

Request for Proposals:

Legal Services

June 16, 2017



Section 1: Background

Population (2010 census)	2,454
Area	.55 square miles
No. of Households	731

The Charter Township of Royal Oak is located in Oakland County, Michigan, and borders the cities of Ferndale, Oak Park and Detroit.

The Charter Township of Royal Oak is a historic community. The Township provides a large range of municipal services, including administration and finance, parks and recreation operations, public works and maintenance, waste removal & recycling, planning and community development. Public safety services are currently provided by the Michigan State Police and Ferndale Fire Department.

The Township has a board of seven, three of which are administrators (Supervisor, Clerk, and Treasurer) who are responsible for day to day functions.

Section 2: Overview of the Process

The Township Board has determined that it wishes to seek a Request for Proposal for Legal Services. The Township will receive sealed proposals for Legal Services consistent with the outline and request for information contained herein. **Proposals must be submitted to the Township Offices located at 21131 Gardenlane, 2nd Floor, Ferndale, MI 48220, on or before 3:00 PM on June 23, 2017.**

The Township Board will be provided copies of all submittals. The Township will select a three-member subcommittee which will review all submittals in response to the Request for Proposals for Legal Services. If necessary, the subcommittee shall meet to review and/or discuss said submittals and, at their discretion, may schedule and conduct interviews of one or more submitting firm(s). Within seven days of receiving the proposals or as soon thereafter as possible, the subcommittee will bring to the entire Township Board its recommendation of the most qualified and appropriate candidates for legal services. The Township shall not be obligated to accept the lowest price proposal, but will make an award to the firm it believes is in the best interest of the Township after all factors have been evaluated. Selection of the Township's law firm will be made by a majority vote of the Board.

The Charter Township of Royal Oak reserves the right to reject any or all proposals, waive technicalities, and make the award which is in the best interest of the Township.

Section 3: Evaluation and Selection

Evaluation Process

The Township reserves the right to award the contract to that proposal that best meets the needs and interest of the Township. The following steps are anticipated:

- Step 1:** Receipt and review of minimum qualifications
- Step 2:** Township Committee scoring of written proposals
- Step 3:** Initial reference and information checks
- Step 4:** Committee interviews of finalists
- Step 5:** Notify firm selection

Scoring and Evaluation of the Written Proposal

Written proposals will be scored by panelists as follows. Those respondents that receive the highest scores and also achieve successful reference and information checks will be invited to interview:

- 400: Municipal law experience of proposed designated Twp Attorney
- 200: Depth and stability of firm or practice
- 200: Attorney(s) knowledge of special municipal legal issues
- 200: Cost
- 200: Accessibility and Responsiveness of both Township Attorney and assisting attorney(s)
- 100: Overall presentation

Minimum Qualifications for Township Attorney

Successful candidates for Township Attorney shall, at a minimum, possess the following qualifications:

1. Possess a Juris Doctorate degree from an American Bar Association accredited college or university.
2. Possess a valid license to practice law within the State of Michigan.
3. Possess considerable knowledge and experience in municipal law and municipal legal issues.
4. Possess considerable knowledge and experience in contract law.
5. Possess considerable litigation and jury trial experience.
6. The law firm must disclose any conflicts of interest to their accepting an award of the contract, and if a conflict of interest exists, the manner in which said conflict of interest would be rectified, if said contract is awarded to the law firm.

Section 4: Scope of Work

The Charter Township of Royal Oak is seeking a qualified, experienced law firm to provide legal services in the following areas: 1) General Township Legal Services; 2) Township Labor Law Services; 3) Tax Tribunal Legal Services; and 4) Prosecution and Code Enforcement Services.

While it is the Township's desire to consolidate as much of its legal services with one law firm, the Township reserves the right to select and/or retain separate counsel for particular areas of expertise and/or projects. All submittals should indicate which of the legal services the firm is submitting a response and quote. However, the anticipated scope of work which should be addressed in the submittal for legal services, include but are not limited to:

1. General government business consultation with the Township Supervisor, Clerk, Treasurer, Department Directors, Township Consultants, and Township Board;
2. At the direction of the Township Supervisor, attend regular and/or special Township meetings, executive sessions, special meetings, and meetings of various boards, departments, and commissions. Regular Township Board meetings occur on the second Thursday of each month at 6:30 p.m.;
3. Interpretation of the Township Charter, preparation, revision, and/or review of resolutions and ordinances at the direction of the Township Board and/or its designee. Said duties include review, prepare, and/or revise ordinances; review, arrange or prepare required notices at the direction of the Township Board and/or its designee; review and prepare all documents for the purchase and sale of real and personal property at the direction of the Township Board and/or its designee, including: preparation of quit claim deeds and interpretation of related public acts, tax assessing, and/or the tax implications of the same;
4. Prepare and/or review all contracts for professional service agreements and any other contracts entered into on behalf of the Township;
5. Prosecution of civil infractions, ordinance violations, and misdemeanor violations and court appearance citations, regulations, and code compliance procedures and/or violations. Provide legal and prosecution services related to police, fire, and zoning department matters;
6. Represent the Township in all matters related to labor relations and personnel. Said responsibilities include, but are not limited to, representing the Township in contract negotiations, mediation, arbitration, and grievances. Prepare and attend as directed any and all hearings before the MESAC, civil rights commission, labor board, and other administrative bodies. Consult with the Township Supervisor, Township Board, and/or Department Directors as needed with regard to labor and personnel matters. Additional related

- services as mutually agreed to by the Township and the selected firm;
7. Represent the Township in all matters related to environmental regulation, intergovernmental relationships, zoning and development issues, and all other matters related to proposed developments before the Township Board, Planning Commission or any other Commission of the Township;
 8. Prepare, review, and otherwise consult the Township regarding all issues regarding bonds, annuities, election law, and financial matters of the Township;
 9. Other duties include: review and prepare all resolutions for special assessments; assist Assessor when necessary including appearance, prosecution, and defense of cases before the Michigan Tax Tribunal and/or State Tax Commission; advise in matters of the various Boards and Commissions at the request of the Township Board; represent the Township as directed by the Township Board; review and provide consultation to the Township on various insurance matters; provide bankruptcy and foreclosure assistance regarding rehabilitation loans and tax collections; and otherwise represent the Township as specifically requested and/or approved by the Township Board.

Specifications

1. The appointed Township Attorney attends all Township Board meetings. These are scheduled for the second Thursday every month, from 6:30 p.m. until close, which could be as late as 9:00 p.m. The Township Attorney attends all Board meetings, so that there remains continuity in representation.
2. The Township Attorney must be available by phone, cell phone, fax and e-mail.
3. Timeliness of response and accessibility to the Township Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated Township Attorney is of greatest importance, although these elements will also be considered in relation to assistant attorney(s) as well. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone. Identify the accessibility of the proposed designated Township Attorney, and the response time that the individual offers to the City. Specifically identify the lead-time required for attending scheduled or ad-hoc meetings. Identify how quickly the Township Attorney can arrive in person to attend an unscheduled, urgent meeting.
4. Identify the same for any assisting attorney(s).
5. The Township does not offer space for offices in a Township location. The Township may be able to assist in certain ways to promote efficient coordination among offices, such as mail delivery services or copy services, although this will be considered following award.

Section 5: Proposal Information

Proposal Requirements

The proposal should demonstrate that the firm can furnish the services in a manner that will be cost-effective for the Charter Township of Royal Oak. Those proposals which do not contain all information required by this RFP or are otherwise non-responsive, may be rejected immediately; however the Township has discretion to accept a proposal that does not conform with all RFP requirements if the Township determines that the non-compliance is not substantial or material. If a proposal is unclear, or appears inadequate, the Township may, at its discretion, give the firm an opportunity to explain how the proposal complies with the RFP.

Please present your proposal in the following format:

1. Background and qualifications

- a. Name(s) and title(s) of the person(s) authorized to submit the proposal and execute the personal services agreement.
- b. A history of the firm as a business or entity, including information that demonstrates the firm's financial stability and entity stability.
- c. Background of the law firm, including areas of specialty, number of years in business, and other relevant information.
- d. Clearly identify the lead Township Attorney and name assisting attorney(s). Please specify the number of qualified lawyers who may be performing services on behalf of the Township and attach resumes for same. Include the complete professional resume and work-related references (preferably municipal references) for the individual(s) being proposed to serve as the lead Township Attorney(s).

2. Mandatory Requirements

A letter, submitted on the firm's letterhead and signed by the corporate agent, owner, or principal, describing how the firm satisfies the mandatory requirements noted above and the firm's experience in performing municipal legal services in the State of Michigan.

3. References

A list of at least five (5) clients who can be contacted, complete with a description of the work performed for the client and the client's address, phone number and email. At least three (3) of the clients must be municipal entities. References should be presented using the following format:

Client:

Client Contact Name:

Address:

Telephone:
Email:
Dates of Service:
Scope of Work:
Type of Service:
Lead Attorney:

4. Responses

Please provide the firm's response to each of the following elements on a separate page(s) of your response and in the order stated:

- a. Scope of services to be provided to the Township (should be the same as those outlined under the "Scope of Work" section of this RFP). If for any reason the law firm is unable or unwilling to perform any particular duty required under the "Scope of Work" section, please specify the area not being submitted as part of the RFP. Please note, the Township Board may decide to retain its current counsel or select different counsel for the different areas of services requested (i.e., labor, prosecutions). If for any reason the Township's decision to select or retain multiple firms for specific services will affect your overall proposal/submittal, please specify how your proposal will be so affected.
- b. A sample statement that the firm will provide to the Charter Township of Royal Oak detailing its billing. Said statement should break down the legal services costs by legal issue, time spent on each issue, prosecution and defense time spent in district court, circuit court, and on general legal work, and other relevant billing detail. Billing shall be prepared and submitted to the Township on a monthly basis.
- c. A statement of the hourly fee schedule for providing legal services and all other fees, including travel and other expenses to include at a minimum: all administrative fees, copier and facsimile fees, phone or other service related fees, and any and all other fees required to perform the duties of Township attorney.

The Township encourages applicants to be creative in providing the most cost effective service. If an applicant can reduce its hourly rate based on more than one service being awarded, please specify what services must be awarded to permit the reduced hourly rate. Furthermore, any proposals for a flat fee arrangement must specify all conditions of the arrangement.

- d. A statement that the Township attorney will attend and be available for meetings of the Township Board and the Township's Commissions as requested by the Township Commission, Township Supervisor or its designee.
- e. A statement that the law firm guarantees to maintain worker's compensation and unemployment compensation insurance coverage for its employees at all times while providing legal services to the Charter Township of Royal Oak.

- f. A statement that the law firm guarantees to maintain general liability and professional liability malpractice coverage for its employees of not less than \$1 million at all times and general liability insurance for not less than \$1 million per occurrence while providing legal services for the Charter Township of Royal Oak.

5. Fee Structure

In addition to the above, the Township remains open to a variety of compensation approaches, including hourly rates and/or retainer rates with “add-ons.” If the applicant wishes to provide a proposal for any definable service on a flat rate yearly basis, please specify in your proposal. Such a proposal should specify and define the specific work to be performed on a flat rate, the amount on an annual basis, and specify in detail any add-ons, additions or reductions contemplated within the proposal.

The Township will select the finalist by considering the proposed compensation as a “best and final offer,” although the Township reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including cost.

Section 6: Proposal Submission

Proposal Questions and Clarifications

Questions and requests for clarification may be submitted through **June 21, 2017**. Proposers should submit requests to Jessica Thomas, Consent Agreement Consultant, at jthomas@jessicathomasllc.com or by phone at 248-547-9800 extension 217. Proposers shall refrain from initiating contact with Township representatives other than Mrs. Thomas for the purposes of obtaining information for use in preparation of proposals. Firms may modify or withdraw their proposals at any time prior to the closing date by providing a written request for modification or withdrawal to the Charter Township of Royal Oak.

Proposal Submission

Submit to “Charter Township of Royal Oak, Attorney RFP” via US Mail or hand delivery in a sealed envelope. You may also email your proposal to JThomas@JessicaThomasLLC.com. Proposals will be accepted until 3:00 PM on **Friday, June 23, 2017**. Proposals received after the deadline will not be considered. It is the responsibility of the responding firm to insure that the proposal arrives on time at the right location. Township offices are located in the former Grant School Building. All proposals must be presented in a clearly marked package or envelope bearing the address:

Jessica Thomas
Consent Agreement Consultant
Charter Township of Royal Oak
Attorney RFP
21131 Garden Lane, 2nd Floor
Ferndale, MI 48220

Responding firms must include **eight (8) copies** of the completed proposal and other pertinent information. All services requested should be addressed. If a firm cannot provide a service, it should be clearly noted within the proposal.

The Charter Township of Royal Oak reserves the right to reject any or all proposals or to negotiate with responding firms for any improvements or clarifications regarding specific portions of the proposal.

NON-COLLUSIVE PROPOSAL CERTIFICATION

By submission of this proposal, the law firm certifies that:

1. This proposal has been independently arrived at without collusion with any other law firm or with any competitor or potential competitor.
2. This proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of proposals for this service, to any other law firm, competitor or potential competitor.
3. No attempt has been or will be made to induce any other person, partnership or corporation to submit a proposal.
4. The person signing this proposal certifies that he/she has fully informed themselves regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the law firm as well as to the person signing on its behalf.

Print Name:

Title:

Firm Name:

Address: