

# LEBANON COUNTY STORMWATER CONSORTIUM REQUEST FOR PROPOSALS (RFP) FOR LEGAL COUNSEL

## I. PURPOSE AND INTENT

Through this Request for Proposal (RFP), the Lebanon County Stormwater Consortium hereinafter the "Consortium" seeks to engage a vendor as Legal Counsel for the 2018 - 2023 permit cycle commencing January 1, 2018 or upon appointment, whichever is later.

Please note that the Governing Body of the Consortium intends to engage a vendor that does not already represent any of the municipal members, the Administrator, or their affiliated entities.

## II. PROPOSAL SUBMISSION

An original, clearly marked as the "ORIGINAL" and six (6) full, complete and exact copies of each proposal shall be submitted in sealed envelopes and must be marked with "Legal Counsel RFP" and addressed to:

Elizabeth Bowman, Administrator  
Lebanon County Stormwater Consortium  
39 N. 12<sup>th</sup> Street  
Lebanon, PA 17046

A copy of the proposal may also be emailed to  
[ebowman@lebanoncountyredevelopment.com](mailto:ebowman@lebanoncountyredevelopment.com).

The proposal must be received no later than **10:00 a.m. on December 14, 2017**.  
**Faxed proposals will NOT be accepted. Any inquiry concerning this RFP should be directed in writing to:**

Elizabeth Bowman, Administrator  
[ebowman@lebanoncountyredevelopment.com](mailto:ebowman@lebanoncountyredevelopment.com)

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

## III. GENERAL INFORMATION ON THE LEBANON COUNTY STORMWATER CONSORTIUM

Municipalities that hold a Pennsylvania Department of Environmental Protection ("DEP") Municipal Separate Storm Sewer System ("MS4") Permit (regarding stormwater discharges) are required to prepare and implement a Pollutant Reduction Plan (PRP). Six Lebanon County municipalities united by a mutual interest in restoring the impaired waters of the County are working together in a cooperative manner to implement a Regional PRP that identifies and funds cost effective Best Management Practices (BMP) Projects to reduce the annual amount of nitrogen, phosphorous and sediment entering impaired surface waters in Lebanon County as

efficiently as possible. These six municipalities have entered into an Intergovernmental Cooperation Agreement for the purpose of implementing the regional PRP. They are Annville Township, the City of Lebanon, Cleona Borough, North Cornwall Township, North Lebanon Township, and South Lebanon Township. The Consortium has contracted with the Redevelopment Authority of the County of Lebanon for administrative services. The member municipalities appoint representatives to a Governing Body for the purpose of conducting business. Beginning in 2018, the Governing Body will meet the third Tuesday of each month for its regular public meeting.

The Consortium's Pollutant Reduction Plan is available online at the Redevelopment Authority's website, [www.lebanoncountyredevelopment.com](http://www.lebanoncountyredevelopment.com). Copies of the Intergovernmental Cooperation Agreement and the Administrative Agreement with the Authority are available upon request.

#### **IV. MINIMUM QUALIFICATIONS**

Respondents must establish that they meet the following minimum qualifications.

- 1.) Multi-disciplined firm with experience in municipal law, municipal litigation and tort claim laws, and contracting law. The respondent shall have experience working for municipalities in the State of Pennsylvania. The respondent must demonstrate a high degree of knowledge, experience, and ability including but not limited to the following areas:
  - a) The operation of local governmental units in Pennsylvania
  - b) Pennsylvania laws, codes, and regulations
  - c) Acquisition and disposition of real estate
  - d) Sale of municipal real estate and property
  - e) Eminent domain law
  - f) Municipal land use law
  - g) Local public contracts law
  - h) Government ethics, Sunshine Act, Right-to-know laws
  - i) Zoning regulations
  - j) Tax law, debt collection, construction contracts, dispute resolution, various administrative and judicial procedures
  - k) Review of contract documents for contractors' performance responsibilities and liability requirements
  - l) Preparation of deed descriptions for property transfer
  - m) Acquisition and administration of grants including from State and Federal agencies
  - n) Risk management for construction contracts
- 2.) Upon request, the respondent must attend and provide legal advice at Governing Body meetings and other meetings as directed.
- 3.) The respondent must be licensed to practice law in the State of Pennsylvania.
- 4.) The respondent shall comply with and be subject to all provisions of federal, state, and local laws.

#### **V. MANDATORY CONTENTS OF PROPOSAL**

In addition to demonstrating an ability to meet all minimum qualifications, the firm must

also include and 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 Consortium.
- 2.) An hourly rate fee proposal for the 2018 calendar year with escalator(s) for the remaining years of the contract. A proposal showing minimum and maximum ranges is not acceptable.
- 3.) An executive summary of not more than two (2) pages, identifying and substantiating why the respondent is best qualified to provide the requested services.
- 4.) A staffing plan listing those persons who will be assigned to the engagement if the respondent is selected, including the designation of the person who would be the respondent'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. The 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 respondent.
- 5.) A description of the respondent's experience in performing services of the type described in this RFP. Specifically identify client size and provide specific examples of work within the scope of services required under this RFP in similarly sized entities.
- 6.) The location of respondent's office, if other than the respondent's main office, at which the respondent proposes to perform services required under this RFP. Describe your presence in Pennsylvania and any familiarity your firm has with the Lebanon County area.
- 7.) References, including at least three (3) municipal clients, 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.
- 8.) If the respondent or any principal therein has been engaged as a defendant in any litigation involving a sum of \$100,000 or more and/or has been subject to any professional disciplinary action over the last three (3) years, the bidder must provide a description of the litigation and/or disciplinary action.
- 9.) A description of any ongoing investigations and/or litigation matters involving the respondent, its directors, officers, and principals and any individuals employed by the respondent that relate to the performance of the respondent in the proposed field of expertise.
- 10.) 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 Consortium.

- 11.) Include a list of any other professional qualifications, experiences, and/or credentials not already addressed that you believe are relevant to this RFP.

## **VI. INTERVIEW**

The Consortium Administrator and the Governing Body reserve 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. The Consortium reserves the right to request clarifying information subsequent to submission of the proposal.

## **VII. SELECTION PROCESS**

All proposals will be reviewed by the Consortium Administrator to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For respondents that satisfy IV, "Minimum Qualifications", and V, "Mandatory Contents of Proposal", the Consortium'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:

- 1.) The respondent's general approach to providing the services required under this RFP;
- 2.) The respondent's documented municipal experience and success completing contracts of a similar size and scope to the engagement addressed by this RFP;
- 3.) The qualifications and experience of the respondent'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;
- 4.) The overall ability of the respondent 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 respondent to perform the services required by this RFP; the availability and commitment to the engagement of the respondent's management, supervisory and other staff proposed; and
- 5.) Costs and fee schedules.

## **VII. SELECTION AND CONTRACT**

The Consortium will select the respondent deemed most advantageous to the Consortium, with price and other factors considered. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected respondent's proposal, and any changes negotiated by the parties.