



MONROE COUNTY
R O A D
COMMISSION

840 S. Telegraph Road • Monroe, Michigan 48161 • Phone: (734) 240-5102 • Fax: (734) 240-5101

REQUEST FOR PROPOSAL

**CIVIL COUNSEL LEGAL
REPRESENTATION
ROAD COMMISSION LEGAL
ADVISOR**

RFP OPENING:

Wednesday, September 7, 2016 at 2:00 P.M.

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF MONROE, MICHIGAN

Paul Iacoangeli, Chairman
Dan Minton, Vice Chairman
Bruce R. Stammer, Jr., Member
Stephen J. Pace, Member
Charles A. Londo, Member

**MONROE COUNTY ROAD COMMISSION
REQUEST FOR PROPOSAL
CIVIL COUNSEL LEGAL REPRESENTATION**

The Monroe County Road Commission is requesting proposals to provide **Civil Counsel Legal Representation** for the Monroe County Road Commission. Proposals will be received by the Board of County Road Commissioners of the County of Monroe until **2:00 p.m.** local time on **Wednesday, September 7, 2016** at the offices of the Monroe County Road Commission located at 840 S. Telegraph Road, Monroe, MI 48161. Proposals are to be submitted in a sealed envelope marked "Civil Counsel Legal Representation Proposal" Bids will be publicly opened at 2:00 p.m. and later reviewed. Proposals may be downloaded from the Road Commission's website at www.mcrc-mi.org/bids.html .

BOARD OF COUNTY ROAD
COMMISSIONERS
OF THE COUNTY OF MONROE,
MICHIGAN

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August 22, 2016

Dear Legal Professional:

The Monroe County Road Commission (MCRC) is accepting proposals from qualified legal firms to provide Civil Counsel legal representation for the Board of County Road Commissioners for the County of Monroe. The MCRC is interested in contracting for these services with an individual public law firm or an individual attorney within a public law firm on a contractual basis.

The MCRC's requirements to be met in providing these professional services are outlined in the attached documents that are a part of this Request for Proposal (RFP). All proposals submitted shall take into consideration these requirements.

The final date for submitting a proposal is **Wednesday, September 7, 2016 at 2:00 p.m.** to Christine Herron, Purchasing Agent, 840 S. Telegraph Road, Monroe, Michigan 48161. Your proposal envelope must be sealed and clearly marked "***Civil Counsel Legal Representation Proposal***" so that no error in opening may occur. Proposals will be publicly opened at this time with the review and evaluation to take place at a later date.

The MCRC reserves the right to accept or to reject any and all proposals, to waive any irregularities and to make an award that is determined by the MCRC to be in the best interest of the Road Commission.

Sincerely,
MONROE COUNTY ROAD COMMISSION

Randy D. Pierce

Randy D. Pierce, Managing Director

Section I

Scope of Services

General Legal Advisor Services

Under the general direction of the Board of County Road Commissioners for the County of Monroe, and in cooperation with the Managing Director, oversee and participate in the provision of general civil counsel services to the Monroe County Road Commission, its staff and various departments. The Legal Advisor shall be well versed in road law issues, particularly ACT 51 legislation as well as provide a wide range of civil counsel services to staff and various departments within the Road Commission, including representation in court and administrative hearings, conducting legal research, drafting ordinances, regulations and resolutions, preparing and reviewing various contracts and other legal documents and serving as general civil counsel on behalf of the Board of County Road Commissioners, the staff and various departments.

Essential Functions

- Provide Civil counsel to the MCRC Board, the Managing Director and MCRC staff and departments, and advises on procedural issues and substantive law. Oversees and participates in researching and rendering opinions on a wide range of legal issues involving the MCRC and advises various departments on legal issues.
- Is responsible for drafting ordinances, regulations, resolutions or other documents when requested by the MCRC Board or their staff.
- Represents the MCRC in administrative hearings and appeals and hearings before administrative bodies. Is responsible for researching issues of fact and law, interviews parties and witnesses, researches and prepares briefs and presents cases when needed and the MCRC is not represented by other specialized counsel.
- As legal advisor to the MCRC, provides counsel on real estate, regulatory law and contract law. Prepares and reviews contracts in a variety of areas, including professional services, personal property purchases, easements, and related matters. Serves as legal advisor to the Managing Director.
- Monitors ongoing litigation being handled by MCRC insurance companies and their attorneys, advises Road Commission Board of status and ensures representation of the MCRC's best interests. Represents the Road Commission in uninsured litigation including court appearances, preparation of motions and briefs, preparation of witnesses and presentation in court.

- Coordinates potential law suits and legal issues with other legal consultants including labor attorney, bond counsel, workers compensation counsel, liability litigation attorneys, risk management attorneys, and meets with the MCRC Board on a periodic basis to inform commissioners of status of various cases. Represents the MCRC and its staff on all matters not covered by outside attorneys.
- Researches major programmatic policy questions to identify alternative methods of obtaining objectives, identify potential problems, and recommend appropriate courses of action.
- Serves as an advisor to the Road Commission's Freedom of Information Act Officer on various issues, including reviewing requests for copies of records and documents, consults with department heads to discuss dissemination of information and determines the appropriate legally supportable responses, as needed.
- Advises the MCRC Board and its staff on all aspects of the Open Meetings Act.
- Prepares contracts, leases, and other legal documents when required by the MCRC Board or their designee.
- Remains current on relevant statutory law, case law, pending legislation, administrative rules, and governmental policy that may have an impact on the MCRC.
- Performs other legal duties as requested by the MCRC Board.
- The selected firm agrees that in the event it becomes necessary to replace any attorney, whether on a temporary or permanent basis, approval of the replacement attorney by the MCRC Board shall be obtained. The approval of the MCRC Board will be required in advance of the performance of any legal services by any proposed replacement.
- The firm shall agree that in the event it employs a replacement attorney for any reason on a temporary basis to provide the services contemplated herein due to a contingency such as illness, such replacement will be provided by the firm at no additional cost to the Road Commission. In the event a replacement attorney is needed due to a conflict of interest, the firm shall promptly express the need for such replacement attorney or additional attorney to the MCRC Board or their designee. If the MCRC Board determines that a replacement attorney or additional attorney is necessary under the circumstances, the Board shall appoint such attorney and the firm shall pay the costs of employing such attorney unless other arrangements are made after discussion with the MCRC Board.

Administration and Support Services:

The firm shall provide all administrative services and support necessary to manage the caseload even if not specifically noted in the RFP below but required in order so as to complete all assignments.

1. All general administrative services including all administrative scheduling of court appearances and attendance at all regular meetings of the Board of County Road Commissioners for the County of Monroe, regularly scheduled staff meetings that may be needed to insure the orderly and timely provision of the legal services contemplated herein;
2. Office facilities adequate to meet the needs of the attorneys who will be performing all legal services hereunder;
3. All necessary secretarial and clerical assistance;
4. All necessary stationary, office supplies, and office equipment including but not limited to:
 - Duplicating equipment
 - Dictating equipment
 - Computers (including an active Email Account)
 - Telephones
 - Facsimile equipment
5. All transportation for the named attorneys necessary for the provision of the legal services hereunder.
6. All necessary legal support/research services.

Sufficient Time for Services:

The firm shall provide the MCRC, through the named attorneys or their approved replacements, a minimum of 16 hours per month to attend meetings and perform professional services. No work that is performed by any clerk, secretary, stenographer, assistant, or paraprofessional employee is to be classified as attorney's work for any purpose.

Time Records:

The firm agrees to maintain accurate and complete time records of all attorney's work provided to the MCRC under the terms of the ensuing contract. The time records shall be kept in an orderly and consistent manner.

1. Time spent in office for conferences, reviewing files, preparing cases (including investigation and doing all other work related to the representation of clients.
2. Time spent attending Board meetings and staff meetings.

One copy of this record is to be submitted to the MCRC on a monthly reporting period for the prior thirty (30) days activities.

Compensation:

In consideration of all the services and all incidental costs, expenses and materials provided by the contractor under the terms of an ensuing agreement the MCRC will make payments to the attorney/firm on a monthly basis.

**Request For Proposal
Professional Legal Services - Legal Advisor/Counsel
For the MCRC
Monroe, Michigan**

**Section II
General Information**

A. ISSUING OFFICE

The RFP is issued by the MCRC. All correspondence regarding this RFP must be addressed to:

Christine Herron,
Purchasing Agent
840 S. Telegraph Road
Monroe, Michigan 48161
Phone: (734)- 240-5109
Facsimile: (734)-240-5102
E-Mail: cherron@mcrc-mi.org

B. RECEIVING OFFICE

Sealed proposals will be received by the Monroe County Road Commission, Attn: Christine Herron on or before **WEDNESDAY, September 7, 2016 @ 2:00 p.m.** Proposal envelopes must be clearly marked "***Civil Counsel Legal Representation Proposal***" so no error in opening will occur. Proposals will be publicly opened at this time and evaluated by the MCRC Board and Managing Director at a later time.

Proposals must arrive at the Monroe County Road Commission to the attention of Christine Herron, Purchasing Agent/Finance Department and time stamped on or before the date and time specified. Late proposals and/or facsimile responses will not be considered or accepted.

C. CONFIDENTIALLY

The MCRC information contained in this Request for Proposal is proprietary, and is to be used in the preparation of your response by you or your designated personnel.

D. PROPOSALS

To be considered, each responder must submit a complete response to the RFP. No other distribution of proposals is to be made. The proposal must be signed in ink by an official authorized to bind the submitter as to the period during which the proposal remains valid. This period must be at least sixty (60) days from the due date for proposals to this RFP.

E. ORAL PRESENTATION

Responders who submit proposals may be required to make oral presentations of their proposals to the MCRC and any designated review/evaluation committee. These presentations provide an opportunity for the submitter to clarify the proposals through mutual understanding.

F. ACCEPTANCE OF PROPOSAL CONTENT

The contents of this RFP and the proposal will become contractual obligations if a contract ensues. Failure of the selected firm to accept these obligations may result in cancellation of the award.

G. SELECTION CRITERIA

Detailed evaluation of comparable proposals is based on your ability to convince the MCRC that your firm and the assigned staff can fulfill the engagement within cost, efficiently, and within the agreed-upon parameters. In evaluating your proposal, the information requested on pages 13 and 14, Section IV-B of this Request for Proposal will be used to determine the successful respondent. Your proposal will be reviewed by the MCRC Board, Managing Director and appropriate staff members.

H. CANCELLATION

The MCRC reserves the right of cancellation. Cancellation of the contract by the Road Commission may be for default by the firm or other circumstances specifically cited in this RFP. Default is defined as the failure of the firm to fulfill the obligations of this quotation or contract. In case of default by the firm, the MCRC may cancel the contract immediately and procure the services from other sources and hold the firm responsible for any excess costs occasioned thereby. In the event the MCRC decides for any reason whatsoever that it no longer needs the services specified in the contract, the MCRC may cancel the contract by giving the firm written notice of such cancellation ninety (90) days prior to the date of cancellation.

If the contract is cancelled by the MCRC for any reason other than default, payment will be made by the MCRC to the firm for actual cost of work provided to the time of cancellation. If the contract is cancelled by the MCRC for the reason of default, the MCRC reserves the right to negotiate a sanction in the form of cost reduction, rebate, or other acceptable form.

I. PRIME CONTRACTOR RESPONSIBILITIES

The selected firm will be required to assume responsibility for all services offered in his/her proposal whether or not he/she produces them. Further, the MCRC will consider the selected firm to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract. The MCRC shall approve any subcontractor who will be party to this contract and performing any services.

J. NEWS RELEASES

News releases pertaining to this RFP or the service will not be made without prior approval from the MCRC. This includes the electronic dissemination of information.

K. TIME PERIOD OF EVALUATION

Selection of a successful firm will be made as soon as possible after the closing date of receipt of proposals.

L. ACCEPTANCE OF PROPOSAL CONTENT

The contents of the proposal of the successful bidder(s) may become contractual obligations if acquisition action ensues. Failure of a successful bidder to accept these obligations in a purchase agreement, purchase order, or similar acquisition instruments, may result in cancellation of the award.

M. ECONOMY OF PREPARATION

Proposals should be prepared simply and economically providing straight-forward, concise descriptions of capabilities to satisfy the requirements of the RFP. Special bindings, color displays, promotional materials, etc., are not necessary. Emphasis should be on completeness, clarity, and content.

N. RETURN OF RFP

In the event that any firm or attorney decides not to submit a proposal, the MCRC requests she/he return the RFP to the issuing office with a cover letter stating the disinterest prior to the closing date.

O. ADDENDA AND SUPPLEMENTS TO RFP

In the event of changes in the specifications subsequent to the issuance of the RFP, all firms of record having secured a RFP packet will be notified in writing.

Subsequent to the issuance of the RFP, any questions relating to the RFP must be submitted in writing to:

Christine Herron
Purchasing Agent
840 S. Telegraph Road
Monroe, Michigan 48161
Phone: (734)- 240-5109
Facsimile: (734)-240-5102
E-Mail: cherron@mcrc-mi.org

The answer to the question will be returned in writing. Both the question and the MCRC response will be sent to all contractors who have secured proposal documents.

P. PROPRIETARY INFORMATION

With the exception of items of information specifically marked as proprietary by the respondent, after the closing date and evaluation process, all proposals submitted become a part of the MCRC's bid records, available for public review.

Q. SUBMITTED MATERIAL

To ease and speed the evaluation process, vendors must submit five (5) copies of all proposals. With the exception of material specifically marked proprietary, all material submitted becomes the property of the MCRC and may be returned at the Road Commission's option.

Proposals submitted become the property of the Road Commission and may be reviewed and evaluated by any person, at the discretion of the MCRC.

R. REJECTION OF PROPOSALS

The MCRC reserves the right to reject any or all proposals received as a result of this request. The MCRC shall not be obligated to award a contract solely on the basis of any response made to this Request for Proposal, nor does the MCRC intend to, nor will it be obligated to pay for the information solicited or obtained.

S. INCURRED COSTS

The MCRC will not be liable for any costs incurred by attorneys or other respondents to this Request for Proposal, prior to issuance of an agreement, contract purchase order, or other similar acquisition instruments.

T. CONTRACT REQUIREMENTS

All contract work shall be in accordance with the Department of Labor rules and regulations. The responding firms shall attest that they are an equal opportunity employer and as such agree that they will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age or sex.

U. INSURANCE

The selected firm shall state that they possess and will maintain comprehensive liability and worker's compensation insurance on all staff assigned to this project and shall be liable for all staff incidents and accidents associated with the conduct of this project. Additionally, the firm and his/her staff of attorneys shall maintain malpractice insurance. The MCRC shall be indemnified and held harmless with regard to liability arising out of these professional services.

V. CLOSING DATE

Proposals must be received by the receiving Office, as specified on the cover sheet, no later than the date and time specified on the cover sheet.

W. SUBMISSION OF PROPOSALS

1. All envelopes must be submitted with a Bid Title, Time and Date of Closing, and the Firm's Name and Address.
2. No proposal may be withdrawn for a period of sixty (60) days after the due date.
3. Return proposal to: Monroe County Road Commission
Attn: Christine Herron,
Purchasing Agent
840 S. Telegraph Road
Monroe, MI 48161

Section III **Information Requested**

A.1 YOUR COMPANY

Provide some background on your company. Include basic demographic information, as well as an explanation of why your company would like to be considered for this engagement. Indicate company attributes which identify you as uniquely qualified to complete this work. Finally, identify the key contact person and his or her telephone number for the purpose of this bid.

A.2 STATEMENT OF NEED

Provide, in narrative form, a demonstration of your understanding of the nature and scope of the engagement. Include your perspective of your firm's ability to offer a practical, workable method of addressing this need.

A.3 YOUR EXPERIENCE

Indicate any prior experience for your firm (and of the individual(s) to be assigned) which would demonstrate your ability to successfully service the MCRC. Include sufficient detail to show us the relevance of your prior experience as legal advisor to any other municipalities and its relevance to this position for the MCRC, specifically how it relates to applicable road law and ACT 51.

Specifically, include a narrative description of the scope of your experience, estimated time per year to complete the assigned duties. Include the name, title, telephone number, and address of the primary individual on the account.

Also include a list of preferred client firms, including address, telephone number and contact person for each client.

A.4 YOUR STAFF

Please provide a brief resume of qualifications for each person to be assigned to the account. Identify key individual to be assigned the on-site responsibility for this account.

A.5 PROPOSAL COST SUBMITTAL

All proposals must be for an annual lump sum fixed amount.

This contract shall be an at-will contract and subject to termination by notice by either party in writing within thirty days by notification to the address contained in the agreement.

A.6 ADDITIONAL INFORMATION

Include any information or major issues you consider pertinent, but not requested elsewhere in this document.

Section IV
Evaluation Model

The following model will be used to evaluate all respondents and proposals submitted:

A. MANDATORY CRITERIA

YES NO

- | | | | | | |
|----|----|---|--|----|----|
| 1. | 1. | Proposal received by the proposal deadline. | | [] | [] |
| 2. | 2. | Five (5) copies of each proposal submitted. | | [] | [] |

B. TECHNICAL CRITERIA

Those consultants who have met each of the mandatory criteria in Section A above will be evaluated on the following criteria:

Point Range

- | | | | | |
|----|----|--|--|----|
| 1. | 1. | Responsiveness of the proposal in clearly stating an understanding of the work to be performed as MCRC Legal Advisor. | | |
| | a. | Comprehensiveness of work plan | | 10 |
| | b. | Demonstration of ability to effectively provide quality professional legal services. | | 10 |
| 2. | 2. | Legal Experience: | | |
| | a. | Prior services of the type and size under consideration | | 10 |
| | b. | Effective approach to managing the caseload volume | | 10 |
| 3. | 3. | Qualifications of staff to be assigned to the task. Education, including continuing education courses taken during the past three years, position in the firm and years and types of experience will be considered. This will be determined from the resume submitted. | | |
| | a. | Qualifications of supervisory personnel | | 15 |
| | b. | General direction and supervision to be exercised over the firm's staff by management personnel. | | 10 |

4. Size, structure, and location of the firm 10

Total technical points (75 Maximum)

Computing the technical criteria score will be accomplished by use of the following formula:

$$\frac{\text{Technical Points for Respective Firm}}{\text{Highest Technical Points Received}} \times 75 = \text{Technical Score}$$

C. COST CRITERIA

Once the technical criteria has been evaluated, the costs of all bids will be listed from low to high. Computing the cost criteria score will be accomplished by use of the following formula:

$$\frac{\text{Lowest Cost of All Proposals}}{\text{Cost of Bid for Respective Firm}} \times 25 = \text{Maximum}$$

D. ORAL INTERVIEWS

Oral interviews may be scheduled to clarify points of interest on the firm's qualifications.

$$\begin{array}{r} \text{Interview Points Awarded} \\ \text{Total Score} \end{array} \quad \begin{array}{r} \underline{1 - 10} \\ \underline{\hspace{1cm}} \\ \underline{\hspace{1cm}} \end{array}$$

While the total score will be a significant factor, the MCRC reserves the right to make a final selection.

END OF DOCUMENT