

**Board of County Commissioners
Agenda Request**

Date of Meeting: June 2, 2015

Date Submitted: May 20, 2015

To: Honorable Chairperson and Members of the Board

From: Robert M. Presnell, County Administrator
Arthur Lawson, Sr., Assistant County Administrator

Subject: Request Directions from the Board on the Process of Reviewing
the Legal Services Proposals

Statement of Issue:

This agenda item is presented to the Board to request direction on the process the Board desires for the review of the Legal Services proposals.

Background:

At the April 7, 2015 Board meeting, the Board instructed staff to issue a Request for Proposal (RFP) to seek Attorneys to provide legal services for the County. On April 16, 2015, staff issued an RFP and received five (5) proposals. Proposals were submitted by the following firms:

1. Daniel H. Cox, P.A.
2. Ausley and McMullen
3. The Williams Law Group, P.A.
4. Clark, Partington, Hart, Larry, Bond & Stackhouse P.A.
5. Sliger Law Firm in Partnership with Nablors, Giblin & Nickerson P.A.

Analysis:

Staff requests direction from the Board on the process it desires to use in order to move forward with the selection of Legal representation. When proposals were received last year, the Board instructed the Administrator to designate an evaluation committee to evaluate the proposals and submit the results to the Board. A staff committee reviewed the proposals to determine who met the evaluation criteria. Those firms that met the evaluation criteria were not ranked by staff but presented to the Board for further review. The Board decided to interview all firms meeting the evaluation criteria.

Fiscal Impact:

There is no fiscal impact at this time until a Legal Firm is selected and a contract is negotiated.

Options:

1. Board's discretion as to how to proceed with the evaluation and selection process.

Equity Compensation Recommendation:

Option 1

Attachments:

1. Legal Services RFP

Request for Proposals
RFP No. 15-09

The Gadsden County Board of County Commissioners is seeking sealed proposals from Attorneys licensed to practice law in Florida and in good standing with the State Bar of Florida for legal services. Proposals will be received until 2:00 p.m., Friday, May 1, 2015 in the Management Services Department, 5-B E. Jefferson Street, Quincy, FL 32351 and opened immediately thereafter in the County Administrator's Conference Room, 9-E. Jefferson Street, Quincy, FL 32351. Specifications may be obtained from the Management Services Department at 5-B E. Jefferson Street, Quincy, FL or by dialing 850-875-8660. Questions concerning the specifications should be directed to Arthur Lawson, Sr. at 850-875-8660. Proposals will not be valid if not sealed in an envelope marked "SEALED PROPOSALS" and identified by the name of the firm, proposal number and time of opening. The Gadsden County Board of County Commissioners reserves the right to reject any one proposal or all proposals, any part of any proposal, to waive any informality in any proposal, and to award the purchase in the best interest of the County. EEO/AA

Date issued 4-16-2015

Special Instructions

Bid No. 15-09

1.0 INTENT

- 1.1 The Gadsden County Board of County Commissioners (“GCBOCC”) requests sealed proposals from attorneys licensed to practice law in Florida and in good standing with the State Bar of Florida for legal services.
- 1.2 The GCBOCC has historically used an outside attorney to serve as County Attorney. The County Attorney has not been an employee of the County and has not been entitled to benefits available to other employees of the GCBOCC. It is the current intent of the GCBOCC to hire an outside attorney to serve in such capacity. However, the GCBOCC reserves the right to reject any and all proposals in the event it determines to have the County Attorney serve as an employee of the County or to enter into negotiations with any proposer to serve as an employee of the County.
- 1.3 Respondents are to submit a written proposal that presents the Respondent’s qualifications, understanding of work to be performed and description of fees. The Respondent’s proposal should be prepared simply and economically and should provide all the information pertinent to its qualifications that respond to the Scope of Services listed herein.
- 1.4. In the event the Respondent is a firm of attorneys, one attorney shall be designated as the primary representative of the Respondent and shall be designated as the County Attorney. Additional work performed by the Respondent shall only be at the direction of the County Attorney and shall only be as set forth in a contract to be entered into between the Respondent and the GCBOCC.
- 1.5 POINT-OF-CONTACT: GCBOCC requires that Respondents restrict all contact and questions regarding this RFP to the individual named below. Questions concerning terms and conditions and technical specifications shall be directed in writing to:

Arthur Lawson, Sr.
Assistant County Administrator
P O Box 920
5-B E. Jefferson Street
Quincy, FL 32353
Phone: 850-875-8660
Fax: 850-662-3290
E-mail: alawson@gadsdencountyfl.gov

- 1.6 **INQUIRIES AND INTREPRETATIONS:** Responses to inquiries which directly affect an interpretation or change to the RFP will be posted on our website www.gadsdengov.net as an addendum/addition information letter. Vendors WILL NOT be notified of additional information/addenda postings. It is the vendor's responsibility to view the web page regularly, or prior to submitting a proposal response, to ensure that no addenda or additional information have been issued for the solicitation. All such addenda issued by GCBOCC prior to the time that proposals are received shall be considered part of the RFP.
- 1.7 Only those inquires GCBOCC replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect.

2.0 SCOPE OF SERVICES

2.1 REPRESENTATION

- 2.1.1 Represent GCBOCC in all regular Board meetings and pre-briefings as requested by the Board Chairperson, it being understood that unless counsel is informed otherwise, attendance is expected.
- 2.1.2 Legal counsel will provide routine telephonic and email legal consultation with Board members, the County Administrator, and the County staff, and provide routine legal support as required.
- 2.1.3 Legal counsel will prepare such ordinances, contracts, resolutions, documents, leases and other papers that the Board may require.
- 2.1.4 Shall not represent any Constitutional officer of Gadsden County without specific approval by the GCBOCC.

2.2 OTHER SERVICES

- 2.2.1 Legal counsel will prepare documents required by the Board in connection with special elections call by the Board, except bond elections.
- 2.2.2 Legal counsel will give such legal advise and prepare such legal opinions as may be reasonably required by the following bodies, concerning their duties, powers, responsibilities and obligations: i) the Board; ii) the Gadsden Planning and Zoning Commission; iii) the Code Enforcement Board and iv) Gadsden Hospital, Inc. Board.

2.2.3 The Scope of Services shall include all legal services required to be performed by the Board, including litigation and the preparation of rights of way and easements and services performed in connection with the issuance of bonds.

2.2.4 To the extent any services set forth above shall be paid for in a manner different than set forth in Section 4.3.5, the Respondent shall specifically identify such services and the method for payment of such services.

2.3 Travel reimbursements shall be in accordance with the County Travel Reimbursement Rate as set by the County travel policy. The Respondent shall not be entitled to any reimbursement for expenses incurred in responding to this RFP or for travel to meetings in Quincy, Florida.

3.0 MINIMUM QUALIFICATIONS

The following are the minimum qualification required by GCBOCC for legal services providers:

3.1 Licensed to practice law in the State of Florida.

3.2 Good standing with the State Bar of Florida.

3.3 Must provide proof of Lawyers Professional Liability Insurance.

3.4 Engaged in the active practice of law for at least five (5) consecutive years prior to the date of responding to this RFP, with two (2) years of practice in the areas of governmental issues, disability law, or civil rights. Preference will be given to proposers who have experience in a governmental setting, representing governmental entities or representing parties before governmental entities. Special consideration will also be given to proposers who have experience in hospital operations and administration.

4.0 INFORMATION TO BE PROVIDED IN PROPOSAL

4.1 **FORMAT AND NUMBER OF COPIES TO BE SUBMITTED:** In order to be considered for selection, Respondent must submit a complete response to this RFP. One (1) original and five (5) copies of each proposal must be submitted.

4.2 Proposal shall be signed by the person authorized by the Respondent as the County Attorney.

4.3 Respondents shall include as part of their proposal responses to the following information at a minimum:

4.3.1 Name, address, telephone number, etc. of the firm or person submitting the proposal;

4.3.2 Qualification, certifications and educational professional resume of all person(s) that would provide services under any resulting contract;

4.3.3 A straightforward, concise description of capabilities to satisfy the requirements of the RFP;

4.3.4 References;

4.3.5 Fee schedule and rates – The cost to GCBOCC for the services offered. In particular, the County is interested in reviewing alternative fee arrangements, including, but not limited to (i) hourly rates (with different rates based upon the attorney or attorneys providing the services; (ii) fixed fee arrangements, (iii) a combination of (i) and (ii); or (iv) any other proposal that provides the GCBOCC with the highest level of legal services and at rates which ensure that the public money of the GCBOCC is spent in the most efficient manner. In the event separate charges shall apply to various services required to be performed as described in Section 2.0 hereof, such proposal shall specifically identify such services and the proposed method of compensation for such services.

4.3.6 A written description of any (i) litigation during the past five years involving the Respondent or any attorney listed in the response relating to professional services or in any way relating to the practice of law, including a summary of the disposition of such matter or matters; (ii) a list of any grievances filed within the past five years against Respondent or any attorney listed in the response with The Florida Bar or any other regulatory or judicial body, including a summary of the disposition of such matter or matters; and (iii) a written description of and actual or potential conflicts of interest under the code of Professional Responsibility relating to attorneys that Respondent may have in performing the services described in Section 2.0 hereof.

4.3.7 A proposed draft contract.

5.0 REFERENCES

All Respondents shall include a list of a minimum of three references, for similar services only, who could attest to the Proposer's knowledge, quality of work, timeliness, diligence and flexibility. Include names, contact persons, and phone numbers of all references.

6.0 EVALUATION OF PROPOSALS

Board representatives will evaluate the proposals. The Board may invite one or more of the most highly qualified Respondents to attend a formal interview in Quincy, FL. The interview will allow the invited Respondents to further discuss their qualifications with the Board, and to respond to questions from the Board.

7.0 EVALUATION CRITERIA

These criteria are to be utilized in the evaluation of the Proposals of those Respondents to be considered. Respondents are required to address each evaluation criteria in the order listed and to be specific in presenting their qualifications.

- 7.1 Flexibility/Understanding of Requirements – The degree to which the Respondent has responded to the purpose and scope of specifications – e.g., services to be provided, flexibility of Respondent to meet GCBOCC needs, conformance in all material respects to this RFP, etc.
- 7.2 Capability – the Respondents that have the capability in all respects to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance as required by these specifications. Also includes Respondent’s capability and skill to provide the products or perform the services stated in these specifications.
- 7.3 Experience – Respondent’s experience in providing the services as requested in these specifications.
- 7.4 Cost – The cost of the services to the GCBOCC.

8.0 COMMUNICATION DURING EVALUATION

Under no circumstances shall any Respondent contact in person, by telephone, email, text, or otherwise any representative of the GCBOCC other than Arthur Lawson, Sr. Assistant County Administrator. Such prohibition includes contact with any member of the Board of County Commissioners. Failure to comply with this provision may result in the disqualification of that entity from this procurement process.

9.0 CONTRACT

- 9.1 The successful Contractor(s) will be required to enter into a contract with the GCBOCC. A proposed draft contract should be included in the Respondent’s proposal. The County reserves the right to provide the ultimate form of the contract.

- 9.2 **CONTRACT TERM** – This contract shall be for a primary term of one (1) year with the option to renew for two (2) additional one (1) year terms, if both parties are in agreement.
- 9.3 The contract will be monitored for acceptable services rendered throughout the contract period. GCBOCC will have the option to cancel the contract with thirty (30) days from notification, without penalty.
- 9.4 Cancellation of Contract: GCBOCC reserves the right to cancel and terminate any contract(s), in part or in whole, for any reason or for no reason, without penalty, upon notice to the Contractor. Contractor shall not be entitled to lost profits or any further compensation not earned prior to the time of cancellation.

10.0 TABULATION/AWARD INFORMATION

Award information is available via email the day after award by the GCBOCC in the form of an award letter.

**PUBLIC ENTITY CRIMES
(For Information Purposes Only)**

Section 287.133, Florida Statutes, was revised by deleting the requirement for vendors to file a public entity crime statement. The following paragraph contains a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

The bidder certifies by submission of this bid, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any State or Federal department/agency.

DRUG-FREE WORKPLACE CERTIFICATION

The undersigned vendor, in accordance with Florida Statute 287.087 hereby certifies that _____ does:

Name of Business

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance program, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirement.

Company Name _____ Vendor's Signature _____

Must be executed and returned with attached bid at time of bid opening to be considered.

STATEMENT OF NO BID

Bid No. 14-01

We, the undersigned, have declined to respond to your bid for the following reasons:

- _____ We do not offer this service
- _____ Our schedule would not permit us to perform
- _____ Unable to meet specifications
- _____ Others (Please Explain)

We understand that if the no-bid letter is not executed and returned, our name may be deleted from the County's list of qualified bidders.

Organization Name _____

Signature _____

Name (Print/Type) _____

Address _____

Telephone No. _____

FAX No. _____

SIGNATURE FORM

Name of Company

Mailing Address

City State Zip

Authorized Signature, Title

Name (Typed or Printed) Date

Phone Number (Including Area Code)

Fax Number (Including Area Code)

Website/Email Address

Date