

**TOWN OF HEBRON
REQUEST FOR PROPOSALS
LEGAL SERVICES – TOWN ATTORNEY AND LAND USE ATTORNEY
BID # 2018-05**

The Town of Hebron is seeking Requests for Proposals from qualified individual attorneys or law firms to provide general legal services as Town Attorney and Land Use/Environmental Attorney. Firms or individuals can submit for one or more legal service(s), although preference will be given to the individuals/firms that can provide most or all of the required services. RFP packages are available at the Town Manager’s Office, 15 Gilead Street, Hebron, CT 06248 or by calling 860-228-5971 x 122 or on the Hebron website www.hebronct.com. An original and seven (7) copies of the sealed proposal must be received in the Town Manager’s Office, in envelopes plainly marked “RFP Legal Services Bid # 2018-05” by 10:00 a.m. on Friday, September 22, 2017. The Town of Hebron reserves the right to accept or reject any and all proposals, or any part thereof, if it is in the best interest of the town.

Andrew J. Tierney
Town Manager

**REQUEST FOR PROPOSALS
LEGAL SERVICES – TOWN ATTORNEY**

PURPOSE:

- The Town of Hebron, Connecticut is seeking proposals from law firms and/or qualified individual attorneys wishing to provide legal services to the Town of Hebron to function as General Town Attorney and Land Use/Environmental Attorney. Interested parties should submit a proposal in accordance with the requirements and directions described herein. Law firms or individuals may submit for one or both of the above legal services; however, preference will be given to individuals/firms that can provide most or all of the required services.

SCOPE OF SERVICE:

General Government Town Attorney

The Town Attorney is required to provide legal advice and counsel to the Town Manager and Board of Selectmen on a variety of matters pertaining to all aspects of municipal government in a clear, concise, effective and responsible manner, understandable by lay people who may not be familiar with the legal complexities of specific situations. Advice and legal support is also provided to various Town Departments, Boards and Commissions. Provision of legal services is coordinated by the Town Manager and may only be requested by the Town Manager or his designee. Legal Services required by the Town Attorney include but are not limited to:

- Contract/document review and drafting, ordinance drafting, charter and statute interpretations. Familiarity with Freedom of Information Act (FOIA) and real estate transactions; equipment lease, certifications, tax foreclosures and associated collection efforts.
- Litigation: Ability to manage/conduct/oversee litigation in all courts (State and Federal). Not often needed for trial work, but when it is, it is usually a significant matter.
- General: Includes all other matters typically associated with municipal government operations and other services as may be directed by the Town Manager and Board of Selectmen. Effective verbal and written communication skills are essential, since information must be readily understood by elected and appointed officials, town staff and the public. Attend Board/Commission meetings as needed to address legal issues/items.

Land Use/Environmental Attorney

Includes familiarity/experience with zoning, planning, inland wetlands laws and regulations and managing administrative appeals associated with same.

- General: Includes all other matters typically associated with a municipal Planning and Zoning Commission and Planning Department and other matters as directed by the Town Manager, Board of Selectmen and Town Planning and Zoning Commission. Attend Board/Commission Meetings as needed to address legal issues/items. Effective verbal and written communication skills are essential, since information must be readily understood by elected and appointed officials, Town staff and the public.
- Litigation: Ability to manage/conduct/oversee litigation in all courts (State and Federal). Not often needed for trial work, but when it is, it is usually a significant matter.

See Appendix A for additional typical required services

REQUIRED INFORMATION FOR PROPOSAL:

The following information, as a minimum, shall be submitted:

- Background statement setting forth the capabilities, history and other general introductory information of the responder.
- If the responder is a firm, the qualifications, resumes and position with the firm of each Attorney that will be assigned to work on matters pertaining to the Town of Hebron.
- A detailed summary of all areas of expertise and experience to include the types of services supplied to past and present clients. This information should set forth the extent of specialization, and include background and experience, in the areas as outlined above.
- A detailed description of how the responder (law firm or individual attorney) proposes to provide legal services to the Town and general approach as to providing the legal services. Response time to legal services with time constraints.
- A list of references to include any Connecticut towns or municipalities that have been represented by the responder within the past five (5) years. The name and phone number of a contact person must be provided.
- A detailed proposal regarding the charges involved for each legal service(s) including any retainer, hourly rates of all personnel providing these services, required expenses and other costs involved. This should include proposals for annual legal expense caps.
- Cost containment. Special attention should be made to suggestions/recommendations for managing and controlling the cost of legal services. The Town is interested in receiving innovative cost containment proposals and suggestions for Town Attorney services. This should include proposals for review and improvement of current procedures, quality control measures, the manner in which specialists will be retained, and any other suggestions regarding the function of Town Attorney and cost containment measures.
- A listing of any grievances filed, with the outcome, against the law firm or an individual Attorney within the past five (5) years.

OTHER CONDITIONS:

A. Insurance:

The successful attorney/firm shall be required to furnish evidence of the following insurance coverage within ten (10) days from notification award. Insurance coverage shall remain in full force for the duration of the contract term, including any and all extensions. All renewal certificates shall be furnished at least ten (10) days prior to policy expiration.

- Errors and Omissions Professional Policy with limits of \$2,000,000 per claim with a \$2,000,000 aggregate. Any changes to the legal firm's policy or carrier from year to year will include "Full Prior Acts" coverage.

- The insurance coverage named above shall provide for not less than a thirty (30) day notice of cancellation to the Town of Hebron by certified mail, return receipt requested. As some insurance companies may not provide notice of cancellation to the Town directly it will be the responsibility of the firm to ensure that the Town is appropriately notified.

B. HOLD HARMLESS AGREEMENT:

The attorney, its agents and assigns, shall absolutely indemnify and hold harmless the Town of Hebron, including but not limited to its elected officials, its officers, employees and agents, from any and all claims brought by a person or entity whatsoever, in any forum, on any theory, arising from any negligent or wrongful act or omission of the attorney during the attorney's performance of the contract or any other agreement the attorney entered into by reason thereof. The attorney shall indemnify the Town of Hebron, including but not limited to its elected officers, employees and agents, from any and all losses or liabilities resulting from any such claim, including but not limited to damage awards, costs and attorney's fees.

C. NON-DISCRIMINATION:

No person shall be denied or subjected to discrimination on account of services or activities made possible by or resulting from this agreement on the grounds of sex, race, color, creed, national origin, age (except minimum age and retirement provisions), marital status, sexual orientation or disability.

Any violation of this provision shall be considered to be a violation of a material provision of this agreement and shall be grounds for cancellation, termination or suspension of the agreement, in whole or part, by the Town and may result in ineligibility for further Town contracts. The proposer shall at all times, both in the proposal and in the contract process, comply with all applicable city, state, and federal anti-discrimination laws, rules, regulations and requirements thereof.

D. CONFLICT OF INTEREST:

The Town Attorney shall provide a statement that no conflict of interest exists in rendering service to and in representing the Town of Hebron.

Non-Collusion Affidavit and Code of Ethics - All proposals shall include an executed copy of the Town's Non-Collusive Affidavit (Appendix B). All proposers shall abide by the requirements of the Town's Code of Ethics.

SUBMISSION:

The information required for this Request for Proposal must be submitted, with an original and seven (7) copies, to Andrew J. Tierney, Town Manager, 15 Gilead Street, Hebron, CT 06248, no later than 10:00 a.m. on Friday, September 22, 2018. Sealed proposals must be plainly marked "RFP Legal Services – Bid #2018-05".

Any addenda will be posted to the Town's website no later than four days before the date proposals are due. It is the respondent's obligation to visit the Town's web page to access and download any addenda.

Bidders are advised that the Town of Hebron has a Local Bidder Preference Ordinance (Appendix C).

LATE PROPOSALS WILL NOT BE CONSIDERED

SELECTION PROCESS:

The Board of Selectmen will first review all proposals and recommend several firms/individuals for interviews based on the Quality Based Selection Process (see Appendix D) and these statements of qualifications:

- experience
- references
- principal staff assigned to the Town
- length of and services provided to similar clients; and
- cost; lowest cost will not be the sole determining factor in selection for interview or final appointment.

It is the Town’s intention to make the appointment for the Town Attorney effective November 21, 2017, in conformance with the Section 805 of the Town of Hebron Charter.

The applicant may withdraw his/her application personally, or in writing, in time for delivery in the normal course of business prior to the time fixed for opening. Once the applications are opened, they shall remain firm for ninety (90) days prior to appointing a Town Attorney.

The information requested in this Request for Proposal is intended to serve as the basis for individual/firm interviews. Respondents are encouraged to address each of the factors thoroughly and provide additional information concerning background, experience, cost and cost containment, and qualifications for legal services as deemed appropriate. The Town reserves the right to reject or accept any and all applications in whole or in part or waive any informality or technical defects in applications received if, in its sole opinion, it is the best interest of the Town to do so.

DURATION OF AGREEMENT:

The term of appointment by the Board of Selectmen will be for a two year period, in accordance with the Hebron Town Charter, with the possibility of subsequent appointment for two-year periods. Each individual/firm submitting a proposal is requested to detail its fee proposal for the period of appointment. Any effect the term of agreement may have on legal fees, cost containment or any other elements of Town Attorney and Land Use/Environmental Attorney services should be noted.

POINT OF CONTACT:

Questions concerning this Request for Proposal should be addressed to Andrew J. Tierney, Town Manager at 860-228-5971 x122 or at atierney@hebronct.com.

The Town of Hebron reserves the right to accept or reject, in whole or in part, any or all proposals if it is in the best interest of the Town to do so.

APPENDIX A

**TOWN OF HEBRON
LEGAL SERVICES**

Contracts/Bid Documents/Compliance

- Review Draft Contracts
- Compliance Issues
- Inter Town Agreements

Boards & Commissions/Council

- Attendance at meetings –
If needed
- Resolutions
- Legal Opinions

Human Services Area

- Landlord/Tenant
- Moderate Price Housing

Town Property Issues

- Review of Deeds/Easements
- Questions Regarding Individual
Situations
- Roads and Right of Ways

Freedom of Information (FOI)

Litigation/Courts

Laws, Ordinances & Regulations

- Review & Enforcement
- Compliance with State and
Federal Laws
- Health Code
- Interpretation
- Review Draft Regulations

Municipal Day-to-Day

- Operations
- Liability Issues
- Legal Opinions
- Document Review/Legal
Opinion
- Ethics Code Issues

Financial

- Auditors
- Grants
- Compliance
- User Charge & Assessment
- Billing
- Tax Abatement
- Foreclosure & Tax Sales

APPENDIX B

TOWN OF HEBRON

Department of Finance

NON COLLUSIVE AFFIDAVIT OF PROPOSER

The undersigned proposer, having fully informed themselves regarding the accuracy of the statements made herein certifies that;

- (1) the proposer developed the bid independently and submitted it without collusion with, and without any agreement, understanding, or planned common course of action with any other entity designed to limit independent bidding or competition;
- (2) the proposer, its employees and agents have not communicated the contents of the bid to any person not an employee or agent of the proposer and will not communicate the proposal to any such person prior to the official opening of the proposal, and
- (3) acknowledges that the Town of Hebron's Code of Ethics has been received and understood.

The undersigned proposer further certifies that this statement is executed for the purpose of inducing the Town of Hebron to consider the proposal and make an award in accordance therewith.

Legal Name of Proposer/Firm

Business Address

Signature and Title

Date

Printed Name of Title Person

Subscribed and Sworn to me this ____ day of _____, 2017.

Notary Public

My Commission Expires

Hebron Code of Ethics

Effective August 1, 2010

I. **Persons Governed by this Code**: This code shall apply to all Town officials, officers and employees, whether elected and/or appointed, including members of boards, commissions, and committees, full time or part time, paid or unpaid and shall hereinafter be referred to collectively as “persons governed by this code.”

II. **Purpose**:

Public office is a public trust. The trust of the public is essential for government to function effectively. Policy developed by government officials and employees affects every citizen of the town, and it must be based upon honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, the Town of Hebron seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity, fairness and transparency of their government.

Persons governed by this Code should strive to conduct themselves in a professional, courteous, honest manner and otherwise according to the highest moral and personal standards of integrity, such that their behavior reflects favorably upon themselves and the Town of Hebron.

III. **Definitions**:

As used in this document, the following listed words and phrases shall have these specific meanings:

Code: This “Code of Ethics” as adopted by the Town of Hebron on August 1, 2010, and as amended from time to time.

Conflict of Interest: A conflict between one’s obligation to the public good and one’s self-interest.

Financial Interest: Any monetary benefit accruing to persons governed by this code that is not equally available to the general public.

Gift: Anything having value whether in the form of service, loan, tangible property, promise or any other form. However a gift shall not include political contributions made in accordance with campaign financing regulations; nor tokens of appreciation, recognition or other incidental gratuities not exceeding \$100 per year.

Immediate Family: Includes spouse/domestic partner, siblings of either, child(ren), parents, and any individual residing in the same household.

Independent Contractor: Any general contractor, subcontractor, consultant, person, firm, corporation, vendor or organization currently providing or formerly providing, goods or services to the Town of Hebron in exchange for compensation.

Gender: Masculine shall include the feminine and the feminine shall include the masculine.

Personal Interest: Any non-monetary benefit, special consideration, treatment or advantage accruing to persons governed by this Code which is not equally available to the general public.

Singular and Plural: Singular shall include the plural and the plural shall include the singular unless the context otherwise requires.

IV. Conflicts of Interest:

No person governed by this code shall use his position or office for the financial or personal interest of himself, a business with which he is associated, an individual with which he is associated or a member of his immediate family.

No person governed by this code shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, that is incompatible with the proper discharge of his official responsibilities in the public interest or that would tend to impair his independent judgment or action in the performance of his official responsibilities.

No person governed by this code or a business with which he is associated or member of his immediate family shall enter into a contract with the Town of Hebron unless it is awarded through a process of public notice and/or competitive bidding.

No person governed by this code or independent contractor shall knowingly counsel, authorize or otherwise sanction action that violates any provision of this code.

V. Disclosure and Recusal:

A person governed by this code shall refrain from participating on behalf of the Town of Hebron in any matter pending before any agency of the town if he, a business with which he is associated, an individual with whom he is associated or a member of his immediate family has a financial or personal interest in that matter and such interest is not shared by a substantial segment of the town's population.

If such participation is within the scope of said person's official responsibility, he shall be required to provide written disclosure, that sets forth the nature and extent of such interest to the town clerk, and this disclosure shall be included in the official record of all proceedings on this matter.

Notwithstanding the prohibition outlined above, a person governed by this code may vote or otherwise participate in a matter that involves a determination of general policy if said person's interest in the matter is shared with a substantial segment of the population of the Town of Hebron.

No person governed by this code shall appear on behalf of private interests before any agency of the town, nor shall he represent private interests in any action, proceeding or litigation against the town.

Nothing contained in this code shall prohibit or restrict a person governed by this code from appearing before any agency of the Town of Hebron on his own behalf, or from being a party in any action, proceeding or litigation brought by or against such person to which the Town is also a party.

For a period of one (1) year after termination of service to the Town of Hebron, no former public employee or public official who participated in the negotiation or award of a town contract valued in excess of \$25,000 shall accept employment with, appear on behalf of, or represent any private interest concerning matters related to this same contract.

VI. Gifts:

No person governed by this code or member of such individual's immediate family or business with which he is associated shall solicit or accept any gift that could reasonably be expected to influence or create an appearance of influencing the actions or judgment of such person.

If a prohibited gift is offered to a person governed by this code, he shall refuse it, return it, pay the donor the market value of the gift or donate it to a nonprofit organization provided he does not take the corresponding tax write-off. Alternatively, such prohibited gift may be considered a gift to the Town of Hebron provided it remains in the Town's possession.

VII. Use of Town Assets:

No person governed by this code or independent contractor shall request or permit the use of town funds or services, Town owned or leased vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such assets and services are available to the public generally or are provided as Town policy for the use of persons governed by this code in the conduct of official business.

VIII. Use of Confidential Information:

No person governed by this code, former employee or independent contractor shall disclose confidential information concerning Town affairs, nor shall such persons governed by this code use this information for the personal or financial interests of themselves or others.

IX. Severability:

If a specific section of this Code is found to be invalid by a state or federal court or agency having jurisdiction only that specific section of the Code shall be deemed invalid. The rest of the Code shall remain in effect.

X. Distribution of Code of Ethics:

The Town Clerk shall provide a copy of this Code of Ethics to every town official, employee, board and commission member, persons serving the town or persons doing business with the town. Each public officer or employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of his office or employment or contract.

APPENDIX C

LOCAL BIDDER REFERENCE ORDINANCE

TOWN BASED BUSINESS

The term “town based business” shall mean a business with a principal business located within the Town of Hebron. A business shall not be considered a town based business, unless evidence submitted with each bid submitted by said business to establish that said business has a bona fide principal place of business in Hebron. Such evidence may include evidence of ownership of or a long term lease of the real estate from which the principal place of business is operated, or payment of property taxes on the personal property of the business to be used in performance of the bid.

LOWEST RESPONSIBLE BIDDERS

On any project the lowest responsible bidder shall be determined in the following order:

Provided that such town based resident bidder shall have met all other requirements set forth in this article, any town based resident bidder which has submitted a bid not more than five (5) percent higher than the lowest most responsible bid may be awarded the bid provided such town based bidder agrees to accept the award of the bid at the amount of the lowest most responsible bid.

If more than one town based resident bidder has submitted a bid not more than five (5) percent higher than the lowest responsible bid, the lowest responsible bidder shall be that one of the town based resident bidders which had submitted the lowest bid.

IMPLEMENTATION OF LOCAL BIDDER PREFERENCE

Any local vendor meeting the requirements of a local vendor as defined in the above ordinance responding to the solicitation shall be required to submit a signed Local Bidder Affidavit form with their bid submittal. Failure to submit an affidavit form, approved by the Town of Hebron, may result in your disqualification as a local vendor and ineligibility for contract award.

RESTRICTION OF USE OF LOCAL BIDDER PREFERENCE

This article shall not apply in those instances where the bid requested involves a cooperation purchasing arrangement between the town and other municipalities or the State of Connecticut.

AFFIDAVIT PURSUANT
TO THE LOCAL BIDDER PREFERENCE ORDINANCE

(It is not necessary to submit this form unless you are a Hebron Town-based Business)

The undersigned, being duly sworn, disposes and says as follows:

1. That he/she is over the age of eighteen (18) years of age;
2. That he/she believes in and understands the obligations of an oath;
3. That he/she is submitting a bid as a “town based business”, pursuant to those conditions delineated in the Town of Hebron’s Ordinance Providing for Local Preference.

Name of Local Bidder
(Please Print)

Date

Signature of Local Bidder

APPENDIX D

Quality Based Selection Process:

Step 1: Establish evaluation criteria and select the best firm.

- a. Establish evaluation criteria.
- b. Select statements of qualifications.
- c. Develop a short list of firms.
- d. Interview and rank firms.

Step 2: Jointly define scope and contract terms.

- a. Selected firm assists in defining scope of work.
- b. Establish contract terms.
- c. Agreement. Yes – Move on to Step 3. No – Work with the next firm on the short list.

Step 3: Retain the firm on the basis of an acceptable proposal.

- a. Ask for fee proposal.
- b. Agreement. Yes – Retain the selected firm. No – Work with the next firm on the short list.