



## **Request for Proposals**

### **Legal Counsel Services for the Connecticut Metropolitan Council of Governments**

<b>Release Date:</b>	July 16, 2020
<b>Deadline for Questions/Inquires:</b>	July 30, 2020
<b>Deadline for MetroCOG Responses:</b>	August 5, 2020
<b>Proposal Due Date:</b>	August 13, 2020

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This “Request for Proposals” and all subsequent addenda and revisions will be made available at  
<http://www.ctmetro.org/aboutus/for-vendors/>.

All prospective applicants should continue to check the website for any changes to the RFP.

## **I. Introduction**

The Connecticut Metropolitan Council of Governments (“MetroCOG”), the Council of Governments and Regional Planning Organization for the Greater Bridgeport Region is seeking proposals from lawyer(s) or law firms licensed in the State of Connecticut to perform general legal services. Please see Section III for a detailed Scope of Services.

## **II. Background**

MetroCOG is a multi-discipline, regional planning organization made up of six member communities — Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull. As a Council of Governments, the Region’s six Chief Elected Officers serve as MetroCOG’s Board of Directors. MetroCOG, in partnership with the Naugatuck Valley Council of Governments (NVCOG), also serves as the Greater Bridgeport & Valley Metropolitan Planning Organization (GB VMPO), the federally designated metropolitan transportation planning organization for the collective region.

MetroCOG, which is one of Connecticut’s nine planning regions; works with our municipal partners to identify projects, programs, funding opportunities and best practices that are strategic to achieving our shared vision for the Region. The agency’s core disciplines include transportation, land use, environmental and natural hazard mitigation planning, brownfields assessment and remediation, economic development, regional shared services and a range of Geographic Information Systems/mapping services. MetroCOG is supported by a combination of federal, state and municipal funds, totaling \$2,500,000 in annual revenue.

## **III. Scope of Services**

MetroCOG provides a realm of professional services to our member municipalities, primarily based on regional transportation, land use, economic development and environmental planning; grant research, writing and management; contract administration, geographic information systems, data collection and analysis and various other tasks associated with our work as the regional council of governments and federally designated metropolitan planning organization for the Greater Bridgeport Region.

We are seeking comprehensive legal services on an as-needed basis. All services shall be requested by the Executive Director and/or his designee(s), MetroCOG staff and our Board of Directors. The legal services and topics may include, but are not limited to the following:

- General administrative legal services;
- In-depth legal advice pertaining to municipal, state and federal statutes, regulations and ordinances;
- Written and oral legal opinions and interpretations;
- Negotiation, development, review and enforcement of contractual agreements and other legal documents;

- Responding to and/or Appealing to Freedom of Information Act (FOIA) Requests;
- Legal review of federal and state grant requirements, with emphasis on our primary funding sources which include the Federal Highway Administration (FHWA), the United States Environmental Protection Agency (US EPA) and the Connecticut Department of Transportation (CTDOT);
- Interpretation of Zoning and Subdivision Regulations;
- Employment Law & Personnel Matters
- Litigation;
- Public Financing;
- Environmental & Land Use Law
- Government Relations and Legislation
- Other legal work that may be required.

The services described above are not all encompassing. All legal services will be determined on an as-needed basis and are dependent on circumstances.

## **IV. General Submission Instructions and Requirements**

### **A. Inquires:**

Any questions or requests for additional information concerning this Request for Proposal and/or the Scope of Services should be directed in writing to Mr. Patrick Carleton, Deputy Director, Connecticut Metropolitan Council of Governments by e-mail at: [pcarleton@ctmetro.org](mailto:pcarleton@ctmetro.org).

Inquiries must be made by 4:00PM on July 30<sup>th</sup>, 2020. Questions associated with this RFP received via phone call will not be responded to or acknowledged. Responses, if any, shall be in writing. Responses to questions or requests for additional information shall be posted to MetroCOG's website ([www.ctmetro.org](http://www.ctmetro.org)) and submitted via e-mail by 3:00PM on August 5<sup>th</sup>, 2020 and it is the responsibility of the consultant to check the website for updates or addendums to this RFP.

### **B. Proposal Requirements & Format:**

MetroCOG, acting through a Selection Committee consisting of MetroCOG staff will select a qualified law firm based on the information outlined below. Qualifying individuals, firms or teams must demonstrate experience and expertise in providing comprehensive legal services for government agencies.

Written proposals should include, at a minimum the following information:

1. *Letter of Interest:* Please provide a Cover Letter outlining your firm's desire to provide legal counsel services for MetroCOG. Please include an overview of your firm's history, areas of practice, staffing capacity, name and contact information of the firm's lead as well as the person(s) authorized to enter into agreements.

2. *Documentation of Licensing:* Please provide documentation that the individual or firm is licensed to practice law in the State of Connecticut.
3. *Legal Qualifications & Capabilities:* Describe the qualifications and capabilities of the firm, team or individuals as they relate to experience providing legal services to municipalities or other governmental entities.
3. *Proposed Scope of Services:* Please provide the firm's understanding of the scope of services described in Section III of this RFP. Please describe your approach to providing the legal services that you believe are necessary for our agency. Any recommendations to build upon the suggested scope of services or support outlined in Section III is also desired.
4. *Past Experience:* Include descriptions of comparable services provided to municipalities, governmental agencies and/or non-profit organizations.
5. *Key Personnel Assigned to Project:* Identify individuals that will be assigned to serve as legal counsel for MetroCOG. Personnel identified in the proposal must be the staff that will provide the majority of services and represent most hours billed. Lawyers must meet all local, state, and state and federal requirements to perform work.
6. *Rates:* Provide a detailed breakdown of billable hourly rates to complete the tasks outlined in the Scope of Services.
7. *References:* Provide three references from comparable types of services completed over the last five years. Include services and locations, name of primary client contacts and their contact information including e-mail addresses and telephone numbers.
8. *Conflict of Interest:* Any firm responding to this RFP shall provide documentation of any agreement, relationship, employment, etc. that may create a conflict of interest or an appearance of a conflict of interest. Please describe any measures to be taken should a potential conflict of interest arise.

### C. Selection Process:

Activity	Anticipated Completion Date
RFP Issued	July 16, 2020
Questions/Inquiries to MetroCOG	July 30, 2020
MetroCOG's Response to Questions/Inquires	August 5, 2020
Proposals Due	August 13, 2020
Review of Responses/Selection of Short List	Week of August 17, 2020
Interviews (if required)	Week of August 24, 2020

\*Please note the schedule may be altered at the MetroCOG's discretion.

All RFPs received by MetroCOG will be reviewed and evaluated by a Selection Committee (the “Committee”) comprised of representatives from MetroCOG and/or our member municipalities. Responses to this RFP will be evaluated based on the responses to all relevant criteria stated in this RFP. Proposals will be evaluated and scored by the Committee utilizing a ranking criterion that will consist of the following:

- Legal Qualifications & Capabilities (35 Points)
- Past Experience (25 Points)
- Rates (25 Points)
- Key Personnel Assigned (15 Points)

Up to five prospective firms will be selected for a short list and each will be requested to participate in a remote interview and presentation to the Committee. A recommendation of the preferred firm will be made by the Committee to MetroCOG’s Board of Directors. Upon selection of the preferred firm, MetroCOG will be authorized to communicate with the selected firm and begin negotiations.

The selected firm will be notified of the decision by the Committee as quickly as possible. Contract negotiations will commence immediately upon notification. A negotiation period will be provided for the selected firm and MetroCOG to finalize a Scope of Services, Fee Schedule and Agreement. At the end of the negotiation period, the contract shall be awarded. If a negotiated contract cannot be mutually agreed to by both parties, MetroCOG will terminate negotiation and begin negotiations with the second rated firm.

The firm awarded the contract as a result of this RFP, must meet all municipal, state and federal Affirmative Action and Equal Employment Opportunity practices. This will include compliance with E.O. 11246 “Equal Employment Opportunity”, as amended by E.O. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity”, and as supplemented by regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor”.

The selected firm will be required to conduct services in a timely manner and submit monthly status reports indicating work completed to date. To that end, the firm will be expected to assign sufficient administrative, legal and support staff to complete services within an established and agreed to schedule.

#### **D. Proposals from Consortia, Joint Ventures and Teams:**

Proposal statements from consortia, joint ventures or teams will be accepted. In such cases, a lead firm must be identified for contracting purposes. A qualifications statement must be prepared for each member of the consortia, joint venture or team, and each qualifications statement should clearly identify the lead firm.

In selecting a lead firm, consortia, joint ventures and teams should consider the following: (1) the lead firm should have sufficient experience and expertise to conduct or supervise all facets of the legal services; (2) the lead firm will be legally responsible to MetroCOG for performance of the

total contract; (3) the lead firm must have sufficient resources to carry out the contractual responsibilities of the consortium, joint venture or team.

Please note that firms that are subsidiaries or affiliates of another may not rely on the experience, expertise or resources of its parent firm to meet these requirements.

**E. Signature Requirements:**

Proposals must be signed by a representative of the firm or team having legal authority to contract on behalf of the firm or team. Proposals will be treated as bona fide offers and must remain open for a period of ninety (90) days from the closing date for submissions.

**F. Submission of Proposals:**

Due to the ongoing COVID – 19 pandemic we are requiring all proposals to be submitted via e-mail. MetroCOG will accept completed proposals by e-mail until August 13th, 2020 at 4:00PM. All proposals shall be e-mailed with the following in the subject line: “[Firm Name]’s Proposal for MetroCOG Legal Counsel”. Please e-mail proposals to [pcarleton@ctmetro.org](mailto:pcarleton@ctmetro.org).

**V. General Terms & Conditions**

**Compliance with Local, State & Federal Laws**

All respondents shall comply with all applicable local, state and federal laws and regulations.

**Disadvantaged, Minority & Women Business Enterprises (DBE/MBE/WBE) Requirement**

MetroCOG takes all necessary affirmative steps to assure that Minority Businesses Enterprises (MBE), Women’s Businesses Enterprises (WBE) and Disadvantaged Business Enterprises (DBE) are used when possible. Although this project does not stipulate a required compliance target, MetroCOG will make every effort to consider awarding the contract to a qualified DBE/MBE/WBE firm.

In the case of proposals submitted from Consortia, Joint Ventures and Teams (See Section III. C) lead firms should consider the use of DBE/MBE/WBE firms. Proposals must clearly identify the DBE/MBE/SBE firm, the role the DBE/MBE/WBE will play in the project and the tasks assigned to the DBE/MBE/WBE. Proof of Connecticut DBE/MBE/WBE certification must be submitted with the proposal. Responses that fail to provide proof of DBE/MBE/WBE certification and description of project involvement will be deemed incomplete.

**Equal Employment and Nondiscrimination**

All contracts awarded under this RFP are subject to Section 4a-60 of the Connecticut General Statutes, "Nondiscrimination and affirmative action provisions in contracts of the state and political sub-divisions other than municipalities." Contracts also are subject to all other applicable state and federal laws concerning civil rights, nondiscrimination and equal opportunities for employment.

All the potential companies must demonstrate a commitment to the effective implementation of an affirmative action plan or policy on equal employment opportunity.

The potential company must ensure equal employment opportunity to all persons and not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical disability, mental disorder, ancestry, marital status, criminal record, or political beliefs. The company must uphold and operate in compliance with Executive Order 11246 and as amended in Executive Order 11375, Title VI and VII of Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Fair Employment Practices Act, and the American with Disabilities Act of 1990.

In response to this RFP, companies should furnish a detailed statement describing their Equal Employment Opportunity practices and any statistical employment information that it deems appropriate, relative to the composition of its work force or its subcontractors.

### **Freedom of Information**

Respondents are advised that all materials submitted in response to this RFP shall become the sole property of the Connecticut Metropolitan Council of Governments and shall be subject to the provisions of Sections 1-210 of the Connecticut General Statutes (re: Freedom of Information).

### **Right to Cancel**

The Connecticut Metropolitan Council of Governments reserves the right to cancel this RFP at any time, elect to award portions of the attached scope, and to decide not to consider any or all of the respondents submitting information in response to this request.

### **Cost of Preparing Proposal**

All costs associated with any response to this RFP, including the development of costs and participation in the selection process, are the sole responsibility of the respondent firms. MetroCOG will not reimburse any firms for such costs nor will any successful firms be permitted to negotiate such costs as part of any contract or agreement with MetroCOG.

### **Other**

Any firm selected to perform any or all work associated with this RFP will be required to execute an agreement with MetroCOG and meet any conditions on use of funds imposed by the United States Economic Development Administration. All fees will be negotiated and stated in the agreement.

## **Insurance Requirements**

1. The company shall carry and maintain in full force and effect for the duration of any contract resulting from this RFP, appropriate insurance. The company agrees to protect and defend, indemnify, and hold the Connecticut Metropolitan Council of Governments and the City of Bridgeport, Town of Easton, Town of Fairfield, Town of Monroe, Town of Stratford and Town of Trumbull and its employees free and harmless from and against any and all losses, claims, liens, demands and causes of action of every kind and character including the amount of judgments, penalties, interest, court costs, and legal fees incurred by MetroCOG or the municipalities in defense of same, arising in favor of taxes, claims, liens, debts, personal injuries including employees of the municipalities or MetroCOG, death or damages to property (including property of the MetroCOG or the municipalities) and without limitations by enumeration, all other claims, or demands of every character occurring and caused in whole or in part by any negligent act or omission of the company, any one directly or indirectly employed by the company or anyone for whose acts company may be liable regardless of whether or not it is caused in part by the MetroCOG or their member municipalities. The company will designate and provide the MetroCOG and municipalities with the identity of a person or persons in the company's employ who shall be responsible for handling claims from the public efficiently and expeditiously.  
Policies shall be issued by an insurance company authorized to do business in the State of Connecticut.
2. Insurance similar to that required by the company shall be provided by or on behalf of all subcontractors to cover its operation(s) performed under this contract and included in all subcontracts.
3. Insurance certificates are required with responses to this RFP. Insurance certificates must be provided in the bid application, documenting coverage for the following:
  - a. Worker's Compensations and Employers Liability in accordance with State of Connecticut Requirements.
  - b. Public Liability Insurance: Comprehensive General Liability, (bodily injury, personal injury, and property damage liability) including company's contingent Completed operations and contractual liability with a minimum:
    - I. \$1,000,000 each occurrence
    - II. \$1,000,000 personal and advertising injury

- III. \$1,000,000 general aggregate; and
  - IV. \$1,000,000 products/completed operations aggregate
- c. Comprehensive Automobile Liability Insurance. Covering all owned, hired, and rented vehicles and equipment, with limits of liability of not less than \$1,000,000 for injuries to, or death of one or more persons resulting from any one occurrence and property damage limit of liability of not less than \$500,000 per occurrence.
  - d. Professional Liability and Errors & Omissions Insurance in the amount of \$1,000,000. In lieu of the insurance coverage listed under 3. above, the contractor fulfills the insurance requirements by having and maintaining umbrella liability insurance with a minimum:
    - I. \$1,000,000 per occurrence;
    - II. \$1,000,000 aggregate of other than products/completed operations and auto liability; and
    - III. \$1,000,000 products/completed operations aggregate.

All other insurance requirements would remain in effect.

All insurance certificates must name MetroCOG as additional insured on the policy. Said Certificate must state that coverage cannot be cancelled or materially altered without thirty (30) days written notice to MetroCOG.

### **Indemnification**

In addition, the proposer shall, at all times, save, indemnify and hold harmless the Connecticut Metropolitan Council of Governments, its officers, agents, employees and servants from liability of any nature or kind, including costs and expenses for or on account of, any patented or copyrighted equipment, materials, articles, or processes used in the performance of this contract, or on account of any and all claims, damages, losses, litigation expense and counsel fees arising out of loss or injuries (including death) sustained by or alleged to have been sustained by the public or any persons affected by the proposer's work, or by the proposer or any subcontractor, or anyone directly or indirectly employed by them while engaged in the performance of their duties in connection with this contract.

### **Collusion**

By responding, the firm implicitly states: that his/her proposal has not been made in connection with any other competing firm submitting a separate response to this RFP; is in all respects fair; and has been submitted without collusion or fraud. It is further implied that the firm did not participate in the RFP development process, had no knowledge of the specific contents of the RFP before its issuance, and that no employee of MetroCOG either directly or indirectly assisted in the vendor's proposal preparation.