000	Aggregate
Professional Liability:	\$ 500,000	Per Occurrence
	\$1,000,000	Aggregate
Workers Compensation:	\$1,000,000	Per Occurrence (Coverage B – Employer’s Liability)
	\$1,000,000	Per Employee (Coverage A – Statutory)

CERTIFICATES – All respondents shall include preliminary certificates with the proposal submission, showing that the above insurance has been purchased. The adequacy of protection shall be subject to the approval of the Town Administrator.

Cost Proposals

Each bidder shall submit a detailed cost proposal which responds to the following minimum requirements:

1. Provide a narrative about the proposed method for calculation of fees, including whether or not out-of-pocket expenses are included in the proposed rate. Include a description of basic services to be included and list services or other incidentals for which additional fees would be charged. Normal billing cycle procedures shall be identified.
2. State the hourly rates for the lead attorney and associates for all routine, basic services and the rate charged for litigation services within court, if at a different rate than charged for basic services.
3. The bidder shall utilize the attached cost proposal form to include all pricing information relative to performing the legal services as described in this request for proposal.

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COST PROPOSALS

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES FOR LEGAL SERVICES

Name of Firm _____

Address _____

Phone/Fax _____

		Standard Hourly Rates	Court Time Hourly Rates
Lead Attorney			
Associate Attorney			
Others: _____			

Narrative for further explanation:

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CERTIFICATION OF LEGAL FITNESS CLAUSE

"I certify that to the best of my knowledge, (name of bidder) and none of its principals, partners, officers, and employees:

- (a) are not presently disbarred, suspended, proposed for disbarment or discipline, or declared ineligible for a contract, by a federal or state department or Town, including any established courts or administrative tribunals;
- (b) have not within a three year period preceding this proposal been convicted of, or had a civil judgment rendered against them for the commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, violation of antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted for other criminal or civil charge by a government entity (federal, state, or local) with the commission of any of these offenses enumerated in (b) of this certification; and
- (d) have not within a three-year period preceding this proposal had one or more public contracts (federal, state, or local) terminated for cause.

This certification is a material representation of fact upon which the Town of Northwood will rely. If it is later determined that the undersigned knowingly rendered an erroneous certification, in addition to other remedies available, the Northwood may pursue available remedies including termination of the professional services relationship.

Signature

Date

Name

Title

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AUTHORIZATION TO RELEASE INFORMATION

The undersigned hereby authorizes the Town of Northwood to obtain information regarding its performance on other contracts, agreements or other business arrangements, its business reputation, and any other matters pertinent to the evaluation and selection of a successful respondent in response to its Request for Proposals for Municipal Legal Services.

The undersigned hereby releases, acquits, and forever discharges the Town of Northwood, its Administrators, employees, governing Board members, and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references obtained by the Town of Northwood in the evaluation and selection of a successful respondent in response to its Request for Proposals for Municipal Legal Services.

The undersigned hereby authorizes representatives of the Town of Northwood to contact any and all of the persons, entities, and references that are, directly or indirectly, listed, submitted, or referenced in the undersigned proposal submitted in response to its Request for Proposals for Municipal Legal Services.

The undersigned further authorizes any and all persons or entities to provide information, data, and opinions with regard to the undersigned's performance under any contract, agreement, or other business arrangement, the undersigned's ability to perform, the undersigned's business reputation, and any other matter pertinent to the evaluation of the undersigned. The undersigned hereby releases, acquits, and forever discharges any such person or entity, their officers, directors, employees and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references obtained by the Town of Northwood in the evaluation and selection of a successful respondent in response to its Request for Proposals for Municipal Legal Services. A photocopy or facsimile of this signed Authorization is as valid as an original.

Notwithstanding the foregoing, this authorization and release from liability does not extend to granting the Town of Northwood authority to receive any information that would constitute a violation of: any legal privilege attorney ethical obligation, attorney work product, or confidential attorney-client communication that can be claimed by the respondent or entity contacted.

Signature

Date

Name

Title

END OF REQUEST FOR PROPOSAL