

**REQUEST FOR
PROPOSAL/QUALIFICATIONS FOR
MUNICIPAL SOLICITOR**

Issued by the Borough of Newburg

**Date Issued:
November 5, 2019**

**Responses Due by:
December 10, 2019**

REQUEST FOR PROPOSAL & QUALIFICATIONS (RFP) FOR MUNICIPAL PROFESSIONALS

I. PURPOSE AND INTENT

Through this Request for Proposal & Qualifications (RFP), the Borough of Newburg (hereinafter the "Borough") seeks to engage a firm or individual as Solicitor commencing upon appointment. This contract will be awarded through a fair and open process. This Request for Proposal & Qualifications (RFP) is a part of a competitive procurement process, which helps to service the Borough's best interests. It also provides law firms with a fair opportunity for their services to be considered. The process of competitive negotiation being used in this case should not be confused with the different process of competitive sealed bidding. The latter process is usually used where the goods or services being procured can be described precisely and price is generally the determinative factor. With competitive negotiation, however, the price is not required to be the determinative factor, although it may be, and the Borough has the flexibility it needs to negotiate with law firms to arrive at a mutually agreeable relationship.

II. PROPOSAL SUBMISSION

An original, clearly marked as the "ORIGINAL", 6 copies, and one (1) electronic copy of each proposal shall be submitted in sealed envelopes and must be marked with "SOLICITOR PROPOSAL" and addressed to:

Newburg Borough Council
Attn: Sara Rhine, Borough Secretary
105 W Main St
PO BOX 51
Newburg, Pennsylvania 17240

The proposal must be received no later than December 10, 2019 before 2:00 p.m.

Faxed or emailed proposals will NOT be accepted. Any inquiry concerning this RFP should be directed in writing to:

Sara Rhine, Borough Secretary PO BOX 51 Newburg PA 17240
or
newboro@kuhncom.net

All documents/information submitted in response to this solicitation may be available to the general public. The Borough will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Borough reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Borough further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all firms submitting proposals. The Borough reserves the right to re-solicit proposals.

III. GENERAL INFORMATION ON THE BOROUGH OF NEWBURG

The Borough of Newburg is located in Cumberland County, Pennsylvania and operates under the Borough Code form of government, with a five (5) member Borough Council, a Mayor, and a Borough Secretary. The Borough is approximately .25 square miles, has a 2010 Census population of 336, approximately 135 households, an annual General Fund budget of approximately \$200,000, and 1 part-time employee. The Borough Council meets on the first and third Mondays of each month as well as special meetings on an as needed basis.

IV. MINIMUM QUALIFICATIONS

See Exhibit A

V. CONTENTS OF PROPOSAL

Definitions

While a firm does not have to match each item exactly, the following is what is generally meant when used in this RFP.

Scope: magnitude of the project, and value of the contract,

Size: when used in this context refers to such things as: budget, miles of roads, number of employees, acres of recreation areas, size of municipal bonds, population, number of homes.

Similar: refers to such things as municipalities that have a rural makeup, relationships with local refuge facilities, have a transportation network including State Highways, etc.

In addition to demonstrating an ability to meet all minimum qualifications in Exhibit A, the firm must also include and address the following:

1) Contact Information: Provide the name and address of the firm; the name, telephone

number, fax number, and e-mail address of the individual responsible for the preparation of the proposal and the principal professional assigned to the Borough.

2) A fee proposal for the 2020 calendar year including: a detailed listing of your firm's method of charging for professional and administrative services; a listing of billable rates for all personnel of your firm; a description of expenses, multipliers, overhead charges and other applicable fee information; and, a description of minimum billings, if any. In addition to proposals that include straight hourly rate billing, the Borough will consider alternative fee arrangements, including, without limitation, fixed fee or capped fee arrangements. Applicants proposing such arrangements should clearly define the scope of work to be included and excluded (if any) from such arrangements. Any such arrangements may be proposed instead of or as an alternative to hourly billing. A proposal showing minimum and maximum ranges is not acceptable. Please include the anticipated annual increase in your rate schedule and the percentage change in your rates, if any, over the last five (5) years. Also, provide a sample bill for services depicting the billing format utilized.

3) An executive summary of not more than two (2) pages, identifying and substantiating why the firm is best qualified to provide the requested services.

4) A staffing plan listing those persons who will be assigned to the engagement if the firm is selected, including the designation of the person who would be the firm's principal professional responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the principal's relevant professional experience, years and type of experience, and number of years with the firm.

5) A description of the firm's experience, both within Cumberland County and the Commonwealth, in performing the services of the type described in this RFP. Specifically identify client size and specific examples of work within the scope of services required under this RFP in similarly sized municipalities.

6) Identify what experience, if any, your firm has with Municipal matters. List those clients for which you presently provide these services and those you previously served and the duration of the representation.

7) Identify to what extent your firm has litigated both in the local court system as well as in the Appellate Courts. Please include litigation in the following: Land Use, Zoning, etc.

8) The location of firm's office, if other than the firm's main office, at which the firm proposes to

perform services required under this RFP. Describe your presence in Pennsylvania and any familiarity your firm has with the Cumberland County area.

9) Three (3) references, including at least two (2) municipal clients. Provide the contact names, titles and phone numbers.

10) If the firm or any principal therein has been subject to any professional disciplinary action within the last three (3) years, the bidder must provide a description of the event and the disciplinary action.

11) A description of any ongoing investigations and/or litigation matters involving the applicant, its directors, officers and principals and any individuals employed by the applicant that relates to the performance of the firm in the proposed field of expertise.

12) Identify the municipal organizations to which your firm is a member and what municipal publications your firm currently receives.

13) In its proposal, the firm must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Borough. Identify what percentage, if any, of your practice is dedicated to representing local developers and businesses.

VI. SUBCONTRACTORS

If the Firm intends to subcontract out any part of the work contained in the scope of this RFP, the Firm shall provide a complete description of the services to be subcontracted, an estimate of the overall amount of work to be subcontracted, the rationale behind the need to subcontract, and a comprehensive description of the the proposed subcontractor. The Borough reserves the right to disapprove any proposed subcontractor and to revoke previous approval of a subcontractor should the need arise.

VII. INDEMNIFICATION

The selected Firm shall defend, indemnify and hold harmless the Borough, its officers, agents and employees from any and all claims and costs of any nature whether for personal injury, property damage or any other liability arising out of or in any way connected with the Solicitor's negligent acts or omissions under this agreement.

VIII, INSURANCE

Detail your insurance coverage applicable to the services described herein. Such coverage

must be adequate to sufficiently cover the services detailed herein and must include at a minimum, general liability insurance coverage and professional liability insurance coverage. Include insurance certificates summarizing such insurance coverage.

IX. OTHER INFORMATION

Please discuss any other factors not mentioned above which you believe are relevant to the Borough's selection of your firm.

X. INTERVIEW

The Borough Secretary and/or the Borough Council reserve the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Borough reserves the right to request clarifying information subsequent to submission of the proposal.

XI. SELECTION PROCESS

All proposals will be reviewed by the Borough or its designee to determine responsiveness. Non responsive proposals will be rejected without evaluation. For firms that satisfy IV "Minimum Requirements" and V "Contents of Proposal" the Borough's evaluation will include but will not be limited to the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- (a) The firm's general approach to providing the services required under this RFP.

- (b) The firm's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.

- (c) The qualifications and experience of the firm's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this RFP.

- (d) The overall ability of the firm to mobilize, undertake and successfully complete the scope of work in a timely fashion. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the firm to perform the services required by this RFP; the availability and commitment to the engagement of the firm's management, supervisory and other staff proposed.

(e) Costs and fee schedules.

XII. SELECTION AND CONTRACT

The Borough will select the firm deemed most advantageous to the Borough, price and other factors considered. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected firm's proposal, and any changes negotiated by the parties.

Exhibit A

Borough of Newburg

Request for Proposal & Qualifications for Municipal Professionals

Minimum Qualifications

Applicants must establish that they meet the following minimum qualifications:

Borough Solicitor: (Board Appointment)

- A. The applicant shall comply with and be subject to all provisions of the PA Borough Code, Chapter 11, Subchapter D, sections 116 through 118.
- B. Multi-disciplined firm/attorney with experience in municipal law, municipal litigation and tort claim laws, Pennsylvania employment and personnel issues. The applicant shall have three (3) years' experience as a municipal solicitor for a municipality in the State of Pennsylvania.
- C. The applicant also must demonstrate a high degree of knowledge, experience and ability with the following:
 - (1) The operation of local governmental units in Pennsylvania.
 - (2) Assisting with acquiring and administering grants.
 - (3) Municipal Land Use Law
 - (4) Knowledge of Local Public Contracts Law.
 - (5) Selling and/or purchasing of Borough real estate and/or property.
 - (6) Experience in a Borough Council-Mayor Form of Government,
 - (7) Knowledgeable in government ethics laws.
 - (8) Attend and provide knowledgeable legal advice at Borough Council Meetings (and other Committee Meetings, as needed).

The applicant must be licensed to practice law in the State of Pennsylvania and be a member of the Bar in good standing. Include a list of any other professional qualifications; experience and/or credentials you feel are relevant to this RFP.