

GRADY COUNTY
BOARD OF COMMISSIONERS

LEGAL SERVICES
Request for Proposals

RESPONSES ARE DUE BY: **December 19, 2017 at 6 PM**
MAIL OR DELIVER RESPONSES TO:

Grady County Board of Commissioners
250 North Broad Street
Cairo, Georgia 39828

Contact: Carrie Kines Croy, County Clerk
via email at ckines@syrupcity.net
or call 229-377-1512

OVERVIEW:

Grady County Board of Commissioners is accepting written proposals from all qualified and interested professional Attorneys-at-Law to provide legal services to the County government. The successful party will provide the professional services described herein in support of the county. Historically, the Grady County BOC has contracted with an attorney or firm to serve as County Attorney. The County Attorney has not been an employee of the County and has not been entitled to benefits available to all other employees of Grady County. It is the current intent of the BOC to contract with an attorney or firm to serve in such capacity. However, the BOC reserves the right to reject any and all proposals in the event it determines to have the County Attorney serve as an employee of the County or to enter into negotiations with any proposer to serve as an employee of the County. All work will be contracted within the terms, conditions, scope of work and other applicable requirements set forth by the BOC and/or its designee. The successful party will demonstrate qualifications, experience, knowledge and abilities to successfully accomplish and support all aspects of the prescribed scope of work.

The Grady County Board of Commissioners currently retains legal services from Kevin S. Cauley. The county attorney's contract expires December 31, 2017.

Parties interested in preparing a response to this RFP must complete the requirements set forth in the attached documents. Under the proposal process of Grady County, the conditions as set forth herein are binding to the proposer to the extent you confirm acceptance by your binding signature, by an authorized officer of the firm.

Grady County welcomes all responses to this RFP. The County reserves the right to reject any and all proposals found to be non-responsive, vague or non-conforming to the requirements of this RFP. The County also reserves the right at any time to withdraw all or part of this proposal request in order to protect its best interests. The County is not liable for any cost incurred by the party in preparing its response.

The acceptance or receipt of any proposal by the County, which is submitted in response to this RFP, does not constitute an offer to contract with your firm. Only a formal Notice of Bid Award issued by the Board of Commissioners shall constitute intent to offer a contract with the winning bidder.

EVENT TIMELINE

All times in the RFP Timeline listed below are in Eastern Standard Time and are subject to change upon official notifications by the County.

RFP TIMELINE

Release of Request for Proposals	Monday, December 4, 2017
Mandatory Pre-bid conference	Friday, December 08, 2017 @ 9:00
Technical questions due from prospective respondents via email	Monday, December 11, 2017
Response to questions issued by BOC	Friday, December 15, 2017
Response due and opened	Tuesday, December 19, 2017 @ 6 PM
Responses evaluated	December 20-22, 2017
Selections for interviews/presentations	Friday, December 22, 2017
Final interviews/presentations to BOC	Tuesday, January 2, 2018
Final selection	TBD
Contract presented to BOC for approval	TBD

GENERAL INSTRUCTIONS TO RESPONDENTS:

Below is a list of general instruction for responding to the RFP:

1. Items listed on the checklist in this form and all other items required within the RFP must be executed and submitted by mail or in person and be contained in a sealed envelope. The envelope should be addressed as follows:

Grady County Board of Commissioners
RFP Legal Services
Attn: Mrs. Carrie Kines Croy
250 N Broad St
Cairo, GA 39828
2. Proposals must be typed in ink. No changes in or corrections to the bid will be allowed after the proposals are opened.
3. Proposals must contain an original, manual signature of the authorized representative of the company.
4. Submittals which are received after the closing date will be returned unopened to the submitting firm.
5. Firms responding to this RFP are expected to examine the specifications, all general and special conditions of the RFP prior to submission.
6. Any questions concerning the request for proposal process, required submittals, evaluation criteria, proposal schedule, and selection process should be directed to Carrie Kines Croy at ckines@syrupcity.net.

7. All prospective bidders are hereby instructed not to contact any member of the Board of Commissioners or County staff members other than the contact person listed above regarding this solicitation or their submittal at any time prior to the final evaluation and recommended ranking by County staff for this project. Any such contact shall be cause for disqualification from the bidding process and rejection of your submittal.

NOTE: ANY AND ALL CONDITIONS OR REQUIREMENTS ATTACHED HERETO, WHICH VARY FROM THE GENERAL INSTRUCTIONS FOR THIS RFP WILL TAKE PRECEDENT

MANDATORY REQUIREMENTS:

The Board of Commissioners has established certain mandatory requirements, which must be included as part of any response. The use of the terms "shall," "must," or "will" (except to indicate simple futurity) in this RFP indicate a mandatory requirement or condition. The words "should" or "may" in this RFP indicates desirable attributes and conditions, but are permissive in nature. Deviations from or omission of such, as a desirable feature, will not by itself cause rejection of a proposal.

Replies which do not meet all material requirements of the RFP or which fail to provide all required information, documents or materials will be rejected as non-responsive. Material requirements of the RFP are those set forth as mandatory, or without which adequate analysis and comparison of replies is impossible, or those which affect the competitiveness of replies or the cost to the Board. Respondents whose replies, past performance or current state do not reflect the capability, integrity or reliability to perform fully and in good faith the requirements of the contract may be rejected as non-responsive.

The BOC reserves the right to determine which replies meet the material requirements of the RFP, and which respondents are responsible and/or responsive.

SCOPE OF SERVICE:

General Government Law

1. Represent the Grady County Board of Commissioners (BOC) in all regular and special called Board meetings and work sessions as requested by the Commissioners, it being understood that attendance is not required at all Business meetings of the BOC.
2. Legal counsel will provide routine telephonic legal consultation with Board members, the County Administrator and other County staff as needed, and provide routine legal support as required.
3. Legal counsel will prepare and/or review ordinances, resolutions, contracts, lease agreements, inter-governmental agreements, letters and other documents and materials that the County may require and ensure compliance with all local, state and federal laws/regulations.

4. Legal counsel will prepare documents required by the BOC in connection with special elections called by the BOC.
5. Legal counsel will provide legal advice and prepare legal opinions as may be reasonably required for the following bodies, concerning their duties, powers, responsibilities and obligations. This list includes, but is not limited to, the following: (a) the Board of Commissioners (b) the Grady County Planning Commission, and (c) the Grady County Board of Assessors.
6. Legal counsel shall not represent any other Constitutional Officers, Boards, Authorities, Commissions, and Committees of Grady County without specific approval by the BOC or the County Administrator.

Bond/Capital Financing Law

1. Legal counsel will represent the interest of the County in all negotiations related to Local Option Sales Tax, Special Purpose Local Option Sale Tax, and Bond issuance processes. Legal counsel will prepare documents required by the BOC in connection with LOST, SPLOST and bond elections as needed.
2. Legal counsel will review and advise the BOC as to the legal feasibility of all financing programs proposed to the County and advise as to compliance of these programs with applicable laws and pending or proposed revision to governing legislation and regulations, including those of the US Treasury.
3. Advising as to procedures, required approvals and filings, schedule of events for timely issuance, potential cost-saving techniques and other legal matters related to issuance of bonds, remarketing bonds, refunding bonds, implementation of bond financing programs, or any change affecting bond documents, whether the financing is undertaken by competitive bid or negotiated sale, or other financing programs, whether involving 501(c)(3) organizations or otherwise.
4. Preparing resolutions and any amendments thereto in order to authorize the issuance of bonds, remarketing of bonds, refunding of bonds, implementation of bond financing programs or any change affecting bond documents.
5. Preparing trust indentures, trustee, registrar or paying agent agreements, servicing and administration agreements, loan agreements, mortgage origination agreements, and any other similar documents necessary, related or incidental to bond financing.
6. Assist in the preparation of contracts, bid documents, notice of sale, evaluation of bids and any other documentation or action necessary to conduct a sale of bonds.
7. Review Preliminary and Officials Statements, for the sale of bonds and Bond Purchase Agreements as necessary.

8. Preparing, obtaining, delivering and filing all closing documents necessary in connection with the sale and issuance of bonds, including but not limited to, certified copies of minutes, resolutions and orders; certificates such as officers, seal incumbency, signature, no prior pledge, arbitrage, IRS Forms, and others; and verifications, consents and opinions from accountants, engineers, special consultants and attorneys.
9. Performing legal research and formulating legal opinions regarding the structuring of bonds, legality of bonds, the security for their payment, the exemptions or exclusion from federal taxation of the interest on the bonds, and matters related to bond issuance.
10. Performing work in connection with bond validations, public hearings, etc., and general needs of the BOC in regards to county programs.
11. Advising the BOC as needed on issues related to compliance with state law, bond documents, restructuring of bond debt, extension of mortgage origination periods and preparation of any documents relating thereto for BOC approval.

Contract Law

1. Review contracts, intergovernmental agreements, lease agreements, RFP/RFQs and other related documents to ensure all terms are in compliance with federal, state and local laws and regulations.
2. Provide legal opinions and advise to the BOC and county staff, as necessary, to ensure all terms are appropriate and serve the best interests of the county.
3. Advise the BOC of potential legal implications of executing various contracts and/or agreements to ensure proper decision-making processes are utilized.

General Litigations

1. Provide legal advice and assistance regarding any and all legal actions whereby the county is a party in such matters, including general and specific consultation related to matters of litigation.
2. Aggressively protect and defend the interest of the county and its position(s) in all legal matters as determined by the BOC. Take any and all action available at equity or at law to represent the county in any and all legal action in which the county is a party.
3. Prepare, review, and submit all legal documents and communications regarding legal matters in a timely manner to ensure full compliance and the protection of the county's legal interests.
4. Provide a monthly status report to the BOC on each litigation matter even if no activity occurred for the reporting period and provide all actions anticipated within the next thirty (30) days.

5. Perform such other services and advice as requested by the BOC or County Administrator.

Bankruptcy/Collection Law

1. Provide advice and assistance with regards to bankruptcy creditor protection, including general and specific consultation services.
2. Aggressively protect and defend the interests and position(s) of the county regarding bankruptcy proceedings. Take any and all action available at equity or at law to represent the county in such legal matters in which the county is a party.
3. Provide advice and assistance in collecting past due indebtedness owed to the County, including general and specific consultation services.
4. Perform debt collection services as required by the county.
5. Provide input to develop standard procedures in collection of past due indebtedness owed to the county in order to insure the county is and remains in compliance with all local, state and federal laws and regulations governing debt collection practices.
6. Provide a monthly status report to the BOC on each bankruptcy/collection matter even if no activity occurred for the reporting period and provide all actions anticipated within the next thirty (30) days.
7. Perform such other services and advice as requested by the BOC or County Administrator.

Employment Law

1. Provide advice and assistance in all human resources matters for the County; including general and specific consultation services.
2. Provide input into the development of standard procedures, as necessary, in all human resource matters.
3. Review all documents utilized for human resources services to ensure compliance with all local, state and federal laws and regulations.
4. Examine all county procedures and laws related to human resources to ensure compliance with all state and federal laws and regulations.
5. Represent the county in any and all legal proceedings related to employment matters, including unemployment and worker's compensation insurance claims. Aggressively protect and defend the interests and positions of the county in all proceedings.
6. Provide a monthly status report to the BOC on each employment related matter even if no activity occurred for the reporting period and provide all actions anticipated within the next thirty (30) days.

7. Perform such other services and advice as requested by the BOC or County Administrator.

Environmental Law

1. Provide advice and assistance in all environmental compliance matters for the County; including general and specific consultation services as requested by the BOC or County Administrator.
2. Provide input into the development of standard procedures and policies, as necessary, in all environmental compliance matters as requested by the BOC or County Administrator.
3. Review all documents, including contracts and agreements, to ensure compliance with all local, state and federal laws and regulations governing environmental issues as requested by the BOC or County Administrator.
4. Examine all county procedures and laws related to environment issues to ensure compliance with all state and federal laws and regulations as requested by the BOC or County Administrator.
5. Represent the county in any and all legal proceedings related to environmental compliance matters. Aggressively protect and defend the interests and positions of the county in all proceedings.
6. Provide a monthly status report to the BOC on each employment related matter even if no activity occurred for the reporting period and provide all actions anticipated within the next thirty (30) days.
7. Perform such other services and advice as requested by the BOC or County Administrator.

MINIMUM QUALIFICATIONS

Statement of Qualification letters should be submitted in the following format and should not exceed twenty (20) pages in length, including covers, table of contents, dividers, required forms, attorney resumes, certifications and affiliations, references, letters of recommendations and insurance documents.

In the event that the respondent is a firm of attorneys, one attorney shall be designated as the primary representative of the respondent and shall be designated as the County Attorney. Only the attorney designated as the County Attorney shall defer work to other members of his or her firm; however, the County Attorney may direct county staff to contact specific attorneys within the firm directly.

The following are the minimum qualifications required by the GRADY County BOC for legal service providers:

Overview:

1. The attorneys assigned to Grady County must have a minimum of three (3) years of prior experience practicing local government law, including but not limited to experience in the following areas: land use, contracts, real estate, environmental, employment, banking law and bonding law.
2. Respondents shall have extensive knowledge and experience in the application of Georgia's Open Meetings/Open Records laws, the development and review of local ordinances and resolutions, the preparation of legal opinions/briefs, the development of contracts, intergovernmental agreements, lease agreements, rights-of-way and easement agreements, execution of real estate transactions (including but not limited to purchase contracts, deed recordings, etc.), application of emanate domain laws, and conflict resolution.

Qualification, Certification and Affiliations:

1. Respondents shall provide a professional resume, including educational background of all person(s) that would provide services under the resulting contract; state the professional registrations, certifications and affiliations of the firm and/or individual attorney(s).
2. Respondent shall include a copy of the current certifications by the Georgia Bar Association and appropriate educational degrees (Juris Doctorate) for each member of the firm who will be providing services to the Board of Commissioners.

References:

1. Respondents shall provide a list of all local government entities/agencies (county and municipal governments) represented within the past three (3) years. The list shall include the name of the primary person of contact for the agency/entity, telephone number(s) and email addresses (if available). Respondent shall include the numbers of years spent serving the client and briefly- but clearly- state the nature of service(s) provided for each entity identified and the current status of the contract. (No more than 2-3 sentences.)
2. Respondents shall provide at least three (3) letters of recommendation from current and/or past clients- on official agency letterhead- for whom you have provided similar services.

Insurance:

Respondent must provide proof of Lawyers Professional Liability Insurance with minimum limits of \$1-million per occurrence and \$2-million aggregate coverage.

Compensation:

Respondent shall provide the BOC with an hourly rate for routine legal consultation and an hourly rate for litigation. These fees should be all encompassing to include such areas as labor, printing costs, travel and training expenses, licensing fees, membership fees, filing fees, court costs, etc.

ADDITIONAL INFORMATION TO BE PROVIDED IN PROPOSAL

A written description of any and all (a) litigation brought against the respondent during the past three years involving the respondent or any attorney listed in the response relating to professional services rendered or in any way relating to the practice of law, including a summary of the disposition of such matter(s); (b) a list of any grievances filed within the past five (5) years against the respondent or any attorney listed in the response with the Georgia Bar or any other regulatory or judicial body, including a summary of disposition of such matter(s); (c) a written description of and actual or potential conflicts of interest under the code of Professional Responsibility relating to attorney that respondent may have in performing the services described in the Scope of Services.

EVALUATION CRITERIA AND SELECTION PROCESS

1. The proposal submitted in response to this request will be evaluated by members of a selection committee.
2. The selection of a firm **or attorney** and the ultimate execution of a contract, while anticipated, are not guaranteed by the County. The County reserves the right to determine which proposal is in the County's best interest and award the contract on that basis, to reject any and all proposals, waive any irregularities of any proposal, negotiate with any bidder (after proposals are opened) if such is deemed in the best interest of the County.
3. The selection committee will evaluate the proposals that are responsive to the requirements of the RFP using the following criteria listed in order of importance:

Evaluation Criteria	Total Possible Points
Capability — the respondents that have the capability to fully perform the contract requirements; the moral and business integrity and reliability that will assure good faith performance; Respondent's knowledge, skills and abilities to provide the products or perform the services stated in the RFP.	30
Experience — respondents experience in providing the services as requested. Has the respondent ever represented other local government?	30
Cost — the cost of the services to the BOC.	20
References - Quality of responses received from references.	15
Understanding of Requirements — the degree to which the bidder has responded to the purpose and scope of services to be provided.	5
TOTAL POINTS	100

4. In order to qualify, responders must submit proof of operations at the time of RFP submission. Proof shall consist of a copy of local business license and/or ownership/lease/rental documents related to occupation of office/building space.
5. The county may, at its discretion, award up to ten (10) bonus points to those responders who demonstrate expertise in each of the defined scope of service categories and has the in-house staff to provide all of the services desired.
6. All proposals will be reviewed and ranked accordingly to competence and qualifications, and bidders may be selected for interviews or oral presentations as may be necessary. The County makes no commitment to any respondent to this RFP beyond consideration of the written response to this RFP.
7. The preceding criteria will be used by the county to evaluate the proposal responses and recommendation of those proposals deemed to be the best for oral presentation and/or interview. The selection/evaluation committee reserves the right to expand these criteria to include any other pertinent requirements as necessary.
8. The best ranked respondents may have the opportunity to make an oral presentation and respond to interview questions from the Board of Commissioners at a meeting of the BOC and/or public Work Session. The GRADY County BOC will make the final decision as to the selection of the winning bidder and issuance of a contract for legal services.
9. The BOC, or its designee, shall negotiate the terms of any contract in accordance with O.C.G.A. statutes.

EXPLANATION TO RESPONDENTS

Each respondent shall examine the RFP documents carefully; and, no later than December 11, 2017, respondent shall make written request to the BOC for interpretations or corrections of any ambiguity, inconsistency or error which may be discovered. All interpretations or corrections will be issued as addenda. The BOC will not be responsible for oral clarifications except those offered during the pre-bid conference.

No negotiations, decisions or actions will be initiated or executed by the respondents as a result of any discussions with any County employee prior to the opening of the proposals, the completion of the evaluation process by the selection committee, completion of respondent interviews by the BOC and the final acceptance of the winning bid by the BOC.

Only communications from firms which are in writing and signed will be recognized by the BOC as duly authorized expressions on behalf of respondent.

PREPARTATION AND SUBMISSION OF RESPONSES

One (1) original and six (6) copies of responses to this RFP must be submitted in a sealed envelope. Facsimiles will not be accepted.

OCCUPATION LICENSES AND REGISTRATION

The respondent shall be responsible for obtaining and maintaining throughout the contract period his/her occupation license and any licenses required pursuant to the laws of Grady County and the State of Georgia. Every respondent submitting a proposal shall include a copy of the company's local business or occupational license(s) or a written statement on letterhead indicating the reason no license exists. Respondents residing or based in another county or municipality, but maintaining a physical facility or representation in Grady County, may also be required to obtain such a license.

REJECTION OF PROPOSALS

The BOC reserves the right to reject any and/or all proposals when such rejection is in the best interest of the BOC.

RECEIPT AND OPENING OF PROPOSALS

Proposals will be opened at a BOC meeting at 250 N Broad Street, Cairo, GA 39828 in the Commissioners Chambers at the time stated in the Request for Proposals (RFP). No responsibility shall be attached to any person for the premature opening of a proposal not properly addressed and identified.

WITHDRAWAL OF PROPOSALS

Proposals may be withdrawn by written or telegraphic request received from the respondents prior to the time fixed for opening. Negligence on the part of the respondent in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened.

SELECTION OF PROPOSALS

The County will select a firm based solely upon the content of the proposals that are received in response to this RFP. The County reserves the right to waive any informality in proposals and to award a proposal in whole or in part when either or both conditions are in the best interest of Grady County.

Notice of the intended award is provided through an agenda item to the Board of Commissioners containing a recommendation of award. The agenda for each meeting of the BOC is available upon request from the County Clerk's Office. To obtain copies please contact Mrs. Carrie Kines Croy at 229-377-1512 or ckines@syrupcity.net.

GENERAL CONTRACT TERMS

The County will consider the qualifications of each firm **or attorney** with regard to the services required by the County, and so may choose one firm **or attorney** according to which firm best fits the needs of the County. The selected firm will serve as the County's Attorney for an initial one (1) year term with the option to extend the services for three (3) additional one-year terms.

After the RFP selection, the County will--at its option--prepare an agreement specifying the terms and conditions resulting from the award of this RFP. Every procurement of contractual services shall be evidenced by a written agreement.

The performance of Grady County or any of its obligations under the agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of the agreement for the current and any future periods provided within the agreement.

Grady County may terminate any contract without cause, by giving the Respondent sixty (60) days written notice of termination. Either party may terminate a county contract for cause by giving the other party sixty (60) days written notice of termination. The County shall not be required to provide a contractor such sixty (60) days written notice if, in the opinion of the County, the contractor is unable to perform its obligations to the County or if, in the County's opinion, the services being rendered are not satisfactory. In such cases, the County may immediately terminate the contract by mailing a Notice of Termination to the contracted firm.

The County makes no guarantee as to the amount of work that will be available to the winning bidder under this RFP. The County is under no obligation to utilize the services of any respondent selected as the final contractor in those instances where the work to be performed can be done by County personnel or under a separate contract.

**ATTACHMENT 1
DISCLOSURE STATEMENT
CONFLICT OF INTEREST DISCLOSURE**

The award hereunder is subject to the ordinances and policies of Grady County as well as the laws of the State of Georgia. Respondents must disclose with their proposals whether any officer, director, employee or agent is also an officer or an employee of the Grady County Board of Commissioners. All firms must disclose the name of any county officer or employee and/or an immediate family member of a county officer or employee, who owns, directly or indirectly, an interest in the Respondent's firm or any of its branches or affiliates. All respondents must disclose the name of any employee, agent, lobbyist, previous employee of the BOC or other person, who has received or will receive compensation of any kind in seeking to influence the actions of the BOC in connection with this procurement.

Names of Officer, Director, Employee or Agent that is also an Officer or Employee of Grady County: (if none mark as such):

_____	_____
_____	_____
_____	_____

Name

Company

Date

ATTACHMENT 2
REQUIRED POLICY ENDORSEMENTS AND DOCUMENTATIONS

Certificate of Insurance will be provided, upon request only, evidencing placement of each insurance policy responding to requirements of the contract.

Deductibles and Self-Insured Retentions

Any deductibles and self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions in respect to the County, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses. Endorsements to insurance policies which may be required (upon request only):

Additional insured (Grady County, Georgia, its officers, officials, employees and volunteers) - ***General Liability & Automobile Liability***

Primary and not contributing coverage - ***General Liability & Automobile Liability***

Waiver of Subrogation (GRADY County, Georgia, its officers, officials, employees and volunteers) - ***General Liability, Automobile Liability, Workers' Compensation and Employer's Liability***

Thirty days advanced written notice of cancellation to County - ***General Liability, Automobile Liability, Workers' Compensation and Employer's Liability***

Proof of Professional Liability Policy Coverage must be provided in the amounts specified in the Request for Qualifications.

Please place an "X" on the appropriate line:

____ Coverage is in place, or ____ Coverage will be placed, without exception.

The undersigned declares under penalty of perjury that all of the above insurer information is true and correct.

Name: _____

Signature: _____

Date: _____

Title: _____
(company Risk Manager, or Manager with Risk Authority)

**ATTACHMENT 3
PRICING SHEET**

LEGAL SERVICES PRICING FROM 1/01/2018 THROUGH 12/31/2020	<u>LUMP SUM ANNUAL RETAINER FEE, IF ANY</u>	<u>HOURLY RATE</u>
SENIOR PARTNER ATTORNEY FEE		
JUNIOR PARTNER ATTORNEY FEE		
ASSOCIATE ATTORNEY FEE		
ATTORNEY FOR _____ SERVICES ¹		
ATTORNEY FOR _____ SERVICES ¹		
ATTORNEY FOR _____ SERVICES ¹		
ATTORNEY FOR _____ SERVICES ¹		
OUT OF POCKET EXPENSES:		
MEALS AND LODGING		
TRANSPORTATION (Mileage Rate)		
OTHER (SPECIFY)		
¹ List the type of services to be provided by another attorney such as Environmental or Employment Law.		
² Attorney or Firm will notify the BOC when there is a bond issuance that he or she will be compensated by a third party, and provide the fee amount prior to closing.		

Name: _____

Signature: _____

Date: _____

Title: _____