

TOWN OF FREEPORT, MAINE



REQUEST FOR PROPOSALS

Legal Services

Address all proposals to:

Town of Freeport
Attn: Town Manager's Office
30 Main St.
Freeport, ME 04032

Deadline: Thursday, February 15, 2018 - Noon

Town of Freeport, Maine
Legal Services RFP

I. **Introduction**

The Town of Freeport, Maine (pop. 8,232) (the “Town”) is a full service municipality with approximately 65 full time and 125 part time/seasonal employees, \$1.35B of taxable property valuation, and a \$9.7M operating budget, exclusive of schools, which are administered separately by RSU #5. The Town is seeking to retain qualified legal counsel to handle all legal matters relating to the operation of its municipal government, in the capacity of Town Attorney. All Town Attorney duties must be performed in accordance with the Town Charter, the Town Ordinances and Codes and all other pertinent statutes and regulations.

The duties of the Town Attorney are set forth in Town Ordinance as follows:

ADMINISTRATIVE CODE SECTION 502 - LEGAL DEPARTMENT

502.1 Establishment

There shall be a Legal Department, the head of which shall be the Town Attorney, who shall be appointed by the Town Council.

502.2 Duties of the Town Attorney

1. Advise the Town Council or its Committees or any other Town Officer, when thereto requested, upon all legal questions arising in the conduct of the affairs of the municipal corporation.
2. Prepare or revise ordinances when so requested by the Town Council or Town Manager.
3. Provide a legal opinion upon any matter or question submitted to him by the Town Council or Town Manager.
4. Attend meetings of the Town Council upon request of the Chairman of the Town Council or Town Manager.
5. Prepare or review all contracts and instruments to which the Town is a party and shall approve, as to form, any bonds required to be submitted to the Town.
6. Be prepared to prosecute or defend any and all suits or actions at law or equity to which the Town is a party, and to report the outcome of any litigation in which the Town has an interest to the Town Council and the Town Manager.
7. Keep a complete record of all suits in which the Town has an interest.
8. Deliver all records, documents and property belonging to the Town to his successor in office, who shall give him/her duplicate receipts therefore, one of which shall be filed with the Town Manager.

II. **Qualifications & Scope of Services Required**

The Attorney shall be an attorney at law in good standing who has been admitted to practice in the State of Maine, and shall have at least ten (10) years experience in the practice of municipal law.

The services requested include providing legal counsel in the form of written and verbal opinions and presentations, and monitoring and representing the Town’s interest before various judicial bodies and other entities. Specialized legal services are necessary in all areas of municipal law to include, but not limited to, municipal governance, municipal finance, tax assessment and abatement issues, tax collection, planning, zoning and land use issues, transportation, and labor and bond counsel.

The Attorney shall appear for and protect the rights of the Town in all actions, suits, or proceedings

Town of Freeport, Maine
Legal Services RFP

civil or criminal brought by or against the Town or for or against any of the Town's offices, departments, or agencies.

The Attorney shall provide the Town Council with legal advice or opinions, either in writing or in person, on an as-needed basis. The Attorney shall provide the Town Council with an annual report summarizing the status of all pending litigation and shall provide additional reports upon the written request by the Town Manager.

The Town Council may retain special counsel in such cases or other matters as the Town Council shall deem advisable. The Attorney shall assist and advise in this respect.

The Attorney shall work directly with the Town Manager and various administrative staff as authorized by the Town Manager, on a wide range of labor issues, including, but not limited to: negotiation and drafting of collective bargaining agreements; negotiating and drafting of contracts for individual employees; reviewing, revising, and drafting personnel policies and procedures, including employee handbooks; representing the Town in grievances, mediation, and arbitrations relating to labor matters; representing the Town in court actions related to labor matters. At the request of the Attorney, the Town Manager will establish a priority order for providing legal services to the administrative staff.

Telephone communications between the Attorney and Town Officials will transpire on an as-needed basis and the Attorney will be on call seven days per week in the event of an emergency. Phone calls for advice from the general public, or for comment on Town matters by the news media will not be entertained without the approval of the Town Council or Town Manager.

The Attorney shall remain neutral on all political issues affecting the municipality.

The Attorney shall provide a detailed monthly billing statement, in a manner acceptable to the Town Manager, documenting all hours (and portions thereof) employed providing legal services on behalf of the Town and all other fees.

The Attorney shall attend Town Council meetings or meetings of any Town board or committee when requested by the Town Council or the Town Manager.

The Attorney shall perform such other duties as the Town Manager or Town Council may require from time to time.

The Attorney shall continue to serve in their official capacity until such time as he or she is replaced by the Town Council or after providing the Town Council with no less than a sixty (60) day notice of resignation.

The Town will consider awarding a contract to a single attorney with broad municipal experience, or to a firm. In the case of award to a firm, a single attorney shall be appointed as the Town Attorney and shall serve as the primary legal contact for the Town, although legal work may be performed by various other employees of the firm as directed by the Town Attorney.

III. Submittal Requirements:

Proposals, in accordance with the specifications and directions provided herein, will be received at the

Town of Freeport, Maine
Legal Services RFP

following address:

Town of Freeport
Attn: Town Manager's Office
30 Main St.
Freeport, ME 04032

All proposals must be delivered to the Town of Freeport at the address listed above no later than **noon (12 p.m.), February 15th, 2018** in order to be considered.

All proposals must be in sealed envelopes reflecting on the outside thereof, the respondent's name, address, and phone number. "**LEGAL SERVICES RFP**" shall be prominently marked on the sealed envelope.

Each applicant must respond to the following items in order for the application to be considered complete:

1. Provide a brief background of the attorney/firm's practice. (Date of establishment, area of practice, significant representations, cases of note, etc.).
2. Provide a general overview of how the attorney/firm proposes to represent the Town, including a brief summary of the attorney/firm's general philosophy of municipal legal representation. If the attorney/firm provides different models of municipal legal representation, please provide a description of those different models.
3. Provide three (3) municipal client references relative to the attorney/firm's expertise in municipal law.
4. Firms should identify the lead attorney who will serve as the Town Attorney, as well as a list of any other attorneys who are expected to handle a significant portion of the Town's legal work. Please provide biographies or CVs of the proposed Town Attorney and, if applicable, all firm attorneys who are expected to handle a significant portion of the Town's legal work.
5. Submit proposed legal fee structure(s). The Town will consider hourly fee structures, alternative fee structures, or a combination of hourly and alternative fee structures. Attorneys/firms are permitted to include more than one proposed legal fee structure in the RFP response. If the proposed legal fee structure is based upon an hourly fee structure, please submit the standard hourly rates for all attorneys and paralegals anticipated to provide legal services to the Town. The proposed legal fee structure should also include the rates for reimbursable/and or out of-of-pocket expenses and propose a provision for rate increases in future years.
6. Please include a statement that the attorney/firm will maintain during the course of representation of the Town insurance coverage in the following amounts, unless such requirement is modified based upon a mutual written agreement between the Town and the attorney/firm:
 - i. Commercial General Liability insurance including Contractual Liability of \$2,000,000 per occurrence and \$4,000,000 in the aggregate;

Town of Freeport, Maine
Legal Services RFP

- ii. Professional Liability insurance of \$2,000,000 per occurrence and \$4,000,000 in the aggregate;
- iii. All other insurances (Workers Compensation, etc.) as required by law.

7. Please submit eight (8) complete paper copies and one (1) digital copy of your proposal.

IV. Requests for Additional Information or Clarifications

Requests for additional information or clarifications must be made in writing to the Town Manager and must be received by the Town no later than noon on Thursday, 02/01/18. Such requests must contain “Legal Services RFP Request for Information/Clarification” in the subject line and may be submitted via e-mail addressed to the attention of the Town Manager at the following:

Email: pjoseph@freeportmaine.com (please also cc Jhawley@freeportmaine.com)

The Town Manager will issue replies to inquiries and additional information or amendments deemed necessary in written addenda, which will be issued prior to the deadline for responding to this RFP. It will be the sole responsibility of the applicant to contact the Town prior to submitting a response to determine if any addenda have been issued, to obtain such addenda, and to acknowledge addenda with their proposal.

V. Evaluation of Proposals and Award of Contract

- 1. Proposals shall be evaluated based on qualifications as well as proposed cost.
- 2. There is no obligation on the part of the Town to award a contract to the lowest-cost proposal.
- 3. The Town reserves the right to award the proposal to the attorney or firm submitting a responsive proposal with a resulting negotiated agreement that is the most advantageous to, and in the best interest of, the Town. The Town Council shall be the sole judge of which proposal and resulting negotiated agreement is in the best interest of the Town, and the decision of the Town Council shall be final. The Town of Freeport and the Town Council reserve the right to reject any and all proposals within the sole discretion of the Town and/or the Town Council.
- 4. The Town Council reserves the right to interview responding attorneys/firms at its sole discretion and/or to request that the responding attorneys/firms provide answers to written questions.
- 5. Award of any contract as a result of this RFP shall be by majority vote of the Town Council.

VI. Miscellaneous:

- 1. Conflicts of Interest
 - a. All respondents must disclose with their proposal the name of any Town official or Town employee who is a relative, or who might have a pecuniary interest in the proposals offered for consideration.

Town of Freeport, Maine
Legal Services RFP

- b. The selected attorney/firm shall agree not to represent any client, or continue to represent any existing client, on any legal matters that client may have which are adverse to the legal position, purpose, or interests of the Town of Freeport during the term of the representation or within one (1) year after the conclusion of such representation.
2. The selected firm will be prohibited from assigning, conveying, subcontracting, or otherwise transferring any agreement or its rights, title, or interest therein, or its power to execute such agreement to any other person, company, or corporation, without the written consent of the Town, which must be approved by the Town Council, provided that such consent shall not be unreasonably withheld, conditioned or delayed.