



TOWN OF GROTON

REQUEST FOR PROPOSAL

18-30

LEGAL SERVICES

TOWN, LAND USE/ENVIRONMENTAL, LABOR ATTORNEY

December 2017

**Town of Groton
Request for Proposals
18-30
Legal Services – Town Attorney,
Land Use/Environmental Attorney, Labor Attorney**

The Town of Groton is seeking Requests for Proposals from qualified law firms to provide general legal services as Town Attorney and legal services as Labor Attorney and Land Use/Environmental Attorney for a period of Approximately March 1, 2018 to March 31, 2020.

Questions can be directed to Eileen Cardillo via email at ECardillo@groton-ct.gov no later than 12:00 p.m. on January 11, 2018.

Sealed proposals must be received in the Purchasing Office, 45 Fort Hill Road, Groton, CT 06340 by 2:30 PM on Friday, January 19, 2018. The Town of Groton reserves the right to accept or reject any and all proposals, or any part thereof, if it is in the best interest of the Town.

**Town of Groton
Request for Proposal
18-30
Legal Services – Town Attorney,
Land Use/Environmental Attorney, Labor Attorney**

PURPOSE:

The Town of Groton, Connecticut is seeking proposals from qualified law firms wishing to provide legal services to the Town of Groton in the capacity of General Town Attorney, Land Use/Environmental Attorney, and Labor Attorney. Interested parties should submit a proposal in accordance with the requirements and directions described herein.

INTRODUCTION:

The Town of Groton is a community located in the Southeast corner of Connecticut with a population of approximately 40,000 residents. The Town has 260 permanent employees and operates by a Town Council-Town Manager-Representative Town Meeting (RTM) structure. The Town Council consists of nine (9) members, including the Mayor, elected at large every two (2) years. Town Manager, appointed by the Town Council, directs the Town's day to day operations.

SCOPE OF SERVICES:

General Government Town Attorney

The Town Attorney is required to provide legal advice and counsel to the Town Manager, Mayor and Town Council on a variety of matters pertaining to all aspects of municipal government in a clear, concise, effective and responsible manner, understandable by lay people who may not be familiar with the legal complexities of specific situations. Advice and legal support is also provided to various Town departments, boards and commissions. Provision of legal services is coordinated by the Town Manager, unless otherwise directed by the Town Manager.

Legal Services required by the Town Attorney include but are not limited to:

- Contract/document review and drafting, ordinance drafting, charter and state statute interpretations. Familiarity with Freedom of Information Act (FOIA) and real estate transactions;
- Litigation. Ability to manage/conduct/oversee litigation in all courts (state and federal). Not often needed for trial work, but when it is, it is usually a significant matter;

- General. Includes all other legal matters typically associated with the operations of a municipal government and other services as may be directed by the Town Manager, Mayor and Town Council. Effective verbal and written communication skills are essential, since information must be readily understood by elected and appointed officials, Town staff and the public.
- Tax Matters. Must represent the Town in property assessment appeal lawsuits. Advises appropriate Town staff on property tax assessment and collection issues; Assists the Tax Collector with tax foreclosures and tax sales.

See Appendix A for further list of potential services (not all inclusive).

Land Use/Environmental Attorney

Includes familiarity/experience with zoning, planning, historic district, inland wetlands laws and regulations and managing administrative appeals associated with same.

- General: Includes all other matters typically associated with municipal Planning and Zoning Commissions and Building/Zoning Departments and other matters as directed by the Town Manager, Mayor, Town Council, Planning Commission, Zoning Commission and Inland Wetlands Commission. Effective verbal and written communication skills are essential, since information must be readily understood by elected and appointed officials, Town staff and the public.
- Litigation. Ability to manage/conduct/oversee litigation in all courts (state and federal). Not often needed for trial work, but when it is, it is usually a significant matter;

Labor Attorney

Includes all aspects of employment law from recruitment to termination as well as collective bargaining support/expertise, arbitration, managing grievance procedures/appeals, workers compensation, and discrimination in the workplace claims.

- General: Includes all other matters typically associated with municipal employment law and other matters as directed by the Town Manager.
- Litigation. Ability to manage/conduct/oversee litigation in all courts (state and federal). Not often needed for trial work, but when it is, it is usually a significant matter;

Minimum Qualifications:

- A. Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;

- B. Each attorney in the proposed team must be a member in good standing of the Connecticut State Bar;
- C. The proposed team must have a minimum of five (5) years' experience in the field of municipal law.

REQUIRED INFORMATION:

To be considered each responder shall, at a minimum, submit the following information:

- Background statement setting forth the capabilities, history and other general introductory information, including office locations and legal form of ownership, of the responder.
- Identify who will be the primary attorney.
- If the responder is a firm, the qualifications, resumes and position within the firm of each attorney that will be assigned to work on matters pertaining to the Town of Groton.
- A detailed description of all areas of expertise and experience, including the types of services supplied to past and present clients. This information should set forth the extent of specialization, and include background and experience, in the areas as outlined above.
- A detailed description of how the responder proposes to provide legal services to the Town and their general approach as to providing the legal services to a municipal client.
- A list of references including any towns or municipalities in Connecticut that have been represented by the responder in the capacities listed above within the past five (5) years. The name, phone number and e-mail address of a contact person must be provided.
- Provide a general representation of the key factors and other important considerations that you feel separates your institution/firm from other in providing the requested services.
- A detailed proposal regarding the charges involved for each legal service(s) including any retainer, any hourly rates for all personnel providing legal services, required expenses and other costs involved. This should include proposals for annual legal expense caps, as applicable. Special attention will be given by the Town to suggestions and recommendations for managing and controlling the cost of legal services. The Town is interested in receiving innovative cost containment proposals and suggestions for legal services. This should include proposals for review and improvement of current procedures, quality control measures, the manner in which specialists will be retained, and any other suggestions regarding legal services and cost containment measurements.
- State your policy regarding travel costs for which it will expect reimbursement from the Town of Groton
- Describe how designated lead attorneys or law firm would avoid conflicts of interest between your role at Town Counsel and your other clients.

Fees

Please describe how the firm(s) intends to provide legal services, either on a flat-rate monthly retainer (state the amount of proposed retainer), or on an hourly basis. Proposals based upon hourly rates must identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference. Firms must also identify the rate for any firm cost items to be billed separately such as printing, photocopying, research, etc.

Regardless of the fee proposal basis, the Town requests monthly billing statements which:

1. Itemize the date of services
2. Identify the attorney and/or support personnel providing the services
3. Lists time spent
4. Provides a detailed description of services performed
5. States the fees for those services (if any)
6. List separately any fees, which the Town shall recoup from other sources. It is expected that the Town Counsel will build in reimbursements whenever possible so the Town may recoup Attorney fees.

OTHER CONDITIONS:

A. INSURANCE:

The successful firm/attorney(s) shall be required to furnish a certificate of insurance showing the following coverage within ten (10) days from notification award. Insurance coverage shall remain in full force for the duration of the contract term, including any and all extensions. All renewal certificates shall be furnished at least ten (10) days prior to policy expiration.

Commercial General Liability issued by an insurance company licensed to conduct business in the State of Connecticut in the amount of \$1,000,000 combined single limit per occurrence, and \$3,000,000 aggregate, for bodily injury, personal injury or property damage.

- Automobile Liability Insurance with \$1,000,000 combined single limit per accident for bodily injury and property damage.
- Umbrella Liability of \$1,000,000 per occurrence must be provided.
- Errors and Omissions/Professional Liability Policy with limits of \$5,000,000 per claim with a \$5,000,000 aggregate. Any changes to the legal firm's policy or carrier from year to year will include "Full Prior Acts" coverage.

- Workers Compensation Insurance with Statutory coverage and \$500,000 limit for Employers Liability (Each Accident, Each Employee and Policy Limit)
- The Town of Groton is named as Additional Insured on the General Liability, Auto, and Umbrella insurance coverage. **THE UNDERLINED WORDING MUST BE SHOWN IN THE SPACE PROVIDED FOR “COMMENTS” ON THE INSURANCE CERTIFICATE.**
- Waiver of Subrogation on all lines of Insurance
- Each insurance coverage named above shall provide for not less than a thirty (30) day notice of cancellation to the Town of Groton by certified mail, return receipt requested.

B. HOLD HARMLESS AGREEMENT:

The attorney, its agents and assigns, shall absolutely indemnify and hold harmless the Town of Groton, including but not limited to its elected officials, its officers, employees and agents, from any and all claims brought by a person or entity whatsoever, in any forum, on any theory, arising from any negligent or wrongful act or omission of the attorney during the attorney’s performance of the contract or any other agreement of the attorney entered into by reason thereof. The attorney shall indemnify the Town of Groton, including but not limited to its elected officers, employees and agents, from any and all losses or liabilities resulting from any such claim, including but not limited to damage awards, costs and attorney’s fees.

C. NON-DISCRIMINATION:

No person shall be denied or subjected to discrimination on account of services or activities made possible by or resulting from this agreement on the grounds of sex, race, color, creed, national origin, age (except minimum age and retirement provisions), marital status, sexual orientation or disability.

Any violation of this provision shall be considered to be a violation of material provision of this agreement and shall be grounds for cancellation, termination or suspension of the agreement, in whole or part, by the Town and may result in ineligibility for further Town contracts. The proposer shall at all times, both in the proposal and in the contract process, comply with all applicable city, state, and federal anti-discrimination laws, rules, regulations and requirements thereof.

D. CONFLICT OF INTEREST:

The Attorney(s) selected by the Town must provide a statement stating that no conflict of interest exists by their rendering legal service to and in their representing the Town of Groton.

E. RIGHT TO AMEND OR TERMINATE THE RFP OR CONTRACT:

The Town may, in its sole discretion, clarify, modify, amend or terminate this RFP if the Town determines it is in the Town's best interest. Any such action shall be effected by a posting on the Town's website, www.groton-ct.gov, **Each proposer is responsible for checking the Town's website to determine if the Town has issued any addenda and, if so, to complete its proposal in accordance with the RFP as modified by the addenda.**

The Town also reserves the right to terminate the Contract with ninety (90) days' notice.

SUBMISSION:

The information required for this Request for Proposal must be submitted in a sealed envelope plainly marked "RFP 18-30 Legal Services", with an original and five (5) copies.

Sealed proposals must be received in the Purchasing Office, 45 Fort Hill Road, Groton, CT 06340 by 2:30 PM on Friday, January 19, 2018. The Town of Groton reserves the right to accept or reject any and all proposals, or any part thereof, if it is in the best interest of the Town.

SELECTION PROCESS:

The Town Manager will first review all proposals and select several qualified firms for interviews. Selection will be based on:

- Depth and breadth of experience and expertise in the practice of law, most specifically in the municipal areas for which proposals are submitted;
- Capacity to perform legal services promptly and in a manner, that permits the Town Council and Town Manager to meet established deadlines and to operate in an effective and efficient manner
- Degree of availability for quick response to inquiries
- References
- Proposed legal staff to be assigned to the Town
- Length of and services provided to similar clients; and
- Cost. However, cost will not be the sole determining factor in selection for interview or final appointment.

It is the Town's intention to appoint the various Attorney(s) with an effective starting date of approximately March 1, 2018.

The information requested in this Request for Proposal is intended to serve as the basis for interview selection and firm interviews. Respondents are encouraged to address each of the factors thoroughly and provide additional information concerning

background, experience, cost and cost containment, and qualifications for legal services as deemed appropriate. The Town reserves the right to select one or more firms to provide legal services as it may deem appropriate.

DURATION OF AGREEMENT:

The term of appointment by the Town Council will be for a period from March 1, 2018 to March 31, 2020, in accordance with the Groton Town Charter, with the possibility of subsequent appointment for two-year periods. Each firm submitting a proposal is requested to detail its fee proposal for the entire period of appointment. Any effect the term of agreement may have on legal fees, cost containment or any other elements of Town Attorney, Labor Attorney and Bond Counsel services should be noted.

POINT OF CONTACT:

Questions can be directed to Eileen Cardillo via email at ECardillo@groton-ct.gov no later than 12:00 p.m. on January 11, 2018.

The Town of Groton reserves the right to accept or reject any and all proposals, or any part thereof, if it is in the best interest of the Town.

APPENDIX A

TOWN OF GROTON LEGAL SERVICES

Contracts/Bid Documents/Compliance

- Review Draft Contracts
- Compliance Issues
- Inter Town Agreements

Boards & Commissions/Councils

- Attendance at meetings – If needed
- Resolutions
- Legal Opinions

Town Property

- Review of Deeds/Easements
- Questions Regarding Individual Situations
- Roads and Right-of-Ways

Freedom of Information (FOIA)

Litigation

Workers Compensation

Laws, Ordinances & Regulations

- Review & Enforcement
- Compliance with State and Federal Laws
- Health Code
- Interpretation
- Review Draft Regulations

Municipal Day-to-Day

- Operations
- Liability Issues
- Legal Opinions
- Document Review/Legal Opinion
- Ethics Code Issues

Financial

- Auditors
- Grants
- Compliance
- User
- Billing
- Tax
- Foreclosure

APPENDIX B

CERTIFICATION OF LEGAL FITNESS CLAUSE

The following must be submitted with your bid package:

"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 prior 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 clause.

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

Signature

Date:

Name (printed):

Title: