

MUNICIPALITY OF PRINCETON
REQUEST FOR PROPOSAL
MUNICIPAL ATTORNEY

The Municipality of Princeton, a municipal corporation located at 400 Witherspoon Street, Princeton, New Jersey 08540, through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 is soliciting proposals from qualified attorneys for the appointment and position of Municipal Attorney for the calendar year 2017. The Municipality will be appointing one attorney/firm for the position/appointment. The billing guidelines attached hereto as Exhibit A shall be the contract reimbursement process.

POSITION/APPOINTMENT

The position of Municipal Attorney generally includes providing legal work and representation of the Municipality. The position of Municipal Attorney shall be provided for a fixed annual retainer and the attorney shall perform the following:

1. Attendance at regularly and specially scheduled Municipal Council meetings, being approximately 24 regularly scheduled meetings and special meetings as required.
2. Conferences and meetings with the Municipal Administrator, governing body and other municipal personnel involving services of a usual and customary nature.
3. Preparation of resolutions as directed by the Mayor, Council, Administrator, Clerk, and/or various staff personnel.
4. Preparation of reports regarding the status of Municipal matters.
5. Preparation of Municipal ordinances of a general nature unless of a nature or extent described as Other Legal Services.
6. Routine review of correspondence, all Professional Service and other contracts, and files in relation to miscellaneous questions of a usual nature and not amounting to Other Legal Services.
7. Such other duties as may be requested by the Municipal Administrator, Mayor or Council.
8. Prepare and/or review municipal contracts, joint power agreements, and other agreements and contracts entered into by the municipality.
9. Research and submit legal opinions on municipal or other legal matters as requested by members of the governing body or Administrator.
10. Provide written updates on new State or Federal legislation or judicial decision impacting the municipality and suggested actions or changes in operations or procedures to assure compliance.
11. Provide guidance on personnel matters, including employee disciplinary and grievance matters.

OTHER LEGAL SERVICES

The quotation is sought for a fixed annual retainer for which the above general routine legal services and attendance at meetings will be provided, and in addition provide a quotation of an hourly rate for Other Legal Services of an extraordinary nature pursuant to which the attorney shall be compensated at an hourly rate plus out-of-pocket expenses for litigation and specialized legal services generally outlined as follows:

- (a) Representation of the Municipality or its officials in litigation or administrative hearings.
- (b) Representation of the Municipality in connection with non-routine labor matters. (Matters such as personnel manual changes, or review of personnel processes for example are considered routine, and would not be billable as Other Legal Services.)
- (c) All consultation and litigation in connection with Municipal tax appeals, both at the County Board and Tax Court level.

EVALUATION

Proposals will be evaluated by the Governing Body on the basis of the most advantageous, with due consideration to the qualifications, experience and quotations submitted and other factors and criteria. The compensation proposal will be considered but will not be the controlling factor. The evaluation will generally consider the following criteria:

(a) Experience and reputation in the general field of Municipal Law, and in the representation of public entities, municipalities, and/or public employees in administrative proceedings and litigation in various areas relevant to municipal government. As a minimum qualification, the attorney should have five (5) years experience as an attorney actively representing municipalities or public entities in the State of New Jersey including significant experience in representing municipalities of a comparable size as Princeton. The Municipality will evaluate the attorney's experience in various areas of municipal law, and litigation experience representing public entities/municipalities, including but not limited to the following areas: zoning law and litigation; tort claim defense of public entities and public employees; administrative proceedings before the Office of Administrative Law, and other state administrative agencies involved in municipal matters; negotiation for and acquisition of property on behalf of public entities for public purposes and/or open space, including litigation related thereto; construction disputes; Local Public Contracts Law; solid waste issues; COAH and titles 40 and 40A of the New Jersey Statutes.

(b) Knowledge of the Municipality of Princeton's legal matters, and/or the methods that you, as a new firm, would adopt to ensure a professional transition to obtain the knowledge of the town's legal matters.

(c) Availability to accommodate the legal needs of the Municipality. As reasonable accessibility is a relevant consideration, the attorney should have an office within reasonable distance to the Municipality. The position requires regular contact with Municipal officials. The responding attorney should provide details as to its office being fully staffed and responsive, and reasonably

accessible to the Municipality, with sufficient support staff to adequately provide services. If the attorney wishes to include regular office hours at the municipal location, please indicate that in the proposal.

(d) Compensation proposal. As noted, the responding attorney should provide a proposal providing a fixed annual retainer quotation for the Municipal Attorney services, and a per hour fee quotation for the Other Legal Services.

(e) Ethics Issues. As integrity and ethics are considerations, the responding attorney must certify that the attorney has never been reprimanded, censured, or suspended by the Supreme Court for ethics infractions. An attorney who has been reprimanded, censured, or suspended is disqualified.

(f) Confidential Position. As the position of attorney is a confidential position, the Municipal Governing Body to the extent permitted by law may consider such factors as potential conflicts arising with the attorney/law firm and/or clients that are represented by the attorney/law firm.

(g) Other factors in the best interest of the Municipality of Princeton.

PROPOSALS

Sealed proposals will be received by the Municipality of Princeton, County of Mercer, State of New Jersey, in the **Office of the Administrator, 400 Witherspoon Street, Princeton, New Jersey**, on **October 12, 2016 11:00 a.m.**, prevailing time, and at that time will be publicly opened and read.

The proposal (an original and 5 copies) must be enclosed in a SEALED ENVELOPE, properly endorsed with the name of the Bidder, with the designation "MUNICIPALITY OF PRINCETON, SEALED PROPOSAL, 2017 PROFESSIONAL SERVICES – MUNICIPAL ATTORNEY," Proposals submitted by facsimile or email will not be accepted.

Any questions regarding this proposal/process should be submitted in writing to Marc Dashield, Administrator, 400 Witherspoon Street, Princeton, New Jersey 08540, (609) 688-2031 FAX or email mdashield@princetonnj.gov.

MARC D. DASHIELD
MUNICIPAL ADMINISTRATOR

Proposals must be in writing and include the following:

- (a) The name of the attorney seeking the position and the law firm the attorney is affiliated with. The resume and/or a detailed summary of the attorney's experience and qualifications relevant to the position.
- (b) A description of the location and facilities that the attorney will be available at and providing services from, and the staff regularly at that office/facility.
- (d) A statement certifying that the responding attorney has never been reprimanded, censured, or suspended for ethics violations.
- (e) Compensation proposal: Submit a fixed annual retainer quotation for Municipal Attorney and a per hour rate quotation for Other Legal Services.
- (f) Statement setting forth Malpractice Coverage.
- (g) A copy of the firm/ attorney's State of New Jersey Business Registration Certificate (BRC), Request for Taxpayer Identification Number & Certification (W-9) and Certificate of Employee Information Report issued by the State of New Jersey.

PROPOSAL SUBMISSION

All pages of the proposal must be numbered consecutively. The proposal must be organized in accordance with the list of proposal contents.

Proposal Form and Content

Proposers must include the following items in their proposals addressing the scope of work. Proposals and cost schedule shall be valid and binding for ninety (90) days following the proposal due date and will become part of any contract that is negotiated with the municipality.

A. Letter of Transmittal

Include a cover letter signed by a duly authorized representative of the firm. The cover letter must include name, address, telephone number and email address of the proposer submitting the proposal. In addition, the name, title, address, telephone number, fax number and email address of the person or persons to contact whom are authorized to represent the proposer and to whom correspondence should be directed should also be included. Additionally, the cover letter must include the following requested information.

1. Name of proposed Municipal attorney
2. Office address
3. Services included in the monthly retainer
4. Hourly rates for services not included in retainer

5. Areas of expertise within your firm.

6. References (name, municipality, phone, email)

B. Executive Summary Introduce the proposal and summarize the key provisions of the proposal. Provide a statement describing why the proposer is qualified to perform this work, the name of the individual who would serve as the Municipal attorney, and the proposed fees.

C. Statement of Understanding

Include a statement of understanding of the Municipal attorney services to be provided. If there are services listed in this RFP that the proposer will not be able to provide, describe those services in this section.

D. Approach to Legal Services

1. Describe how you track and manage legal costs so that municipal legal costs are held to a minimum.
2. Describe how as the Municipal attorney you would work with the Administrator and staff.
3. Describe how you will work to achieve a seamless transition from the incumbent to the new contract and measures you will take to mitigate inherent contract transitions risks such as loss of continuity.
4. Describe your firm's background and history; include number of years in business.
5. Proposed Attorney(s) -- Name of person whom you propose to designate as Municipal attorney, as Assistant Municipal attorney(s).
6. Description of education (including name of educational institutions, degrees conferred, and year of each degree);
7. Professional background and professional associations;
8. Experience with and knowledge of the law relating to general municipal law, the borough form of government, land use and planning, environmental law for New Jersey and other related areas of law, administrative law; labor relations/personnel law.

E. References -- Provide contact information for relevant municipal clients for which services have been provided in the last five years. Please include the contact person's name, municipality, phone and email address.

F. Clients/Potential Conflicts of Interest

1. For the person to be designated as Municipal attorney, list all public clients that person presently represents as municipal attorney or general counsel, along with the meeting dates and times for each governing body.
2. List all private clients that could potentially pose a conflict of interest with your representing Princeton. ie (any current council members, commissioners, and committee members)
3. Identify all situations in the last five years in which you have been adverse to public entities, either in litigation or administrative matters.

G. Fee Schedule Please provide an hourly rate for all of the individuals who may be working with Princeton from the firm. In addition, please provide any rate for special legal services.

1. Please provide the retainer fee and rates in a table format.

H. Additional Information -- Any other information that the proposer feels applicable to the evaluation of the proposal or of their qualification for accomplishing the legal services should be included in this section. You may use this section to address those aspects of your services that distinguish your firm from other firms.

After receipt, the Municipality of Princeton will review and evaluate the proposals and qualifications. In the absence of unusual circumstances, the Mayor and Council anticipates adopting a resolution appointing the Municipal Attorney at their reorganization meeting, in January, 2017.

The Municipality reserves the right to reject any and all proposals and waive any informality or non-conformity in any submission to the extent that it is lawful and in the best interest of the Municipality. To the extent permitted by law, the Municipality reserves the right to negotiate with qualified attorneys after the submission of proposals.

EXHIBIT A

ATTORNEY BILLING GUIDELINES

ALLOWABLE CHARGES AND RELATED PROCEDURES:

A. Limitation on number of attorneys and billable time

1. Only one attorney may bill for participation in Municipal legal matters, unless specifically agreed to by the Municipal Administrator in advance in writing.
2. Inter-office conferences among counsel are viewed as an internal law firm management tool and are not compensable. This description of non-billable time includes time spent by new attorneys familiarizing themselves with a case.
3. Counsel shall identify the attorneys who will handle a file on a consistent basis. Notification must be provided to the Municipal Administrator.
4. The Municipality of Princeton does not pay for travel time to and from Princeton. Travel time to and from Court will be paid.

B. Legal Research

1. Research of topics by electronic means will be reimbursed at cost.
2. Repetitive research which duplicates prior research conducted in other matters on the same issue will not be allowed. However, reasonable time to locate, update and modify prior research for use in a new case is compensable.

NON-BILLABLE CHARGES:

A. Secretarial and Clerical Activities

Not billable to the Municipality

1. Examples Include:
 - a) Mail handling
 - b) New file set up
 - c) Calendar maintenance

- d) Transcribing
 - e) Copying
 - f) Posting
 - g) Faxing
 - h) Data entry
 - i) Routine scheduling
 - j) Enclosure or transmittal letters
2. File Management:
- a) Inserting/retrieving documents
 - b) File organization
 - c) Assembling materials

BILLING PROCEDURES:

A. Time Charges

- 1. Only actual time for each task
- 2. Must be in 1/10-hour increments
- 3. Must be services an attorney or paralegal would provide

B. Single Entry Time

- 1. Applies if activity time greater than 1/10 hour
- 2. One activity per entry

C. Services Description

- 1. Detailed description of Service to include:
 - a) Nature (e.g. "call to...")
 - b) Activity/project to which work relates

2. Generic descriptions not allowed, e.g.:

a) "Review File"

b) "Attention to"

DISBURSEMENTS - INTERNAL

The Municipality does not pay law office overhead.

The Municipality pays actual expense without markup.

A. Itemization

1. Itemization should appear on bills unless documentation is included with bills:

a) Date

b) Specific description (i.e., telephone, Photo, cc)

c) Cost

B. Telephone

1. The Municipality does not pay for telephone charges except those in extraordinary circumstances, and these must be communicated to, and approved by the Administrator.

C. Clerical Services

1. The Municipality will not pay for either regular or overtime clerical services.

2. Work which should be done by clerical personnel:

a) Making copies

b) Faxing documents

c) Scheduling depositions, hearings, etc.

DISBURSEMENTS – EXTERNAL

The Municipality will only pay actual costs – no markup allowed

A. Itemization

1. External expenses included on attorney's bill

Include:

- a) Name of vendor
- b) Date of service
- c) Description of service
- d) Cost

B. Express Mail/Messenger Fees

1. Use only as necessary and for reasons beyond firm's control.
2. Courier/Messenger services shall only be used when necessary.

C. Documentation

1. Firm must supply receipts/documentation for all expenses.

D. External Professional Service

1. Billing attorney must consult the Municipal Administrator before hiring experts, consultants, investigators, etc. in all cases.