

Hastings-on-Hudson, New York

Request for Professional Services: Village Attorney

Overview

The Village of Hastings-on-Hudson, New York seeks a qualified law firms to serve as contracted legal counsel to provide legal services to the Village. This would include the traditional scope of work associated with such a role, including legal counsel, opinions, consultation and coordination with special counsel.

Strong preference will be given to those submittals demonstrating extensive experience in New York municipal law. The successful applicant shall possess sufficient resources to ensure that the demands of the Village legal needs will be met on a timely basis. This relationship will be on a consulting or contractual basis. This is not a full-time staff position.

The Village Attorney will provide general legal advice to the Board of Trustees, Village Manager, Municipal Court, Police Department and Village department heads; shall provide written opinions, draft local laws and amendments and provide legal assistance to all departments in the conduct of Village business. Attendance at a variety of meetings will be required. These include Board of Trustees, Planning Board, Zoning Board of Appeals, and other meetings as specified.

Hastings-on-Hudson seeks a fixed-fee arrangement, payable in equal monthly installments for these identified legal services. The Village also wishes to identify a fee schedule for other services that go above and beyond the usual responsibilities.

Term of Agreement

This contract will be for a two-year period beginning April 2014 through April 2016. The Village reserves the right to extend this contract for one additional two-year term. Renewal of the appointment/contract will require reauthorization by the Board of Trustees. If both parties cannot agree on the terms of the contract extension the existing contract will be allowed to expire and the contract work will be rebid.

Either party to this agreement shall have the right to terminate this contract within one hundred-twenty (120) calendar days with prior written notice to either party.

Detailed Scope of Work

Under the proposed agreement, the Village attorney will provide the following services on a fixed-fee arrangement:

- Provide legal advice/ counsel services and consultation to the Village Manager, Board of Trustees, appointed department heads, Police Department, boards and commissions and at all levels of Village government on a wide variety of civil and criminal prosecution matters. These shall include but not be limited to general municipal law, labor law and state and federal laws relating to Village government, public disclosure issues, laws against discrimination, local law or resolution development and interpretation, housing subdivision and land use law, economic development activities including development, redevelopment enforcement and property/real estate law, contract law, environmental law, election law, municipal leases, purchasing/procurement/bidding, Americans with Disability Act, tax certiorari, property tax grievance hearings and municipal Court. The Village attorney's advice includes methods to avoid litigation
- The Village attorney answers request for legal opinions in writing and verbally and prepares written legal opinions at the request of the Board of Trustees and the Village Manager.
- The Village attorney appears before courts and administrative agencies to represent the Village's interests.
- The Village attorney works cooperatively with any special legal counsel retained by the Village or on special projects and shall coordinate with special counsel as needed to ensure proper management of legal issues and litigation. This includes coordination and transition of legal information among special counsel. This may include outside special counsel for tax certiorari matters, borrowing issuance/bond attorney and outside counsel for insurance claims.
- Provide guidance and legal advice on the open meetings law, Freedom of Information Law requests, Robert Rules of order and Board of Trustee rules and procedures.
- Assist officials and employees to understand legal roles and duties of their respective offices and duties and respective relationships with other government agencies.
- Assist Village officials and employees to maintain awareness of ethical standards and appearance of fairness standards to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
- Prepare and review local laws and resolutions for legal correctness and legal acceptability.
- Prepare and review contracts, leases and other documents for legal correctness and acceptability; negotiate contracts, intergovernmental/municipal agreements and leases along with other documents upon request.
- Review various Village policies for legal correctness and acceptability. These may include personnel manual, family medical leave act, affordable health care act, technology policy, and all others designated by the Village Manager or Board of Trustees
- Attend the following meetings, which occur during the evenings:
Board of Trustees (typically twice a month)

Planning Board (typically once a month)

Zoning Board (typically once a month)

- Attendance may also be required at other scheduled Board of Trustees, Planning Board or Zoning Board meetings on a request basis.
- Assist with union contract negotiations, including arbitration, grievance resolution, mediation or fact-finding.
- Provide in-service training to Village officials and departments on a variety of issues as requested.
- Act as prosecutor in Village Justice Court and coordinate proceedings with county and state district attorneys.
- Perform other legal services as requested.

The Village attorney will be expected to provide legal services to address grievance resolution, fact-finding, arbitration and litigation as needed. Such services may be paid on a fee schedule.

General Specifications

The following provisions will also apply:

- Timeliness of response and accessibility of the Village attorney is an important aspect of the service. Accessibility and responsiveness of the Village attorney is of greatest importance to the Village. It is of paramount importance that the Village attorney generally be available to attend meetings in person on short notice, and is reachable by telephone, cell phone or e-mail at all times.
- Service response is of high importance in the delivery of legal services. The respondents must provide estimated time of completion for a given assignment, and keep the requesting party apprised of any delays or special consideration.
- The Village attorney shall provide detailed itemized statements on a monthly basis service provided during the term of this agreement.

The Village does not provide office space for the office of the Village attorney

Proposal Submission Process

Proposals received after the deadline will not be accepted. It is neither the Village's responsibility nor practice to acknowledge receipt of any proposal. It is the responder's responsibility to ensure that proposals are received by the deadline. The Village will not reimburse any expenses incurred by the responder, including but not limited to expense associated with the preparation, submission of this response or the expense associated required by a personal interview as part of the review process.

Interested firm shall submit a fixed fee price for identified legal service that takes into consideration all labor, materials and resources necessary for the performance of this contract.

Interested firm shall also submit a fee schedule for specialized legal services such as labor relations, litigation or any specialized work (if applicable to the proposal).

The Village expects that responders shall consent to the scope of work and general specifications. Exceptions desired must be clearly noted in the proposal submitted

All interested firms should provide seven copies of a written proposal and respond to each inquiry in the order below. Please attach one original and six copies of the proposal.

All proposals shall contain the following information:

Firm Experience

1. Provide background and history of the firm and number of attorneys employed, an organizational chart and a description of the office organization.
2. Provide the law firm's philosophy of public service and municipal law, administration.
3. Provide overall experience summary of the law firm's knowledge in municipal/public-sector law and issues related to local, county, state and federal government operations.
4. Identify the specific experience of the firm in all phases of labor relations, contract negotiation, including mediation, fact-finding and arbitration.
5. Identify the specific experience of the firm in specialized areas, including but not limited to municipal issues, governmental operations, open meetings, freedom of information, public finance, land-use zoning, growth management, freedom of information, intergovernmental relations, building code, human resources, personnel and any additional legal areas that will identify the focus of the firm.
6. Describe your legal library and research capabilities with specific emphasis on municipal law publications, computer services, and the firm's capability to provide a response time for legal reports and memoranda.
7. The firm should have adequate office space staff and resource materials and library that are readily available. Indicate the location of the primary office and those attorneys expected to be assigned to the service and provide the name, address telephone number, e-mail and fax numbers of the firm.
8. The submitting firm will provide evidence and describe malpractice insurance coverage, carrier limits and exemptions.

Attorney Information

9. Designate/name the primary contact and identify those who would be working in more specialized areas. Describe the current principal responsibilities for the individual designated as lead attorney.
10. Include current resume for each attorney assigned to the Village. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, and areas of responsibility with the firm. Submit background or experience which can be helpful in evaluating this proposal.

11. Specify the organizational structure applicable to this contract, including the lead attorney and the relationship of any assisting attorney to the lead attorney.
12. Kindly indicate if specialty attorneys are an additional resource available through the firm, in addition to the named team to meet special or unusual needs. Please specify briefly and identify those individuals, their specialties and the resources identified which extend the capabilities of the firm to provide municipal assistance in other areas not specified in this proposal
13. Provide information regarding the number of paralegals and any other specialties and number and position titles of support personnel, specifically identifying those who may be providing a service to the Village.

Accessibility and Responsiveness

14. Provide an assessment of the availability of the attorney and other professional staff to be assigned to contract with the Village. This includes availability of attorneys available in case of illness, turnover or loss of key personnel.
15. Provide a statement of how the workload of the Village will be accommodated. Specifically, what will be the order of priority the Village as a client will be given. Be certain to address items outlined in the scope of service section proposal, expand upon each item and set forth the firm's approach/ability to carry out each activity. Include description of the proposed allocation of work between the attorneys and the support personal identified.
16. It is important to know who the lead attorney will be and what work will be handled by junior partners and associates or paralegals.

Proposed Fee Structure

17. All fees must be clearly stated in the proposal. Please provide billing information for anticipated two-year contract. Fees for any extensions will be negotiated at that time.
18. Proposal requires a fixed fee and must include all the service costs. Responders must identify the rate for other costs items proposed if it is anticipated there will be itemized bills (if any, which may include photocopying, computer fees, overhead factor etc.) The Village will pay the annual fixed fee in equal monthly installments.

Special litigation services may include but not be limited to grievance arbitration, fact-finding arbitration, litigation or tax certiorari or protracted litigation. Responders should provide cost estimates of hourly fees and costs the firm will charge for such legal services. List the fee per hour for principal attorneys, other firm attorneys and support personnel. Identify the minimum increment of time for legal service (phone calls, correspondence, personal conferences etc).

Note: the Village may retain its current specialized legal service arrangement for property tax assessment challenges and management of tax certiorari cases. Responders are instructed to provide a separate cost to provide this service.

19. Provide schedule for reimbursable expenses (i.e. court filing fees disposition, costs, mileage, travel time, additional meetings beyond those identified in the scope of work).

Conflict of Interest

- 20. Indicate whether firm currently represents or has represented clients that may conflict with your ability to serve as the Village attorney.
- 21. Indicate if firm currently represents any real estate developers doing business with the Village.
- 22. Indicate whether firm currently represents any other local government entities having jurisdiction contiguous to Hastings-on-Hudson.
- 23. Indicate what procedures firm would utilize to identify and resolve conflicts of interest.

References

- 24. Provide a reference list of three recent local government municipal clients or other major clients. Particular attention will be given to local government client references. Please provide contact information including address, phone number, and e-mail address.

Submittal Description

Any firm wishing to respond to this request for proposals shall submit a nonbinding letter of intent to the Village of Hastings-on-Hudson prior to submitting any proposals. This letter should be signed by an individual with the authority to submit said letter. It should include a clear indication by the firm to respond to this request for proposal by the deadline. Said letter should include contact information to as to where any addendum or follow-up information should be directed. Said letter of intent shall be submitted no later than Feb. 7, 2014.

Letters of intent should be mailed or sent electronically to Francis A. Fobel, Village Manager, 7 Maple Ave. Hastings-on-Hudson New York; e-mail, Villagemanager@hastingsgov.org.

Submission should be contained in a sealed envelope. The exterior of the envelope should clearly be marked Legal Services Proposal, and must be received by Feb. 28, 2014 at the Village Clerk's office, 7 Maple Ave., Hastings-on-Hudson, NY 10706. Proposals received after this deadline will be considered late and not be opened. Only hardcopy written proposals may be submitted. Proposals received by e-mail will not be considered.

Clarifications or discrepancies in the specifications should be directed to Francis A. Fobel, Village Manager, 7 Maple Ave. Hastings-on-Hudson NY 10706 914-478-3420 Villagemanager@Hastingsgov.org.

Clarifications or any questions received will be sent to all interested parties. The Village shall not be responsible for any uncertainty in the specifications, if they are not identified and brought to our attention for clarification. Interested parties must notify the Village of any

omissions or errors in this document prior to the submission deadline, so that corrective addendum may be issued in a timely manner to all interested parties

Selection Process

The Village reserves the right to reject any and all proposals as to any irregularities and can request additional information from all respondents and further reserves the right to select the proposal which furthers the best interest of the Village.

The Village will select the responder by considering the proposed compensation, expertise, references, and proposal that are determined to be in the best interest of the Village. The Village reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the Village.

The Village may contact other known governmental clients (whether offered as references or otherwise obtained). The Village may review any information that will assist the Village in evaluating this proposal.

The Village retains the right to use reference information to make selection decisions.

Responders are expected to submit with the proposal a contract for services which will outline the business relationship with the Village. This contract will be viewed as an example the work to be performed by Village attorney, but will not be executed until award is made by the Board of Trustees.