

## **CITY OF DUBOIS**

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

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

Through this Request for Proposal (RFP), the City of DuBois, hereinafter the “City” seeks to consider a vendor as Solicitor commencing April 1, 2024 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 “City Solicitor” and addressed to: Christopher Nasuti, City of DuBois, P.O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. The proposal must be received no later than 4:00 p.m. on March 22, 2024. Faxed proposals will NOT be accepted. Any inquiry concerning this RFP should be directed to: Christopher Nasuti, at [chris.nasuti@duboispa.gov](mailto:chris.nasuti@duboispa.gov). All documents/information submitted in response to this solicitation shall be available to the general public. The City will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The City reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The City 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 CITY OF DuBOIS**

DuBois is a Third Class City, located in Clearfield County, Pennsylvania operating under the Home Rule Charter and Optional Plan (Council-Manager) form of government, with a five (5) member Board and a Manager. The City is approximately 3.26 square miles, has a 2020 Census population of 7,510, an annual General Fund budget of \$9.1 million and a Water and Sewer budget of \$8.2 million, and has approximately 55 full-time employees. The City Council meets the second and fourth 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 operate public utility facilities.

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 City.
- 2.) A fee proposal for the 2024 calendar year 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 City; 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 City 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 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. **Please identify in your**

**executive summary if you are proposing to provide all-inclusive legal services as outline in Exhibit A or if your firm is proposing to provide “Special Counsel” services in a specific discipline. Special counsel services may include but are not limited to the following:**

- **General Municipal Services**
- **Planning Commission Solicitor**
- **Zoning Hearing Board Solicitor**
- **Building Code Board of Appeals Solicitor**
- **Property Maintenance Board of Appeals Solicitor**
- **Bond Counsel**
- **Real Estate Services**
- **Labor Attorney**
- **Special Counsel services to represent city of DuBois and their employees in legal matters resulting from State Attorney General/Department Of Justice investigations**

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 City.

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 City Manager and/or the City Council 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 City reserves the right to request clarifying information subsequent to submission of the proposal.

#### VII. SELECTION PROCESS

All proposals will be reviewed by the City 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 City’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.

**6.) The City reserves the right to appoint multiple firms and to make such appointments discipline specific.**

VIII. SELECTION AND CONTRACT

The City will select the vendor deemed most advantageous to the City, 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.

IX. 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 City reserves the right to disapprove any proposed subcontractor and to revoke previous approval of a subcontractor should the need arise.

X. INDEMNIFICATION

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

XI. 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.

XII. OTHER INFORMATION

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

# **Exhibit A**

## **City of DuBois**

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

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

#### **City of DuBois Minimum Requirements City Solicitor: (Board Appointments)**

- 1.) The applicant shall comply with and be subject to all provisions of the Code of the City of DuBois, Chapter 5, Section 5-15 and the Third Class City Code, Chapter 116 set forth herein as follows (Disclaimer: Each vendor is responsible to review the Code of the City of DuBois, Third Class City Code and the Home Rule Charter and Optional Plan Law (Council-Manager) to apply pertinent sections. Section 5-15 of the Code of the City of DuBois is reprinted below for information only.

#### **§ 5-15**

City Solicitor. The City Solicitor shall be appointed by and serve at the pleasure of Council. The Council may appoint such Assistant Solicitor or Solicitors as it deems necessary. The areas of responsibility of the Solicitor shall be to:

- A. Advise Council and the City Manager or any other City officer, when thereto requested, upon all legal questions arising in the conduct of City business.
- B. Prepare or revise ordinances as requested by Council, the City Manager or any other officer thereof.
- C. Give his written opinion on any legal matter or question submitted to him by Council or the City Manager or any of its committees or by any other City officer.
- D. Attend all Council meetings in their entirety for the purpose of giving Council and the City Manager legal advice.
- E. Prepare for execution all contracts and instruments to which the City is a party and approve as to form all bonds required to be submitted to the City.

F. Represent the City in all legal actions brought by or against the City.

G. Have the power to adjust, settle, compromise or submit to arbitration any action or causes of action, accounts, etc., in which the City is concerned, as directed by Council.

H. Make an annual report to Council and the Manager of all pending litigation in which the City has an interest and the condition thereof.

I. Keep records and deliver all records and documents and property of every description in his possession, belonging in his office or to the City, to his successor in office, who shall duplicate receipts therefor, one of which he shall file with the City Manager.

J. The City Solicitor shall furnish such fidelity bond and other insurance as required by general law, and in such amount as Council, by ordinance, shall require.

- 2.) Multi-disciplined firms 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 \$5.0 million and/or over 40 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 City real estate and/or property.
  - g. Assembling Employment Practices Liability (EPL) policies to protect the City.
  - h. Experience in a Council-Manager form of Government.
  - i. Knowledgeable in government ethics laws.

- j. Attend and provide knowledgeable legal advice, when requested, at City Council 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.
  - U. Assist and provide counsel to the Code Enforcement Office and Planning Commission.
- 4.) The applicant must be licensed to practice law in the State of Pennsylvania and be 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.