

**DERRY TOWNSHIP
MIFFLIN COUNTY, PA**

**REQUEST FOR PROPOSALS
(RFP) FOR MUNICIPAL
SOLICITOR**

I. PURPOSE AND INTENT

Through this Request for Proposal (RFP), Derry Township, hereinafter the "Township" seeks a duly qualified attorney-at-law for the position of Township Solicitor, beginning July 1, 2021, and upon appointment, if earlier, the position will be awarded, in the sole discretion of the Board of Supervisors, through a fair and open process.

PROPOSAL SUBMISSION

An original, clearly marked as the "ORIGINAL" proposal shall be submitted in a sealed envelope and must be marked with the "Township Solicitor" and addressed to:

**Kelly J. Shutes, Township Manager
Derry Township Municipal Building
73 Reserve Lane
Lewistown, PA 17044**

The proposal must be received no later than 8:00 a.m. on or before Monday, May 3, 2021.

Faxed proposals will NOT be accepted. Any inquiry concerning this RFP should be directed in writing to:

Kelly J. Shutes, Township Manager
Derry Township Municipal Building
73 Reserve Lane
Lewistown, PA 17044
OR by email to twpmanager@derrytwp.info

All documents/information submitted in response to this solicitation shall be available to the general public subsequent to the opening and award of the position. The Township will not be responsible for any costs associated with the oral or written and/or other presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and 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 attorney submitting proposals.

II. GENERAL INFORMATION ON DERRY TOWNSHIP

The Township is located in Mifflin County, Pennsylvania and operated pursuant to the provisions of the Second- Class Township Code form of government, with a three (3) member Board of Supervisors and a Manager. The Township is approximately 30.721 square miles, has a 2018 Census population of 7,322 and an annual General Fund budget of \$2.95 million and has approximately 15 employees. The Board

of Supervisors presently meet the first and third Monday of each month at 5:30 p.m/as well as special meetings on an “as needed” basis.

III. MINIMUM QUALIFICATIONS

See Exhibit A.

IV. MANDATORY CONTENTS OF PROPOSAL

Definitions

While an applicant does not have to match each item exactly, the following terms are generally used in this RFP.

- Scope: magnitude of the project, and value of the contract.
- Size: when used in this context refers to such things as budget, miles of roads, number of employees, acres of recreation areas, size of municipal bonds, population, and number of homes.
- Similar: refers to such things as municipalities that have areas of dense suburban, commercial and retail development, have areas of non-dense woodlands, have large recreation complexes, contain streams and lakes, contain federally regulated wetlands, have a complex transportation network, and possibly a state park.

In addition to demonstrating an ability to meet all minimum qualifications in Exhibit A, the firm 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 e-mail address of the individual responsible for the preparation of the proposal, and the principal professional assigned to the Township.
- 2.) A fee proposal for the 2021-22 Township year. A proposal showing minimum and maximum ranges is not acceptable.
- 3.) An executive summary of not more than two (2) pages, identifying and substantiating why the attorney is best qualified to provide the requested services.
- 4.) A staffing plan listing those persons who will be assigned to the engagement if the attorney or firm of attorneys is/are selected, including the designation of the person who would be the attorney or 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. 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 firm.
- 5.) A description of the attorney's or firm of attorneys' experience in performing services of the type described in this RFP. Specifically identify client size and provide

specific examples of work within the scope of services required under this RFP in similarly sized municipalities. **It is imperative to show experience in similarly sized municipalities.**

6.) The location of attorney's or firm of attorneys' office, if other than the attorney or firm of attorneys' main office, at which he/she or it proposes to perform services required under this RFP. Describe your presence in Pennsylvania and any familiarity your firm has with Mifflin County.

7.) 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) former clients for whom services have been provided within the past seven (7) years. Provide the contact names, titles and phone numbers.

8.) If the attorney 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.

9.) A description of any ongoing investigation and/or litigation matters involving the applicant, its directors, officers and principals and any individuals employed by the applicant that relate to the performance of the attorney or firm of attorneys in the proposed field of expertise.

10.) 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, or the Township.

V. INTERVIEW

The Township Manager and/or the Board of Supervisors reserve the right to interview any or all 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.

VI. SELECTION PROCESS

All proposals will be reviewed by the Township Manager or her designee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For attorney or firm of attorneys who satisfy IV "Minimum Qualifications", and V "Mandatory Contents of Proposal" 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:

- 1.) The attorney's general approach to providing the services required under this RFP.
- 2.) The attorney's or firm of attorneys' documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.

3.) The qualifications and experience of his/her 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.

4.) The overall ability of the attorney or firm of attorneys 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 attorney or firm of attorneys to perform the services required by this RFP; the availability and commitment to the engagement of the attorney or firm of attorneys 's management, supervisory and other staff proposed.

5.) Costs and fee schedules.

VII. SELECTION AND CONTRACT

The Township Supervisors, in their sole discretion, will select the attorney or firm of attorneys deemed most advantageous by them to the Township, with fees and other factors considered. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected attorneys' proposal, and changes, if any, negotiated by the parties.

Exhibit A
Derry Township
Request for Proposal & Qualifications for Municipal Professional
Minimum Qualifications

Applicant attorney or firm of attorneys must establish that they meet the following
minimum qualifications:

Derry Township
Minimum Requirements
Township Solicitor

1.) The applicant shall comply with and be subject to all provisions of (Article XI of the Second-Class Township Code, as amended, Sections 1101-1103, 53 P.S. Sections 66101-66103) set forth herein as follows (Disclaimer: Each applicant shall be responsible to review the Second-Class Township Code to apply pertinent sections. The Second-Class Township Code, as written, is controlling and the foregoing is reprinted only for informational purposes):

Section 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.

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

Section 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, trust, ordinances or accounts of the township maybe 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.

2.) The **Applicant** shall have experience in municipal law, municipal litigation and tort claim laws, Pennsylvania employment and personnel issues. The applicant shall have at least five (5) years of experience as a Township, Borough, City or County Solicitor **or of** working in conjunction with a Solicitor and his/her firm for a municipality in the State of Pennsylvania, two (2) years of which should be in a municipality with a General Fund budget in excess of one million and/or over 9 full time employees.

3.) The **Applicant** also must demonstrate a high degree of knowledge, experience and ability with the following:

- a.) The operation of local governmental units in Pennsylvania.
- b.) Acquisition and disposition of real-estate (Open Space).
- c.) Assisting with acquiring and administering grants.
- d.) Municipal Land Use Law.
- e.) Knowledge of Local Public Contracts Law.
- f.) Selling or acquiring Township real estate and/or property.

4. The Applicant shall attend and provide knowledgeable legal advice at Board of Supervisors meetings, as requested.

5.) The applicant must be licensed to practice law in the State of Pennsylvania and be in 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.