

BOROUGH of WILKINSBURG REQUEST FOR PROPOSAL (RFP) for BOROUGH SOLICITOR

I. PURPOSE AND INTENT

Through this Request for Proposal (RFP), the Borough of Wilkesburg, hereinafter the "Borough", seeks to engage a vendor as Borough Solicitor for the calendar years April 3, 2019 to December 31, 2020, or upon appointment, whichever is sooner.

II. PROPOSAL SUBMISSION

An original, clearly marked as the "ORIGINAL", plus three (3) full, complete and exact copies of each proposal shall be placed in a sealed envelope and must be marked with "Borough Solicitor" and addressed to:

Donn Henderson, Borough Manager, Wilkesburg Borough, 605 Ross Ave., Wilkesburg, PA 15221

In addition, a digital copy of the proposal may be emailed to dhenderson@wilkesburgpa.gov.

The hard copy proposal must be received no later than March 15 2019, at 4:00 p.m. Please Note: Faxed proposals will not be accepted. Any inquiry concerning this RFP should be directed in writing to: Donn Henderson, Borough Manager (dhenderson@wilkesburgpa.gov).

All documents/information submitted in response to this solicitation shall 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 in reference to the qualifications of any or all vendors submitting proposals.

III. GENERAL INFORMATION ABOUT BOROUGH of WILKINSBURG

The Borough is located in Allegheny County, Pennsylvania. It was once known as the City of Churches due to the large number of congregations. It operates under a Council-Manager form of government, with a nine-member Borough Council, a Mayor, and a Borough Manager. The Borough is 2 square miles and has 25 miles of road. The Borough has an annual General Fund budget of \$14 million. The Borough has 24 Police officers and roughly 50 other employees in administration, code, library, and public works. Borough Council holds their public meetings on the first and third Wednesdays of each month unless otherwise posted.

IV. DUTIES OF SOLICITOR

A. Prepare or approve, if directed, or requested to do so by Council or the Mayor, any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the Borough or any department of the Borough may be a party.

B. Commence and prosecute all actions brought by the Borough for or on account of any of the estates, rights, trusts, privileges, claims or demands of the Borough, as well as defend the Borough or any Borough Officer against all actions or suits brought against the Borough or Borough officers in which any of the estates, rights, privileges, trusts, ordinances or accounts of the Borough may be brought in question before any Court in this Commonwealth.

C. Perform every other professional act incident to the office which the Borough Solicitor may be authorized or required to do by the Council or the Mayor.

V. MINIMUM QUALIFICATIONS

A. All applicants for the position of Borough Solicitor shall have the following minimum qualifications:

1. If the Applicant is a one-person law firm, then the person must possess an active license to practice law in the Commonwealth of Pennsylvania.
2. If the Applicant is a partnership, association or professional corporation, then any lawyer who performs work on behalf of the Borough shall possess a license to practice law in the Commonwealth of Pennsylvania.
3. Preference may be given to applicants having at least ten (10) years' experience in municipal law, municipal litigation, tort claim laws, Pennsylvania employment and personnel issues.
4. Preference may be given to applicants, with prior experience as a Borough Solicitor in a municipality in the Commonwealth of Pennsylvania, demonstrating at least five years in a municipality with a general fund budget of at least \$2 million.

B. 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. Acquisition and disposition of real estate (Open Space);
3. Municipal Land Use Law;
4. Local Public Contracts Law;
5. Sale of Borough real estate and/or property;
6. Assembling Employment Practices Liability (EPL) policies to protect the Borough;
7. Council-Manager-Mayor forms of government;
8. Government ethics, Sunshine and Right-to-Know laws;

C. The applicant must be able to adequately perform the following duties as requested:

1. Attend and provide knowledgeable legal advice at Borough Council meetings, work sessions, and/or committee meetings, as requested;
2. Maintain availability by cell phone and e-mail and provide timely responses to staff and Borough Council inquiries;
3. Draft ordinances for the Council's approval, sometimes with the assistance of Council staff;
4. Assist Borough Council and staff with interpretations of codes, ordinances, and other applicable laws/regulations;
5. Draft and review agreements between the Borough and other entities;
6. Represent the Borough as needed in court proceedings; and
7. Recommend outside legal counsel to represent the Borough under circumstances where this is warranted. Work with (or supervise) outside legal counsel in representing the Borough.

D. Applicant should include a list of any other professional qualifications, experiences and/or credentials believed to be relevant to this RFP.

VI. MANDATORY PROPOSAL CONTENT

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

- A. Contact Information: Provide the name and addresses 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.
- B. A fee proposal for the 2019-2020 calendar year. A proposal showing minimum and maximum ranges is not acceptable. The Applicant charging an hourly rate shall set forth the hourly rate of all professionals who will be performing work for the Borough.
- C. An executive summary of not more than two (2) pages in which the applicant substantiates the reason (s) the vendor is best qualified to provide the requested services.
- D. A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor'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. The 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 vendor.
- E. A description of the Applicant's experience in performing legal services of the type described in this RFP. Specifically identify client size and provide specific examples of work within the scope of services required under this RFP in similarly-sized municipalities.
- F. The location of the vendor's office, if other than the vendor's main office, at which the vendor proposes to perform services required under this RFP. Describe your presence in Pennsylvania and any familiarity your firm has with the Allegheny County Area.
- G. References, including at least three (3) current clients, including any municipal clients, for whom services have been provided for at least the last three (3) years, and two (2) former clients for whom services have been provided within the past seven (7) years. Provide contact names, titles and phone numbers for each.
- H. If the Applicant or any principal therein has been engaged as a defendant in any litigation and/or has been subject to any professional disciplinary action over the last three (3) years, the bidder must provide a description of the litigation and/or disciplinary action.
- I. 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 relate to the performance of the Applicant in the proposed field of expertise.
- J. 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.

VII. THE INTERVIEW

The Borough Manager and Borough Council reserve the right to interview any and 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.

VIII. SELECTION PROCESS

All proposals will be reviewed by the Borough Manager and Borough Council, or Council-appointed committee, to determine responsiveness. Non-responsive proposals may be rejected without evaluation. For Applicants that satisfy the Minimum Qualifications and the Mandatory Proposal Content portions of the application, 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 Applicant's general approach to providing the services required under this RFP.
- B. The Applicant's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.
- C. The qualification and experience of the Applicant'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 Applicant 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 proposed by the Applicant to perform the services required by this RFP, the availability and commitment to the engagement of the Applicant's management, supervisory, and other staff proposed.
- E. Costs and fee schedules.

IX. SELECTION AND CONTRACT

The Borough will select the Applicant deemed most advantageous to the Borough, with price and other factors considered. The resulting contract will include this RFP, any clarifications of addenda thereto, the selected Applicant's proposal, and any changes negotiated by the parties. The Borough reserves the right to reject any and all proposals.