

**SOUTH WHITEHALL TOWNSHIP AUTHORITY
REQUEST FOR PROPOSALS AND QUALIFICATIONS (RFP)
FOR PROFESSIONAL AUTHORITY SOLICITOR SERVICES**

June 20, 2016



Submission deadline: Monday, August 1, 2016 – 12:00 pm

Contact:

Peter A. Pineda
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South Whitehall Township
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CONSULTING SOLICITOR (LAW FIRM) REQUEST FOR PROPOSALS AND QUALIFICATIONS

The South Whitehall Township Board of Authority is soliciting proposals and qualifications for its Authority Solicitor (Law Firm) position in accord with its June 20, 2016 RFP from those solicitors/ law firms with at least ten (10) years of Pennsylvania Municipal/Authority Solicitor experience. The RFP is available at the Township Municipal 4444 Walbert Avenue, Allentown, Pennsylvania, 18104 between the hours of 8 a.m. and 3:30 p.m. Monday thru Friday, excluding holidays or on the South Whitehall Township website at www.southwhitehall.com

All proposals shall be made upon letterhead stationery. One (1) clearly marked original and five (5) clearly marked complete copies (including all attachments) of each proposal shall be submitted and delivered to: Peter A. Pineda, Authority Manager, South Whitehall Township, 4444 Walbert Avenue, Allentown, Pennsylvania, 18104 prior to **12 p.m. on Monday, August 1, 2016**. Envelopes shall be sealed and marked **“Proposal and Qualifications for Authority Solicitor Services”**.

The South Whitehall Township Board of Authority reserves the right to choose the proposal(s) which, in their judgment, is best suited for the intended purposes and reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Authority reserves the right to re-solicit proposals. The Authority may appoint one Authority Solicitor and/or other consulting solicitors.

Peter A. Pineda
Authority Manager

II. GENERAL INFORMATION ON SOUTH WHITEHALL TOWNSHIP AUTHORITY

South Whitehall Township Authority (SWTA) is located in Lehigh County, Pennsylvania and operates under the Pennsylvania Municipal Authorities Act with a five (5) member Board of Authority and an Authority Manager. SWTA's service area is approximately 17 square miles located within Township boundaries, for which it supplies drinking water and sanitary sewer service to approximately 6,700 customers. The total system currently owned by SWTA consists of approximately 94.5 miles of water mains and 118 miles of sanitary sewer mains. The water treatment and distribution system also includes nine production wells; a 500,000-gallon capacity elevated storage tank; a 3,000,000-gallon capacity ground level concrete reservoir and related chlorination facilities.

Water System

Miles of Water Mains: 94.5

Number of Production Wells: 9

Number of Booster Pump Stations: 13

Number of Interconnections: 3

Sewer System

Miles of Sanitary Sewer Main: 118

Number of Meter Stations: 6

The Board of Authority meets the third Monday at 3:00 P.M. EST of each month for their regular public meeting.

III. SCOPE OF SERVICES

The Scope of Services required under this Request for Proposals includes serving as the Authority Solicitor providing general, as assigned, professional law firm services. The selected Professional will also be expected to provide specialized professional services to the Authority on an as needed basis. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the professional will be expected to return a phone call to the Authority on the same day, evening, night and/or over a weekend. The professional is expected to be available to provide advice to the Authority during non-business hours including the attendance at meetings when requested. In general, the scope of service also includes, but is not limited to, the following areas of the law:

1. Labour Law

- a. Police labour negotiations, Act 111
- b. Teamsters union negotiations
- c. Human resources consulting
- d. Creation of meaningful and defensible job descriptions
- e. Employee handbooks
- f. Pension issues, Act 600
- g. Civil Service rules and commissions
- h. Employee grievances

2. Community Development

- a. Zoning
- b. Zoning enforcement
- c. Land development
- d. Ordinance drafting
- e. Comprehensive Plan implementation
- f. Ordinance codification
- g. Fire and Emergency Services
- h. Building code appeals and enforcement
- i. Planning Commission representation
- j. Street and road vacations

3. Public Works

- a. Public bidding and procurement
- b. Prevailing Wage Law
- c. L&L requirements and enforcement
- d. Floor plain and Storm water law
- e. Road law
- f. NPDES rules and permitting processes
- g. Municipal construction projects

- h. Penn DOT Highway occupancy permitting
- i. Parks and recreation
- j. Eminent Domain law and condemnation practices
- k. Sanitary sewerage collection and inter-municipal agreements requirements

4. Administration

- a. Municipal Authorities Act
- b. Sunshine law
- c. Open Records Act
- d. General municipal litigation
- e. Political Subdivision Tort Claims Act limitations
- f. Public official and employee indemnification
- g. Police and civil rights litigation
- h. First amendment claims and challenges
- i. COGS and other Intergovernmental Cooperation pacts
- j. Grants

5. Finance

- a. Business Privilege Tax collection and litigation
- b. Tax and fee notice requirements
- c. Admission and Amusement Taxes
- d. Earned Income Taxation
- e. Cable TV Franchises and Taxation
- f. Bond and loan financing; DCED requirements
- g. Insurance
- h. Risk management
- i. Expenditure restrictions on Municipal Authority Act
- j. Real estate tax assessment appeals
- k. Municipal liens and collection
- l. Solid waste collection and billing
- m. Yard waste collection and billing

If a consultant intends to subcontract out any part of the work, the consultant 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 Authority reserves the right to disapprove any proposed subcontractor while appointing the consultant to the position of Authority Solicitor and to independently appoint one or more consultants to provide services which the appointed Authority Solicitor proposes to subcontract.

IV. TERM

The position for the services shall be subject to renewal in accord with the Pennsylvania Municipal Authorities Act or otherwise determined by the Board of Authority. The Board of Authority reserves the right to terminate the position at any time with 30 days prior written notice. The firm serves at-will at the direction of the Board of Authority. The Authority anticipates that the position of Authority Solicitor will be subject to future requests for proposals approximately every four (4) years, though the Authority may elect not to issue any such request for proposals.

V. SELECTION PROCESS

The Authority will utilize the following general selection process in determining the most qualified and best consultant to serve as its Solicitor.

1. Interested consulting solicitors (consultant) will provide written statements of qualifications (SOQs) to the Authority based on the guidelines and information in this RFP.
2. Consultant(s) shall be currently licensed to practice law in the Commonwealth of Pennsylvania and otherwise licensed to perform the professional services identified in the RFP.
3. South Whitehall Township Authority will review and rank all SOQs based upon the criteria established in this RFP
4. Firms will be short-listed to participate in an interview process. Additional evaluation steps may include, but not be limited to, an interview, a review of the firm's solicitor fee structure, a check of reference, etc.

The final determination will be made by the South Whitehall Township Board of Authority for appointment. The Board of Authority reserves the right to reject any or all proposals, with or without cause, and to waive any defects or irregularities in the best interest of the Authority. The Board of Authority reserves the right to make an appointment in the best interest of the Authority and to appoint the firm that it determines would best serve the Authority's needs, which shall remain within the sole discretion of the Board of Authority.

VI. SOQ CONTENT

The SOQ must include the following:

A. Cover Letter

All SOQs must include a cover letter to the attention of Peter A. Pineda, Authority Manager, and be signed by a person legally authorized to bind the applicant to its Proposal. The cover letter must include the firm name, the names of local partners/principals and the number of local personnel, address and telephone and fax numbers for the agency and email addresses of the person(s) who are authorized to represent the proposer.

B. Personnel

1. Biographical information of firm, principal and associates who will be assigned to the Authority's engagement; and
2. Provide resumes and indicate their experience in authority and municipal solicitor services; describe the staffing level that would be assigned to South Whitehall Township Authority.

C. Level of Service

Indicate whether your firm can provide on a quick response basis, year round expert professional law firm services to the Authority on typical authority and municipal solicitor matters.

D. References

List of Pennsylvania authorities or local municipalities where your firm presently serves as authority or municipal solicitor and/or provide similar services.

E. Fees

The Authority expects to pay hourly fee(s) for the services provided by the solicitor and/or firm, except for attendance to BOA meetings which is further detailed below. All firms must indicate the hourly fee charged for the proposed services by the grade of the employee(s) to be assigned to the Authority. Proposals should indicate anticipated fee increases for at least four (4) years, though future fee increases shall be subject to approval of the Board of Authority prior to the fees becoming effective. If additional services such as travel, copying, phone calls or other charges will be billed in addition to the proposed hourly fee, such should be indicated within the SOQ.

1. The Authority expects to pay a flat fee per Board of Authority (BOA) Meeting for which a solicitor is required to attend. Generally, this would consist of one monthly public meeting which is held on the third Monday of each calendar month at 3:00 P.M. EST.; however the BOA may at its election choose to have more than one meeting per month where a solicitor will also be required to attend (e.g. workshop).

F. Legal Experience

1. State why you wish to provide legal services to South Whitehall Township Authority
2. Describe your law firm, with specific reference to experience relevant to the legal service needs of the Authority
3. Identify the individuals in your firm with primary responsibility for our account. With regard to each, describe his or her experience most relevant to the legal service needs of the Authority
4. Describe any teaching or legal publications members of your firm have done in fields relevant to municipal representation
5. Describe what you believe to be functions a municipal solicitor should serve
6. Describe a circumstance or circumstances in which you believe that you assisted a municipal client in achieving a policy milestone
7. Describe a situation or circumstance in which you believe that you assisted a municipal client in achieving significant cost savings.
8. Describe you and/or your firms legal experience with the following:
 - a. Experience in working with government, including municipalities
 - b. Experience in subdivision, land development and environmental matters
 - c. Experience in drafting ordinances and amendments to ordinances
 - d. Some knowledge of bonding and financing procedures
 - e. Litigation experience for plaintiffs and defendants, not only at the Common Pleas level, but at the Commonwealth Court level as well
 - f. Experience and knowledge of personnel law in federal, state and local levels, including pension operations and statements, civil law, unemployment compensation and civil rights. Knowledge of uniform and non-uniform employee laws and experience in handling these matters before various administrative and judicial organizations
 - g. Business law, particularly in the areas of bankruptcy, contracts and purchasing
 - h. Knowledge of state laws, codes and regulations
 - i. Expertise in tax law, debt collection, business law, bankruptcy, real estate, construction, contracts, management and dispute resolution; various administrative and judicial procedures
 - j. Expertise in writing deed descriptions for property transfers
 - k. Knowledge and expertise in implementation of property acquisition

- l. Expertise in the review of contract documents for contractors: performance, responsibilities, and liability requirements
- m. Expertise in the review of risk management for construction contracts
- n. Expertise in the review of reimbursement agreements with State or Federal agencies for Township projects

VII. PROCEDURES FOR EVALUATING PROPOSALS

The Authority will evaluate the SOQs based on, but not limited to, the criteria outlined in this document. The Authority may then complete additional evaluations on the consultants such as review of the firm's solicitor fee schedule, participation in an interview process, etc. Using a combination of the information provided in the SOQ and the additional information received from the interviews and evaluations, the Authority will make a final choice and award the engineering position to the most qualified consultant. A brief description of the primary selection criteria is provided below:

A. Experience and Reputation

Experience and reputation in the general field of Water and Sewerage Authority Law Firm, and consulting and related procedures, including providing law firm advice and assistance, maintaining Authority records, supervision of various Authority projects and contracts and related services.

2. As a minimum qualification, the professional to be appointed Authority Solicitor should have 10 years of experience in authority and public entity law firm services, including significant experience as a Solicitor preferably in Authorities of comparable size to the South Whitehall Township Authority.
3. The responding professional solicitor should be supported by a firm with sufficient professional/support staff to adequately provide services to the Authority.

B. Specific Knowledge

The Authority will give due weight to the familiarity of the responding professional solicitor with prior and on-going Authority law firm projects and procedures and the capability and ability of the professional to continue such matters, and the benefits obtained by reason of continuity in such matters. This should include experience with subdivision, land development and environmental matters, ordinances, amendments, deed, personnel law in federal, state and local levels, business law, state laws, codes, regulations, tax law, reviewing contract documents, risk management, and reimbursement agreements with State or Federal agencies for Authority projects.

C. Proximity of firm to South Whitehall Township Authority

Availability to accommodate the needs of the Authority. As reasonable accessibility is relevant consideration, the professional solicitor/firm should have its office within reasonable distance to the South Whitehall Township Authority. The position requires extensive interaction with Authority employees and officials, regular attendance at various project sites within the Township and meetings and conferences regularly. The responding solicitor/firm should provide details of adequate professional/support staff at its office so as to adequately provide for the Authority's services.

D. References

The Authority will perform reference checks for each candidate. A minimum of three (3) municipal clients in Pennsylvania where similar or related work was performed must be provided. References where the consultant has served as the solicitor are required. References should also be able to describe the firm's responsiveness, availability, and ability to complete assignments in a timely and orderly manner.

E. Consultant's Understanding and Approach and Quality of the SOQ

The selection criteria will allow the Authority to award the position on the quality of the SOQ, the consultant's understanding of the Authority's needs, the consultant's approval to the work and/or any other quality about the consultant's proposal that sets it apart from any others.

F. Conflict of Interest

The successful firm shall not have conflicts of interest with the Township, and shall address and resolve any individual matters involving a conflict in advance of appointment. Such conflicts shall be disclosed as part of the SOQ submission.

G. Insurance

Error & Omissions Insurance Policy (Copy of policy to be provided): (Minimum \$2,000,000 per occurrence/ \$4,000,000 aggregate)

VIII. Questions

Direct any questions related to this RFP to Peter A. Pineda, Authority Manager, South Whitehall Township at pinedap@southwhitehall.com