

TOWN OF MONROE, NEW YORK

REQUEST FOR QUALIFICATIONS AND PROPOSALS

REGARDING

LEGAL COUNSEL FOR PLANNING BOARD MATTERS FOR THE TOWN OF MONROE, NEW YORK

ISSUE DATE: April 15, 2019
Response Due: May 1, 2019

THE TOWN OF MONROE, NEW YORK

c/o Office of the Town Clerk
1465 Orange Turnpike
Monroe, New York 10950
845-783-1900

REQUEST FOR PROPOSALS

This Request for Qualifications Proposals (“RFP”) is issued by the **TOWN OF MONROE, NEW YORK** to determine the eligibility of experienced Legal Counsel to provide legal services for Planning Board matters including compliance with zoning, subdivision and other laws of the Town of Monroe and with New York State and Federal environmental laws for the Town of Monroe. The purpose of this RFP is to establish the identity of individuals and organizations that are qualified for this service. (These persons or entities responding shall be referred to as “Respondents”).

I. INTRODUCTION

The Town of Monroe, New York (“Town”), desires professional legal services to represent the Town Planning Board with planning matters before the Town Planning Board and other authorized officials. The Town, as a municipal entity, has many requirements for legal services and only the most qualified professionals who provide the most effective and economic services will be selected.

II. WORK DESCRIPTION

The Town’s Planning Board Counsel will provide legal services as follows:

- (a) Serve in an advisory capacity to the Town’s Planning Board;
- (b) Handle matters arising from the administration and enforcement of the Town’s Code and all other related federal and state laws as they relate to the Planning Board;
- (c) Preparation for and attendance at all Planning Board meetings and work sessions, which are regularly scheduled twice a month, regular attendance at a daytime technical meeting once per month, specifically the 2nd Thursday and 3rd Tuesday for regular meetings;
- (d) Preparation for and attendance at any other meeting of the Planning Board, if requested by the respective Chair;
- (e) Planning Board Counsel will report to the Town Board and the Town Attorney, as requested;
- (f) Telephone and other conferences with as well as the provisions of legal advice to Town Planner;
- (g) Consultation with and provision of legal advice to Town Council Members regarding matters related to the Town Planning Board;
- (h) Consultation with and provision of legal advice to Town Engineer regarding matters related to the Town Planning Board;
- (i) Consultation with and provision of legal advice to Town Building Inspector regarding matters related to the Town Planning Board;

- (j) Legal research regarding Town laws, Codes, rules and regulations related to the Town Planning Board;
- (k) Draft of opinion letters regarding Town laws, Codes, rules and regulations related to the Town Planning Board; and
- (l) Preparation and review of Resolutions, Public Improvement Security Agreements and other related documents.

III. CONSIDERATIONS OF PROPOSALS

Proposals must be received no later than May 1, 2019 at 2:00 o'clock p.m. The Planning Board will evaluate the submitted proposals and provide a recommendation to the Town Board for acceptance of a proposal (or rejection of all proposals). The determination of acceptance will be based upon the experience and qualifications in relation the criteria set forth herein and the Firm and approach to services. The Firm will be approved by way of a Town Board Resolution authorizing the Supervisor to execute any necessary documents to obtain such services, effective on or about May 1, 2019.

IV. REQUEST FOR PROPOSAL PROCESS

A. Submission of Applications

On or before the submission deadline, Respondents must submit their qualifications for Legal Counsel Services and any Proposals in accordance with the instructions contained herein. Submission of Qualifications and Proposals shall be deemed to be by permission of the Respondent for Town to make inquiries concerning the Respondent as deemed necessary by the Town.

B. Review and Selection

Respondents must make proper and timely submissions to be considered.

FAILURE TO MEET ANY REQUIREMENT SET FORTH HEREIN OR SUBSEQUENTLY DETERMINED OR TO PROVIDE THE COMPLETE INFORMATION REQUIRED MAY SOLELY AT THE DISCRETION OF THE TOWN BOARD DISQUALIFY THE RESPONDENT FROM CONSIDERATION FOR THIS PROJECT.

All Respondents will be rated according to competitive selection criteria described in Section V.

V. SELECTION CRITERIA

A. Threshold Criteria

- (1) Prior effective and economical provision of municipal legal services relating to planning services within New York State;
- (2) SEQRA experience and familiarity with New York State law;
- (3) Prior experience with the administration and enforcement of regulations, codes, and all federal and state related laws;
- (4) Responsiveness in working with municipal clients including proven ability to regularly maintain communication with the municipal officials and officers, including availability outside of traditional daytime working hours. Three references must be provided for municipal clients within last three years;
- (5) Minimum of two (2) active attorneys with municipal experience, including representing municipal Boards;
- (6) Current or prior representation in planning matters in past 5 years of at least three (3) cities, towns, villages or other governmental entities in the State of New York;
- (7) Provide a current list of municipal clients, including those specifically adjoining the Town of Monroe. Three references must be provided for municipal clients within last three years.

VI. SUBMISSION REQUIREMENTS

A. Contents of Proposal

Seven (7) originals and five (5) copies of each application and supporting documentation shall be submitted to the Town on or before May 1, 2019 at 2:00 o'clock p.m. The original applications must be signed by an authorized representative of the Respondent.

- (1) A completed statement of the Respondent's organization, principal officers and principal offices.
- (2) A complete statement of any municipal legal services experience of the Respondent. List significant legal services involved in within the last five (5) years, including experience in meeting threshold criteria above.
- (3) Resumes for proposed primary principals involved and staff members who would work with the Town.
- (4) All Respondents must submit a detailed statement of the services to be performed and the costs and fees, hourly rates, fee schedule and other direct costs anticipated to be incurred as well as the hourly rate for performing the work described in Section II herein.

- (5) Disclosure of potential conflicts of interest may be required during the selection process. The selected attorney will be required to comply with the New York Code of Professional Conduct applicable to attorneys.

Note: Application Submission

All applications become the property of the Town. The Town reserves its right to ask for additional information. Submissions will be promptly reviewed by the Town. Interviews and/or additional information may be requested by the Town. In order to be considered for designation, applications must be submitted to the Town Clerk by May 1, 2019 at 2:00 o'clock p.m.

Seven (7) original and five (5) copies of the applications must be delivered **by express mail, overnight delivery** to:

Town of Monroe
Office of the Town Clerk
1465 Orange Turnpike
Monroe, New York 10950

VII. TERMS AND CONDITIONS

This RFP is subject to the specific conditions, terms and limitations stated below:

- A. Any work shall be made to conform to, and be subject to, the provisions of the Town, and all other applicable laws, rules, regulations and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time.
- B. The Town is not obligated to pay, nor shall it in fact pay any losses incurred by any Respondent, including the cost of responding to this RFP, at any time.
- C. The Town reserves its right to reject at any time any or all submissions and/or withdraw this RFP in whole or in part, to negotiate with one or more qualified Respondent. Likewise, the Town reserves its right, at any time, to waive compliance with, or change any of the terms and conditions of this RFP and to entertain modifications and additions to the applications of the qualified Respondent.
- D. Selection of a Respondent for this Project will not create any rights on the Respondent's part, including without limitation, rights of enforcement, equity or reimbursement.
- E. This RFP and any agreement or documents resulting there from are subject to all applicable laws, rules and regulations promulgated by any federal, state or

municipal authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.

- F. This RFP does not represent any obligation or agreement on the part of the Town which may only be incurred or entered into by written Resolution or agreement which has been (i) approved as to form by the Town; (ii) approved by the Town Board; and (iii) duly executed by the Respondent and the Town. This RFP does not represent any obligation or agreement on the part of the Town, which may only be incurred or entered into by written agreement which has been executed by a Town official with delegated authority for such action.
- G. Respondent will disclose all direct and indirect, actual or potential conflicts of interest it or any of Respondent's personnel may have with the Town. Respondent agrees to promptly inform the Town in writing of any direct or indirect conflicts of interest at any time. A "direct or indirect conflict" is defined as any situation in which an individual has or may be reasonably construed to have a direct or indirect personal or financial interest in any business affairs of the Town whether because of a proposed contract or transaction to which the Town may be a party or may be interested or is under consideration, or whether such conflict is purely conceptual, because of similarity of business interests of affairs.
- H. All materials submitted in response to this RFP shall become the property of the Town and shall not be returned to the Respondent.
- I. The Town reserves its right to reject any and all proposals to waive any formality in proposals received, to accept or reject any or all of the items in the proposal, and award the contract in whole or in part if it is deemed in the Town's best interest. The Town may also choose to negotiate any of the details of proposals prior to contracting.
- J. No verbal agreement or conversation made or had at any time with any director, officer, agent, attorney or employee of the Town nor any oral representation by such party shall add to, detract from, affect or modify the terms of the RFP, unless specifically included in a written addendum issued by the Town.
- K. Elaborate statements of proposals are discouraged. Legibility, clarity and completeness are essential
- L. All inquiries regarding this RFP shall be directed in writing.

- M. Similarly, Respondents are discouraged from contacting the Town officials to discuss issues raised by this RFP. Such inquiries should be directed in writing to the Town Clerk at the address set forth on the front page of the document.
- N. This RFP does not commit the Town or any other entity to issue any other document or make any award.
- O. This RFP is not intended and shall not be construed to commit the Town to procure or to contract for any services.
- P. The Town reserves its right to negotiate an agreement with any Respondent to this RFP for one or more areas of legal services without issuing any RFP.
- Q. All costs incurred in connection with responding to this RFP and any subsequent RFP will be borne solely by the Respondent.
- R. The Town reserves its right in its sole discretion to reject, for any reason, any and all responses and to eliminate any and all Respondents responding to this RFP from further consideration.
- S. The Town reserves its right to eliminate any Respondent who submits incomplete, inaccurate or inadequate responses or is not responsive to the requirements of this RFP.
- T. The Town, solely in its discretion, reserves the right to determine Respondents who are qualified.
- U. The Town may qualify Respondents or accept proposals from those whose responses contain immaterial deviations from this RFP.
- V. The Town reserves its right, without prior notice, to supplement, amend or otherwise modify this RFP, or otherwise request additional information, or to withdraw this RFP at any time.
- W. The Town may, in its discretion, waive any provision herein as it deems in the best interests of the project and/or of the Town.
- X. All Proposal Statements become the property of the Town and will not be returned and may be made available to the public.

VIII. REPRESENTATIONS BY RESPONDENT

By responding to this RFP, each Respondent will be deemed to represent, acknowledge and consent to the Town that it has read all of the provisions of this RFP and fully understands its contents.

Has any Principal, Officer or Agent identified in this questionnaire, or any organization in which the Principal is or was a general partner, corporate officer, member or employee, or owned more than 20% of the entity been the subject of any of the following:

Yes No

1. Default on any contract obligation or agreement of any kind or nature entered into with the Town of Monroe or one of its departments?
2. In the past five (5) years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any governmental agency?
3. In the last seven (7) years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings?
4. In the last five (5) years, failed to file any required tax returns or failed to pay any applicable Federal, State of New York or Town taxes or other charges?
5. Been convicted of fraud, bribery, tax evasion or larceny?

If the answer to any questions is yes, provide the following information in a separate attachment about each instance: name of Principal; names of organizations, or corporations; Principal's status in the organization (e.g. officer); date of the action; and current status or disposition.

IX. SIGNATURE AND ACKNOWLEDGMENT

Responses to the RFP are hereby made under the penalties of perjury:

Name of Entity

Signature: _____

Print Name and Title: _____

