

Town of Belmont, Massachusetts

Legal Services/Town Counsel Appointment

Request for Proposals



August 1, 2010

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**ADVERTISEMENT FOR LEGAL SERVICES
TOWN OF BELMONT, MASSACHUSETTS**

The Town of Belmont, Massachusetts has issued a Request for Proposals (RFP) seeking firms to provide legal services in connection with its operation of local government. Proposals shall be submitted no later than 3:00 PM on Friday September 10, 2010 addressed to:

Town Administrator
Town Hall
455 Concord Avenue
Belmont, Massachusetts 02478

The RFP is available through the following means;

In Person- may be picked up in the Selectmen's office at Town Hall

By Regular Mail- contact 617 993-2610

By E-Mail- contact selectmen@belmont-ma.gov for RFP in pdf format

By Internet- download pdf version at <http://www.belmont-ma.gov>

SECTION I. INTRODUCTION AND BACKGROUND

A. INTRODUCTION

The Town of Belmont, Massachusetts, acting through its Board of Selectmen and Town Administrator, seeks proposals from firms to provide professional legal services.

The successful proposer shall designate an individual to serve as Town Counsel pursuant to the General By-Laws of the Town. The appointment as Town Counsel shall not confer any employment rights or benefits.

While the Town seeks to encourage competition and evaluate proposers on a uniform basis, this solicitation is not governed by the provisions of Massachusetts General Laws Chapter 30B. As a result, the Town retains complete discretion in the manner in which the proposals shall be evaluated and the services awarded.

It is the general intent of this RFP to identify a firm that will provide a consolidated array of legal services to the extent deemed prudent by the Town. However, it is assumed that no one firm can effectively provide all of the legal services required by the Town. This RFP identifies Core Services and Specialized Services. Firms must submit a proposal for Core Services before submitting proposals to provide any Specialized Services.

B. BACKGROUND

The Town of Belmont is located approximately seven miles northwest of Boston and has a population of approximately 25,000 residents. It is a full-service municipality, offering a wide range of quality services. The Town encompasses an area of 4.7 square miles and contains three vibrant commercial centers; Belmont Center, Cushing Square, and Waverley Square. The Town is conveniently serviced by MBTA bus and commuter rail service. The Town's annual operating budget, including enterprise funds but excluding its municipally owned electric utility, is approximately \$84 million. The Town maintains the highest quality credit rating of Aaa by Moody's Investor's Services.

Belmont's local government functions under a Board of Selectmen-Town Administrator-Representative Town Meeting form. There is no consolidated "government charter" per se. The Board of Selectmen serves as the commissioners of the Municipal Light Department. The Town Clerk and Town Treasurer/Tax Collector are independently elected positions. The Assessing, Library, and Public Health departments are governed by independently elected boards. Through the leadership of a professionally trained administrator, municipal services are managed by a group of highly educated and experienced managers and rendered by motivated and dedicated employees. Consistent with Massachusetts public employment, the Town's work force is largely represented by collective bargaining units. The Town has its own Retirement Board to manage the investments and decisions of its participation in the Massachusetts Contributory Retirement System.

The Town's decision making processes are highly participatory and consensus driven. The Town takes great advantage of the willingness of citizens with advanced knowledge and experience in many professional and technical fields to contribute to their community on volunteer boards, committees and task forces.

SECTION II. RFP SCHEDULE AND PROCESS

A. THE PROCESS

The Town Administrator is responsible for issuing this RFP and identifying finalists for the Board of Selectmen's consideration. During this process, it is likely that an interview process will be developed for proposers to meet with the Town Administrator and other key staff. During the Board of Selectmen's consideration, the proposers identified as finalists will interview with the Board of Selectmen during an open meeting. It is expected that this process will conclude on or around November 1, 2010.

B. THE SCHEDULE

Below are the projected dates for this process. The Town reserves the right to modify this schedule as it determines convenient.

August 1	RFP issued
September 10	Proposals due by 3:00 PM
September 12-30	Staff evaluation process (including interviews)
October 18	Board of Selectmen interviews of finalists
November 1	Board of Selectmen award

SECTION III. PROPOSAL AND CONTRACT REQUIREMENTS

A. INSTRUCTIONS TO PROPOSERS

1. All proposers must respond fully to the information and questions listed in the Proposal Response Form. Proposers shall submit ten (10) copies of its proposal in a bound document (loose leaf notebook is acceptable) addressing each item in the order it appears in the Proposal Response Form. Proposers may also submit a cover letter of not more than two pages in length summarizing their proposal and qualifications. The information requested in the Proposal Response Form is extensive. No additional documentation is required or desired unless specifically requested (see #2).
2. Proposers may be requested to submit supplementary information to assure the Town that a proposer has the technical competence, the business and technical organization, and the financial resources adequate to successfully perform the required services.
3. Absent extraordinary circumstances, proposals submitted after the deadline established by this RFP will not be considered.
4. The proposal shall be signed in ink. In the case of an organization, firm, partnership or corporation, a person having appropriate legal authority shall sign the document.
5. It is understood that any proposal under this RFP will remain valid for 120 days beyond the submission deadline.
6. All costs involved in preparing the Proposal will be borne by the vendor.

B. PRE-RESPONSE CONFERENCE

Unless unforeseen issues arise relative to this RFP, there is no pre-response conference scheduled. All proposers deemed to have submitted responsive proposals will have an opportunity to meet with the Town Administrator or his designee to review their proposals and ask questions.

C. QUESTIONS AND CLARIFICATIONS

1. Proposers are encouraged to access information about Belmont town government organization and issues through resources available on the Internet. The Town of Belmont's Internet home page contains a wealth of information including, but not limited to, annual town reports, annual budgets, town meeting warrants and motions, financial statements audits, Board of Selectmen's meeting minutes, the general and zoning by-laws and special legislative acts of the Town. In circumstances where information is not readily available or understood, proposers may contact the Town Administrator or Assistant Town Administrator.

2. It is deemed inappropriate for proposers to contact elected or appointed officials of the Town other than the Town Administrator or Assistant Town Administrator to discuss their interest in this RFP or aspects of their proposal.

D. NOTIFICATION OF AWARD

All proposers will be notified of the Board of Selectmen's decision within 7 days of the date the award is made. The Board of Selectmen shall make its award in a public meeting pursuant to the Open Meeting law. As such, the Town cannot be responsible for notifying proposers of the Board's decision prior to it becoming public knowledge.

E. CONTRACT

The Town and the successful proposer will negotiate and execute a professional services agreement consistent with Massachusetts law and appropriate for a highly professional relationship. Due to the existence of a Town By-Law establishing the position of Town Counsel, the length of the agreement shall be coterminous with the annual appointment provision. This RFP and the proposal shall be considered a part of the agreement.

F. SUBCONTRACTING OF SERVICES

The subcontracting of services under this contract is not allowed.

SECTION IV. MINIMUM REQUIREMENTS AND EVALUATION CRITERIA

A. MINIMUM REQUIREMENTS

Proposers must possess the following minimal requirements to be considered:

1. The firm must be well versed in the field of municipal law, maintaining at least one ongoing client relationship with a Massachusetts municipal government entity.
2. The individual assigned to serve as Town Counsel must have at least five years of experience serving in a similar capacity for a Massachusetts municipality.
3. The individual assigned to serve as Town Counsel shall be legally qualified to practice law in Massachusetts and able to represent the Town before all courts and governmental agencies which the Town is likely to appear in the usual pursuit of its municipal functions.

4. The firm shall possess modern administrative and communications systems including, but not limited to, electronic mail, voice mail and computerized billing and case management systems.

B. EVALUATION CRITERIA

The Town seeks a firm that combines superior legal expertise with the ability to effectively manage and communicate its services. Due to the nature of legal services and its relationship to Town governance, the selection of Town Counsel is a subjective decision based upon the judgment of the elected Board of Selectmen.

C. SCOPE OF SERVICES

The Town's legal services are complex and varied. To the extent that is deemed prudent, the Town desires to incorporate as many aspects of its legal services under one single firm. It is understood that no one firm shall be able to effectively render all aspects. Accordingly, the Town has divided its legal services into two categories; 1.) Core Services and 2.) Specialized Services.

Core Services:

1. General Advice to the Board of Selectmen, Town Administrator and Management Staff- Provide general advice and opinions on a variety of legal issues involved in the operation of municipal government. This would include, but not be limited to, interpretation of municipal laws and regulations, drafting and/or reviewing competitive procurement instruments, and drafting legal documents such as contracts and indemnification agreements.
2. Defense of Claims- Protect the interests of the municipality in defending against claims for damages. These include claims for damages resulting from defects in a public way, the backup of sewerage or flooding of stormwater, or injuries on Town playgrounds or recreational facilities. A complete understanding of the Town's insurance coverages and availability for financial participation in the defense and/or payment of claims is necessary.
3. Town Meeting- Preparation and/or review of all articles and motions for Town Meeting action. Attendance at all sessions of the Town Meeting to provide guidance and opinion on legal issues that may arise.
4. Coordination with Other Legal Service Contractors- Lead in the identification, selection and management of legal services to be rendered by independent special counsel.
5. Proactive Legal Advice- Keep abreast of changes in law and other factors impacting municipal government. Provide guidance to department managers and others through memoranda, newsletters, training programs, etc. on matters that will improve understanding of legal issues.

Specialized Services

1. Collective Bargaining and Labor Relations- Provide assistance to the Town Administrator and Director of Human Resources in the negotiation of collective bargaining agreements with municipal labor unions. Through the Director of Human Resources, provide general guidance and assistance to management staff on labor issues. Defend the Town's actions before independent arbitrators, the Labor Relations Commission, Civil Service Commission, Massachusetts Commission Against Discrimination and other parties.
2. Public Construction- Advise the Permanent Building Committee, special building committees and staff on issues related to designing, bidding, constructing and managing public facilities
3. Electric Utility Operation and Regulation- Represent the interests of the Town's municipal electric utility pursuant to federal and state regulation. Assist in the negotiation of the purchase of electric power.
4. Housing, Land Use and Zoning- Assist the Planning Board, Zoning Board of Appeals, Conservation Commission and planning staff in the administration and interpretation of the Town's Zoning By-Laws and related state and federal law.
5. Cable Television and Telecommunications- Assist the Town in the administration of its cable television license and issues related to federal telecommunications law.

D. CONTACT INFORMATION

Pursuant to the limitations imposed by this RFP, questions or clarifications may be addressed to the Town Administrator and Assistant Town Administrator.

Thomas G. Younger, Town Administrator
Town Hall
455 Concord Avenue
Belmont, MA 02478
(617) 993-2610
(617) 993-2611 (FAX)
tyounger@belmont-ma.gov

Jeff Conti, Asst. Town Administrator
Town Hall
455 Concord Avenue
Belmont, MA 02478
(617) 993-2610
(617) 993-2611 (FAX)
jconti@belmont-ma.gov

SECTION V. PROPOSAL INFORMATION FORM

A. QUALIFICATIONS

- 1.) List the name and location of your firm.
- 2.) Provide a summary of the ownership and organizational structure of your firm.
- 3.) Provide a summary of the expertise, capacity and resources of your firm. Identify all of your municipal government clients, including length of service.
- 4.) Discuss the range of municipal government issues your firm has been involved in. Be specific in terms of the nature and jurisdiction of these issues.
- 5.) Provide the name of the lead individual from your firm that would be designated as Town Counsel. Identify this individual's previous experience serving as lead counsel to a municipal government. Submit a detailed resume of this individual, including, but not limited to, education, work experience and other significant activity.
- 6.) Provide a list of names (along with resumes) of individuals in the firm who will be providing direct services to the Town of Belmont in connection with this RFP.
- 7.) Discuss any potential conflicts of interests representing the Town of Belmont. Does the lead individual have any relatives serving in an elective or appointed capacity for the Town of Belmont?
- 8.) Indicate which of the Specialized Services listed below your firm proposes to provide.
 - _____ Collective Bargaining and Labor Relations
 - _____ Public Construction
 - _____ Electric Utility Operation and Regulation
 - _____ Housing, Land Use and Zoning
 - _____ Cable Television and Telecommunications
- 9.) List the firm's memberships in organizations or other resources used by the firm to stay abreast of current issues in municipal law.
- 10.) Explain the methods and processes your firm would use to assist the Town in retaining and managing other legal firms to provide specialized services.
- 11.) Provide at least three references

B. COSTS

- 1.) Review your proposed method of billing and compensation associated with rendering legal services to the Town. Provide a sample bill that demonstrates this method. If billing on an hourly basis, list the hourly billing rates of all individuals for the firm that will provide services to the Town under this RFP. List any other charges for services not included within these billing rates.
- 2.) The Town must budget annually for the cost of professional legal services and related costs. How will you assist the Town in developing a realistic budget? What mechanisms will you put in place to manage this budget, including but not limited to, a case management system. Provide any sample documentation that demonstrates these mechanisms.

APPENDIX

TOWN OF BELMONT

STATE TAXES CERTIFICATION CLAUSE

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes under law.

_____ by: _____
* Signature of individual or Corporate Officer
Corporate Name (Mandatory) (Mandatory, if applicable)

**Social Security # or Federal Identification #

* Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant.

** Your Social Security Number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended. This request is made under the authority of Mass. G.L. 62C s. 49.A.