

LOWER MAKEFIELD TOWNSHIP
REQUEST FOR PROPOSALS (RFP) FOR
TOWNSHIP SOLICITOR

1. PURPOSE AND INTENT

Through this Request for Proposals (RFP), Lower Makefield Township seeks to engage a respondent as Solicitor for Lower Makefield Township upon appointment.

2. PROPOSAL SUBMISSION

Responses should be submitted electronically in PDF format to the following person via email:

David W. Kratzer, Jr.
Township Manager
1100 Edgewood Road
Yardley, PA 19067
(267) 274-1100
dkratzer@lmt.org

The proposal must be received no later than Monday, February 19, 2024 at 4:00pm.

Any inquiry concerning this RFP should be directed to:

David W. Kratzer, Jr.
Township Manager
1100 Edgewood Road
Yardley, PA 19067
(267) 274-1100
dkratzer@lmt.org

All documents/information submitted in response to this solicitation shall be available to the general public. Lower Makefield Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. Lower Makefield reserves the right to reject any and all proposals, with or without cause, and waiver any irregularities or informalities in the proposals. Lower Makefield Township also reserves the right to negotiate with all qualified sources, or to cancel in part or in its entirety the RFP when the township determines that such action is in its best interests.

Lower Makefield further reserves the right to make such investigations as it deems necessary as to the qualifications and any and all respondents submitting proposals,

3. GENERAL INFORMATION

Lower Makefield Township is a Pennsylvania Second-Class Township located in Bucks County, Pennsylvania. The Township has a five-member Board of Supervisors and an appointed Manager. The Township of Lower Makefield is approximately 18.28 square miles with an estimated population of 33,259, an annual General Fund budget of approximately \$16 million and 85 full-time employees and approximately 150 part-time/seasonal employees. The Board of Supervisors meets the 1st and 3rd Wednesday of each month as well as special meetings on an as-needed basis.

4. MINIMUM QUALIFICATIONS

Lower Makefield Township requires the services of a firm or individual that is able to provide legal advice on a variety of matters. See Exhibit A for details on needed services.

5. PERFORMANCE STANDARD:

- A. All work performed and managed must be of the highest quality and shall be performed in a timely manner.
- B. All services to be performed under this ensuing contract, shall be performed in the most cost-effective manner while achieving the objectives of the Township.

6. TERM OF CONTRACT:

Contract shall be "at will" and may be terminated at any time, for any reason, upon a vote of the majority of the Board of Supervisors.

7. INSURANCE:

The selected firm shall, at their sole cost and expense, procure and maintain in full force and effect covering the performance of the services rendered under this agreement, insurance in the types and limits specified below. In addition to the insurance coverage and limits listed herein, the selected candidate shall obtain any other insurance coverage as may be required by law.

The selected

A. General Liability Insurance

Limits of Liability: 1,000,000 in the aggregate and per occurrence.

Coverage: Premises operations, blanket contractual liability, personal injury liability (employee exclusion deleted), products and completed operations independent contractors, employees and volunteers as additional insureds, joint liability, and broad form property damage (including completed operations).

B. Workers' Compensation and Employers' Liability Insurance

Limits of Liability: Statutory Limits.

C. Automobile Liability

Limits of Liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability.

D. Professional Liability Insurance

Limits of Liability: \$1,000,000 by claim and \$2,000,000 in the aggregate.

Coverage for occurrences happening during the performance of services required under this agreement shall be maintained in full force and effect under the policy. The policy shall include "tail coverage" for the work performed on behalf of the Township after the termination of his/her employment.

All insurance provided for in this section shall be obtained under valid and enforceable policies issued by insurers of recognized responsibility that are licensed to do business in the Commonwealth of Pennsylvania. The Township requires that Certificates of Insurance evidence the existence of such insurance shall be submitted to the Township at least 10 calendar days before work is begun. If the term of this contract coincides with the term of the selected firm's insurance coverage, Certificates of Insurance from the expiring policy(ies) will be accepted, but Certificates of Insurance evidencing renewed coverage of a new policy must be presented to the Township no later than 30 days after the effective date of the policy.

The Township reserves the right to review categories and levels of insurance coverage held by the selected firm as part of its ongoing risk management program. The selected firm will be notified, in writing, of coverage requirements as determined by this review and the firm agrees to secure such requested coverage.

8. TERMS AND CONDITIONS

The Township will require a signed professional services agreement with the selected firm. The chosen firm will submit a draft agreement for Township review and consideration.

9. UNDUE INFLUENCE

The successful candidate agrees not to hire any Township personnel who may exercise or has exercised discretion in the awarding, administration, or continuance of this agreement for up to and including one (1) year following the termination of the individual's employment from the Township. Failure to abide by this provision shall constitute a breach of this agreement.

10. MANDATORY CONTENTS OF PROPOSAL

In addition to demonstrating an ability to meet all minimum qualifications described in Exhibit A, the firm must also include and address the following:

- a. Contact information for principal professional for the preparation of the proposal, and the principal professional assigned to the Township.
- b. Three-year rate proposal for 2024, 2025 and 2026. The proposal should include a Rate Schedule for partners/members, associates, and paralegals, detailing personnel classifications, rates per hour, retainer (and scope of service related to the retainer amount), direct expenses such as auto travel, copies, etc., and any other costs that may be applicable.

- c. An executive summary of no more than two (2) pages, identifying and substantiating why the respondent is best qualified to provide the requested services.
- d. A staffing plan listing those persons who will be assigned to the engagement if the respondent is selected, including the designation of the person who would be the respondent's principal professional responsible for all services required under the engagement. This portion of the proposal should include the relevant résumé 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 respondent.
- e. A description of the respondent's experience in performing services of the type described in this RFP. The respondent shall have extensive experience as a municipal solicitor in the state of Pennsylvania. Provide specific examples of work within the scope of services required under this RFP.
- f. A description of the systems that will be established for monthly reporting of the status of projects, requests, and litigation.
- g. The location of respondent's office, if other than the respondent's main office, at which the respondent proposes to perform services required under this RFP. Describe your presence in Pennsylvania and any familiarity your firm has with the Bucks County area.
- h. References, including at least three (3) municipal clients, three (3) current clients for whom services have been provided for at least three (3) years, and two (2) clients for whom services have been provided within the past seven (7) years. Provide the contact names, titles, phone numbers, and email addresses.
- l. If the respondent or any principal therein has been engaged as a defendant in any litigation involving a sum of \$100,000 or more and/or has been subject to any professional disciplinary action over the last three (3) years, the respondent must provide a description of the litigation and/or disciplinary action.
- j. A description of any ongoing investigations and/or litigation matters involving the respondent, its directors, officers and principals and any individuals employed by the respondent that relate to the performance of the respondent in the proposed field of expertise.
- k. It is important that the solicitor representing the Township not having any other clients that have or would be in conflict with Township issues. Specify if there are any actual or potential conflicts of interest with the Township. Include a disclosure of clients who have had dealings with the township, including all boards and commissions. Explain how your firm would handle such conflicts. Also, set out any allowance in contract price if the Township has to retain other legal counsel because of a conflict of interest with your firm. Present evidence of firm's malpractice coverage.

1. a detailed listing of the method of charging for professional and administrative services; the billable rates for all personnel of your firm who may provide services to the Township (do not list a range of rates); a description of the multipliers, overhead charges, and other applicable fee information; a description of minimum billings; hourly or per meeting rates associated with attending Lower Makefield Township evening meetings, as requested. Any costs incurred by proposer in preparing or submitting offers are the proposer's sole responsibility. The Township will not reimburse any proposer for any costs incurred prior to contract award.

11. QUESTIONS FOR PROSPECTIVE BIDDERS

1. A copy of the Commonwealth of Pennsylvania Business Registration Certificate.
2. A copy of the Certificate of Insurance for general liability, professional liability and worker's comp.
3. Copy of Equal Opportunity Employment policy.
4. Copy of Americans with Disabilities Act policy.
5. Disclosure of Political Contributions (last five years)-to candidates and/or campaigns in Lower Makefield Township
 - a. Any amount of currency
 - b. Any other monetary or in-kind (goods or services) contributions in excess of \$250 in the aggregate from one source.
6. List all contracts held and monetary value with Lower Makefield Township in the last five years.
7. List all contracts held and monetary value with other municipalities in Bucks County in the last five years.
8. List all contracts held and monetary value with public entities in Bucks County in the last five years.
9. Have any of your employees previously or currently work for Lower Makefield Township? If so, please provide names and dates of employment.
10. Do any of your staff have family members that have or currently work for Lower Makefield Township? If so, please provide names and dates of employment.
11. Provide a list of all lawsuits against your firm within the last five years. Include name, date and description of lawsuit. If an outcome was reached, please provide a description and any associated monetary values.
12. Has your firm been found to be in violation of any Federal, State, or local laws or regulations in the last five years? If so, please provide a description of each violation and associated remedy and/or action taken.

12. REQUIREMENT FOR BID SUBMISSION

PLEASE NOTE that the Township shall not consider a Response to this Request for Proposals where the Prospective Professional Service Provider makes a contribution to the Political Action Committee (PAC) of any sitting member of the Lower Makefield Township Board of Supervisors within a period of ninety (90) days immediately prior to the submission of its response.

13. INTERVIEW

The Township Manager and/or the Board of Supervisors reserve the right to interview any and all of the respondents submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. Lower Makefield Township reserves the right to request clarifying information subsequent to submission of the proposal.

14. SELECTION PROCESS

All proposals will be reviewed by the Township Manager and/or Board of Supervisors to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For respondents that satisfy the Minimum Qualifications and the Mandatory Contents of Proposal the Township's evaluation will include but not be limited to the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- a. The respondent's general approach to providing the services required under this RFP.
- b. The respondent's municipal experience and to the engagement addressed by this RFP.
- c. The qualifications and experience of the respondent's management, supervisory or other key personnel assigned to the engagement, with emphasis on municipal experience and to the services required by this RFP.
- d. The overall ability of the respondent 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 respondent to perform the services required by this RFP; the availability and commitment to the engagement of the respondent's management, supervisory and other staff proposed.
- e. Costs and fee schedules.
- f. Other criteria as deemed appropriate by the Lower Makefield Township Board of Supervisors.

15. SELECTION AND CONTRACT

Lower Makefield Township will select the respondent deemed most advantageous to the Township, with price and other factors considered. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected respondent's proposal, and any changes negotiated by the parties. Lower Makefield Township shall not be required to appoint the lowest cost respondent.

16. FILES

At the termination of the employment of the solicitor, he/she shall promptly return to the township all files complete with all documents, memos, legal research notes, correspondence and all other material contained therein including but not limited to electronic data, at no cost to the Township.

17. EXCEPTIONS

Any exceptions to terms, conditions, or other requirements in any part of this RFP must be clearly pointed out in the candidate's proposal. Otherwise, the Township will consider that all items offered are in strict compliance with this RFP, and the successful proposer will be responsible for compliance.

18. QUESTIONS/CLARIFICATIONS:

All official questions and/or clarifications shall be directed, in writing, to the person noted below by Monday, February 19, 2024 at 4:00pm. Questions raised after this cut-off will remain unanswered.

David W. Kratzer, Jr.
Township Manager
1100 Edgewood Road
Yardley, PA 19067
(267) 274-1100
dkratzer@lmt.org

Questions may be answered in writing and distributed to all firms.

19. AUTHORITY TO DISTRIBUTE RFP PACKAGES:

The Township Manager's Office is the sole entity authorized to provide this RFP package to interested companies or individuals.

Exhibit A

Lower Makefield Township
Request for Proposals & Qualifications for Municipal Professionals Minimum
Qualifications

General Solicitor

Respondents must establish that they meet the following minimum qualifications:

- 1) Multi-disciplined firm with experience in municipal law, municipal litigation, and tort claims laws, Pennsylvania labor and employment law. The respondent shall have experience working for municipalities in the State of Pennsylvania. The respondent must demonstrate a high degree of knowledge, experience and ability including, but not limited to, the following:
 - a. Working with government, including Second Class Townships of the Commonwealth of Pennsylvania
 - b. Experience in a Council-Manager Form of Government
 - c. Relevant Pennsylvania laws, codes, and regulations
 - d. Business law, particularly in areas of bankruptcy, contracts, and purchasing
 - e. Preparation and review of ordinances, resolutions, agreements, forms, and other documents as required by the Township.
 - f. Zoning regulations
 - g. Subdivision, land development, and environmental matters
 - h. Bond and finance procedures
 - i. Acquisition and disposition of real estate/real property
 - j. Tax law, debt collection, business law, bankruptcy, real estate, construction contracts and management, and dispute resolution; various administrative and judicial procedures
 - k. Litigation experience for plaintiffs and defendants, not only at the Common Pleas level, but at the appellate levels
 - l. Government ethics laws
 - m. Expertise in reviewing contract documents for contractors, performance, responsibilities, and liability requirements
 - n. Expertise in writing deed descriptions for property transfer
 - o. Expertise in review of reimbursement agreements with State and Federal agencies for Township projects.
 - p. Expertise in review of risk management for construction contracts
2. The respondent must attend and provide legal advice at all public meetings when asked and other meetings as directed and represent the Township in all judicial, EEOC, and arbitration issues including but not limited to the negotiation of all settlements.
3. The respondent must be licensed to practice law in the Commonwealth 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.

The respondent shall comply with and be subject to all provisions of federal, state and local laws.

4: Appointment

The Board of Supervisors may appoint a Township Solicitor, on a full-time, part-time or retainer basis, for an indefinite term.

5. Qualifications

The Township Solicitor may be either an individual or a partnership or a professional legal corporation, learned in the law and in good standing and active legal practice in the Commonwealth of Pennsylvania.

6. Compensation

The compensation of the Township Solicitor shall be fixed by contract.

7. Scope of Authority

All of the legal affairs of the Township shall be under the general supervision of the Township Solicitor. Except as otherwise provided by the Board of Supervisors, no official, member of the Board of Supervisors, or employee of the Township may employ additional legal counsel without express authorization to do so from the Board of Supervisors. Services must be rendered in accordance with Article XI of the Second Class Township Code.

8. Duties

The Township Solicitor shall render such legal services as may be necessary or desirable for the best interests of Lower Makefield Township and shall, upon request, furnish the Board of Supervisors and/or Township Manager with a written opinion upon any question of law submitted by any of them in their official capacity.

9. Special Counsel

The Board of Supervisors may specially employ legal counsel in connection with any legal matters involving Lower Makefield Township or any of its officials or employees as needed.