

Lehigh Acres Municipal Services District

REQUEST FOR PROPOSALS DISTRICT ATTORNEY SERVICES

Qualifications Due Date: Tuesday, January 9, 2018 at 2:00 PM

The Lehigh Acres Municipal Services District, with an approximate population of 120,000 located in Lee County, Florida, hereinafter referred to as the 'District', is soliciting qualifications from qualified individuals or law firms who are interested in providing legal services to the District.

Bids are due to the District Office by 2:00 p.m. on Tuesday, January 9th, 2018. The District seeks services encompassing the traditional scope of work including legal counsel, opinions, consultations and coordination with special counsel. Attendance at monthly Board of Commissioner meetings will be required. Attendance at other specific meetings may be required as well; including workshops, construction meetings and special meetings. A copy of the RFP package may be obtained from the District's management company by contacting Carla Brantley at (239) 368-0044, x16, or email: cbrantley@la-msid.com

Delivery:

David E. Lindsay, District Manager, Lehigh Acres Municipal Services District, 601 East County Lane, Lehigh Acres, FL 33936. Please see RFP package for specific information regarding delivery.

Minimum Qualifications:

- a. Each attorney in the proposed team must possess a Juris Doctorate Degree and have graduated from a United States law school accredited by the American Bar Association.

- b. Each attorney in the proposed team must be a member in good standing with the Florida Bar.
- c. The proposed designated District Attorney must have a minimum of five (5) years experience in the field of local government law; special purpose districts, land use or Community Development District laws.
- d. The proposed designated District Attorney must also have a minimum of three (3) years experience in litigation and bond financing agreements.

The District reserves the right to reject any or all qualifications, waive technicalities or irregularities, and accept any qualification if such action is believed to be in the best interest of the District.

OVERVIEW

Introduction:

You may visit www.la-msid.com for information about the Lehigh Acres Municipal Services District.

The District operates under a Board of Commissioners form of government. The District Board of Commissioners consists of five Board members elected in a general election. The District Attorney works for the Board, but is directed by the District Manager on daily tasks. The District Manager directs all other District operations.

Individual departments may from time to time initiate the work, although the District Manager retains the core responsibility for coordination of these services and the legal budget.

Scope of Work:

1. The Attorney provides legal advice, counsel services, training, consultation and opinions to the District Board, District Manager, Advisory Boards and all levels of the District government, on a wide variety of assignments, including but not limited to land use planning, construction of public works, purchasing and procurement, leasing, purchase and sale of property, legal matters, public records issues and tort law. The Attorney's advice includes methods to avoid civil litigation.
2. The District already retains the services of a labor attorney, which handles all personnel issues and the Collective Bargaining Agreement with the Teamsters Local 79.

3. The Attorney will represent the Board of Commissioners of the District and any established Advisory Boards. The Attorney shall attend District Board work sessions, District Board meetings or other meetings as directed by the District Board when items under consideration warrant legal input.
4. May draft and/or review resolutions, amendments, agreements, contracts, and correspondence; provide legal consultation on some District insurance matters; and provide legal advice or written opinions to District staff on matters related to their official duties.
5. LA-MSID secures workers' compensation, public officials, automobile liability, general liability and pollution insurance coverage. As such, legal representation may be provided by the carriers selected attorneys for those cases covered under those policies.
6. As required by resolution of the Board of Commissioners, the Attorney may defend the District on all civil complaints, suits or controversies in which the District is a party. Specifically, the District Attorney is responsible for defending the District in civil action when no counsel is provided by liability insurance or when the District's exposure exceeds its insurance coverage. The District Attorney may also represent an employee or elected official who is individually named in a suit as a result of the execution of the official duties with the District. When the District's insurance coverage is activated on a given matter, the District Attorney shall consult and cooperate as necessary with the legal counsel designated by the District's insurance company to ensure that the matter is dealt with in an expedient and professional manner.
7. Provides the Chairperson and Board members with guidance as to proper parliamentary procedure, Sunshine Law, Public Records and related procedural matters relating to the Board meetings.
8. Prepares legal opinions at the request of the District Manager and/or the District Board of Commissioners.
9. Provides the District Manager, Board members and District staff a legal perspective and advice on various governmental issues.
10. Performs other legal services and tasks, as assigned by the District Manager.

Specifications:

1. The appointed Attorney attends all District Board meetings. These are generally scheduled on the third Monday of each month, commencing at 6:00 p.m., and such other special meetings, workshops and attorney-client sessions as are scheduled from time to time. The District Attorney attends all Board meetings in order to maintain continuity in representation.
2. The Attorney may be required to attend any scheduled Board Work Sessions.
3. The Attorney must be available shall be available to respond in a reasonable time via telephone, cellular telephone and email.
4. Timelines of response and accessibility to the Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated Attorney is of greatest importance; although these elements will also be considered in relation to designated backup attorney(s) as well.
5. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone.
6. The District does not offer space for offices in a District location. The District may be able to assist in certain ways to promote efficient coordination among offices, such as mail delivery services or copy services, although this will be considered following the award.

Term:

The District anticipates an initial period of one (1) years with options for one (1) year renewals. The agreement will be terminable by either party without cause.

How to Respond:

Please provide five (5) hard copies and one (1) electronic copy on a USB flash drive of a written response, responding to each inquiry in the order below. Please attach one set of business cards for your team with the original.

1. Vendor Business History
Please complete and submit Attachment 'A'.
2. Firm Experience
 - Provide a narrative description of the individual firm.

- Describe the general experience of the individual or firm.
- Identify other local government clients.
- Identify experience with local government issues including land use, zoning, growth management, and environmental law, complicated agreements including interlocal agreements, public works, personnel and other specialties.

3. Proposed Attorney Team

- Name and describe the attorney(s) and/or team proposed. Clearly identify the lead District Attorney and name Associate Attorney(s) if applicable.
- Provide a résumé or similar description for each team member, with considerable detail in the experience and qualifications of the lead District Attorney and any significant Associate Attorney(s).
- Specify the organization structure applicable to this assignment, including who the lead Attorney is, and the relationship of any Assistant Attorney(s) to that lead Attorney.
- If specialty Attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please identify such individuals and specialties as well.

4. Accessibility and Responsiveness

- Identify the accessibility of the proposed designated Attorney, and the response time that the individual offers to the District.
- Specifically identify the lead time required for attending scheduled or ad-hoc meetings.
- Identify how quickly the Attorney can arrive in person to attend an unscheduled, urgent meeting.
- Identify the same for any Associate Attorney(s).

5. Fee Structure

- Please provide an hourly fee schedule for all applicable attorneys inside and outside of your firm that may engage with LA-MSID.
- Please indicate any incidentals that you wish to bill LA-MSID (copying, travel, etc.)
- Please indicate if you are willing to work under a retainer and what tasks would be under the retainer and which tasks would be outside of the retainer.

6. References

- Provide three (3) references for the lead Attorney.
- The District prefers references that include Special District experience.
- Inclusion of the reference in your qualification is also agreement that the District may contact the named reference.

- The District may contact any companies or individuals, whether offered as references or others, to obtain information that will assist the District in evaluating the Proposer. The District retains the right to use such information to make selection decisions. Submittal of a qualification is agreement that the District may contact and utilize such information.

EVALUATION AND SELECTION

Evaluation Process

The District reserves the right to award to the proposer that best meets the needs and interest of the District. The following steps are anticipated:

- Step 1:** Receipt and review of minimum qualifications.
- Step 2:** District scoring of written qualifications and bids.
- Step 3:** Initial reference and information checks.
- Step 4:** District Board of Commissioners interviews of finalists.
- Step 5:** Board of Commissioners' confirmation process.

Scoring and Evaluation of the Written Qualification:

Qualifications will be evaluated using the criteria listed below. Proposers meeting the mandatory criteria will have their qualifications evaluated for technical qualifications and fee structure.

1. Mandatory Elements:
 - a. The proposer is licensed to do business in the State of Florida and the Attorneys are current members in good standing with the Florida Bar Association.
 - b. The proposer has no conflict of interest with regard to any other work performed by the proposer in the District.
 - c. The proposer adheres to the instructions in this request for qualifications on preparing and submitting the qualification.
2. Technical Quality:

The District Board of Commissioners may, in its sole discretion in making an award, consider the following:

- a. Expertise and experience:
 - (1) Experience in the field in handling similar and related types of matters.
 - (2) Depth of legal talent.
 - (3) Availability of facilities and resources.

- b. Ability to meet the specifications:
 - (1) Ability to meet the District's demands in a timely and efficient manner.
 - (2) The existence of any potential conflicts in considering the award of this RFP.

- c. Fee structure proposed:

During the evaluation process, the Board of Commissioners may, at its discretion, request any proposer or proposers to present themselves for interviews. The successful proposer shall execute a retainer letter in a form satisfactory to the District. Subject to negotiations, the awardee will be on an at will basis. This Agreement may be terminated by either party upon thirty (30) days advance written notice.

Negotiations:

The District reserves the right to negotiate all elements which comprise the apparent successful qualification to ensure that the best possible consideration is afforded to all concerned. District representatives and the selected finalist will review in detail all aspects of the requirements and the qualification. During the review of the most favorable, apparent successful qualification, the proposer may offer and the District may accept revisions to the qualifications.

Term:

The District seeks a one-year engagement with options for one-year extensions. The Board of Commissioners' authorization will be required for each extension.

Cost Liability:

The respondent shall bear all costs associated with submitting the RFP, including RFP preparation, or any travel connected with the submittal of the qualification. In no case shall any proposer be entitled to recover its preparation costs regardless of the circumstances.

Contents of RFP/Public Records:

Once opened by the District, a response to this RFP is public record under Chapter 119, Florida Statutes. The contents of the RFP as accepted by the District may become part of any award as a result of this RFP. All RFP's, being public record, will be available for public inspection during normal business hours.

Attachment "A": Submittal Form

Business Statement

Please complete and submit with your qualification response.

1. Name of Business: _____
2. Business Address: _____
3. Phone: _____ Business Fax: _____ E-Mail: _____
4. Business Classification (check all that apply):
___ Individual ___ Partnership ___ Corporation ___ Women or Minority Owned
5. Federal Tax Number (a SSN or Federal Tax Number): _____
6. Name of Owner: _____
7. Does firm maintain insurance in amounts specified by the District?
Yes: _____ No: _____

General Liability insurance of at least \$1,000,000 per occurrence; \$1,000,000 aggregate. Liability of at Least \$1,000,000

If no, describe differences: _____
8. Are there claims that are pending against this insurance policy?
Yes: _____ No: _____
If yes, describe: _____
9. During the past five years, has the firm, business or any attorney in the firm or business, been involved in any (1) bond forfeiture, (2) litigation personally involving the firm, business or any attorney in the firm or business (other than dissolution of marriage), or (3) claims filed with any insurance carrier concerning the firm, business, or any attorney in the firm or business, and/or (4) Bar Association complaints? If yes, attach an explanation.
Yes: _____ No: _____
10. Has the company been in bankruptcy, reorganization or receivership in last five years?
Yes: _____ No: _____
11. Has the company been disqualified or terminated by any public agency?
Yes: _____ No: _____

12. Has the proposed designated Attorney practiced local government law for a minimum of five years?
Yes: _____ No: _____
13. Is each proposed attorney accredited and in good standing with the State Bar?
Yes: _____ No: _____
14. Qualification Offers shall be good and valid until the District completes award or rejections of qualifications. Failure to concur with this condition may result in rejection of the offer. Does the firm accept this condition?
Yes: _____ No: _____ (If no, state the desired exception: _____)

Having carefully examined all of the documents of the solicitation, including the instructions, the Terms and Conditions, the undersigned proposes to perform all work in strict compliance with the above-named documents, as well as in compliance with all submitted qualification information.

FIRM NAME: _____ FID: _____

SIGNATURE: _____

PRINT NAME: _____