



REQUEST FOR PROPOSAL FOR LEGAL SERVICES

Regarding labor services specializing in Police & Fire CBAs

PROPOSALS SHOULD BE DIRECTED TO:

**Kimberly Thompson
City Clerk
City of Benton Harbor
200 East Wall Street
Benton Harbor, MI 49022**

INQUIRIES SHOULD BE DIRECTED TO:

**Lisa Golliday
Human Resources Coordinator
City of Benton Harbor
200 East Wall Street
Benton Harbor, MI 49022**

I. GENERAL INFORMATION.

- A. **Purpose.** This request for proposal (RFP) is to contract for legal services regarding labor services specializing in Police & Fire CBAs to be provided to the **City of Benton Harbor.**
- B. **Who May Respond.** Attorneys currently licensed to practice law in **Michigan**, or law firms including such attorneys, may respond to this RFP.
- C. **Instructions on Proposal Submission.**

- 1. **Closing Submission Date.** Proposals must be submitted no later than **4:00 pm on February 12, 2020.**
- 2. **Inquiries.** Inquiries concerning this RFP should be mailed to:

**Lisa Golliday
Human Resources Coordinator
City of Benton Harbor
200 East Wall Street
Benton Harbor, MI 49022**

- 3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposer and will not be reimbursed by the CITY OF BENTON HARBOR.
- 4. **Instructions to Prospective Contractors.** Your proposal should be addressed as follows:

**Kimberly Thompson
City Clerk
City of Benton Harbor
200 East Wall Street
Benton Harbor, MI 49022**

It is important that the proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal
4:00 pm, February 12, 2020
SEALED PROPOSAL For Legal Services

Proposals must be hand-delivered or mail. Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Proposer to insure that the proposal is received by CITY OF BENTON HARBOR, by the date, time and in the manner specified above. Proposals arriving after February 12, 2020 @ 4:00 pm will remain

unopened and unqualified.

5. **Right to Reject.** CITY OF BENTON HARBOR reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.

6. **Bid Opening and Notification of Award.** Bid opening will take place on February 13, 2020 @ 11:00 a.m. It is expected that a decision selecting the successful proposal will be made within two (2) weeks of the closing date. Upon conclusion of final negotiations regarding the successful proposal, all other Proposers will be informed, in writing, of the name of the successful Proposer.

D. Description of Entity.

The City of Benton Harbor (City) is a lakefront community approximately four square miles in size, with a population of 10,038 and operates under a municipal written charter. The charter establishes the city's Commission/Manager governmental structure, form of government, which consists of a nine (9) member governing body, composed with a mayor, four at-large and four ward commissioners.

II. SCOPE OF SERVICES. The Proposer shall be readily available to perform the following legal services, as requested by the City Manager and/or City Commission:

- A. Review drafts of Michigan Fraternal Order of Police labor contracts.
- B. Advise on union issues.
- C. Advise on individual labor and employment matters.
- D. Review personnel.
- E. Review fiscal policies and other policies.
- F. Advise on responses to subpoenas, grievances, notices, arbitration, correspondences related to FOP matters.
- G. Defend lawsuits, arbitrations, or other legal claims.
- H. Conduct litigation as necessary.

Although it is preferable for an attorney or firm to submit a proposal covering all of the above areas, CITY OF BENTON HARBOR will consider proposals emphasizing expertise in subsets of these areas.

III. PROPOSAL CONTENTS. The Proposer, in its proposal, shall, as a minimum, include the following:

- A. **Legal Experience.** The Proposer should describe its experience related to the areas outlined in the scope of services above. There is a particular interest in union labor services, specializing in police and fire CBAs.

B. **Organization, Size, Structure, and Areas of Practice.** The Proposer should describe its organization in terms of the following:

- size
- structure,
- areas of expertise
- office location(s)

Please include a copy of the Equal Opportunity/Affirmative Action Policy, if available.

C. **Attorney Qualifications.** The Proposer should separately attach a description of the qualifications of attorneys to be assigned to the representation. Descriptions should include:

1. Professional and education background of each attorney that will be assigned to the City of Benton Harbor.
2. Overall supervision to be exercised.
3. Prior experience of the individual attorneys with respect to the required experience listed above. Include resumes only of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.

D. **Price.** The Proposer's proposed price should include information on the hourly billing rates of each attorney or other legal staff who are expected to work on this representation and charges for expenses, if any, such as legal research, copies, faxes and electronic communication. CITY OF BENTON HARBOR reserves the right to negotiate with the Proposer on the structure of the billing.

IV. PROPOSAL EVALUATION.

A. **Submission of Proposals.** All proposals shall include one (1) original and two (2) copies.

B. **Evaluation Procedure and Criteria.** CITY OF BENTON HARBOR's City Manager and Human Resources Coordinator and appropriate staff will review proposals and make recommendations to the City Commission for final approval. The City Manager and Human Resources Coordinator may request a meeting with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following criteria:

1. Proposed approach to scope of work.
2. Level of experience of the individual(s) identified to work on this matter.
3. The Proposer's experience with similar clients and legal matters.
4. Price.
5. Interviews, if conducted.

- C. **Required Format for Proposals.** All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal:
1. Page Limit: 12, including cover page
 2. Attorney Qualifications section should be attached and is not included in the page limit
 3. Page Size: 8 ½ x 11; portrait
 4. Font Size: 12
 5. Font Type: Times New Roman
 6. Double-spaced
 7. Margins: 1" minimum on the top, bottom, and sides of all pages
 8. All pages must be numbered; double-sided printing is acceptable
 9. Do not use material in proposals dependent on color distinctions, animated electronics, etc.
 10. Do not place proposals in notebooks or binders. Metal clips may be used to bind pages together.
 11. Do not include attachments other than those requested or required by this RFP.

V. **PROPOSAL TIMELINE.**

During the period from your organization's receipt of this Request for Proposals and until a contract is awarded, your organization shall not contact any employee of CITY OF BENTON HARBOR for additional information except in writing directed to Lisa Golliday at lgolliday@cityofbentonharbormi.gov

VI. **QUESTIONS.**

Questions for the purpose of clarifying the RFP must be submitted **in writing by email** and must be received no later than **8:30 a.m. on February 10 2020.**

Questions must be emailed to Lisa Golliday at lgolliday@cityofbentonharbormi.gov. Questions and responses will be posted as an "Addendum to the City of Benton Harbor RFP for Legal Services" on the CITY OF BENTON HARBOR website at <https://bhcity.us> by 4:00 p.m. on February 11, 2020.

Please note that submission of questions for response do not in any way enhance or guarantee the chances of receiving a contract through this proposal.

VII. **GENERAL INFORMATION.**

A. **Contract Award**

CITY OF BENTON HARBOR reserves the right to award the contract in a manner deemed to be in the best interests of CITY OF BENTON HARBOR.

B. **Stability of Proposed Prices**

Any price offerings from Proposers must be valid for a period of 30 days from the due date of the proposals.

C. Amendment or Cancellation of the RFP

CITY OF BENTON HARBOR reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interests of CITY OF BENTON HARBOR.

D. Proposal Modifications

No additions or changes to any proposal will be allowed after the proposal due date, unless such modification is specifically requested by CITY OF BENTON HARBOR. CITY OF BENTON HARBOR, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

E. Proposer Presentation of Supporting Evidence

Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that CITY OF BENTON HARBOR deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.

F. Proposer Demonstration of Proposed Services and/or Products

Proposers must be able to confirm their ability to provide all proposed services.

G. Erroneous Awards

CITY OF BENTON HARBOR reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a Proposer and subsequently awarding the contract to a different Proposer. Such action shall not constitute a breach of contract on the part of CITY OF BENTON HARBOR because the contract with the initial Proposer will be deemed voided as if no contract were ever in place.

H. Ownership of Proposals

All proposals shall become the property of CITY OF BENTON HARBOR and will not be returned.

I. Ownership of Subsequent Products

Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP shall be the sole property of CITY OF BENTON HARBOR unless otherwise stated in the contract.

J. Oral Agreement or Arrangements

Any alleged oral agreements or arrangements made by Proposers with CITY OF BENTON HARBOR will be disregarded in any proposal evaluation or associated award.

K. Not a Contract

This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. CITY OF BENTON HARBOR will pursue negotiations with the highest scoring proposal. If, for some reason, CITY OF BENTON

HARBOR and the initial Proposer fail to reach consensus on the issues relative to a contract, then CITY OF BENTON HARBOR may commence contract negotiations with other Proposers. CITY OF BENTON HARBOR may decide at any time to start the RFP process again. The selected Proposer will be required to sign a formal contract.

L. Subcontractors

CITY OF BENTON HARBOR must approve any and all subcontractors utilized by the successful Proposer prior to any such subcontractor commencing any work. Proposers acknowledge by the act of submitting a proposal that any work provided under the contract is work conducted on behalf of CITY OF BENTON HARBOR and that the CITY OF BENTON HARBOR City Manager or designee may communicate directly with any subcontractor as CITY OF BENTON HARBOR deems necessary or appropriate.

It is also understood that the successful Proposer shall be responsible for all payment of fees charged by the subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the successful Proposer to CITY OF BENTON HARBOR upon request. The successful Proposer must provide the majority of services described in the specifications.