



REQUEST FOR PROPOSAL (RFP)

For

SOLICITOR PROFESSIONAL

RFP 17-244

**Issue Date: August 1, 2017**

**PROPOSALS DUE: Friday, September 1, 2017 at 10:00am**  
**Late proposals will be rejected and returned unopened.**

**Information concerning this solicitation may be found at:**

[www.brookhavenga.gov](http://www.brookhavenga.gov)

**Deadline for Questions: August 11, 2017 at 5:00pm**

(There is not a conference scheduled for this procurement)

Questions must be directed to

City of Brookhaven via e-mail: [purchasing@brookhavenga.gov](mailto:purchasing@brookhavenga.gov)

There shall be no communication or questions ask to any Public Officials, Legal Teams or Employees of the City of Brookhaven regarding this procurement. This will result in proposal rejection.

Instructions to Proposers

All spaces below are to be completed and the Proposal Letter on page two must be signed where indicated. Failure to sign and return Proposal Letter may cause rejection of the proposal.

Proposal of:

Company Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

Email: \_\_\_\_\_

Submit Proposals to:  
City of Brookhaven Purchasing Office  
4362 Peachtree Road  
Brookhaven, GA 30319

**PROPOSAL LETTER**

We propose to furnish and deliver any and all of the deliverables and services named in the attached Request for Proposals (RFP) for which prices have been set. The price or prices offered shall apply for the period of time stated in the RFP.

We further agree to strictly abide by all the terms and conditions contained in the City of Brookhaven Purchasing Policy as modified by any attached special terms and conditions, all of which are made a part hereof. Any exceptions are noted in writing and included with this bid.

It is understood and agreed that this proposal constitutes an offer, which when accepted in writing by the Purchasing Office, City of Brookhaven, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and the City of Brookhaven.

It is understood and agreed that we have read the City’s specifications shown or referenced in the RFP and that this proposal is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this proposal meet or exceed any and all such City specifications. We further agree, if awarded a contract, to deliver goods and services which meet or exceed the specifications. The City of Brookhaven reserves the right to reject any or all proposals, waive technicalities, and informalities, and to make an award in the best interest of the City.

It is understood and agreed that this proposal shall be valid and held open for a period of one hundred twenty (120) days from proposal opening date.

**PROPOSAL SIGNATURE AND CERTIFICATION**  
(Bidder to sign and return with proposal)

I certify that this proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the proposer. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. seq. have not been violated and will not be violated in any respect.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Print/Type Name \_\_\_\_\_  
Print/Type Company Name Here \_\_\_\_\_

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## 1.0 INTRODUCTION

### 1.1 Purpose of Procurement

The City of Brookhaven is requesting proposals for Solicitor services for the City of Brookhaven Municipal Court Services.

The City of Brookhaven was incorporated December 17, 2012 and is one of the newest city's in DeKalb County. The City's population is approximately 50,000 with a geographic area of approximately 11.5 square miles. In 2014, The Atlanta Business Chronical recognized the City of Brookhaven as the fastest growing residential zip code in the metro-Atlanta area. The demand for services from day to day operation, infrastructure maintenance and long term capacity, and the ability to react, track, and respond internally and externally are top priorities for the City of Brookhaven. Excellent performance and responsiveness are key service deliverables; therefore, a performance based classification and compensation plan is essential.

The City of Brookhaven seeks to engage a firm, individual lawyer, or a consortium of firms or lawyers to serve as Solicitor of the Brookhaven Municipal Court, commencing upon appointment.

### 1.2 Basic Guidelines for This Request for Proposals

Competitive sealed proposals shall be submitted in response hereto. All proposals submitted pursuant to this request shall be made in accordance with the provisions of the City of Brookhaven Purchasing Policy, these instructions, and specifications. **Fee & Price Certification shall be sealed in a separate envelope.**

The proposals shall be evaluated in accordance with the evaluation criteria set forth in this Request for Proposal (RFP). Award(s) shall be made to the responsible Offeror(s) whose proposal(s) is determined in writing to be the most advantageous for the City, taking into account all of the evaluation factors set forth in this RFP. No other factors or criteria shall be used in the evaluation. The City of Brookhaven reserves the right to reject any and all proposals submitted in response to this request.

It shall be unethical for any Offeror to offer, give or agree to give any employee or official of the City or for any employee or official of the City to solicit, demand, accept from another person, a gratuity, rebate, and loan, offer of employment or other services or property of value in connection with this RFP. Rebates normally or routinely offered to customers in the ordinary course of business for the purchase of goods and services are acceptable and are the property of the City. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of Offeror as an inducement for the award. For violation of this provision, the City shall reserve the right to reject the proposal of the offending Offeror.

### **1.3 Restrictions on Communications with Staff**

From the issue date of this RFP until a solicitor is selected and the selection is announced, Offerors are not allowed to communicate for any reason with any City Staff except through the Purchasing Officer named herein or as provided by existing work agreement(s). For violation of this provision, the City shall reserve the right to reject the proposal of the offending Offeror.

*All questions concerning this RFP must be submitted in writing to Tyra Little at purchasing@brookhavenga.gov. No questions other than written will be accepted and all questions and responses will be posted to the Purchasing webpage shortly after the questions deadline. No response other than an official addendum shall be binding upon the City.*

## **2.0 DESCRIPTION OF REQUIREMENTS**

### **2.1 Introduction**

The City of Brookhaven has established certain requirements with respect to proposals to be submitted by Offerors.

Whenever the terms "shall", "must", "will", or "is required" are used in the RFP, the specification being referred to is a mandatory requirement of this RFP. Failure to meet any mandatory requirement will be cause for rejection of Offeror's proposal.

Whenever the terms "can", "may", or "should" are used in the RFP, the specification being referred to is a desirable and failure to provide any items so termed may not be cause for rejection, however, will probably cause a reduction in score awarded.

### **2.2 Scope of Work**

## **I. PURPOSE AND INTENT**

Through this Request for Proposal & Qualifications (RFP), the City of Brookhaven (hereinafter the "Brookhaven") seeks to engage a firm, individual lawyer, or a consortium of firms or lawyers to serve as Solicitor of the Brookhaven Municipal Court, commencing upon appointment. This contract will be awarded through a fair and open process. This Request for Proposal & Qualifications (RFP) is a part of a competitive procurement process, which helps to service Brookhaven's best interests. It also provides law firms with a fair opportunity for their services to be considered.

The process of competitive negotiation being used in this case should not be confused with the different process of competitive sealed bidding. The latter process is usually used where the goods or services being procured can be described precisely and price is generally the determinative factor. With

competitive negotiation, however, price is not required to be the determinative factor, although it may be, and Brookhaven has the flexibility it needs to negotiate with law firms to arrive at a mutually agreeable relationship.

## II. PROPOSAL SUBMISSION

An original, clearly marked as the “ORIGINAL”, 1 copy, and one (1 USB) electronic copy of each proposal shall be submitted in sealed envelopes and must be marked with “SOLICITOR PROFESSIONAL” and addressed to:

Purchasing Department  
Attn: Tyra Little, Purchasing Manager  
4362 Peachtree Road  
Brookhaven, Georgia 30319

The proposal must be received no later than September 1, 2017 @ 10:00 a.m. **Faxed proposals will NOT be accepted. Any questions or inquiry concerning this RFP should be emailed directly in writing to:**

Purchasing Department  
Attn: Tyra Little, Purchasing Manager  
4362 Peachtree Road  
Brookhaven, Georgia 30319  
[Tyra.little@brookhavenga.gov](mailto:Tyra.little@brookhavenga.gov)

All documents/information submitted in response to this solicitation may be available to the general public. The City of Brookhaven will not be responsible for any costs associated with the oral or written, and/or presentation of the proposals. The City of Brookhaven reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Brookhaven further reserves the right to make such investigations as it deems necessary as to the qualifications of all firms submitting proposals. The City of Brookhaven reserves the right to re-solicit proposals.

## IV. MINIMUM QUALIFICATIONS

See Exhibit A

## V. MANDATORY CONTENTS OF PROPOSAL

### Definitions

While a submitting lawyer or entity does not have to match each item exactly, the following is what is generally meant when used in this RFP.

- Scope: magnitude of the project, and value of the contract.

- Size: when used in this context refers to such things as: budget, miles of roads, number of employees, acres of recreation areas, size of municipal bonds, population, number of homes.
- Similar: refers to such things as municipalities that have areas of dense suburban, commercial, and retail development, have areas of non-dense woodlands, have large recreation complexes, contain streams and lakes, contain federally regulated wetlands, and have a transportation network including State Highways.

In addition to demonstrating an ability to meet all minimum qualifications in Exhibit A, the firm must also include and address the following:

- 1) Contact Information: Provide the name and address of the firm; the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal and the principal professional assigned to the Brookhaven.
- 2) A fee proposal for the remainder of the 2017 calendar year including: a detailed listing of your firm's method of charging for professional and administrative services; a listing of billable rates for all personnel of your firm; a description of expenses, multipliers, overhead charges and other applicable fee information; and, a description of minimum billings, if any. **All must be in a separate envelope marked FEE Proposal.**

In addition to proposals that include straight hourly rate billing, the City of Brookhaven prefers alternative fee arrangements, including, without limitation, fixed fee or capped fee arrangements. Applicants proposing such arrangements should clearly define the scope of work to be included and excluded (if any) from such arrangements. Any such arrangements may be proposed instead of or as an alternative to hourly billing arrangements. A proposal showing minimum and maximum ranges is not acceptable. Please include the anticipated annual increase in your rate schedule and the percentage change in your rates, if any, over the last five (5) years. Also, provide a sample bill for services depicting the billing format utilized. **All must be in a separate envelope marked FEE Proposal.**

- 3) An executive summary of not more than two (2) pages, identifying and substantiating why the firm is best qualified to provide the requested services.
- 4) A staffing plan listing those persons who will be assigned to the engagement if the firm is selected, including the designation of the person who would be the firm's principal professional responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the principal's relevant professional experience, years and type of experience, and number of years with the firm.
- 5) A description of the firm's experience, in performing services of the type described in this RFP. Specifically identify client size and specific examples of work within the scope of services required under this RFP in similarly sized municipalities. **It is imperative to show experience in similarly sized municipalities.**

- 6) Identify what experience, if any, your firm has with Municipal matters. List those clients for which you presently provide these services and those you previously served and the duration of the representation.
- 7) Identify to what extent your firm has litigated both in the local court system as well as in the Appellate Courts. Please include litigation in the following: Labor & Employment, Land Use, Zoning, etc.
- 8) The location of firm's office, if other than the firm's main office, at which the firm proposes to perform services required under this RFP. Describe your presence in Georgia and any familiarity your firm has with the Brookhaven area.
- 9) Five (5) references, including at least three (3) municipal clients, including three (3) current clients for whom services have been provided for at least three (3) years and two (2) former clients for whom services have been provided within the past seven (7) years. Provide the contact names, titles and phone numbers.
- 10) If the firm or any principal therein has been subject to any professional disciplinary action within the last three (3) years, the bidder must provide a description of the event and the disciplinary action.
- 11) A description of any ongoing investigations and/or litigation matters involving the applicant, its directors, officers and principals and any individuals employed by the applicant that relate to the performance of the firm in the proposed field of expertise.
- 12) Identify the municipal organizations to which your firm is a member and what municipal publications your firm currently receives.
- 13) Identify the five (5) most recent speaking engagements relative to municipal matters. Include the personnel involved and the topic of the engagements.
- 14) In its proposal, the firm must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the City of Brookhaven. Identify what percentage, if any, of your practice is dedicated to representing local developers and businesses.
- 15) The Brookhaven Municipal Court hears arraignments each Monday, Wednesday and Thursday beginning at 1:00 pm, with the exception of the first Thursday of each month when Court begins at 7:00 pm. Trials are generally scheduled on the 2d Wednesday of each month or as directed by the Presiding Judge. It is expected that the winning applicant will staff all Court sessions as presently scheduled.

## **VI. SUBCONTRACTORS**

If the Firm intends to subcontract out any part of the work contained in the scope of this RFP, the Firm shall provide a complete description of the services to be subcontracted, an estimate of the overall amount of work to be subcontracted, the rationale behind the need to subcontract, and a comprehensive



description of the qualifications and experience of the proposed subcontractor. The City of Brookhaven reserves the right to disapprove any proposed subcontractor and to revoke previous approval of a subcontractor should the need arise.

#### **VII. INDEMNIFICATION**

The selected Firm shall defend, indemnify and hold harmless the City of Brookhaven, its officers, agents and employees from any and all claims and costs of any nature whether for personal injury, property damage or any other liability arising out of or in any way connected with the Solicitor's negligent acts or omissions under this agreement.

#### **VIII. INSURANCE**

Detail your insurance coverage applicable to the services described herein. Such coverage must be adequate to sufficiently cover the services detailed herein and must include at a minimum, general liability insurance coverage and professional liability insurance coverage. Include insurance certificates summarizing such insurance coverage.

#### **IX. OTHER INFORMATION**

Please discuss any other factors not mentioned above which you believe are relevant to the City of Brookhaven's selection of your firm.

#### **X. INTERVIEW**

The City of Brookhaven reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The City of Brookhaven reserves the right to request clarifying information subsequent to submission of the proposal.

#### **XI. SELECTION PROCESS**

All proposals will be reviewed by the City of Brookhaven Legal Department or his designee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For firms that satisfy IV "Minimum Requirements" and V "Mandatory Contents of Proposal" the City of Brookhaven's evaluation will include but will not be limited to the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- (a) The firm's general approach to providing the services required under this RFP.
- (b) The firm's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP.
- (c) The qualifications and experience of the firm's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this RFP.
- (d) The overall ability of the firm to mobilize, undertake and successfully complete the scope of work in a timely fashion. This criterion will include, but not be limited to, the following factors: the number

and qualifications of management, supervisory and other staff proposed by the firm to perform the services required by this RFP; the availability and commitment to the engagement of the firm's management, supervisory and other staff proposed.

## **XII. SELECTION AND CONTRACT**

**The City of Brookhaven will select the firm deemed most advantageous to the City, price and other factors considered.** The resulting contract will include this RFP, any clarifications or addenda thereto, the selected firm's proposal, and any changes negotiated by the parties.

**Exhibit A**  
**City of Brookhaven**  
**Request for Proposal & Qualifications for Municipal Professionals**

**Minimum Qualifications**

Applicants **must** establish that they meet the following minimum qualifications:

**City of Brookhaven Minimum Requirements Brookhaven Solicitor:**

A. The applicant shall comply with and be subject to all provisions of the Georgia Brookhaven Charter and Codes, to include, but not limited to, the City's Code of Ethics.

B. The applicant shall have relevant experience as a prosecutor in a municipal court, or a court of record. The applicant shall have seven (7) years' experience as a municipal solicitor for a municipality in the State of Georgia. The City shall accept similar experience as a prosecutor in a Court of Record in the state of Georgia.

C. The applicant also must demonstrate a high degree of knowledge, experience and ability with the following:

- (1) The operation of local governmental units in Georgia.
- (2) Criminal procedure and substantive criminal law.
- (3) Management of a Courtroom and a large docket of cases.
- (4) Efficient use of time and resources so that other Court personnel are not inconvenienced by delays caused by the Solicitor.
- (5) Supervision of the proper handling of any discovery requests related to a pending citation.
- (6) Knowledge and experience ensuring that proper and accurate records of the dispositions of all cases are maintained.
- (7) Knowledge and

D. The applicant must be licensed to practice law in the State of Georgia and be a member of the Bar in good standing. Include a list of any other professional qualifications; experience and/or credentials you feel are relevant to this RFP

E. If the Applicant is awarded the contract, performance will be measured and evaluated as follows:

- (1) Prompt attendance at each regular or specially set court date
- (2) Efficient handling of cases at arraignment
- (3) Written evaluation of effectiveness of advocacy as observed by the Court Administrator
- (4) Written evaluation of effectiveness of advocacy as observed by the City Attorney
- (5) Attention to detail concerning charging documents, evidence available, and

- (6) Appropriate negotiation of plea agreements on criminal citations
- (7) Communication with the City Attorney on code enforcement cases and any criminal cases in which the City Attorney has asked to be kept informed
- (8) Appropriate resolution of any concerns voiced by presiding judges in the Municipal Court concerning performance or preparedness

### **3.0 PROPOSAL SUBMISSION AND EVALUATION**

#### **3.1 Requested Proposal Format**

Each proposal should contain the following elements:

1. Letter of interest, including name of organization and project contact information.
2. Current resume of qualifications.
3. Direct response to each of the Selection Criteria below.
4. Any other pertinent information that will assist the City in its decision.

At a minimum, the response must include the following information:

1. The understanding of and approach to the project.
2. Qualifications of the Consultant and experience in this type of work including a list of at least four (4) similar projects completed by the Consultant team members, with the names and phone numbers of key contact persons for those projects.
3. The key staff persons who will be assigned to this project together with their experience and qualifications.
4. The consultant shall provide a timeline with the submission of the proposal. The City would prefer this study to be conducted and prepared as quickly as possible.

#### **3.2 Signature Requirements**

Proposals must be signed by a duly authorized official of the responder. Consortia, joint ventures, or teams submitting proposals, although permitted and encouraged, will not be considered responsive unless it is established that all contractual responsibility rests solely with one contractor or one legal entity which shall not be a subsidiary or affiliate with limited resources. Each proposal should indicate the entity responsible for execution on behalf of the proposal team.

#### **3.3 Submission of Proposals**

Proposals must be submitted in two parts: a Proposal and Fee Proposal. The fee & certification proposal and proposal packages should be sealed in separate envelopes and identified as follows: RFP 17-244 Fee Proposal/RFP17-244 Proposal, with your firms name.

### **3.4 Selection Criteria and Process**

The following criteria will be weighed in evaluating the qualification of each Consultant:

1. Experience, qualifications, and technical competence in the type of work required (25%)
2. Past performance on projects of comparable nature (25%)
3. Demonstration of consultant's approach to performing the work including an indication of the degree of availability the consultant anticipates in scheduling staff to meet project needs (25%)
4. References (25%)\*

\*Fee proposal shall be **SEALED** in a separate envelope, which will not be opened until after other criteria have been considered.

## **4.0 TERMS AND CONDITIONS**

### **4.1 RFP Addenda**

The City of Brookhaven reserves the right to addend the RFP prior to the date of proposal submission. Addenda will be posted to the City of Brookhaven's website.

### **4.2 Proposal Withdrawal**

Prior to the proposal due date, a submitted proposal may be withdrawn by the Offeror by submitting a written request to the Purchasing Manager named herein. All such requests must be signed by a person authorized to sign for the Offeror. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for the proposal opening.

### **4.3 Contract**

Prior to award, the apparent winning Offeror will be required to enter into discussions with the City to resolve any contractual differences before an award is made. These discussions are to be finalized and all exceptions resolved within five (5) calendar days of notification, if not, this could lead to rejection of the Offeror's proposal and discussions initiated with the second highest scoring Offeror.

### **4.4 Payment for Services**

The city will make payments to the successful Offeror on a monthly basis. Monthly invoices are required.

#### **4.5 Conflict of Interest**

If an Offeror has any existing client relationship(s) that involve the City of Brookhaven that would prevent objectivity, the Offeror must disclose such relationship(s).

#### **4.6 Confidentiality Requirements**

The staff members who are assigned by the successful Offeror to this project may be required to sign a departmental non-disclosure statement. Proposals are subject to the Georgia Open Records Act and may be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in proposals.

#### **4.7 Georgia Open Records Act**

All meetings of the City's Council are duly noticed public meetings and all documents submitted to the City as a part of or in connection with a Proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. By submission to the City, Proposers waive

any declaration the entire response any solicitation to be proprietary information. The Proposer shall designate in the smallest increments possible, that part of the qualifications which is deemed to be proprietary. Proposals and all related correspondence are governed by the Georgia Open Records Act and shall be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in vendor proposals unless provided for under the open records law and clearly marked as proprietary by the proposer. In the event the Proposer deems certain information to be exempt from the disclosure requirements, the Proposal must specify what content is considered exempt and cite the applicable provision of the law to support that assessment. In the event such information is requested under the open records law, the Proposer's assessment will be examined by the City Attorney who will make a determination. The decision to withhold or release the information will be at the City Attorney's sole discretion.

#### **4.8 Policy on Drug-Free Workplace**

The final award of a contract is contingent upon the contractor certifying to the City that a drug-free workplace will be provided for the Contractor's employees during the performance of the contract as required by the "Drug-Free Workplace Act" (O.C.G.A. 50-24-1).

**APPENDIX A  
PROPOSAL PRICE CERTIFICATION**

In compliance with the attached specification, the undersigned offers and agrees that if this proposal is accepted by the City Council within one hundred and twenty (120) days of the date of proposal opening, that he will furnish any or all of the deliverables upon which prices are quoted, at the price set opposite each, to the designated point(s) within the time specified.

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

PRINT / TYPE NAME \_\_\_\_\_

**Cost proposal and Price Certification should be in a sealed envelope.**