

Harrisburg Land Bank

REQUEST FOR PROPOSALS FOR LEGAL SERVICES

December 2015

Proposal Deadline: 4:30 p.m., Wednesday, December 23, 2015

Harrisburg Land Bank
Jacqueline Z. Parker, Chair
10 N. 2nd Street, Suite 405
Harrisburg, PA 17101

Telephone: 717-255-6508
Fax: 717-238-5342
Email: jparker@cityofhbg.com

SECTION I SUMMARY OF LEGAL SERVICES REQUIRED

Overview

As a public body separate from the City of Harrisburg, the Harrisburg Land Bank must retain its own Solicitor. The Harrisburg Land Bank's solicitor attends the regular monthly (and any special) meetings of the Harrisburg Land Bank. The solicitor is expected to advise the Harrisburg Land Bank (Land Bank) regarding events or rulings related to the general administration of the Land Bank or the administration of the Land Bank's programs, both existing and new.

The Executive Director of the Land Bank will frequently discuss matters of legal significance or consequence with the solicitor. The solicitor will be frequently requested to review and draft contracts and agreements pertaining to the establishment of the Policies, Procedures, and Activities related to carrying out the Land Bank's mission. The solicitor is expected to handle the Land Bank's legal matters in the courts and before public agencies.

Threshold Criteria. Respondent shall have an office located within the City of Harrisburg.

General Legal Services – The respondent shall perform the general legal services listed below. Compensation for such General Legal Service shall be included in the respondent's monthly retainer fee.

Preliminary meeting with Solicitors of both the City of Harrisburg and the Redevelopment Authority of the City of Harrisburg, to discuss procedures, communication, and other relevant matters;

Attendance at all regular and special meetings of the Land Bank, and public hearings;

Continued study of Federal, State and local legislation and judicial decisions pertaining to the Land Bank's various programs in order to evaluate the impact upon the Land Bank;

Special Legal Services – In addition to the general services outlined above, the respondent shall provide the following services as directed by the Land Bank. Such additional services shall be provided:

Engage in general correspondence not related to a specific project;

Provide legal advice not related to a specific project.

Generally advise in connection with public and private borrowing of funds, procuring of grants, and payment of bills when their validity is in issue;

Attend any other necessary meetings or conferences;

Creation of corporate entities and review of corporate documents for special projects;

Preparation of loan documents;

Appearance for and representation of Land Bank in court in all matters involving litigation;

Representation of Land Bank, as required, in legal matters - or matters in dispute before other federal, state and local agencies;

Rendering of all necessary legal opinions;

Preparation of necessary resolutions, as required;

Acquisition/condemnation of real estate including, but not limited to reviewing and preparing real estate agreements, title examinations and insuring title;

Conferring with and advising officers, members, and employees of the Land Bank on legal matters, when requested; and

Advising and assisting in the preparation of all legal documents such as: contracts, specifications, bonds, waivers, certificates of title, condemnations and other such legal drafting as may be necessary.

SECTION II SELECTION CRITERIA

All respondents are required to submit an original and two (2) copies of their Proposal Narrative, Fee Proposal, and Self Certifications (see Section IV for Fee Proposal & Self Certifications) not later than **Wednesday, December 23, 2015 at 4:30 p.m.** eastern prevailing time to Jacqueline Z. Parker, 10 N. 2nd Street, Suite 405, Harrisburg, PA 17101. **Proposal Narrative** shall contain responses to at least the following:

- 1) Respondent's method for providing the requested services:
 - a) Your understanding of the Harrisburg Land Bank legal service needs.
- 2) Respondent's Qualifications and Experience:
 - a) The previous experience of the attorney;
 - b) Three examples, and references, where you provided legal services to Pennsylvania public bodies similar to a Land Bank;
 - c) Knowledge of or experience with legal matters related to corporate matters, acquisition/condemnation of real estate, loan documents;
 - d) Familiarity with the Harrisburg Land Bank's operational jurisdiction (City of Harrisburg, PA).
- 3) Management and work plans:
 - a) The ability of the attorney to perform all required professional services on a timely basis;
 - b) The technical resources of the attorney that will be made available to complete the assignments;
- 4) Basis for Compensation (refer to Section IV – Fee Proposal):
 - a) The monthly retainer fee to cover all General Legal Services as outlined in Section I of this request;
 - b) Hourly rates for professional services to cover all other services, including but not limited to those outlined under Special Legal Services in Section I of this request.
- 5) Other considerations:
 - a) Professional licensure in PA and preferably in the US District Court for the Middle District of PA;
 - b) Professional liability insurance at a minimum level of at least \$250,000 per occurrence and \$500,000 aggregate.

Section III FACTORS FOR AWARD

The Land Bank will evaluate each written proposal and determine whether oral discussions of the respondents' proposals are necessary. The Land Bank will assign points for each segment of the proposals based on the content of the written proposals and any oral discussions. Points will be assigned based on the criteria set forth in this offering document.

The respondent with the highest total points will be selected for purposes of awarding the Harrisburg Land Bank legal services contract. The Land Bank reserves the right to include within the usual discussions, adjustments to the respondent's proposal, including but not limited to, fee schedules. The points to be awarded are set forth for each major segment and sub-segment below:

- 1) Respondent's method for providing the requested services (up to 30 points)
 - a) Understanding of the Land Bank's mission of urban redevelopment, acquisition/disposition of blighted property, and related legal service needs (0-15 points)
 - b) Adequacy of the Scope of Services (0-15 points)
- 2) Respondent's qualifications and experience (up to 30 points)
 - a) The previous experience of the attorney (0-10 points)
 - b) Knowledge of or experience with legal matters related to likely Land Bank programs, and experience in providing legal services to similar Pennsylvania public bodies (0-10 points)
 - c) Familiarity with the Land Bank's operational jurisdiction (0-10 points)
- 3) Management and work plans (up to 15 points)
 - a) The ability to perform all required professional services on a timely basis (0-10 points)
 - b) The technical resources of the attorney (0-5 points)
- 4) Participation by Small, Minority, Women and Labor Surplus Area Firms (0-25 points). Any respondent who meets any one of the following factors shall receive five points:
 - a) Small business firm
 - b) Minority owned business firm
 - c) Women owned business firm
 - d) Labor surplus area business firm
 - e) Section 3 Business Concern
- 5) Basis for Compensation (25 points)
 - a) General Legal Services (10 points) - Ten points will be awarded to the respondent with the lowest annual proposed retainer. Remaining respondents will be scored on a scale relative to the lowest and highest responses.
 - b) Special Legal Services (15 points) – Fifteen points will be awarded to the respondent with the lowest hourly rate for the primary individual. Point awards to the remaining respondents will be in proportion to their relationship with the lowest respondent.

Section IV
NOTICE TO PREPARERS

The issuance of this Request for Proposals ("RFP") constitutes only an invitation to submit proposals to the Harrisburg Land Bank and is not to be construed as an official and customary request for bids. Any proposal submitted as provided herein constitutes an intention to supply information for consideration and is NOT A BID. Prospective Proposer(s) shall carefully review this RFP for defects.

The Land Bank reserves the right, in its sole and absolute discretion, to (a) determine whether any aspect of the proposal satisfactorily meets the criteria established in this RFP, (b) seek clarification from any Proposer(s), (c) negotiate with any Proposer(s) or other vendors/firms whether or not they submitted a proposal, (d) state terms and conditions that are substantially different from the terms and conditions set forth in this RFP in any RFP for similar products and/or services that may be issued subsequent to this RFP, (e) reject, in whole or in part, any or all proposals with or without cause, (f) cancel, amend or re-issue, in part or entirely, this RFP, (g) require Proposer(s) to appear for interviews and/or presentations of their proposals at City offices, (h) require references from Proposer(s)' previous clients on projects similar in type and scope to the services/work sought in this RFP.

The RFP does not commit the Land Bank to award a contract and the Land Bank shall not be liable for any cost incurred by Proposers in the preparation and presentation of submittals nor in any costs related to any element of the selection and negotiation process. Submission of a proposal as provided herein shall neither obligate nor entitle a prospective Proposer to enter into an Agreement with the Land Bank.

All submitted proposals become a matter of public record and are subject to Pennsylvania's Right-to-Know Law (65 P.S. § 67.101) and other applicable law. Proposals will become the property of the Land Bank and will not be returned.

The Land Bank reserves the right to negotiate pertinent contract terms concurrently with any number of vendors/firms as it deems in its best interest, whether or not such firm has submitted a proposal. In submitting this proposal, it is understood by the Proposer that the Land Bank reserves the right to waive any defects, irregularities or informalities in the Proposal in the Land Bank's sole judgment.

Evaluation of proposals by staff or by any other group are advisory only and the Land Bank may consider or reject such evaluation(s) for any or all proposals. Such evaluations are for the sole benefit of the Land Bank.

The Land Bank is the sole authority to provide the RFP package to interested parties. Proposers who are working from an RFP package obtained from any other source may be working from an incomplete set of documents. The Land Bank assumes no responsibility for errors, omissions or misinterpretations in a proposal resulting from a Proposer's use of an incomplete RFP package from any source other than the Land Bank.

The Land Bank may ultimately decide to enter into a contract with that vendor/firm with which the Land Bank can make the most satisfactory arrangement for meeting its needs. The Land Bank is not obligated to award any contract or respond to proposals submitted, nor is it legally bound in any manner whatsoever by the submission of a proposal. Land Bank will provide a proposed Representation/Fee Agreement to the selected Attorney.

**SECTION V
SELF CERTIFICATIONS
FEE PROPOSAL**

FEE PROPOSAL

It is requested that this form be completed and included with each Proposal for Legal Services in response to the Request for Proposals by the Harrisburg Land Bank, dated December 2015.

The following fees are proposed by the undersigned for Legal Services required by the Harrisburg Land Bank:

Monthly Retainer Fee for all General Legal Services (Section I) \$ _____

Rates for all Special Legal Services as described in Section III

Hourly rate for the primary individual who is to be assigned to provide Legal Services to the Land Bank. \$ _____

Hourly rate for court appearances (if different from rates above) \$ _____

Compensation for acquisitions and condemnations (acquisitions and condemnations shall be for a fixed rate unless unusual and special services are required which will be charged at the stated hourly rates) \$ _____

Hourly Rate for Partner/Principal (if different from assigned attorney above) \$ _____

Hourly rate for other individual members of the firm who may perform services for the Land Bank: \$ _____

Hourly rate for Paralegal/Research Assistant \$ _____

Other Hourly Rates _____ \$ _____

It is assumed that the preponderance of hours charged would be at the hourly rate of the individual assigned to work with the Harrisburg Land Bank. It is further assumed that some hours may be charged by other individuals such as owners, partners or paralegals. Prior to contract execution, the Land Bank, shall establish with the successful respondent a limit on the total compensation to be paid under the contract.

By: _____
Signed Date

Name of Firm

SELF CERTIFICATION FOR A SMALL, MINORITY, WOMEN-OWNED BUSINESS CONCERN

The applicant represents and certifies as part of its offer that it

(a) is, is not a small business concern. "Small Business Concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b) is, is not a women-owned business enterprise. "Women-Owned Business Enterprise," as used in this provision, means a business which is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c) is, is not a minority business enterprise. "Minority-Owned Business Enterprise," as used in this provision means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- Black Americans
- Hispanic Americans
- Native Americans
- Asian Pacific Americans
- Asian Indian Americans
- Hasidic Jewish Americans

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Commonwealth of Pennsylvania)
) SS:
County of Dauphin)

Before me, the undersigned notary public, this day, personally, appeared _____, who being duly sworn according to law, deposes and says that he/she is _____ of _____, and that the foregoing is true and correct.

Notary Public

SUBSCRIBED AND SORN TO BEFORE ME

This _____ day of _____ AD: 20 _____