

**BOROUGH of KENNETT SQUARE
REQUEST FOR PROPOSAL (RFP) for
BOROUGH SOLICITOR**

I. PURPOSE and INTENT

Through this Request for Proposal (RFP), the Borough of Kennett Square, hereinafter the "Borough", seeks to engage a vendor as Borough Solicitor for the calendar years January 1, 2019 to December 31, 2020, or upon appointment, whichever is sooner

II. PROPOSAL SUBMISSION

An original, clearly marked as the "ORIGINAL", plus five (5) full, complete and exact copies of each proposal shall be placed in a sealed envelope and must be marked with "Borough Solicitor" and addressed to:

Joseph C. Scalise
Borough Manager
Borough of Kennett Square
120 Marshall Street
Kennett Square, PA 19348

A copy of the proposal may also be emailed to jscalise@kennettsq.org

The proposal must be received no later than September 4, 2018, at 4:00 p.m.

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

Joseph Scalise, Borough Manager
jscalise@kennettsq.org

All documents/information submitted in response to this solicitation shall be available to the general public. The Borough will not be responsible for any costs associated with the oral or written and/or presentation of the proposals.

The Borough reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Borough further reserves the right to make such investigations as it deems necessary in reference to the qualifications of any or all vendors submitting proposals.

III. GENERAL INFORMATION ABOUT BOROUGH of KENNETT SQUARE

The Borough is located in Chester County, Pennsylvania. It is known as the Mushroom Capital of the World because mushroom farming produces over a million pounds of mushrooms a day. It operates under a Council-Manager form of government, with a seven-member Borough Council, a Mayor, and a Borough Manager. The Borough is 1.07 square miles and has 20.4 miles of Borough-owned roads and 4.6 miles of state-owned roads. The 2010 estimated population is 6,072. The Borough has an annual General Fund budget of \$4.6 million. The Borough has 21 Non-uniform full-time employees, 5 Non-uniform part-time employees, plus 4 seasonal Non-

uniform employees. The Borough's Police Department has 13 Uniform full-time employees and 4 Uniform part-time employees. As of January 1, 2018, the Borough has a total of 47 employees. Borough Council holds their public meetings on the first and third Mondays of each month unless otherwise posted.

IV. DUTIES OF SOLICITOR

- A.** Prepare or approve, if directed, or requested to do so by Council or the Mayor, any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the Borough or any department of the Borough may be a party.
- B.** Commence and prosecute all actions brought by the Borough for or on account of any of the estates, rights, trusts, privileges, claims or demands of the Borough, as well as defend the Borough or any Borough Officer against all actions or suits brought against the Borough or Borough officers in which any of the estates, rights, privileges, trusts, ordinances or accounts of the Borough may be brought in question before any Court in this Commonwealth.
- C.** Perform every other professional act incident to the office which the Borough Solicitor may be authorized or required to do by the Council or the Mayor.

V. MINIMUM QUALIFICATIONS

- A.** All applicants for the position of Borough Solicitor shall have the following minimum qualifications:
 - 1. If the Applicant is a one person law firm, then the person must be licensed to practice law in the Commonwealth of Pennsylvania.
 - 2. If the Applicant is a partnership, association or professional corporation, then the lawyers who perform work for the Borough shall be licensed to practice law in the Commonwealth of Pennsylvania.
 - 3. The Applicant must have experience in municipal law, municipal litigation and tort claim laws, Pennsylvania employment and personnel issues. The Applicant, or the primary attorney assigned by a multi-attorney law firm hired as Solicitor shall have ten (10) years' experience as a Borough Solicitor in a municipality in the Commonwealth of Pennsylvania, five years of which should be in a municipality in the Commonwealth of Pennsylvania, and five years of which should be in a municipality with a general fund budget of at least \$4 million.
- B.** The applicant also must demonstrate a high degree of knowledge, experience, and ability with the following:
 - 1. The operation of local governmental units in Pennsylvania;
 - 2. Acquisition and disposition of real estate (Open Space);
 - 3. Municipal Land Use Law;
 - 4. Extensive knowledge of Local Public Contracts Law;

5. Sale of Borough real estate and/or property;
6. Assembling Employment Practices Liability (EPL) policies to protect the Borough;
7. Experience in Council-Manager form of government;
8. Knowledgeable in government ethics, sunshine and right-to-know laws;
9. Attend and provide knowledgeable legal advice at Borough Council meetings, work sessions, and/or committee meetings, as requested;
10. Maintain availability by cell phone and e-mail and provide timely responses to staff and Borough Council inquiries;
11. Draft ordinances for the Council's approval, sometimes with the assistance of Council staff;
12. Assist Borough Council and staff with interpretations of codes, ordinances, and other applicable laws/regulations;
13. Draft and review agreements between the Borough and other entities;
14. Represent the Borough as needed in court proceedings; and
15. Recommend outside legal counsel to represent the Borough under circumstances where this is warranted. Work with (or supervise) outside legal counsel in representing the Borough.

- C. Include a list of any other professional qualifications, experiences and/or credentials you believe are relevant to the RFP.

VI. MANDATORY PROPOSAL CONTENT

In addition to demonstrating an ability to meet all minimum qualifications, the firm must also include and address the following:

- A. Contact Information: Provide the name and addresses 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 Borough.
- B. A fee proposal for the 2019 calendar year. A proposal showing minimum and maximum ranges is not acceptable. The Applicant charging an hourly rate shall set forth the hourly rate of all professionals who will be performing work for the Borough.
- C. An executive summary of not more than two (2) pages in which the applicant substantiates the reason (s) the vendor is best qualified to provide the requested services.
- D. A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's 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 vendor.
- E. A description of the vendor's 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.
- F. The location of the vendor's office, if other than the vendor's main office, at which the vendor proposes to perform services required under this RFP. Describe your presence in Pennsylvania and any familiarity your firm has with the Southern Chester County Area.
- G. 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.

- H. If the vendor 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.
- I. A description of any ongoing investigations 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 vendor in the proposed field of expertise.
- J. 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 Borough.

VII. THE INTERVIEW

The Borough Manager and Borough Council reserve the right to interview any and all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Borough reserves the right to request clarifying information subsequent to submission of the proposal.

VIII. SELECTION PROCESS

All proposals will be reviewed by the Borough Manager and Borough Council to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy the Minimum Qualifications and the Mandatory Proposal Content portions of the application, the Borough'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 vendor's general approach to providing the services required under this RFP.
- B. The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.
- C. The qualification and experience of the vendor'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 vendor 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 vendor to perform the services required by this RFP, the availability and commitment to the engagement of the vendor's management, supervisory, and other staff proposed.
- E. Costs and fee schedules.

SELECTION AND CONTRACT

The Borough will select the vendor deemed most advantageous to the Borough, with price and other factors considered. The resulting contract will include this RFP, any clarifications of addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.