

REQUEST FOR PROPOSAL FOR TOWN COUNSEL TOWN OF SUFFIELD

The Town of Suffield, Connecticut (the “Town”) is inviting proposals for Town Counsel (hereinafter “Town Counsel”) from interested law firms and individuals with representing municipalities. As Town Counsel, the selected firm and/or individual will be expected to provide a range of legal services as contracted.

The Town is seeking a qualified individual and/or firm with strong knowledge and experience in several specific areas. The successful vendor will provide legal support and render opinions in the following individual and/or combined areas:

- **General Counsel:** Provide legal counsel to the Town on general issues including contracts, written policies and procedures, and recommended changes. Provide legal counsel on other miscellaneous or unusual circumstances including litigation. Provide legal counsel for collection of unpaid property taxes, including litigation if necessary.
- **Land Use:** Provide legal counsel and opinions on issues relating to a variety of the land use, planning and zoning issues.

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; and
- C. The proposed designated Town Counsel must have a minimum of five (5) years experience in the field of municipal law.

Introduction

The Town of Suffield, a community with a population of approximately 15,789 residents, operates under the Board of Selectmen and Town Meeting form of government. The Board of Selectmen consists of five members elected at large every two years. The First Selectman serves as the Chief Executive Officer on a full time basis, directs the Town’s day-to-day operations.

The Town anticipates that submitted proposals will identify a lead Town Counsel who is primarily responsible for Town business in the practice area defined. One or multiple attorney(s), depending upon the size, structure, specialties and preferences of the proposing firm, are acceptable. Respondents are welcome to submit alternative approaches, but this is the model that the Town anticipates as the most efficient.

The First Selectman manages the legal services for the Town. Individual departments may initiate approved contact, although the First Selectman retains the core responsibility for legal functions, coordination of these services, and the legal budget.

Scope of Work

1. Provides legal advice, counsel, services, training, consultation, and opinions to the First Selectman, Board of Selectmen, Boards, Land Use Agencies and all other Boards and Commissions and all levels of the Town government, on a wide variety of matters. The Town Counsel’s advice includes methods to avoid civil litigation.
2. Furnishes legal representation at Board of Selectmen meetings and at other meetings as requested. Board of Selectmen meetings are currently scheduled the first and third Wednesdays of the month at 7 PM.
3. Appears before courts and administrative agencies to represent the Town’s interests.
4. Prepares and reviews ordinances and resolutions, contracts and other documents for legal accuracy and acceptability as well as approval as to legal form.

5. Assists Town officials and employees to maintain awareness of ethical standards, appearance of fairness standards, to avoid potential conflicts of interest, prohibited transactions, and the appearance of prohibited transactions.
6. Assists officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
7. Provides the First Selectman, Board of Selectmen, and Administration a legal perspective and advice on various governmental issues.
8. Performs other legal services and tasks as assigned by the First Selectman, and Board of Selectmen .
9. Provide legal services required of real estate transactions, when necessary.
10. Counsel appropriate staff on enforcement of Town ordinances, Town policy and enforcement of Town building and zoning codes/ regulations.
11. Furnish legal opinions upon request and draft all legal documents and instruments required for the normal operation of the Town.
12. Provide written update on new or existing State or Federal legislation or judicial decisions impacting the Town and suggested action or changes in operations or procedures to assure compliance.
13. Provide advice on Freedom of Information Act issues, records retention and privacy issues.
14. May represent the Town in employment related issues such as contract negotiations, mediation, arbitration, administrative hearings and in litigation involving the same.

Requested Information

A. Firm Background

1. Brief history of firm
2. Description of the nature of your practice or your law firm's practice
3. Overall capabilities, qualifications, training and areas of expertise for each of the principals, partners and associates of the law firm, including the length of employment for each person and his/ her area of specialization
4. Support personnel: number and expertise
5. Office organization and support capabilities
6. Office location(s)
7. Describe malpractice insurance coverage: carriers, limits, and exemptions
8. Statement of any malpractice claims and/ or ethics complaints filed against your firm or firm's attorney(s) over the last five (5) years that involve similar matters as the previously specified scope of services and the status or outcomes of such action. Indicate whether the action is pending or is currently under review by the Statewide Grievance Committee

B. Attorney Qualifications

Identify each attorney and support personnel who will be supplying services for which the Town would be billed including

1. The name, academic training and degrees
2. Description of background and experience

C. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests and litigation

D. Describe the computer resources currently utilized within your office. The Town presently utilizes Microsoft Word and Excel. Compatibility with Microsoft Word and Excel is required. The Town will also require the Town Counsel to maintain Internet services such that mail and files can be transmitted between staff and the Town Counsel electronically.

- E. List of municipalities you currently represent and the type of service provided for each
- F. List of municipalities you began representing in the last five (5) years and municipalities you stopped representing in the last five (5) years
- G. List and describe any pending litigation in which you represent a client against the Town or any of its officers, representatives, or agencies
- H. List and describe any past litigation in which you represented a client against the Town or any of its officers, representatives, or agencies
- I. State your policy regarding travel costs for which it will expect reimbursement from the Town of Suffield
- J. State the number of training seminars for Town staff, Boards and Commission that Town Counsel will sponsor on a yearly basis at no cost to the Town
- K. Copy of Malpractice/ Liability Insurance Certificate in a minimum amount of \$1,000,000
- L. Conflict of Interest
 - 1. Indicate whether designated individual, lead attorney(s) or the law firm represents, or has represented, any client whose representation may conflict with your ability to provide legal services to the Town. In doing so, please identify the manner in which you would propose to resolve such conflicts.
 - 2. Indicate whether designated lead attorneys or the law firm currently represents any real estate developers who hold an interest in property or development in the Town of Suffield. If so, please identify those companies and/or persons in detail.
 - 3. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.
 - 4. Describe how you would avoid conflicts or interest between your role as Town Counsel and your other clients.

M. Fees

Please describe how the individual and/ or firm(s) intends to provide legal services, either on a flat-rate monthly retainer (state the amount of the proposed retainer), or on a different basis. Proposals based upon hourly rates must identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

Individuals and/or 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

Evaluation and Selection Process

All proposals will be screened, and top candidates selected for consideration. In reviewing the proposals, the Town will carefully weigh:

- a) Depth and breadth of experience and expertise in the practice of law, most specifically in the municipal areas for which proposals are submitted;
- b) Capability to perform legal services promptly and in a manner that permits the Town to meet established deadlines 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;
- d) Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field;
- e) Communication skills;
- f) Cost of services; and
- g) Other qualifications/ criteria as deemed appropriate by the Town.

The First Selectman will conduct interviews of the top candidates. The Town will negotiate the terms and conditions of a contract with the individual(s) and/or law firm(s) selected including but not limited to provisions such as: (a) requiring the selected individual(s) and/or law firm(s) to maintain general liability, automobile, workers compensation and errors and omissions insurance; (b) requiring the selected individual(s) and/or law firm(s) to indemnify the Town and providing that the Town Counsel is an independent contractor serving at the pleasure of the First Selectman; and (c) allowing the Town to terminate the agreement, at its sole discretion, upon the provision of notice.

GENERAL RFP INSTRUCTIONS AND CONDITIONS

Proposal Submittals: Proposals must be submitted no later than 1:00 p.m., EST, December 28, 2011. Respondents must submit one original and one copy of the proposal. Proposals must be enclosed in a sealed envelope and clearly marked, "Town Counsel RFP." Proposals may be hand delivered or mailed to the following address:

**Office of the First Selectman
Town of Suffield
83 Mountain Road
Suffield, CT 06078**

Acceptance of Proposals: The Town reserves the right to accept or reject any and all proposals and to waive informality, technical defect, or clerical error in any proposal, as the interest of the Town may require. The Town reserves the right to negotiate with one or more respondents as it sees fit.

All costs incurred in the preparation of the statement of qualifications will be borne entirely by the individual/ firm submitter. Anything submitted to the Town for consideration becomes the property of the Town and becomes public record.

Ownership of Proposals: All proposal submissions and materials become property of the Town and shall not be returned.

Freedom of Information: Respondents to this RFP are hereby notified that all proposals submitted and information contained therein and attached thereto shall be subject to disclosure under the Freedom of Information Act.

Questions about Proposal Requirements: Respondents with questions regarding the submission requirements or requesting an electronic version of this RFP may contact the following *via email only* (telephone inquiries related to proposal requirements shall not receive a response):

The Honorable Edward G. McAnaney, First Selectman
e-mail address: FirstSelectman@suffieldtownhall.com

Period Commitment: Proposals shall be final and binding on the Respondent for acceptance by the Town for 120 days from the RFP closing date and time.

Irrevocability of Proposals: Respondents may amend or withdraw their Proposal prior to this RFP's closing date and time by submitting a clear and detailed written notice to the Town. Subject to the Period Commitment provision detailed herein, all Proposals become irrevocable after this RFP's closing date and time.

Conflict of Interest: A Respondent filing a proposal thereby certifies that no officer, agent or employee of the Town who has a pecuniary interest in this request for proposal neither has nor shall participate in the contract negotiations on the part of the Town, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Respondent of the same call for proposals, and that the Respondent is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

Respondents must fully disclose, in writing to the Town on or before the closing date of this RFP, the circumstances of any possible conflict of interest or what could be perceived as a possible conflict of interest if the Respondent were to become a contracting party pursuant to this RFP. The Town shall review any submissions by Respondents under this provision and may reject any Proposals where, in the opinion of the Town, the Respondent could be in a conflict of interest or could be perceived to be in a possible conflict of interest position if the Respondent were to become a contracting party pursuant to this RFP.

Investigation: Respondent shall make all investigations necessary to inform it regarding the service(s) to be performed under this request for proposal.

Assignment and Subcontractors: Assignment by successful Respondent(s) to third party of any contract based on the Request for Proposal or any monies due is prohibited and shall not be recognized by the Town unless approved by the Town in writing.

Collusion: Any act or acts of misrepresentation or collusion shall be a basis for disqualification of any proposal or proposals submitted by such person guilty of said misrepresentation or collusion. In the event that the Town enters into a contract with any Respondent who is guilty of misrepresentation or collusion and such conduct is discovered after the execution of said contract, the Town may cancel said agreement without incurring liability, penalty, or damages.

PROPOSAL FORMAT

In order to facilitate the analysis of responses to this RFP, vendors are required to prepare their proposals in accordance with the instructions outlined in this section. Proposals should be prepared as simply as possible and provide a straightforward, concise description of the vendor's capabilities to satisfy the requirements of the RFP. The proposal should be organized into the following major sections:

Section	Title
1.	Submittal Letter
2.	Requested Information
3.	Executive Summary
4.	Fee Proposal Summary

Section 1: Submittal Letter

Respondents shall submit a cover letter addressed to Edward G. McAnaney, First Selectman, signed by an authorized principal or agent of the Respondent which provides an overview of the Respondent's offer, as well as the name, title, and telephone number of the person to whom the Town may direct questions concerning the proposal. The letter shall include a statement by the Respondent accepting all terms and conditions contained in this RFP, signed by an officer or other individual with authority to negotiate and contractually bind the firm.

Section 2: Requested Information

Vendors must specifically provide the data detailed in paragraphs A through M of the Requested Information section within this RFP.

Section 3: Executive Summary: This part of the response to the RFP shall contain the body of the Respondent's proposal. It shall limit technical jargon as much as possible and shall be oriented toward technical and non-technical personnel.

Section 4: Fee Proposal Summary: Respondent shall summarize costs by completing the following 1 (one) page form: