

## **SANDY TOWNSHIP**

### **REQUEST FOR PROPOSALS (RFP) FOR MUNICIPAL SOLICITOR**

#### **I. PURPOSE AND INTENT**

Through this Request for Proposal (RFP), Sandy Township, hereinafter the "Township" seeks to consider a vendor as Solicitor commencing July 1, 2020 or upon appointment, whichever is later. This contract will be awarded through a fair and open process.

#### **II. PROPOSAL SUBMISSION**

An original, clearly marked as the "ORIGINAL" and five (5) full, complete and exact copies of each proposal and an electronic copy shall be submitted in sealed envelopes and must be marked with the "Township Solicitor" and addressed to: Shawn Arbaugh, Sandy Township, 1094 Chestnut Ave., PO Box 267, DuBois, PA 15801. The proposal must be received no later than 4:00 p.m. on May 15, 2020. Faxed proposals will NOT be accepted. Any inquiry concerning this RFP should be directed to: Shawn Arbaugh, 814.371.4220 or [sarbaugh@sandytownship.net](mailto:sarbaugh@sandytownship.net). All documents/information submitted in response to this solicitation shall be available to the general public. The Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals.

#### **III. GENERAL INFORMATION ON SANDY TOWNSHIP**

The Township is located in Clearfield County, Pennsylvania and operated under the Second Class Township Code form of government, with a five (5) member Board of Supervisors and a Manager. The Township is approximately 52 square miles, has a 2010 Census population of 10,625, an annual General Fund budget of \$4.5 million and a Municipal Authority budget of \$3.5 million, and has approximately 32 full-time employees. The Board of Supervisors meet the first and third Monday of each month as well as special meetings on an as needed basis.

IV. MINIMUM QUALIFICATIONS See Exhibit A.

V. MANDATORY CONTENTS OF PROPOSAL

Definitions: While an applicant does not have to match each item exactly, the following terms are generally 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, and number of homes.

Similar: refers to such things as municipalities that have areas of rural, suburban, commercial and retail development, have areas of woodlands, contain streams and lakes, contain federally regulated wetlands, have a transportation network, and state gamelands.

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 Township.

2.) A fee proposal for the 2020 and 2021 calendar years 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 that would conduct work for the Township; 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 Township 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 arrangements. 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 vendor is best qualified to provide the requested services.

4.) 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.

5.) A description of the vendor's experience in performing 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 his RFP in similarly sized municipalities. It is imperative to show experience in similarly sized municipalities.

6.) The location of 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 Clearfield County.

7.) References, including at least three (3) current clients for whom services have been provided for at least three (3) years. Provide the contact names, titles and phone numbers.

8.) If the vendor or any principal therein has been engaged as a defendant in any litigation involving a sum of \$50,000 or more and/or has been subject to any professional disciplinary action over the last five (5) years, the bidder must provide a description of the litigation and/or disciplinary action.

9.) A description of any ongoing investigation 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 vendor in the proposed field of expertise.

10.) 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 Township.

11.) 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: Labor & Employment, Land Use, Zoning, sewer/water matters, etc.

12.) 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.

VI. INTERVIEW

The Township Manager and/or the Board of Supervisors 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 Township reserves the right to request clarifying information subsequent to submission of the proposal.

VI. SELECTION PROCESS

All proposals will be reviewed by the Township Manager or his designee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy IV "Minimum Qualifications" and V "Mandatory Contents of Proposal" the Township'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:

- 1.) The vendor's general approach to providing the services required under this RFP.
- 2.) The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.
- 3.) The qualifications and experience of the vendor'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.
- 4.) The overall ability of the vendor 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 vendor to perform the services required by this RFP; the availability and commitment to the engagement of the vendor's management, supervisory and other staff proposed.
- 5.) Costs and fee schedules.

VII. SELECTION AND CONTRACT

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

VIII. 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 qualifications and experience of the proposed subcontractor. The Township reserves the right to disapprove any proposed subcontractor and to revoke previous approval of a subcontractor should the need arise.

IX. INDEMNIFICATION

The selected Firm shall defend, indemnify and hold harmless the Township, 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.

X. 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.

XI. OTHER INFORMATION

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

# Exhibit A

## Sandy Township

### Request for Proposal & Qualifications for Municipal Professional Minimum Qualifications

Applicant vendors must establish that they meet the following minimum qualifications:

#### **Sandy Township Minimum Requirements Township Solicitor: (Board Appointments)**

- 1.) The applicant shall comply with and be subject to all provisions of (Article XI of the Second Class Township Code, as amended, Sections 1101-1103) set forth herein as follows (Disclaimer: Each vendor is responsible to review the Second Class Township Code to apply pertinent sections. The Second Class Township Code as written is controlling and the foregoing is reprinted only for informational purposes)
  - a. Section 1101. Township Solicitor. The Board of Supervisors may appoint and determine the compensation of a township solicitor. The township solicitor shall be licensed to practice law in this Commonwealth and may be one person or a law firm, partnership, association or professional corporation. The township solicitor serves at the pleasure of the Board of Supervisors.
  - b. Section 1102. Solicitor to Have Control of Legal Matters. The township solicitor shall direct and control the legal matter of the township, and no official or official body of the township, except as otherwise provided under law, shall employ an additional attorney without the assent or ratification of the Board of Supervisors.
  - c. Section 1103. Duties of Solicitor. The township solicitor, when directed or requested so to do, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party. The township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend the township or any township officer against all actions or suits brought against the township or township officer in which any of the estates, rights, privileges, trust, ordinances or accounts of the township maybe brought in question before any court in this Commonwealth and do every professional act incident to the office which the township solicitor may be authorized or required to do by the Board of Supervisors or by any resolution. The

township solicitor shall furnish the Board of Supervisors, upon request, with an opinion in writing upon any question of law.

- 2.) Multi-disciplined firm with experience in municipal law, sewer/water matters, municipal litigation and tort claim laws, Pennsylvania employment and personnel issues. The applicant shall have seven (7) years experience as an attorney in the State of Pennsylvania, two (2) years of which should be in a municipality with a General Fund budget in excess of \$4.0 million and/or over 20 full time employees.
- 3.) The applicant also must demonstrate a high degree of knowledge, experience and ability with the following:
  - a. The operation of local governmental units in Pennsylvania.
  - b. Acquisition and disposition of real-estate.
  - c. Assisting with acquiring and administering grants.
  - d. Municipal Land Use Law.
  - e. Extensive knowledge of Local Public Contracts Law.
  - f. Selling of Township real estate and/or property.
  - g. Assembling Employment Practices Liability (EPL) policies to protect the Township.
  - h. Experience in a Board of Supervisors-Manager form of Government.
  - i. Knowledgeable in government ethics laws.
  - j. Attend and provide knowledgeable legal advice, when requested, at Board of Supervisors meetings.
  - k. Collective Bargaining Agreements.
  - L. Bonds and Loans.
  - M. Conducting hearings associated with dangerous structures.
  - N. Representing Municipal staff at the local Magisterial office.
  - O. Filing Municipal Liens.
  - P. Employee and personnel related matters.
  - Q. Drafting and reviewing Municipal Ordinances.

R. PA Right-to-know Law.

S. Sewer / Water matters.

T. Tax Assessment.

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