

**REQUEST FOR PROPOSAL
FOR MUNICIPAL LEGAL SERVICES**

TOWN OF BARRINGTON

INTRODUCTION

The Town of Barrington is seeking to retain legal counsel to handle all legal matters relating to the operation of town government, except the School Department and bond counsel services.

Proposals, in accordance with the specifications and directions provided herein, will be received as follows:

Peter A. DeAngelis, Jr., Town Manager
Barrington Town Hall
283 County Road
Barrington, RI 02806

Proposals must be received no later than 11:00 AM on Friday, January 30, 2015. Proposals must be sealed and clearly marked "Proposal for Legal Services" on the exterior of the envelope.

The Town Council may retain a single law firm or multiple law firms within which members will function as the Town Solicitor and Assistant Town Solicitors in one or more of the following designated areas of specialties:

<u>Position</u>	<u>Area of Service</u>
Town Solicitor	General Counsel and coordinator of all Assistant Town Solicitors
Assistant Town Solicitor	Criminal Prosecution for Barrington Police Department
Assistant Town Solicitor	Zoning and Planning
Assistant Town Solicitor	Labor

Barrington Home Rule Charter Requirements

Section 14-1-1 of the Barrington Town Charter establishes the following qualifications and duties for the appointment to the position of Town Solicitor:

There shall be a Town Solicitor who shall be appointed by the Council for a term not to exceed five (5) years. The Council may also appoint one or more Assistant Town Solicitors as it may deem advisable from time to time to serve for a term not to exceed five (5) years.

- a. The Town Solicitor and any Assistant Town Solicitor shall be attorneys-at-law in good standing who have been admitted to the practice of law in this State.
- b. The Town Solicitor and any Assistant Town Solicitor need not be required to devote full time to the duties of their office. The Council, or in matters involving the school department, the School Committee, may authorize payment to the Town Solicitor, Assistant Town Solicitor or other counsel specially retained, within the limits of available appropriation.
- c. The Town Solicitor, with the assistance of any Assistant Town Solicitor, shall be attorney for the Town and legal advisor to the Council, the School Committee, Town Manager and all other offices, departments and agencies of the Town. The Solicitor or any Assistant Town Solicitor shall appear for and protect the rights of the Town in all actions, suits or proceedings, civil or criminal, brought by or against it or for or against any of its offices, departments or agencies, and shall perform such other duties as the Council or the School Committee may require. Nothing herein contained shall prevent the Town Council or the School Committee from retaining special counsel in such cases or other matters as each such body shall deem advisable.
- d. The Town Solicitor or any Assistant Town Solicitor shall examine and approve the forms of all ordinances and resolutions and the forms of all invitations for bids, contracts and other legal documents sent out by any office, department or agency of the Town.

General Position Descriptions

Town Solicitor

The Town Solicitor, with the assistance of any Assistant Town Solicitors, shall be the attorney for the Town and legal advisor to the Town Council, Town Manager, and all other offices, departments, and agencies of the Town. The Town Solicitor must have at least ten (10) years' experience in the general practice of law, including at least five (5) years' active experience representing Rhode Island municipal governments.

The Town Solicitor or designated Assistant Town Solicitors shall appear for and protect the rights of the Town in all actions, suits, or proceedings civil or criminal brought by or against it or for or against any of its offices, departments, or agencies and shall perform such other duties as the Council may require.

The Town Council may retain special counsel in such cases or other matters as the Town Council shall deem advisable. The Town Solicitor shall assist and advise in this respect. The Town Solicitor will coordinate the transmission of cases referable to legal counsel of the Town's insurance carriers which may be obligated to furnish the defense of liability suits.

The Town Solicitor shall retain full responsibility for review of all cases that have been transferred to outside counsel. The Town Solicitor shall provide the Town Council with quarterly reports summarizing the status of all pending litigation including those cases represented by outside counsel.

The Town Solicitor shall examine and approve the forms of all ordinances and resolutions and the forms of all invitations for bids, contracts and other legal documents sent out by any office, department, or agency of the town. Legal responsibilities not assigned to an Assistant Town Solicitor shall be that of the Town Solicitor. The Town Solicitor shall also perform the duties of probate judge in the absence of the probate judge or when the probate judge is unable to perform his or her duties.

Attendance at all Town Council meetings and work sessions is required unless excused by the Town Council. Attendance will also be required from time to time at meetings of Town boards, commissions, and committees.

The Town Solicitor shall handle all suits brought against the Town, its officials, departments, and agencies or suits initiated by the Town as authorized by the Town Council. Actions covered by this area of responsibility are normally heard in the Superior Court of Rhode Island and would include any appeals therefrom.

Telephone communications between the Town Solicitor and Town officials will transpire on an as-needed basis and the Town Solicitor will be on call seven days per week in the event of an emergency. Phone calls for advice from the general public will not be entertained without the approval of the Town Council and/or Town Manager.

The Town Solicitor shall work directly with the Town Manager, Town Clerk, Town Finance Director, and the Town's administrative staff on a wide range of municipal issues. At the request of the Town Solicitor, the Town Manager will establish a priority order for providing legal services to the administrative staff.

The Town Solicitor shall perform such other duties as directed by the Town Council. The Town Solicitor shall remain neutral on all political issues. The Town Solicitor shall continue to serve in the capacity of Town Solicitor until such time as he or she is replaced by the Town Council or after providing the Town Council with no less than a sixty (60) day notice of resignation.

Assistant Town Solicitor - Criminal Prosecution

The Town's criminal prosecutor will work under the general supervision of the Town Solicitor and will work directly with the Police Department and its personnel. This position provides legal counsel to handle all misdemeanor criminal prosecutions of the Town in both the district and family courts, including any appeals therefrom.

The Assistant Town Solicitor – Criminal Prosecution must have at least two (2) years' experience

in criminal prosecutions and be willing to conduct interviews of police witnesses at the Barrington Police Station. Legal advice will be transmitted to the Police Chief and his subordinates.

In-service training of police personnel in applicable criminal laws and procedures and court rulings may be required from time to time.

Assistant Town Solicitor - Zoning, Planning, and Inspections

The Town's zoning and planning attorney will work under the general supervision of the Town Solicitor and will receive direction from the chairpersons of the Zoning and Planning Boards and the Town Manager. The Assistant Town Solicitor must have two (2) years of active involvement in matters pertaining to Rhode Island zoning, planning, and other areas of land use law. Certification by the American Institute of Certified Planners is preferred.

The primary responsibility of this position relates to offering legal counsel to the Town's Planning Board, Zoning Board of Review, Town Planner and Code Enforcement Officer. The Assistant Town Solicitor shall also be responsible for representing the zoning and planning boards and the Town when judicial appeals are taken against the boards' decisions.

Legal advice pertaining to complex land use matters and land use ordinance development shall be provided on an ongoing basis. Periodic advice will be furnished to the Town's Building Officials relative to interpretation and enforcement actions involving the Zoning and Building Inspection and Enforcement Office. The Assistant Town Solicitor's attendance at all Planning and Zoning Board meetings and work sessions is required unless specifically excused by the Town Manager.

Assistant Town Solicitor - Labor

The Assistant Town Solicitor – Labor shall serve as the Town's primary labor attorney and will work under the general supervision of the Town Solicitor. The Assistant Town Solicitor shall work directly with the Town Manager and the Town's administrative staff on a wide range of labor issues, including, but not limited to: negotiation and drafting of collective bargaining agreements; negotiating and drafting of contracts for individual employees; reviewing, revising, and drafting personnel policies and procedures, including employee handbooks; representing the Town in grievances, mediation, and arbitrations relating to labor matters; representing the Town in court actions related to labor matters.

The Assistant Town Solicitor must have at least ten (10) years' experience in the general practice of law, including at least five (5) years' of specialized experience in representing municipal governments in labor matters.

Additional Requirements

The law firm/attorney shall indemnify the Town of Barrington from all suits, actions, or claims of any kind brought on account of any injuries or damages sustained by any person in

consequence of any negligence in performing this work, or on account of any act of commission by the attorney or the firm or its employees, or from any claims or amounts arising or uncovered under the law, ordinance, regulation, or decree violated by such attorney or firm. Any law firm or attorney representing the Town shall be required to carry professional liability insurance of not less than \$3,000,000 per claim. Proposals must specify the coverage limits of the firm's policy and include the cover page of the firm's policy.

Any attorney or firm who submits a proposal in response to the Request for Proposal shall disclose in its proposal any disciplinary actions and malpractice claims made against any attorney of the firm within the last ten (10) years, and whether any settlement or verdict or decision was rendered.

Any attorney or firm who submits a proposal in response to the Request for Proposal may be required to make an oral presentation of the proposal to the Barrington Town Council upon notification of such request. The contents of the proposal submitted by all interested parties responding to this RFP may become part of a written agreement between the Town of Barrington and said attorney or firm. All submissions shall be considered public documents.

Any party, including every attorney in the firm, submitting a response to this Request for Proposal shall be required to execute a written authorization for the release of records on file with the Disciplinary Counsel of the Rhode Island Supreme Court relative to complaints filed against the submitting attorney. This information shall not be made public; however, the Town Council reserves the right to question any of the information obtained from the Disciplinary Counsel during the public interview process. The Town shall only request information from the Disciplinary Counsel on those candidates that are to be interviewed by the Town Council.

The Town Council reserves the right to reject any or all proposals received in response to this request or to negotiate separately in any manner necessary to serve the best interests of the Town. Attorneys or firms whose proposals are not accepted will be notified.

The selected attorney or firm will be prohibited from assigning, conveying, subcontracting, or otherwise transferring this agreement or its rights, title, or interest therein, or its power to execute such agreement to any other person, company, or corporation, without the consent of the Town Council. The attorney or firm must also provide advance notification to the Town Manager of times when counsel will be unavailable (vacations, professional conferences, etc.) and the name (s) of legal counsel who will handle Town affairs in the absence of the principal.

The selected attorney or firm shall be required to provide a detailed monthly billing statement, in a manner acceptable to the Town Manager, documenting all hours (and portions thereof) employed providing legal services on behalf of the Town; as well as a monthly solicitors activity report for the Town Council.

The selected attorney or firm shall agree not to represent any client, or continue to represent any existing client, that may have a legal position, purpose, or interest that is adverse to the legal position, purpose, or interests of the Town of Barrington.

Application Requirements

Each applicant must respond to the following items in order for the application to be considered complete. (Please note that for purposes of this request, the term "law firm" or "firm" includes sole practitioner, partnerships, and multi-person law firm, etc.)

1. Provide a brief background of the law firm that is applying. (Date of establishment, area of practice, etc.). Also provide the resume of each candidate proposed for appointment.
2. Provide a general overview of how your firm proposes to represent the Town of Barrington. (What structure and expertise will be used?)
3. Provide background and professional references relative to the firm's expertise in the area (s) for which application is being made (where applicable):
 - Municipal law
 - Criminal Prosecution
 - Land Use and Zoning Law
 - Labor Law
4. If a lead attorney is to be assigned to Barrington as the "Town Solicitor," how will this person be selected? Include the individual's background and expertise in the general practice of law as well as the particular areas listed above.
5. It is important that the Town Solicitor or any Assistant Solicitor representing the Town not have any other clients that have or would be in conflict with Town issues. Specify if there are any actual or potential conflicts of interest with the Town. Include a disclosure of clients who have had dealings with the Town, including all boards and commissions. Explain how your firm would handle such conflicts. Also, set out any allowance in contract price if the Town has to retain other legal counsel because of a conflict of interest with your firm.
6. Present evidence of the firm's malpractice coverage meeting the requirements herein, including the policy cover page.
7. The attached sheet must be completed and submitted for every attorney of the firm, as a component of any formal response to this RFP. Failure to complete and submit this required sheet, which authorizes Disciplinary Counsel disclosure, shall be considered grounds for rejection of the tendered proposal.
8. Submit a proposed legal fee structure.
9. Please submit ten (10) complete copies of your proposal.

TOWN OF BARRINGTON, RHODE ISLAND
AUTHORIZATION FOR RELEASE OF DISCIPLINARY RECORDS

I hereby provide to the Disciplinary Counsel of the Rhode Island Supreme Court my written authorization for the release of any and all records including, but not limited to, complaints, investigation reports, recommendations, and sanction actions pertaining to any complaints filed against the undersigned with the Office of the Disciplinary Counsel.

Name of Candidate: _____

Signature: _____

Bar Registration Number: _____

Date: _____