



REQUEST FOR PROPOSAL FOR LEGAL SERVICES

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

**John Divozzo
Director of Public Works
Grand Traverse County
2650 LaFranier Road
Traverse City, MI 49686
jdivozzo@grandtraverse.org**

I. GENERAL INFORMATION.

A. Purpose. This request for proposal (RFP) is to contract for legal services to be provided to the **Grand Traverse County Board of Public Works (BPW)**.

B. Who May Respond. Attorneys currently licensed to practice law in **Michigan**, or law firms including such attorneys, may respond to this RFP.

C. Instructions on Proposal Submission.

1. Closing Submission Date. Proposals must be submitted no later than **4:00 pm on March 1, 2019**.

2. Inquiries. Inquiries concerning this RFP should be mailed to:

**John Divozzo
Director of Public Works
Grand Traverse County
2650 LaFranier Road
Traverse City, MI 49686**

Or e-mailed to: jdivozzo@grandtraverse.org

3. Conditions of Proposal. All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposer and will not be reimbursed by the Board of Public Works (hereinafter referred to as BPW).

4. Instructions to Prospective Contractors. Your proposal should be addressed as follows:

**John Divozzo
Director of Public Works
Grand Traverse County
2650 LaFranier Road
Traverse City, MI 49686**

It is important that the proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal
4:00 pm, March 1, 2019
SEALED PROPOSAL for LEGAL SERVICES

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Proposer to

insure that the proposal is received by BPW, by the date, time and in the manner specified above. Late, unsealed proposals will not be considered.

5. **Right to Reject.** BPW reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Notification of Award.** It is expected that a decision selecting the successful proposal will be made within four (4) weeks of the closing date. Upon conclusion of final negotiations regarding the successful proposal, all other Proposers will be informed, in writing, of the name of the successful Proposer. It is expected that the contract shall expire upon completion of the project.

Description of Requestor. BPW is a public body established under Act 185 of 1957 by the County Board of Commissioners. BPW is responsible for immediate control of the Department of Public Works (hereinafter referred to as DPW). BPW meets regularly once a month on the second Thursday at 9:00 a.m.

DPW is contractually obligated to administer, manage, operate, and maintain several township owned water and sewer systems. DPW responsibilities include billing, permitting, recordkeeping, and enforcement of township ordinances.

The area of service for the BPW is Elmwood Township in Leelanau County, Acme Township, East Bay Township, Garfield Township, and Peninsula Township in Grand Traverse County.

BPW contracts with the City of Traverse City for treatment of wastewater and for purchase of water for Elmwood, Garfield, and Peninsula Townships. East Bay Township serves its own citizens with public water. Acme Township serves one small development with public water.

The townships have collectively authorized DPW to review and draft updated water and sewer ordinances.

II. SCOPE OF SERVICES. The Proposer shall be readily available to perform the following legal services, as outlined below:

- A. Initial meeting with BPW for consultation on general requirements of water and sewer ordinances
- B. Review current water and sewer ordinances, including amendments, resolutions, policies, procedures, schedules and/or related ordinances
- C. Present written evaluation of ordinances, with emphasis on areas of vulnerability, to BPW at a public meeting. Evaluation should include recommendation(s) to combine and/or separate various related ordinances
- D. Propose alternative ordinance language based on evaluation and present to BPW at a public meeting
- E. Submit final draft(s) in writing to the DPW, including procedure(s) for approval by the township
- F. Be available for presentation to township(s), if necessary

III. PROPOSAL CONTENTS. The Proposer, in its proposal, shall, as a minimum, include the following:

A. Legal Experience. The Proposer should describe its experience related to the areas outlined in the scope of services above. There is a particular interest in the following topic areas: township/county municipal law, general water/sewer operations, and DPW contracted operations. Additionally, if applicable, provide a description of any experience advising organizations comparable to BPW.

B. Organization, Size, Structure, and Areas of Practice. The Proposer should describe its organization in terms of the following:

- size
- structure,
- areas of practice
- office location(s)
- small or minority-owned business

Please include a copy of the Equal Opportunity/Affirmative Action Policy, if available.

C. Attorney Qualifications. The Proposer should separately attach a description of the qualifications of attorneys to be assigned to the representation. Descriptions should include:

1. Professional and education background of each attorney.
2. Overall supervision to be exercised.
3. Prior experience of the individual attorneys with respect to the required experience listed above. Include resumes only of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.

D. Price. The Proposer's proposed price should include information on the hourly billing rates of each attorney or other legal staff who are expected to work on this representation and charges for expenses, if any, such as legal research, copies, faxes and electronic communication.

- a. Proposer's proposed price should include travel and meeting attendance charges, if hourly billing rates do not apply.

E. Statement of Understanding. The Proposer shall include with the proposal a brief statement that describes the services for which the BPW is seeking. This will be used to help in the selection process.

F. Statement of Conflict of Interest. The Proposer shall submit a statement indicating they have performed a conflict of interest check and have confirmed no conflicts of interest representing the BPW/DPW.

G. Schedule and Timeline for Completion. The BPW has been asked to complete this project within six (6) months; the Proposer's ability to meet this deadline will be taken into consideration in the selection process.

IV. PROPOSAL EVALUATION.

A. Submission of Proposals. All proposals shall include one (1) original and five (5) copies.

B. Evaluation Procedure and Criteria. DPW Director and appropriate staff will review proposals and make recommendations to the Board of Public Works for final approval. The Director and/or Board of Public Works may request a meeting with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following criteria:

1. Proposed approach to and understanding of scope of work.
2. The Proposer's experience with similar clients and legal matters.
3. Proposer's schedule and estimated date of completion.
4. Level of experience of the individual(s) identified to work on this matter.
5. Cost.
6. Potential conflict(s) of interest.
7. Interviews, if conducted.

C. Required Format for Proposals. All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal:

1. Page Limit: 12, including cover page
2. Attorney Qualifications section should be attached and is not included in the page limit
3. Page Size: 8 ½ x 11; portrait
4. All pages must be numbered; double-sided printing is acceptable
5. Do not use material in proposals dependent on color distinctions, animated electronics, etc.
6. Do not place proposals in notebooks or binders. Metal clips may be used to bind pages together.
7. Do not include attachments other than those requested or required by this RFP.

V. PROPOSAL TIMELINE.

During the period from your organization's receipt of this Request for Proposals and until a contract is awarded, your organization shall not contact any employee of DPW for additional information except in writing directed to John Divozzo at jdivozzo@grandtraverse.org.

VI. QUESTIONS.

Questions for the purpose of clarifying the RFP must be submitted **in writing by email** and must be received no later than **4:00 p.m. on January 31, 2019**. Questions must be emailed to John Divozzo at jdivozzo@grandtraverse.org. Questions and responses will be posted as an "Addendum to the BPW RFP for Legal Services" on the DPW website at <https://www.grandtraverse.org/476/Public-Works-Department> by **4:00 p.m. on February 7, 2019**. Please note that submissions of questions for response do not in any way enhance or guarantee the chances of receiving a contract through this proposal.

VII. GENERAL INFORMATION.

A. Contract Award

BPW reserves the right to award the contract in a manner deemed to be in the best interests of BPW.

B. Stability of Proposed Prices

Any price offerings from Proposers must be valid for a period of 60 days from the due date of the proposals.

C. Amendment or Cancellation of the RFP

BPW reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interests of BPW.

D. Proposal Modifications

No additions or changes to any proposal will be allowed after the proposal due date, unless such modification is specifically requested by BPW. BPW, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

E. Proposer Presentation of Supporting Evidence

Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that BPW deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.

F. Proposer Demonstration of Proposed Services and/or Products

Proposers must be able to confirm their ability to provide all proposed services.

G. Erroneous Awards

BPW reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a Proposer and subsequently awarding the contract to a different Proposer. Such action shall not constitute a breach of contract on the part of BPW because the contract with the initial Proposer will be deemed voided as if no contract were ever in place.

H. Ownership of Proposals

All proposals shall become the property of BPW and will not be returned.

I. Ownership of Subsequent Products

Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP shall be the sole property of BPW unless otherwise stated in the contract.

J. Oral Agreement or Arrangements

Any alleged oral agreements or arrangements made by Proposers with BPW/DPW will be disregarded in any proposal evaluation or associated award.

K. Not a Contract

This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. BPW will pursue negotiations with the highest scoring proposal. If, for some reason, BPW and the initial Proposer fail to reach consensus on the issues relative to a contract, then BPW may commence contract negotiations with other Proposers. BPW may decide at any time to start the RFP process again.

The selected Proposer will be required to sign a formal contract.

L. Subcontractors

BPW must approve any and all subcontractors utilized by the successful Proposer prior to any such subcontractor commencing any work. Proposers acknowledge by the act of submitting a proposal that any work provided under the contract is work conducted on behalf of BPW and that the DPW Director or designee may communicate directly with any subcontractor as BPW deems necessary or appropriate.

It is also understood that the successful Proposer shall be responsible for all payment of fees charged by the subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the successful Proposer to BPW upon request. The successful Proposer must provide the services described in the specifications.