Board of Supervisors
Greg Philips, Chairperson
Greg Waks, Vice-Chairperson
William Jenaway, PhD
Carole Kenney
Tina Garzillo

Acting Township Manager/
Secretary-Treasurer
Sally Slook

Township Solicitor
FIRM OF:
HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN, P.C.

UPPER MERION TOWNSHIP

REQUEST FOR QUALIFICATIONS (RFQ):

Municipal Labor Attorney/Employment Counsel for Upper Merion Township, 2018

PROPOSAL INFORMATION

Submittal Deadline:
3:00 p.m. on Wednesday, October 10, 2018

Submit Qualifications to:
Sally Slook
Acting Township Manager
Upper Merion Township
175 West Valley Forge Road
King of Prussia, PA 19406-1802

Contact for Questions:
Sally Slook
Acting Township Manager
Email: sslook@umtownship.org

UPPER MERION
MONTGOMERY COUNTY
1713
PENNSYLVANIA
TOWNSHIP

REQUEST FOR QUALIFICATIONS:

Municipal Labor Attorney/Employment Counsel for Upper Merion Township

Upper Merion Township will accept sealed qualifications for Municipal Labor Attorney/Legal Services, until **3:00 p.m. on Wednesday, October 10, 2018**, at 175 West Valley Forge Road, King of Prussia, Pennsylvania 19406-1802.

All qualifications shall presented will be in accordance with the Request for Proposal ("RFQ") specifications which are available and can be picked up at the Office of the Acting Township Manager, 175 West Valley Forge Road, King of Prussia, Pennsylvania 19406-1802. For a copy of the RFQ, please email sslook@umtownship.org or call 610-265-2600.

Sealed envelopes containing the qualifications should be identified:

RFQ – Labor Attorney/Employment Counsel, 2018

The envelopes should be delivered via hand-delivery service or overnight mail delivery service to the Office of the Acting Township Manager, at the address listed above, so as to arrive by the specified date and time specified above.

Upper Merion Township will require seven (7) print copies and one (1) electronic copy of the proposal.

If you have any questions regarding the contents of this RFQ, please contact Sally Slook, Acting Township Manager, as noted in the Request for Qualifications.

Sally Slook
Acting Township Manager

UPPER MERION TOWNSHIP

REQUEST FOR QUALIFICATIONS:

Municipal Labor Attorney/Employment Counsel for Upper Merion Township, 2018

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I. GENERAL INFORMATION

A. BACKGROUND

Upper Merion is a township located in Montgomery County, Pennsylvania comprising approximately 28,000 residents. The Township functions under a five (5) member Board of Supervisors and provides numerous services to its residents. An important part of this governance relies on quality legal services in regards to union and employment law provided on an as-needed basis by a Board of Supervisors-appointed municipal labor attorney/employment counsel. This scope of services will include the appointment of a law firm to serve in the position of Municipal Labor Attorney, who will serve at the will and pleasure of the Upper Merion Township Board of Supervisors.

B. PROFESSIONAL CREDENTIALING AND LEGAL SERVICES REQUIRED

The Attorney/Attorneys from the firm selected must have a Juris Doctorate from an accredited law school, a license to practice law in the Commonwealth of Pennsylvania, and be a member in good standing of the Pennsylvania Bar Association during the term of their Contract with the Township. In addition, it is required the Attorneys must have experience with Pennsylvania municipalities and knowledge of municipal law, labor and employment law, and union negotiations.

C. RFQ SCHEDULE (subject to change)

This Request for Proposal schedule:

DATE	*EVENT*
September 10, 2018	RFQ Issued and Advertised
October 10, 2018	Submission Deadline (3:00 p.m.)
October 11-19, 2018	Review & Evaluation of Submissions
October 22-26, 2018	Oral presentations as required.
January 7, 2019	Proposal Awarded by Board of Supervisors

D. QUESTIONS

Any questions regarding this Request for Proposal should be directed to the Office of the Acting Township Manager in writing (preferably email) to:

Sally Slook
Acting Township Manager
175 West Valley Forge Road
King of Prussia, PA 19406-1802
Email: sslook@umtownship.org

All questions must be received by 2:00 p.m. on October 5, 2018. Inquiries received after 2:00 p.m. will not receive responses. No responses will be provided to telephone inquiries.

E. ADDENDA - To ensure consistent interpretation of certain items, answers to questions the Township deems to be in the interest of all will be made available to all other respondents. Responses to questions will not be issued in the form of an Addendum to the Request for Qualifications.

Upper Merion Township may, at our discretion and without explanation to the prospective proposer(s), at any time choose to discontinue this RFQ without obligation to any proposer(s) who have submitted a proposal.

II. SCOPE OF WORK

The Township is soliciting qualifications from firms interested in serving as the municipal labor attorney/employment counsel for Upper Merion Township for 2018. The legal services under consideration in this request for qualifications involve (but are not limited to):

1. Provide advice on labor relations and employee matters.
2. Represent the Township in any grievance arbitration, mediation, unfair labor practice hearing, or other employment related matters.
3. Provide collective bargaining assistance, including support in the negotiation and arbitration of collective bargaining agreements and/or any redrafting or additions as well as other matters related to the Township's labor contracts.
4. Provide fact-finding services, as needed.
5. Advise the Township Manager concerning other specific employment law matters, as well as counseling with respect to human resources-related legal issues, including the formulation and implementation of its personnel policies, as needed.
6. Prepare legal opinions on issues that arise as requested by the Township.
7. Advise the Township Manager in connection with benefit and pension matters to the extent they affect collective bargaining negotiations, current or proposed employee policies and implementation.
8. Conducting legal research and drafting legal memoranda on Labor Relations & Human Resources issues.
9. If requested, preside over or conduct employee investigations, discipline, and grievance hearings and issue a written decision for each hearing.
10. Draft ordinances, amendments, resolutions, agreements and other documents and reports requested by the Township Manager.
11. Be available by telephone or in person to act as legal advisor to Upper Merion Township.
12. Attend meetings in person with Upper Merion Township personnel as may be requested by the Township Manager.
13. Represent Upper Merion Township in legal proceedings as they arise in the business of the Township.
14. Perform other related legal services deemed necessary or expedient by the Township Manager.
15. Knowledge of Pennsylvania Open Records and Open Meeting Laws.

III. PROPOSAL ELEMENTS

A. General Requirements

1) Proposal Submission: Seven (7) print and one (1) electronic copy of the Proposal shall be received in a sealed envelope and must be prominently marked on the outside **"RFQ – Labor Attorney/Employment Counsel, 2018"**

- Sealed qualifications must be submitted no later than 3 PM on October 10, 2018 to:

  Office of the Acting Township Manager
  Upper Merion Township
  175 West Valley Forge Road
  King of Prussia, PA 19406

- Qualifications must be mailed or hand delivered. No faxed or emailed qualifications will be accepted. **Late qualifications will not be accepted.**

2) Preparation costs: The Township will not be responsible for any costs associated with the preparation, submission or presentation of any proposal.

3) Minority Proposer: Upper Merion Township encourages all qualified businesses including minority-owned and women-owned business to respond to all Invitations to Requests for Qualifications.

4) All submitted qualifications will be the property of Upper Merion Township.

5) Open Records Law/Public Information: Under the Pennsylvania Right-to-Know (the "Law"), 65 P.S., §67.101, eq. seq., as amended, and other applicable laws, a record in the position of the Township is presumed to be a public record subject to disclosure to any legal resident of the United States upon request, unless protected by a statutory exception.

6) This RFQ shall not, without the Township's prior written consent, be disclosed to any Proposer, in any manner whatsoever, in whole or in part, or used for any purpose other than the submission of Qualifications to the Township.

B. Format of Technical Proposal

1) *Title Page & Table of Contents:*
   a. Title Page should show the RFQ subject; the institution's name; Contact name, title, office address, telephone number and email address; and the date of the proposal.
   b. Table of Contents should identify matters submitted by section and page number.

2) *Contact Information:* On a single cover sheet in your proposal, please provide:
   a. The name of firm, owner, address, and telephone number;
   b. The name and contact information for the firm's primary contact;
   c. E-mail address for firm principals or individuals working with the Township;
   d. The year the firm or individual practice was established;
   e. The MBE/WBE status of the firm

3) *Personnel Qualifications*
   a. Identify the key attorney who will serve in the position of Municipal Labor Attorney;
   b. Provide a resume and summary of their experience for the individual who will serve in the position of Municipal Labor Attorney;
   c. Provide the same for other attorneys (if any) in the firm who may assist with the

provision of services.

d. Describe your experience assisting public townships counties, municipalities or other governmental agencies;
e. Describe any existing or potential legal or other policy conflicts of interest, or appearance of conflict of interest, you may have, or which reasonably might arise, because of your proposed representation of the Township;
f. State whether you or any principals in your firm have been (in the past five years) or are currently the subject of any Federal or State investigation or any investigation by any law enforcement agency, and indicate the nature of this investigation;
g. Indicate any pending litigation in which you are involved which may directly or indirectly affect your ability to represent the Township in any manner;
h. Please indicate the amount of professional malpractice insurance coverage which you carry, the amount of any self-retention and the name of the carrier;

4) *Specialized Legal Services Competence*
   a. Provide examples of respondent's experience in the past ten years specifically related to the scope of services included in this RFQ. This sections should also describe the respondent's experience in the following areas with examples for each:
      - Negotiation of collective bargaining agreements
      - Litigation in state and federal courts
      - Working with municipal staff to formulate bargaining proposals
      - Familiarity with the full range of labor laws affecting the bargaining process in the public sector.

5) *Capability:*
   a. Provide information about the attorney and firm's capability to perform on short notice and in a timely manner. If the appointed Municipal Labor Attorney is not available are there other means of responding to requests?
   b. Describe the Attorney's and firm's approach to communicating with the Township in regard to progress reports, status reports, recommendations, status of opinions, etc.

6) *Project Management:*
   a. Provide a plan for service delivery, and an explanation of how tasks and projects are managed within the firm to ensure timely response and completion.

7) *Client List:*
   a. Provide a list of current municipal clients, including at least three references from these organizations including names, contact persons and phone numbers.
   b. List any clients you currently represent that could cause a conflict of interest with your responsibilities as Labor Attorney for Upper Merion Township and describe how you would be willing to resolve these or any future conflicts of interest.

NOTE: NO FEES AND/OR PRICING OF THE RFQ SHOULD BE INCLUDED IN THE TECHNICAL PROPOSAL.

C. Format of Cost Proposal

The sealed cost proposal shall contain detailed pricing information relative to the work as described for each section of the RFQ. Please include:

1) Please provide rates for providing the services described above. Note that the Upper Merion Township is requesting fees to be submitted with two options:

   Option A: *Monthly retainer plus hourly fees*
   (Indicate specific items to be covered by the retainer)

   Option B: *Hourly fees for all work without retainer*
   For hourly fees, please identify hourly rate of each attorney and support personnel, and indicate minimum increment of time billed for services. Also state rates for other cost items proposed to be itemized and billed.

2) A list of anticipated reimbursable expenses and the rate charged for each
3) Any reduced fees offered to other municipalities, government entities, economic development or nonprofit organizations, and civic organizations;
4) Any other fees or charges not outlined in the other sections of the cost proposal;

Pricing will be reviewed based on reasonableness for services being provided, competitive market rates, and fee structure. The Township is not obligated to select the Proposal with the lowest fee proposal to perform these professional services.

IV. SELECTION PROCESS

A. Selection Date

Selection of the firm(s) to provide Managed service and conduct the Project will be based on timely written qualifications. Oral interviews may be conducted by telephone and in person to assist the Township in the selection process. It is anticipated that the selection will be made on or before November 15, 2018 with commencement of the contract(s) anticipated to start on January 1, 2019.

B. Evaluation Criteria

1) Any award to be made pursuant to this RFQ will be based upon the proposal, with appropriate consideration given to operational, technical, cost and management requirements. Evaluation of offers will be based upon the proposer' responsiveness to the RFQ, ability of the proposer to meet the needs of Upper Merion Township.

2) The following elements will be the primary consideration in evaluating all submitted qualifications in the selection of a consultant(s):

   - Clarity and completeness of the proposal and the apparent understanding

of the work to be performed;

- General qualifications, experience and expertise of the Proposer;
- Soundness of the methods and approach to the work;
- Information derived from reference checks and review of other documents completed by the Proposer; and
- Comparative cost of the Firm's proposal.

C. Site Tours

Once the qualifications have been evaluated, Proposer's selected to proceed may receive invitation for in-person interviews with their key staff that would be responsible for supporting the Township. A site tour of the Township may be also be requested.

D. Reservations Regarding Selection

The Township reserves the right to do any or all of the following:

1) Conduct interviews with some or all of the Respondents.
2) Reject any or all Qualifications.
3) Waive any informality or irregularity in a Proposal.
4) Hold all Qualifications for a period of thirty (30) days after the date fixed for the opening thereof.
5) Enter into good faith negotiations with the Respondents to modify service or project descriptions to a greater or lesser magnitude than described in this RFQ or any Proposal.
6) Accept the Proposal that the Township deems at its sole discretion, to be the most favorable in the best interest of the Township.
7) Enter into good faith negotiations with the selected Respondents regarding the pricing set forth in the Proposal prior to entering into an agreement. If the agreement's negotiations cannot be concluded successfully with the first selected Respondent, the Township may negotiate an Agreement with the second selected Respondent.
8) Re-advertise this RFQ for new Qualifications as may be deemed necessary at the sole discretion of the Township.

V. CONTRACT TERM

The contract shall be effective upon appointment by the Board of Supervisors for a period of three (3) fiscal years plus one (1) optional year upon mutual agreement by both parties.