

TOWNSHIP OF DERRY



REQUEST FOR PROPOSALS

TOWNSHIP SOLICITOR

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

Through this Request for Proposal (RFP), the Township of Derry, Dauphin County, PA seeks to engage a respondent as Solicitor for the Township of Derry upon appointment.

Purpose and Intent

Through this RFP, the Township of Derry, Dauphin County Pennsylvania (hereinafter the "Township") seeks to engage an attorney or law firm as Solicitor for the Township commencing upon appointment. Labor Counsel legal services are not included in this RFP. The contract shall be "at-will" and may be terminated at any time, for any reason, upon a vote of the majority of the Township Board of Supervisors.

Proposal Submission

An original, clearly marked as the ORIGINAL and five (5) full, complete and exact copies of each proposal shall be submitted in a sealed envelope and must be marked as "Township Solicitor Request for Proposals" **no later than January 31, 2020 at 3:00 p.m. EST** addressed to:

Christopher S. Christman
Township Manager
Township of Derry
600 Clearwater Road
Hershey, PA 17033

Emailed and faxed proposals will not be accepted.

If additional information is needed or you are interested in submitting a proposal for this work, please contact:

Christopher S. Christman
Township Manager
Township of Derry
600 Clearwater Road
Hershey, PA 17033
Office: 717-533-2057 Opt. 5
Fax: 717-533-7174
Email: cchristman@derrytownship.org

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

All documents/information submitted in response to this solicitation shall be available to the general public as required under the Pennsylvania Right-To-Know law. The Township will not be responsible for any costs associated with the oral and/or written presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and to waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all respondents submitting proposals. The Township reserves the right to resolicit proposals.

Community Information

The Township of Derry was incorporated August 1, 1729, when Lancaster County divided the territory for tax purposes. At that time, the boundaries of Derry Township were much larger and included what are currently three other townships within Lancaster and Dauphin Counties. The western portion became Derry Township and the eastern portion became Londonderry Township. The first official government in Derry Township was established in 1759. The Township of Derry is a Township of the Second Class with five elected Board members that serve six-year terms.

Derry Township became a part of Dauphin County when it was established in 1785. In 1787, the population of Derry Township was 198. The most recent census records the population as 21,273. The Township of Derry, including the village of Hershey, remains a community with a small-town feel, with residents that place a high priority on family. The area offers a School District that excels academically, a full-service accredited police department, a state-of-the-art library, a recreation center with two swimming pools, and nine public parks. Hershey is conveniently located within 100 miles of diverse cultural activities in Harrisburg, Lancaster, Philadelphia, and New York.

The daily operations of the Township are performed by nine departments and overseen by the Township Manager. The departments include: Administration, Finance, Information Communications, Community Development, Economic Development, Parks & Recreation, Public Works, Police and Library. The Township Manager directs and coordinates the activities of the Township's departments and consultants to ensure the policies of the Board are implemented.

The operating budget consists of a total of eleven funds (8 operating funds and 3 capital improvement funds). The total operating budget for FY2020, across all funds, is \$29,853,838. The Township has 100 full-time employees and 104 part-time employees to provide robust community services.

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

Minimum Qualifications and Requirements

Respondents must establish that they meet the following minimum qualifications:

- A. The applicant shall comply with and be subject to all provisions of Article XI – Township Solicitor as identified by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69) Reenacted and Amended November 9, 1995 (P.L. 350, No. 60) As Amended and set forth herein:

§ 1101. Township Solicitor – The board of supervisors may appoint and determine the compensation of a township solicitor. The township solicitor shall be licensed to practice law in this Commonwealth and may be one person or a law firm, partnership, association or professional corporation. The township solicitor serves at the pleasure of the board of supervisors.

§ 1102. Solicitor to Have Control of Legal Matters – The township solicitor shall direct and control legal matters of the township, and no official or official body of the township, except otherwise provided under law, shall employ an additional attorney without the assent or ratification of the board of supervisors.

§ 1103. Duties of Solicitor – The township solicitor, when directed or requested so to do, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party. The township solicitor shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend the township or any township officer against all actions or suits brought against the township or township officer in which any of the estates, rights, privileges, trusts, ordinances or accounts of the township may be brought in question before any court in this Commonwealth and do every professional act incident to the office which the township solicitor may be authorized or required to do by the board of supervisors or by any resolution. The township solicitor shall furnish the board of supervisors, upon request, with an opinion in writing upon any question of law.

- B. Multi-disciplined firm or individual with experience in municipal law, municipal litigation and tort claim laws. The applicant shall have a minimum of five (5) years' experience as a municipal solicitor for a municipality within the Commonwealth of Pennsylvania, three (3) years of which should be in a municipality with a General Fund budget in excess of \$20 Million and/or over 50 employees.

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

- C. The applicant must demonstrate a high degree of knowledge, experience and ability with the following:
1. Knowledgeable in government ethics, Right-To-Know, and Sunshine Laws.
 2. The operation of local government units in Pennsylvania.
 3. Extensive knowledge of local public contracts law.
 4. Experience in a "Council-Manager" form of government.
 5. Acquisition and disposition of municipal real estate and/or property.
 6. Advising on financial issues related, but not limited to: budgets, bidding, and municipal collections.
 7. Experience in public notification, legal advertising, and records management.
 8. Drafting and Enforcement of Ordinances.
 9. Drafting and Enforcement of Resolutions.
 10. Extensive Knowledge of the Second Class Township Code, the Pennsylvania Municipalities Planning Code, the Pennsylvania Construction Code, and all related statutes.
 11. Experience in code compliance and enforcement matters.
 12. Attend and provide knowledgeable legal advice at all public meetings of the Board of Supervisors. Attendance at other advisory board public meetings shall be provided when requested.
- D. The applicant 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; experience and/or credentials you feel are relevant to this RFP. If the Applicant is a one-person law firm, then the person must possess an active license to practice law in the Commonwealth of Pennsylvania.
- E. The applicant must be able to adequately perform the following duties as requested:
1. Attend and provide knowledgeable legal advice at all Board of Supervisors meetings, work sessions, and/or ad-hoc meetings as requested;
 2. Maintain availability by cell phone and email and provide timely responses to staff and Board of Supervisors inquiries;
 3. Draft or review ordinances, including those written by staff, for the Board's approval;
 4. Assist the Board of Supervisors and staff with interpretations of codes, ordinances, and other applicable laws/regulations;
 5. Draft and/or review deeds, easements, agreements, and other such documents between the Township and other entities;
 6. Represent the Township as needed in court proceedings; and,

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

7. Recommend outside legal counsel to represent the Township under circumstances where this is warranted. Work with (or supervise) outside legal counsel representing the Township.

Proposal Requirements

In addition to demonstrating an ability to meet all minimum qualifications and requirements, the respondent 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 email address of the individual responsible for the preparation of the proposal and the principal professional assigned to the Township.
2. A fee proposal for FY2020, FY2021 and FY2022. A proposal showing minimum and maximum ranges is not acceptable. If a retainer rate is included, please provide a description of what work falls under that charge.
3. An executive summary of not more than three (3) pages, identifying and substantiating why the respondent is best qualified to provide the requested services.
4. A staffing plan listing those persons who will be assigned to the engagement if the firm is selected, including the designation of the person who would be the 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. This 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.
5. A description of the respondent's experience in performing services of the type described in this RFP. Specifically identify client size and specific examples of work within the scope of services required under this RFP in similarly sized municipalities. It is important to show experience in similar municipalities.
6. The location of respondent's office, if other than the firm'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 Dauphin County area.
7. A minimum of three (3) references, including at least two (2) municipal clients, including current clients for whom services have been provided for at least three (3) years. Provide the contact names, titles, emails, and phone numbers.
8. 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 bidder must provide a description of the litigation and/or disciplinary action.

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

9. A description of any ongoing investigations and/or litigation matters involving the respondent, its directors, officers and principals and any individuals employed by the applicant that relate to the performance of the respondent in the proposed field of expertise.
10. In its proposal, the respondent must 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, businesses or other entities within the Township or the Township.
11. The firm appointed by the Board of Supervisors will not be permitted to represent any private entities in the Township in matters related to the Township without the prior consent of the Township.

Interview

The Township Manager and an ad-hoc committee of two (2) Township Supervisors shall 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 Township reserves the right to request clarifying information subsequent to submission of the proposal.

Selection Process

All proposals will be reviewed by the Township Manager to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For respondents that satisfy the stated **Minimum Qualifications and Requirements** and **Proposal Requirements** the Township'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:

- A. The respondent's general approach to providing the services required under this RFP.
- B. The respondent's documented experience in successfully completing contracts of a similar size and scope 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 documented experience in successfully completing work on contracts of similar size and scope 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.

TOWNSHIP OF DERRY REQUEST FOR PROPOSALS

Legal Services

Selection and Contract

The Township will select the respondent deemed most advantageous to the Township, 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.

Please Direct Questions To:

Christopher S. Christman
Township Manager
Township of Derry
600 Clearwater Road
Hershey, PA 17033
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Fax: 717-533-7174
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