

Hardee County

REQUEST FOR PROPOSALS COUNTY ATTORNEY SERVICES

Sealed proposals will be received in the County Managers Office, **October 18, 2021, prior to 5:00 p.m.**

Attached are important instructions and specifications regarding responses to this Request for Proposals. Failure to follow these instructions could result in disqualification.

Questions regarding this proposal must be in writing and must be sent to Lawrence McNaul, County Manager, email: lawrence.mcnaul@hardeecounty.net. All questions must be received by October 18, 2021.

Prospective proposers shall not contact, communicate with or discuss any matter relating in any way to the Request for Proposal with the County Commissioners, any employee of Hardee County, other than the County Manager or as directed in the Request for Proposals. Such communications initiated by a proposer shall be grounds for disqualifying the offending proposer from consideration for award of the proposal and/or any future proposal.

Proposals may be mailed, express mailed or hand delivered to:

**Hardee County
Lawrence McNaul, County Manager
412 W. Orange St. RM 103
Wauchula, Florida 33873**

Hardee County

**Request For Proposals
RFP 21-006: County Attorney Services**

**Notice of Interest
Due: September 27, 2021 (5:00 PM EST)**

Date: _____

Proposer

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

Proposer's Signature: _____

(Duly Authorized)

Return To:

Lawrence McNaul
Hardee County
412 W. Orange St RM 203
Wauchula, FL 33873
(Fax) 863-773-0773

INTRODUCTION

Hardee County, a political subdivision of the State of Florida, hereinafter referred to as the "County", seeks the submittal of proposals from qualified attorneys who are interested in providing legal services to the County on a contractual basis. The County is governed by a five-member County Commission. The County Commission is responsible for enacting local legislation, adopting an annual budget, and appointing certain County officials. The County Attorney shall serve at the pleasure of the County commission, and who shall act as the legal adviser to, and attorney and counselor for the County and all its officers in matters relating to their official duties. He or She shall prepare all contracts, bonds and other instruments in writing in which the County is concerned and shall endorse on each his approval or disapproval of its form.

The attorney selected must be a current member in good standing of the Florida Bar. Knowledge of and experience relevant to all areas of law required in representing a Florida public entity, including but not limited to, sunshine law and public records law. Board certification by the Florida Bar in an appropriate field is a plus. Selected attorney must become familiar with Hardee County Unified Land Development Code, Code of Ordinances, and comprehensive land use plan.

The County reserves the right to determine, at its sole discretion, whether the proposal satisfactorily meets the criteria established in this RFP, and the right to seek clarification from any individual(s) submitting proposals. Only those judged to be qualified proposals would be further evaluated. Individuals may be interviewed by the County Commission. During the review process, and until the final selection has been made by the County Commission, proposers are prohibited from meeting with or discussing a submittal with any member of the County Commission.

All interested parties must submit the requested information within the time frame provided herein. Proposals shall be prepared with the utmost attention to fair, ethical evaluation standards.

It is the intent of the County to negotiate a Professional Services Agreement for the work described. The Professional Services Agreement will be for one (1) year, but terminable without cause upon written notice to the attorney by the County Commission, with the County's option of renewing the agreement for four (4) additional one-year periods.

SCOPE OF SERVICES

The County requires the full range of County Attorney services including, but not limited to the following:

1. To perform the duties and responsibilities required pursuant to the local, state, and federal laws, rules, and regulations applicable to Hardee County and the general laws of the State of Florida.
2. To advise, research, assist and render written opinion to the County on a wide variety of legal areas including but not limited to: general County law, labor law, general, state

and federal laws relating to County government, intergovernmental relations and rules and regulations.

3. To serve as legal advisor and counselor for all departments and all of its officers in matters relating to their official duties.
4. To prepare, review, or advise on all contracts, bonds, and all other legal and official instruments in which the County is concerned and shall endorse on each his/her approval of the form and correctness.
5. To review all agenda items.
6. To advise, research and assist the County on a wide variety of legal areas including but not limited to: grants, budgets, bonds, user fees, impact fees, franchise fees, property taxes, special assessments, public disclosure issues, laws against discrimination, preparation of ordinances, resolution development and interpretation, housing, subdivision and land use law, comprehensive planning, zoning regulations and property rights, eminent domain, economic development activities, public utilities, code enforcement, building codes, real estate law annexations, contract law, environmental law, franchise law, County leases, purchasing and procurement, personnel matters including collective bargaining, union negotiations, arbitration, employee grievances, including advice on the creation of policies and procedures, litigation and trial activity, tort law and proactive methods to avoid litigation.
7. To prosecute and defend on behalf of the County all complaints, suits and controversies in which the County is a party except where the County's defense is provided either by contract or law by a third party.
8. To furnish the County Commission, the County Manager and the head of any department, his/her opinion on any question of law relating to any matter concerning their respective power and duties.
9. To advise the County Commission as to their compliance or non-compliance with the provisions of Florida Statutes.
10. To attend all meetings of the County Commission, unless excused, either in person or by his duly designated representative to supply those legal services as may be needed during the meeting.
11. To provide Counsel and legal services for County boards, task forces, and committees duly authorized by County Commission.
12. To assist the County in preparation, drafting, revisions of codes, ordinances, resolutions, amendments, leases, policy and procedural manuals, and other documents at the request of the County Commission and/or County Manager.
13. To prepare documents necessary for land purchases and/or sales, including development of proper legal descriptions for such real estate transactions.
14. To submit, as part of the annual budget process, anticipated expenditures, and revenues.
15. To provide monthly report to Commission summarizing legal services activities.
16. To provide all required documentation to the external auditor as part of annual audit.
17. To coordinate and supervise, specialized legal services provided by outside counsel.
18. To keep the County Commission, County Manager, and County Manager informed of legislation or judicial opinions that have potential impact to the County.
19. To meet with County Manager and/or designee on an as needed basis to provide for the operational necessity of the County.
20. To assist in preparation, drafting, revisions of contracts, amendments to the contracts and other legal documents at the request of the Commission and/or County Manager.

21. To advise County Commission, County Manager and County Manager at least once a year on Sunshine Law and public records law, home rule, legislative and quasi-judicial bodies; and all other areas of County law, legislative and judicial opinions that could potentially impact the County.
22. To perform any other duties as assigned, or as directed by the County Commission.

SUBMITTAL

Submittals should not contain information in excess of that requested, must be concise, and must specifically address the issues of this RFP. The submittals should include the following:

1. **Letter of Transmittal:** Briefly state your understanding of the work to be done and provide a positive commitment to perform the work.
2. **Profile of Attorney and Qualifications:**
 - a. Describe your legal experience. Emphasize your experience and expertise in the area(s) addressed by this RFP and how they will be brought to bear on the proposed work. This information should include prior County or other public sector experience, experience advising entities on Florida Sunshine and public records law and experience and any other background or experience which may be helpful in evaluating this proposal.
 - b. Provide a list of relevant academic training, degrees and board certifications.
 - c. List any disbarments, suspensions or other disciplinary actions which you have received from the Florida Bar or any other organized bar associations.
3. **Accessibility and Responsiveness:**
 - a. State the location of the office(s) from which you operate and accessibility to the County's needs, including office hours.
 - b. Specify the individual(s), if any, that you would propose as substitute legal representation for the County, in the event of the absence or unavailability of the County Attorney.
 - c. Describe the response time the County can expect from the County Attorney to inquiries made by the County Commission, and/or County Manager.
 - d. Identify the lead-time required for attending an unscheduled, urgent meeting.
4. **References:** Provide at least three (3) references, including name, title, address, phone number and e-mail address. Inclusion of the reference in your proposal is also agreement that the County may contact the named reference.
5. **Proposed Cost:** Please quote the dollar amount of fixed and/or hourly fees and costs for providing legal services to the County covered by your proposal. For the hourly fees, please identify the hourly rate of each attorney and support personnel. Also, state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, postage, etc.). Finally, indicate what your proposal is regarding reimbursement for travel, meals or mileage associated with serving as County Attorney.

The County requires detailed monthly billing statements that shall include, but are not limited to, the following items:

- a. Itemize the date of services.
- b. Identify the attorney and/or support personnel providing the services.
- c. List the time spent for each service or activity by tenths of an hour.
- d. Provide a detailed description of the services performed.
- e. State the fees for those services.
- f. Organize billing by department, type of services, and/or project.
- g. Itemize all associated costs and expenses related to the services.

The County will not provide any employee benefits including but not limited to health, life insurance, disability insurance, pension or retirement benefits. The County Attorney shall be an independent contractor and not an employee of the County.

SELECTION AND EVALUATION PROCEDURES

The evaluation criteria listed below will be utilized to evaluate the proposals. Interviews with individuals may then be scheduled with the County Commission before a final decision is made. The County shall be the sole judge of its own best interests, the proposals and the resulting negotiated agreement. The County's decisions will be final.

Individuals will be evaluated using a number of factors including, but not limited to, the following:

1. **Experience:** Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in County government operations (30 points)
2. **Qualifications:** Board Certifications, Degrees and other relevant training (20 points)
3. **Accessibility and Responsiveness:** Capability to perform legal services promptly and in a manner that permits the Commission and staff to meet established deadlines and to operate in an effective and efficient manner and the degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems (30 points)
4. **References** (10 points)
5. **Proposed Fee Schedule** (10 points)

RESPONSE

Interested parties are invited to submit one (1) original marked "ORIGINAL" and seven (7) copies marked "COPY" of their proposal in a sealed envelope to the County Manager. The envelope should be labeled "**RFP #21-006, County Attorney Services**" and marked with the respondent's name and address. Proposals may be mailed or delivered to:

**Hardee County
Lawrence McNaul, County Manager
412 W Orange St. RM 103
Wauchula, Florida 33873**

The submittal shall be received by the County only at the above address prior to **5:00 p.m., October 18, 2021.**

The delivery of the submittal on the above date and prior to the specified time is solely the responsibility of the proposer.

The submittal may be withdrawn either by written notice to the County Manager or in person, if properly identified, at any time prior to the above submittal deadline.

GENERAL CONDITIONS

CONTACT

After the issuance of any Request for Proposals, prospective proposers shall not contact, communicate with or discuss any matter relating in any way to the Request for Proposals with the County Commission, and any employee of Hardee County, other than the County Manager or as directed in the Request for Proposals. This prohibition begins with the issuance of any Request for Proposals and ends upon execution of the final contract. Such communications initiated by a proposer **shall** be grounds for disqualifying the offending proposer from consideration for award of the proposal and/or any future proposal.

INSURANCE REQUIREMENTS

The selected individual, if any, shall maintain, at all times, the following minimum levels of insurance and; shall, without in any way altering their liability, obtain, pay for and maintain insurance for the coverages and amounts of coverage not less than those set forth below. Provide to the County original Certificates of Insurance satisfactory to the County to evidence such coverage before any work commences. All insurance coverage shall be written with a company having an A.M. Best Rating of at least the "A" category and size category of VIII. The individual's self-insured retention or deductible per line of coverage shall not exceed \$25,000 without the permission of the County.

Professional Liability Insurance: Professional liability or malpractice or errors and/or omissions insurance shall be purchased and maintained with a minimum \$1,000,000 (exclusive of defense costs) per occurrence.

Workers Compensation: Firm shall supply proof of coverage to apply for all employees at the statutory limits provided by state and federal laws. The policy must include Employers' Liability with a limit of \$100,000 each accident; \$100, each employee; and \$500,000 policy limit for disease.

INDEMNIFICATION

Individual shall, in addition to any other obligation to indemnify the County and to the fullest extent permitted by law, protect, defend (by counsel reasonably acceptable to County), indemnify and hold harmless the County, their agents, elected officials and employees from and against, including, but not limited to, all claims, actions, liability, losses, costs (including attorney's fees) arising out of any actual or alleged damage or loss arising out of or resulting from or claims to have resulted in whole or in part from any actual or alleged act or omission of the County Attorney, any substitute, anyone direct or indirectly employed by either of them, or anyone for whose acts any of them may be liable in the performance of the work; or violation of law, statute, ordinance, governmental administration order, rule, regulation or infringement of patent rights by individual in the performance of the work; or liens, claims or actions made by the individual or any substitute or other party performing the work.

PUBLIC ENTITY CRIMES STATEMENT

Pursuant to subsections 287.133(2) and (3), Florida Statutes, "a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list." By submitting this proposal, the proposer hereby certifies that they have complied with said statute.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

The County is an equal opportunity/affirmative action employer. The County is committed to equal opportunity employment effort; and expects individuals that do business with the County to have a vigorous affirmative action program.

WOMEN/MINORITY BUSINESS ENTERPRISE OUTREACH

The County hereby notifies all Proposers that W/MBE's are to be afforded a full opportunity to participate in any request for proposal by the County and will not be subject to discrimination on the basis of race, color, sex or national origin.

DEVELOPMENT COSTS

Neither the County nor its representative(s) shall be liable for any expenses incurred in connection with preparation of a response to the RFP. Proposers should prepare their proposals simply and economically, providing a straightforward and concise description of the proposer's ability to meet the requirements of the RFP.

APPLICABLE LAWS AND COURTS

This RFP and any resulting agreements shall be governed in all respects by the laws of the State of Florida and any litigation with respect thereto shall be brought only in the courts of Hardee County, Florida or the United States District Court, Middle District of Florida, located in Hillsborough County, Florida. The proposer shall comply with all applicable federal, state and local laws and regulations.

PROPRIETARY INFORMATION

In accordance with Chapter 119 of the Florida Statutes (Public Records Law), and except as may be provided by other applicable State and Federal Law, all proposers should be aware that Request for Proposals and the responses thereto are in the public domain. However, the proposers are required to **identify specifically** any information contained in their proposals

which they consider confidential and/or proprietary and which they believe to be exempt from disclosure.

All proposals received from proposers in response to this Request for Proposals will become the property of the County and will not be returned to the proposers. In the event of contract award, all documentation produced as part of the contract will become the exclusive property of the County.

UNAUTHORIZED ALIEN(S)

The ATTORNEY agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this solicitation. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a). Such violation shall be cause for unilateral termination of this Agreement by the County.

LIMITATIONS

This request does not commit the Hardee County to award a contract. Proposers will assume all costs incurred in the preparation of their response to this RFP. The County reserves the right to: 1) accept or reject qualifications and/or proposals in part or in whole; 2) request additional qualification information; 3) limit and determine the actual contract services to be included in a contract; 4) obtain information for use in evaluating submittals from any source and 5) reject all submittals.