

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Authorizing the publication of a Request for Proposals for Allegheny County Council Solicitor.

Whereas, as noted by the preamble to the Home Rule Charter of Allegheny County, the separation of powers within County government is a fundamental goal of home rule: “[a] home rule government that separates the legislative and executive functions previously vested solely in the Board of County Commissioners will provide checks and balances on the powers of government and protect the rights, privileges and powers reserved or guaranteed to the people by the Constitutions of the United States of America and the Commonwealth of Pennsylvania;” and

Whereas, as also noted by the Charter preamble: “[a] home rule government with a legislative County Council with members elected by district and at large will represent the diversity of our County’s citizens and provide better access to County government;” and

Whereas, since shortly after its inception, Allegheny County Council has retained the services of a solicitor independent of the Allegheny County Law Department; and

Whereas, it is the judgment of Allegheny County Council that continuing to retain independent counsel inures to the benefit of the residents and taxpayers of Allegheny County, insofar as it advances the expressly stated goal of the separation of powers, and also improves the efficiency and functionality with which the Council remains accessible to and represents the diversity of the County’s citizens; and

Whereas, it is accordingly the desire of Council to request proposals from attorneys and law firms with relevant experience and training to provide continuing legal representation to the Council;

The Council of the County of Allegheny therefore hereby moves as follows:

Allegheny County Council hereby authorizes the publication of notice of the Request for Proposals for Allegheny County Solicitor attached hereto: (1) to the County website no later than February 1, 2022, and (2) to the newspaper of general circulation within the County in which Council’s 2022 meeting schedule was published as soon as is practicable after the passage of this Motion.

PRIMARY SPONSOR: PRESIDENT CATENA

CO-SPONSORS:

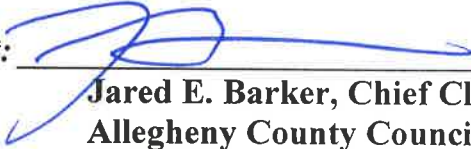
Read and approved in Council, this 25th *day of* January, 2022,

Council Agenda No. 12174-22



Patrick Catena
President of Council

Attest:



Jared E. Barker, Chief Clerk
Allegheny County Council



REQUEST FOR PROPOSAL (RFP)
For
ALLEGHENY COUNTY COUNCIL SOLICITOR

Issue Date: February 1, 2022

PROPOSALS DUE: Friday, March 11, 2022 by 10:00am

Late proposals will be rejected and returned unopened.

Information concerning this solicitation may be found at:
<https://www.alleghenycounty.us/county-council/index.aspx>

Deadline for Questions: March 4, 2022 at 5:00pm

Questions must be directed to
Allegheny County Council via e-mail: SolicitorRFP@AlleghenyCounty.US

There shall be no communication or questions asked to any Public Officials, or Employees of Allegheny County Council regarding this procurement. This will result in proposal rejection.

Instructions to Proposers

All spaces below are to be completed and the Proposal Letter on page two must be signed where indicated. Failure to sign and return Proposal Letter may cause rejection of the proposal.

PROPOSAL OF:

Company Name: _____

Contact Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Facsimile: _____

Email: _____

Submit Proposals to:
Allegheny County Council
ATTN: Ken Varhola
436 Grant Street – Room 119
Pittsburgh, PA 15219

RFP SOLICITOR PROPOSALS Due: Friday, March 11, 2022

PROPOSAL LETTER

It is understood and agreed that this proposal constitutes an offer, which when accepted in writing by the Allegheny County Council, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and Allegheny County Council.

It is understood and agreed that we have read the County's specifications shown or referenced in the RFP and that this proposal is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this proposal meet or exceed any and all such County specifications. We further agree, if awarded a contract, to deliver goods and services which meet or exceed the specifications. Allegheny County Council reserves the right to reject any or all proposals, waive technicalities, and informalities, and to make an award in the best interest of the County.

It is understood and agreed that this proposal shall be valid and held open until May 1, 2022.

PROPOSAL SIGNATURE AND CERTIFICATION

(Bidder to sign and return with proposal)

I certify that this proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the proposer.

Print/Type Name: _____

Print/Type Company Name Here: _____

Authorized Signature Date: _____

RFP SOLICITOR PROPOSALS Due: March 11, 2022

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RFP SOLICITOR PROPOSALS Due: March 11, 2022

1.0 INTRODUCTION

1.1 Purpose of Procurement

Legal services for a qualified attorney or law firm to serve as Solicitor to Allegheny County Council.

Until January 1, 2000, Allegheny County's government was defined under Pennsylvania's Second-Class County Code. The county government was charged with all local activities, including elections, airports, and public health to name a few. All public offices were headed by elected citizens. There were three elected county commissioners. On January 1, 2000, the Home-Rule Charter went into effect. It replaced the three elected commissioners with an elected chief officer (the County Executive), a county council with 15 members (13 elected by district, two elected county-wide), and an appointed county manager. The changes were intended to maintain a separation of powers between the executive and legislative branches while providing greater citizen control.

The demand for services from day to day operation, infrastructure maintenance and long term capacity, and the ability to react, track, and respond internally and externally are top priorities for Allegheny County Council, while remaining independent of the Executive Branch of County Government, which functions separately.

Excellent performance and responsiveness are key service deliverables. Therefore, Allegheny County Council seeks to engage a firm, individual lawyer, or a consortium of firms or lawyers to serve as our Solicitor, commencing upon hiring.

1.2 Basic Guidelines for This Request for Proposals

Competitive sealed proposals shall be submitted in response hereto. All proposals submitted pursuant to this request shall be made in accordance with these instructions, specifications and all applicable laws and regulations. Fee & Price Certification shall be sealed in a separate envelope.

The proposals shall be evaluated in accordance with the evaluation criteria set forth in this Request for Proposal (RFP). Award shall be made to the responsible Proposer whose proposal is determined in writing to be the most advantageous for the Council, taking into account all of the evaluation factors set forth in this RFP. No other factors or criteria shall be used in the evaluation.

1.3 Restrictions on Communications with Staff. From the issue date of this RFP until a solicitor is selected and the selection is announced, Proposers are ONLY PERMITTED to communicate through Council Chief of Staff, Ken Varhola, or as provided by existing work agreement(s). For violation of this provision, the Council shall reserve the right to reject the proposal.

All questions concerning this RFP must be submitted in writing to:

SolicitorRFP@AlleghenyCounty.US

No questions other than written questions will be accepted and all questions and responses will be posted to the County Council webpage shortly after the questions deadline.

No response other than a mutually agreed upon official addendum to the contract shall be binding upon the Council.

2.0 DESCRIPTION OF REQUIREMENTS

2.1 Introduction

Allegheny County Council has established certain requirements with respect to proposals to be submitted by Proposers.

Whenever the terms "shall", "must", "will", or "is required" are used in the RFP, the specification being referred to is a mandatory requirement of this RFP. Failure to meet any mandatory requirement will be cause for rejection of Proposer's proposal. Whenever the terms "can", "may", or "should" are used in the RFP, the specification being referred to is a desirable and failure to provide any items so termed may not be cause for rejection, however, will probably cause a reduction in score awarded.

2.2 Scope of Work

I. PURPOSE AND INTENT

Through this Request for Proposal & Qualifications (RFP), Allegheny County Council (hereinafter “Council”) seeks to engage a firm, individual lawyer, or a consortium of firms or lawyers to serve as Solicitor of Allegheny County Council, commencing upon appointment.

This contract will be awarded through a fair and open process. This Request for Proposal & Qualifications (RFP) is part of a competitive procurement process, which helps to serve Allegheny County’s residents best interests. It also provides law firms a fair opportunity for their services to be considered.

The process of competitive negotiation being used in this case should not be confused with the different process of competitive sealed bidding. The latter process is usually used where the goods or services being procured can be described precisely and price is generally the determinative factor.

With competitive negotiation, however, price is not required to be the determinative factor, although it may be, and Council has the flexibility it needs to negotiate with law firms to arrive at a mutually agreeable relationship.

II. PROPOSAL SUBMISSION

An original, clearly marked as the “ORIGINAL”, 1 copy, and one (1 USB) electronic copy of each proposal shall be submitted in sealed envelopes and must be marked with “SOLICITOR PROFESSIONAL” and addressed to:

Allegheny County Council
ATTN: Ken Varhola
436 Grant Street – Room 119
Pittsburgh, PA 15219

The proposal must be received no later than March 11, 2022 at 10:00 a.m. Faxed proposals will NOT be accepted. Any questions or inquiries concerning this RFP should be emailed directly in writing to: SolicitorRFP@AlleghenyCounty.US

III. GENERAL PROVISIONS

All documents/information submitted in response to this solicitation may be available to the general public. Allegheny County Council will not be responsible for any costs associated with the oral or written, and/or presentation of the proposals. Allegheny County Council reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Council further reserves the right to make such investigations as it deems necessary as to the qualifications of all firms submitting proposals.

The Council reserves the right to re-solicit proposals.

IV. MANDATORY CONTENTS OF PROPOSAL

Definitions

While a submitting lawyer or entity does not have to match each item exactly, the following is what is generally meant when used in this RFP.

- Scope: magnitude of the project, and value of the contract.

The Proposer must be sure to 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 Council.

2) A fee proposal for a 12-month contract term including: a detailed listing of your firm's method of charging for professional and additional expenses of mailing, photocopying etc.; a listing of billable rates for all personnel of your firm; a description of expenses, multipliers, overhead charges and other applicable fee information; and, a description of minimum billings, if any.

RFP contents related to fee proposal must be in a separate envelope marked FEE Proposal and must include the Proposal Price Certification (Appendix A).

In addition to proposals that include straight hourly rate billing, the Council prefers alternative fee arrangements, including, without limitation, fixed fee or capped fee arrangements.

Proposers should clearly define the scope of work to be included and excluded (if any) from such arrangements. Any such arrangements may be proposed instead of or as an alternative to hourly billing arrangements. A proposal showing minimum and maximum ranges is not acceptable.

Please include the anticipated annual increase in your rate schedule and the percentage change in your rates, if any, over the last five (5) years. Also, provide a sample bill for services depicting the billing format utilized. All must be in the separate envelope marked FEE Proposal.

3) An executive summary of not more than two (2) pages, identifying and substantiating why the firm is best qualified to provide the requested services.

4) A staffing plan listing those persons who will be assigned to the engagement if the firm is selected, including the designation of the person who would be the firm'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. This 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 firm's experience, in performing services of the type described in this RFP. Specifically identify client size and specific examples of work within the scope of services required under this RFP in other municipalities. It is imperative to show experience related experience in other municipalities.

6) Identify what experience, if any, your firm has with municipal matters. List those clients for which you presently provide these services and those you previously served and the duration of the representation.

7) Identify to what extent your firm has litigated both in the Allegheny County Court of Common Pleas, as well as, before state and federal Courts. Please be sure to include litigation in Labor & Employment and any other litigation you deem appropriate.

8) The location of firm's office, if other than the firm's main office, at which the firm proposes to perform services required under this RFP. Describe your presence in Allegheny County and any familiarity that your firm has with municipalities in Southwestern Pennsylvania.

9) Five (5) references, including at least three (3) municipal clients, including 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.

10) If the firm or any principal therein has been subject to any professional disciplinary action within the last three (3) years, the bidder must provide a description of the event and the disciplinary action.

11) 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 firm in the proposed field of expertise.

12) Identify the municipal organizations to which your firm is a member and what municipal publications your firm currently receives.

13) Identify the five (5) most recent speaking engagements relative to municipal matters. Include the personnel involved and the topic of the engagements.

14) In its proposal, the firm must 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 Allegheny County Council. Identify what percentage, if any, of your practice is dedicated to representing local developers and businesses.

15) Allegheny County Council has meetings twice per month usually on a Tuesday beginning at 5:00 pm. In addition, various Committee meetings could be scheduled as needed on Tuesday, Wednesday, or Thursday starting at 4pm. There could be a need for special meetings as needed.

V. SUBCONTRACTORS

If the Firm intends to subcontract out any part of the work contained in the scope of this RFP, the Firm shall provide a complete description of the services to be subcontracted, an estimate of the overall amount of work to be subcontracted, the rationale behind the need to subcontract, and a comprehensive description of the qualifications and experience of the proposed subcontractor.

The Council reserves the right to disapprove any proposed subcontractor and to revoke previous approval of a subcontractor should the need arise.

VI. INDEMNIFICATION

The Proposer shall agree to enter into a written contract with the County Council for services and direct the Proposer's attention to standard County terms and conditions listed either in the RFP or provide a sample contract.

VII. INSURANCE

Detail the insurance coverage applicable to the services described herein. Such coverage must be adequate to sufficiently cover the services detailed herein and must include at a minimum, general liability insurance coverage and professional liability insurance coverage. Include insurance certificates summarizing such insurance coverage.

VIII. OTHER INFORMATION

Please discuss any other factors not mentioned above which you believe are relevant to Allegheny County Council's selection of your firm.

IX. INTERVIEW

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

X. SELECTION PROCESS

All proposals will be reviewed by Allegheny County Council or their designee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For firms that satisfy IV "Minimum Requirements" and V "Mandatory Contents of Proposal" Council'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 firm's general approach to providing the services required under this RFP.
- (b) The firm's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.
- (c) The qualifications and experience of the firm'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 firm 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 firm to perform the services required by this RFP; the availability and commitment to the engagement of the firm's management, supervisory and other staff proposed.

Additionally, the following criteria will be weighed in evaluating the qualification of each Proposer:

- 1. Experience, qualifications, and technical competence in the type of work required (25%)
- 2. Past performance on projects of comparable nature (25%)
- 3. Demonstration of consultant's approach to performing the work including an indication of the degree of availability the consultant anticipates in scheduling staff to meet project needs (25%)
- 4. References (25%)

XI. SELECTION AND CONTRACT

Allegheny County Council will select the firm deemed most advantageous to the Council, price and other factors considered. The resulting contract will include this

RFP, any clarifications or addenda thereto, the selected firm's proposal, and any changes negotiated by the parties.

3.0 PROPOSAL SUBMISSION AND EVALUATION

3.1 Requested Proposal Format

Each proposal should contain the following elements:

1. Letter of interest, including name of organization and project contact information.
2. Current resume of qualifications.
3. Direct response to each of the Selection Criteria below.
4. Any other pertinent information that will assist the Council in its decision.

At a minimum, the response must include the following information:

- a. The understanding of and approach to the project.
- b. Qualifications of the Consultant and experience in this type of work including a list of at least four (4) similar projects completed by the Consultant team members, with the names and phone numbers of key contact persons for those projects.
- c. The key staff persons who will be assigned to this project together with their experience and qualifications.
- d. The consultant shall provide a timeline with the submission of the proposal. The Council would prefer this study to be conducted and prepared as quickly as possible.

3.2 Signature Requirements

Proposals must be signed by a duly authorized official of the Proposer.

Each proposal should indicate the entity responsible for execution on behalf of the proposal team.

3.3 Submission of Proposals

Proposals must be submitted in two parts: a Proposal and Fee Proposal. The fee & certification proposal and proposal packages should be sealed in separate envelopes and identified as follows: RFP Fee Proposal/RFP Proposal, with your firms name.

***Fee proposal shall be SEALED in a separate envelope, which will not be opened until after other criteria have been considered.**

4.0 TERMS AND CONDITIONS

4.1 RFP Addenda

Allegheny County Council reserves the right to amend the RFP prior to the date of proposal submission. Addenda will be posted to Council's website at <https://www.alleghenycounty.us/county-council/index.aspx>.

4.2 Proposal Withdrawal

Prior to the proposal due date, a submitted proposal may be withdrawn by the Proposer by submitting a written request to the Purchasing Manager named herein. All such requests must be signed by a person authorized to sign for the Proposer. No proposal may be withdrawn after March 11, 2022.

4.3 Contract

Prior to award, the apparent winning Proposer will be required to enter into discussions with the Council to resolve any contractual differences before an award is made. These discussions are to be finalized and all exceptions resolved within five (5) calendar days of notification, if not, this could lead to rejection of the Proposer's proposal and discussions initiated with the second highest scoring Proposer.

4.4 Payment for Services

The Council will make payments to the successful Proposer on a monthly basis. Monthly invoices are required.

4.5 Conflict of Interest

If a Proposer has any existing client relationship(s) that involve the Council of Allegheny that would violate the Rules of Professional Conduct, the Proposer must disclose such relationship(s).

4.6 Confidentiality Requirements

Proposals are subject to the PA Right to Know Law and shall be deemed confidential pursuant to the terms of that statute.

4.7 PA Right to Know Law and Sunshine Act

All meetings of County Council are duly noticed public meetings and all documents submitted to the Council as a part of or in connection with a Proposal may constitute public records under PA law regardless of any person's claim that proprietary or trade secret information is contained therein. By submission to the County Council, Proposers waive the ability to declare their entire response to be proprietary information. The Proposer shall designate in the smallest increments possible, that part of the qualifications which is claimed to be proprietary. Proposals and all related correspondence are governed by the PA Right to Know Law and shall be provided to anyone properly requesting same, after contract award. The County Council cannot protect proprietary data submitted in vendor proposals except what is allowed under the Right to Know Law.

APPENDIX A

PROPOSAL PRICE CERTIFICATION

In compliance with the attached specification, the undersigned offers and agrees that if this proposal is accepted by County Council within one hundred and twenty (120) days of the date of proposal opening, that he or she will furnish any or all of the deliverables upon which prices are quoted, at the price set opposite each, to the designated point(s) within the time specified.

COMPANY

ADDRESS

AUTHORIZED SIGNATURE

PRINT / TYPE NAME

Cost proposal and Price Certification should be in a sealed envelope.