

**Town of Milton, Vermont**  
**REQUEST FOR QUALIFICATIONS**  
**RFQ # 00-2017 Municipal Legal Services**

Responses are due:

**December 01, 2017 no later than 2:00 p.m., EST** and must be delivered to:

Town Manager's Office, 43 Bombardier Road, Milton, Vermont 05648 in hard copy only; electronic or fax Responses will not be accepted. Responses received after the deadline or at any other locations will not be accepted.

**Questions may be submitted until 5:00 p.m., November 10, 2017. Questions received after this date and time may not be answered.**

Questions must be directed in writing to:

Town of Milton, Attention: Town Manager, 43 Bombardier Road, Milton, Vermont 05648 or via e-mail to: [jward@town.milton.vt.us](mailto:jward@town.milton.vt.us)

**Any Responses from the Town to questions received and any RFQ addenda will be posted to the Town's website at <http://www.miltonvt.org>**

**Please check the website regularly for updates.**

Issue Date: October 19, 2017

**RESPONSE SIGNATURE AND CERTIFICATION**

I certify that this Response is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a Response ("Respondent") for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud.

Firm Name:

\_\_\_\_\_  
Authorized Signature for Respondent:

Print/Type Authorized Signatory's Name:

\_\_\_\_\_

Date: \_\_\_\_\_

**RESPONDENT'S CHECKLIST***Critical Things to Keep in Mind When Responding to an RFQ for the Town of Milton*

1. \_\_\_\_ Read the *entire* document. Note critical items such as: supplies/services required; submittal dates; number of copies required for submittal; Contract requirements, if any (e.g. bonding and insurance requirements).
2. \_\_\_\_ Note the Purchasing Manager's name, address, and e-mail address. This person is an excellent source of information, and is the only person you are allowed to communicate with regarding the RFQ.
3. \_\_\_\_ Attend the pre-Response conference, if any. These conferences provide an opportunity to ask clarifying questions, obtain a better understanding of the project, or notify the City of any ambiguities, inconsistencies, or errors in the RFQ.
4. \_\_\_\_ Take advantage of the "question and answer" period. Submit your questions to the Town Manager's Office by the due date listed on the cover page and in the *Schedule of Events* and view the answers given in the formal "addenda" issued for the RFQ. All addenda issued for an RFQ will be published on the website noted on the cover page of this RFQ.
5. \_\_\_\_ Follow the format required in the RFQ when preparing a Response. Provide point-by-point Responses to all sections in a clear and concise manner. Provide complete answers/descriptions. Read and answer all questions and requirements. Don't assume the Town will know what your firm's capabilities are or what items/services you can provide, even if you have previously contracted with the City. Responses are evaluated based solely on the information and materials provided in Response to the RFQ.
6. \_\_\_\_ Use the forms provided with the RFQ, if any.
7. \_\_\_\_ Before submitting a Response, check the Town's website at <http://www.miltonvt.org> to see whether any addenda were issued for the RFQ. If so, you must submit a signed cover sheet for each addendum issued along with your Response.
8. \_\_\_\_ Review the RFQ again to make sure that you have addressed all requirements. Your original Response and the requested copies must be identical and complete. The copies are provided to individuals evaluating the merits of submittals and Responses will be used to rank your submittal.
9. \_\_\_\_ Submit your Response on time. Note all the dates and times listed in the *Schedule of Events* and within the document, and be sure to submit all required items on time. Late Responses will not be accepted.

*This checklist is provided for assistance only and should not be submitted with your Response.*

## **A. Purpose**

**The Town of Milton (“Milton” or the “Town”) is requesting proposals from qualified attorneys to serve as Town Attorney for general municipal counsel, basic legal services and advice on special projects on a contract or in-house basis beginning January 1, 2018.** It is the intent of the Town to engage legal counsel services from an individual attorney or attorneys from a qualified law firm through an evaluation and comparison of past performance, appropriate references, prior experience in other municipalities and counties and expertise related to the Town’s specifications, as well as the criteria that will be used in evaluating the qualifications of individual attorneys and/or lawyers within a firm submitting proposals. Individual attorneys and Law Firms are invited to submit qualifications for the provision of these services. In order to be considered, qualifications must address each of the concerns requested in this document.

Accessibility to and a timely response is essential. Duties may be shared among other attorneys within the firm as needed to meet the Town’s objectives. If determined to be the best fit for the Town, an individual attorney may be hired by the Town to fulfill the responsibilities of Town Attorney.

## **B. Background**

Milton was Chartered June 8, 1763 and currently functions under a Selectboard - Town Manager form of government. Located 14 miles North of Burlington, the Town ranks 10<sup>th</sup> in the state in land area and 8<sup>th</sup> in population with 10,352 residents (based on the 2010 US Census). The Town of Milton has 40 full time employees supplemented by various contracted, seasonal, and intern employees. The Town offers a full range of municipal services including street maintenance, public parks, sewer utility, planning, community development, fire & rescue operations, police, and also hosts the Town Library in its Municipal Building. The 2018 Town Budget and 2016 Audit are available online: <http://www.miltonvt.org>. For additional information on the Town’s history, departments, and current and recent activities visit <http://www.miltonvt.org>. The Selectboard appoints the Town Attorney for a (2) year term.

## **C. Scope of Service**

*Note: The final Scope of Services is subject to change following the selection process and negotiations with the selected firm or individual attorney. Therefore, the Town reserves the right to make revisions.*

The Town Attorney is required to provide legal advice and counsel to the Town on a variety of matters pertaining to municipal government operations. Advice and legal support may also be provided to various Town departments, boards and commissions. The delivery of legal services is coordinated through the Town Manager’s Office, consistent with purchasing policy stipulations that may require prior approval by the Selectboard, as set out in Town policies.

The legal services to be provided by the Town Attorney include:

- Review of proposed ordinances and regulations

- Review and interpretation of local, state and federal laws, regulations and ordinances
- Review of Town contracts
- Land acquisition
- Representation in claims against and by the Town
- All other matters typically associated with municipal government operations
- Other services as may be directed by the Selectboard
- Labor and employment matters, and bond counsel services

## **2. SCOPE OF SERVICES**

1. Providing clear and concise legal advice and consultation (oral and written) as requested or required, to the Town Manager, Selectboard and staff on a variety of matters pertaining to all aspects of governance.
2. Researching and interpreting laws, court decisions and other authorities in order to prepare legal opinions and to advise the Selectboard and staff on legal matters pertaining to Town matters.
3. Drafting, reviewing, and/or revising documents, including but not limited to memoranda concerning legal issues, contracts, ordinances, resolutions, license agreements, town policies, notices, leases, deeds, loans, permits and staff reports. Clear, concise, well-organized writing is prerequisite.
4. Representing the town in litigation (civil, tort, liability, labor and employment, construction law/public works, general writ, etc.).
5. Representing the town in intergovernmental projects and other matters, as needed.
6. Coordinating the work of outside legal counsel, as directed by the Selectboard or Town Manager.
7. Providing legal advice and assistance to operating departments with regard to employee disciplinary actions.
8. Preparing correspondence and other legal documents on behalf of the Town as directed.
9. Performing other duties as directed by the Town Manager or Selectboard.
10. Representing and advising the Town Selectboard, boards and commissions in all matters of law pertaining to their offices.
11. Public Meetings. As needed, the Town Attorney will regularly attend Selectboard meetings (open and closed sessions) and advise the Selectboard on matters on the agenda as well as procedural matters that may arise during and following the meeting. The Selectboard meets in regular meetings at 6:00 p.m. on the first and third Mondays of every month. Special meetings are called as needed.

### **D. Required Submissions**

Please organize and present your responses in the order listed below, and thoroughly address each issue:

- a. A letter of transmittal indicating interest in providing the services identified in this RFQ and any other information that would assist the Town in making a selection. This letter must be signed by a person legally authorized to bind the firm to a contract.

**b.** Name, telephone number and email address of person(s) to be contacted for further information or clarification.

**c.** A background and qualifications statement stating the name and address(es) of the firm or individual attorney, and describing your capabilities and the history of your firm and the servicing office. If the respondent is a law firm, identify the proposed Town Attorney.

**d.** List of attorneys to be assigned to this representation, including the proposed Town Attorney and others who are expected to perform material services, identifying their areas of expertise. Please provide resumes for each of these attorneys, their roles in representing other municipalities, if any, including municipal litigation experience, and express the anticipated chain of command.

**e.** Provide information that explains your firm's ability to perform, implement and administer the services identified in this RFQ, emphasizing experience with other similar municipalities. Summarize all areas of relevant expertise and experience, including the types of services supplied to past and present clients. This information should include areas of specialization, background and experience in such matters as: general municipal law, planning and zoning, property taxation, FOIA (Freedom of Information Act), conflicts of interest, specially chartered municipalities and construction law and contracts.

**f.** A list of not less than three municipal client references (preferable other cities and/or towns) for which services similar to those outlined herein have been provided within the past five (5) years or are currently being provided. This list shall include the following information

1. Name of the city/town
2. Timeframe of legal services
3. Legal services provided by the firm and, most particularly, by the proposed Town Attorney and other attorneys who would be assigned to the Town
4. Name, address, and telephone number of the principal contact of the Town

*The Town reserves the right to contact these organizations regarding the services performed by the firm.*

**g.** A listing and description of any potential conflicts of interest you foresee with this representation—*i.e.*, any matters or entities regarding which a legal issue with the Town exists or might arise that could create a conflict for you.

**h.** A description of your proposed general approach to serving as Town Attorney, including availability and responsiveness.

**i.** A description of any grievances or claims of ethical misconduct or malpractice asserted against the law firm or individual attorneys that resulted in adverse administrative or judicial findings within the past five (5) years.

j. A description of the firm's professional liability insurance per-claim and annual aggregate limits. A copy of the malpractice policy declaration page.

k. A detailed proposal regarding the fees, costs and expenses that may be incurred by the Town in this representation. Please indicate the available billing methodologies (e.g., bill at hourly rates, blended rates, annual retainer for defined services, etc.). In all events indicate hourly billing rates of personnel providing these services, available discounts, invoiced expenses and other costs involved, including any administrative costs that the firm/individual will bill the Town (for example, copier, computer research, postage, messenger, long distance phone calls). You should present your fee proposal on a 2-year basis.

l. A sample of the form of the firm's engagement letter.

A concluding statement as to why the respondent is best qualified to meet the needs of The Town, including any other information you deem relevant to your proposal.

Any questions regarding this Request for Qualifications should be directed to Executive Assistant, Judi Ward by email to [jward@town.milton.vt.us](mailto:jward@town.milton.vt.us) by 2:00 PM on Thursday, November 16, 2017. All questions received will be posted, with answers, on the town website <http://www.miltonvt.org> by 2:00 PM on Tuesday, November 21, 2017 under Current Projects/RFQ Town Attorney.

**E. Submission of Proposals** Proposals must be signed by an authorized member of the firm, and the name, address, and telephone number of a representative qualified to answer questions during the review process must be included.

**Please submit three hard copies of the proposal, and email a pdf copy, to:**

**Judi Ward, Executive Assistant, [jward@town.milton.vt.us](mailto:jward@town.milton.vt.us)**

**Town of Milton  
43 Bombardier Road  
Milton, VT 05468**

**Phone: (802) 891-8020  
Fax: (802) 893-1005  
Email: [jward@town.milton.vt.us](mailto:jward@town.milton.vt.us)**

All proposals must be received by 2:00p.m on Friday, December 1, 2017. The Town reserves the right to: accept or reject any and/or all proposals, for any reason or no reason; waive any and all informalities, defects, or irregularities; request further information or clarification; and negotiate with any, all or none of the respondents to this Invitation.