

AUGUST 21, 2019
TOWN OF UNION, BROOME COUNTY,
NEW YORK
REQUEST FOR QUALIFICATIONS
FOR PROFESSIONAL LEGAL CONSULTING SERVICES

The Town Board of the Town of Union, New York, Broome County, is soliciting proposals for legal services for the Town, Town Departments and its various boards.

1. Objective

The Town of Union, a municipal corporation in the State of New York, is seeking proposals from qualified Town Attorney candidates, Deputy Town Attorney candidates and law firms to provide a variety of legal services. Attorneys or firms may submit a proposal for*:

- A. General municipal law advice, guidance and legal services to the Town Board, Town Departments Town Planning Board Town Zoning Board of Appeals (when appointed Town Zoning Board Attorney is unable to provide services) and Town Local Development Corporation. Knowledge and experience would include, among other things: Bond/BAN/debt issuance, contract formation and review, district formation, district consolidation, Article 7 & 78 proceedings, EMS/Fire issues and contracts, environmental/SEQRA, FOIL/Open Meetings, Highway Law, Inter-municipal Agreements, Dog Control, Bidding/Purchasing, Construction Contracts, Engineer/Architect Agreements, Foreclosures, Easements, Deeds, Assessment Grievances, Administrative Search Warrants, Insurance - health, property and liability, Municipal code development and amendments.
- B. Employment & Labor Law/Negotiations along with Experience with Impasse Proceedings and the NYS Public Employer Relations Board (PERB, Employee Matters including Discipline and Investigations.

*The Town reserves the option of securing different firms for A and B.

2. Scope of Services

The selected firm will perform day-to-day duties for the Town including providing legal guidance, advice and legal services to the Supervisor, the Town Board, Department Heads and Administrative Boards such as the Planning and Zoning Boards (when appointed Zoning Board Attorney is unable to perform services). Routine duties include but are not limited to:

- 1. Advise on issues relating to Town and Town Laws governing the Town;
- 2. Advise on matters relating to zoning, land use, environmental matters and code enforcement;
- 3. Draft local legislation to include local laws and resolutions;

4. Provide guidance with respect to the State Environmental Quality Review Act (SEQRA);
5. Attend Town Board meetings and provides advice as needed;
6. Upon request, attend Planning Board, Zoning Board of appeals and other administrative board meetings and advise the boards as needed.
7. Counsel will be available for conferences, telephone consultation and special meetings with the Town Board and appropriately authorized Town personnel. Counsel will be available to draft and review letters, opinions and other legal documents and represent the Town in matters of litigation.
8. Counsel will review Town Board resolutions representing planning and zoning issues.

3. Compensation

The selected Town Attorney, Deputy Town Attorney and law firm will be paid by the Town on a monthly basis. At Town's option, the Town Attorney and Deputy Town Attorney shall be employees of the Town but with no benefits other than NYS retirement. All requests for payment are to be submitted in detail on the appropriate voucher to be provided by the Town. **Please note that, in some instances, payments will be made as a pass through from a developer or third-party who, as part of his/her project or arrangement is required to reimburse the Town for services rendered.**

4. Terms of Agreement

It is intended that this agreement will be for a duration of two years. The Town Attorney is a statutory two year appointment. The agreement with a law firm for legal services may be terminated by either party by thirty (30) days written notice. The agreement will provide for annual review of compensation and evaluation of performance. The agreement is non-exclusive and allows the Town to obtain legal services from other providers if, for any given project, it determines such services to be necessary.

5. Professional Liability Insurance

The firm shall, at its sole expense, acquire, continuously maintain during the period in which the firm is performing services, and provide the Town with acceptable proof of professional liability insurance coverage with an annual aggregate of not less than \$2,000,000 per occurrence, covering acts, errors, or omissions of a professional nature committed or alleged to be committed by the firm or any of its subcontractors as a part of its performance of professional services. The firm shall agree to maintain in full force and effect during the term of the contract Workers Compensation Insurance.

In addition, the firm agrees to indemnify and save harmless the Town against all liabilities, claims and demands for personal injury or property damages or other expenses suffered or arising

out of or caused by any negligent acts or omissions of the firm, its subcontractors, agents, or employees incurred in the performance of its services.

6. Experience and Qualifications

Expertise of the Town Attorney candidate, Deputy Town Attorney candidate and law firm shall be demonstrated by proof of past municipal relationships and contract successes providing similar services as described in Section 2. The proposals will be evaluated on knowledge, experience and successes of these similar services.

Interested Town Attorney candidates, Deputy Town Attorney candidates and law firms must submit the following:

1. A description of yours or your firm's history, expertise and experience to accommodate those items listed in #1. Objective.
2. Resumes of the Town Attorney candidate, Deputy Town Attorney candidate and your firm's members.
3. A description of your firm's familiarity with the Town of Union's legal needs.
4. Please submit a not to be exceeded hourly rate and an annual cap (exclusive of special counsel services including litigation, bond counsel, labor negotiations - arbitration and beyond - or other authorized special projects); the annual cap will be the agreed upon amount that if legal fees surpass, the contracted Town Attorney candidate, Deputy Town Attorney candidate and law firm will still furnish required legal services, but the town will not be obligated to pay. The cap can be broken down to cap for the Town Attorney candidate, the Deputy Town Attorney candidate and the law firm.
5. Identify your billable in-house expense items and the amounts you intend to bill for them.
6. Proof of liability insurance.
7. Proof of residency in the Town of Union of the Town Attorney candidate and Deputy Town Attorney candidate.
8. List any potential or existing conflicts of interest: *(disclosure of conflicts will not automatically exclude applicant)*
 - a. Work being done for outside parties.
 - b. Work being done by your firm with others doing business in the Town of Union.
 - c. Members of your firm who are currently, or have been in the past two years,

active members of a political committee.

- d. Any relations or relationships with employees of the Town that might have the appearance of a conflict of interest.
- e. Other.

7. Proposal Submission Information

Submission Date and Time: September 6, 2019 @ 4:00 PM One (1) original & eight (8) copies

Submit to:

Town Clerk – Leonard J. Perfetti
Town of Union
3111 E. Main Street
Endwell, NY 13760

Clearly mark the submittal with the title of this RFQ and the name of the responding firm. Only those RFQ responses received prior to or on the submission date and time will be considered. The Town of Union reserves the right to select the proposal of more than one firm to fulfill the legal service needs of the Town.

8. Rejection of Proposals

The Town reserves the right to reject any or all proposals, or to reject any proposal if the evidence submitted by, or investigation of such respondent fails to satisfy the Town that such respondent is properly qualified to carry out the obligations of the RFP and to complete the work contemplated therein. The Town reserves the right to waive any minor informality in the RFP.