

**TOWN OF YORKTOWN
WESTCHESTER COUNTY, NEW YORK
REQUEST FOR PROPOSALS
FOR GENERAL MUNICIPAL LEGAL SERVICES/TOWN ATTORNEY**

NOTICE IS HEREBY GIVEN that the Town of Yorktown will receive proposals for General Municipal Legal Services/Town Attorney for the Town and its various boards.

PURPOSE

The Town of Yorktown, a municipal corporation in the State of New York, is seeking proposals from qualified attorneys and/or law firms to provide General Municipal Legal Services/Town Attorney Services for an immediate period beginning on or around April 1, 2020, until December 31, 2021.

SCOPE OF SERVICES

The selected attorney(ies) and/or law firm will perform duties for the Town to include providing legal guidance to the Supervisor, Town Board, Department Heads and administrative boards such as the Planning and Zoning Boards.

The selected attorney will be expected to provide a full-range of municipal services, including but not limited to:

- Advise the Town Board as to the legal implications of contemplated policy, actions and administrative decisions;
- Advise and assist Town departments, boards and commissions in the execution of their duties;
- Attend all Town Board Meetings as scheduled or special meetings as requested;
- Advise and assist the Town Board, Town departments, boards and commissions on matters relating to freedom of information, open meeting law, and ethics and conduct;
- Advise and assist the Highway Department by providing legal opinions and preparing such correspondence as may be requested;
- Advise and assist the Planning Board by providing legal opinions and answering inquiries relating to site plans, subdivision plans, land improvements, land disturbances plans, and construction plans for projects proposed by applicants to be developed in the Town of Yorktown;
- Advise and assist the Zoning Board of Appeals by providing legal advisory opinions and responding to administrative issues, and interpretation of the Yorktown Town Code and related state and federal laws, appear and be present at all regular monthly meetings and other meetings as requested, be prepared to respond to questions on matters before the Zoning Board of Appeals;
- Represent the Town in tax certiorari litigation;

- Advise, assist and represent the Town of Yorktown in the negotiation of collective bargaining agreements with municipal labor unions, provide general guidance to the Supervisor and Board on labor and employee issues, defend the Town of Yorktown in any actions before any independent arbitrators, Department of Civil Service, Courts or in other labor actions;
- Advise and assist Town departments, boards and commissions in utility operation and regulation, in issues of public construction such as designing, bidding, and managing public facilities, special districts and local laws and ordinances;
- Conduct legal research and provide legal advice and opinions to the Town Board, Town Supervisor, department heads, boards and commissions;
- Assist with the development of and draft proposed legislation, rules, regulations and policies for Town programs and operations;
- Review and comment on legislation, rules and regulations of other governmental agencies which may affect the Town;
- Review and comment on legislative proposals submitted by other outside entities, individuals and special interest groups;
- Negotiate, draft and review agreements, contracts, bid documents, deeds, easements, and other legal instruments for Town transactions;
- Pursue the collection of delinquent real property taxes through In Rem foreclosure proceedings;
- Defend, supervise and coordinate the defense of actions and proceedings against the Town, its officers, boards and commissions in any action brought against it or them in their official capacities in all levels of court - State, Federal and Town; and
- Coordinate with the Town's insurance carriers and their attorneys in defense of the Town against tort claims.

ADDITIONAL REQUIREMENTS

The Town will only consider responses wherein it is proposed that the legal services and representation will be performed by a law firm or attorney.

PROFESSIONAL LIABILITY INSURANCE

It is a requirement of the Town of Yorktown that the Bidder shall procure and maintain at his own expense, and without expense to the Town of Yorktown, worker's compensation, employer's liability, commercial general liability and professional liability coverage, and shall maintain said insurance for all work performed pursuant to any contract which results from acceptance of a proposal submitted pursuant to this RFP.

SUBMISSION REQUIREMENTS

Interested attorneys/law firms must submit the following:

1. A summary of your experience with emphasis placed on similar work performed.

2. Qualifications of the attorney/law firm.
3. A breakdown by work scope of your hourly or other rate (e.g., flat fee).
4. Proof of insurance.
5. A list of potential conflicts of interests. Please explain and specify how these would be addressed.
6. A non-collusion certification as required by General Municipal Law Section 103(d).
7. A disclosure of relationships to the Town of Yorktown.

EVALUATION CRITERIA

In selecting the respondent with whom to commence contract negotiations, and in ultimately awarding any agreement resulting from this solicitation, the Town will choose the response that it determines, in its sole discretion, is most advantageous to the Town.

In order to determine what response is most advantageous, the Town will evaluate all responses on the basis of the criteria specified below. These criteria are not necessarily listed in order of importance. The Town reserves the right to weigh its evaluation criteria in any manner it deems appropriate. While price will be a factor in consideration of the responses, it is not the sole criterion.

1. Respondent's demonstrated capability to provide the solicited legal services.
2. Evaluation of the professional qualifications, personal background and resume(s) of individual(s) proposed to be involved in providing the solicited legal services.
3. Respondent's experience performing the solicited legal services.
4. Evaluation of the respondent's price proposal.
5. A determination that the respondent has submitted a complete and responsive response as required by this solicitation.

RESERVATIONS

The Town reserves the right to reject any or all proposals, or any part of a proposal, and to select the proposal deemed to be in the best interest of the Town. It is the Town of Yorktown's intention that the Proposal will be awarded based on a combination of qualifications and proposal price. The Town of Yorktown reserves the right to select a proposal other than the proposal with the lowest cost, reject any and all proposals, to waive defects in the submission whether substantial or otherwise, request modifications to proposal, to award a contract in part or in full, or not at all. The Town reserves the right to re-advertise for Proposals.

PROPOSAL SUBMISSION INFORMATION

Proposals must be received by the Town Clerk at the Office of the Town Clerk, Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 by 4:30 P.M. on March 2, 2020.

– General Municipal Legal Services/Town Attorney.” Electronic copies of the proposals must also be received by the Town by 4:30 P.M on Monday March 2, 2020.

Copies of this request for proposal (RFP) may be obtained at the Office of the Town Clerk, Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598. This information will also be posted on the Town of Yorktown's website at www.yorktownny.org.

The Town is not responsible for any internal or external delivery delays that may cause the proposal to arrive beyond the deadline. To be considered, a proposal MUST arrive at the e-mail address specified herein and have a time stamp showing that it was submitted prior to the deadline.

No response will be accepted from, nor any agreement awarded to, any respondent that is in arrears upon any debt or in default of any obligation owed to the Town. Additionally, no agreement will be awarded to any respondent that has failed to satisfactorily perform pursuant to any prior agreement with the Town.

**NO COMMUNICATIONS OF ANY KIND BY THE TOWN DURING THIS
PROCUREMENT PROCESS WILL BE BINDING AGAINST THE TOWN WITH
RESPECT TO THIS SOLICITATION.**

NON-COLLUSIVE BIDDING CERTIFICATION

This Non-Collusive Bidding Certificate is made pursuant to Section 103-d of the General Municipal Law of the State of New York.

By submission of this proposal, Bidder and each person signing on behalf of Bidder certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by Bidder and will not knowingly be disclosed by Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

A proposal shall not be considered for award nor shall any award be made where (1) (2) and (3) above, have not been complied with; provided, however, that if in any case Bidder cannot make the foregoing certification, Bidder shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefore. Where (1) (2) and (3) above have not been complied with, the proposal shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the proposal is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

Dated: _____

Bidder:

(Legal name of person, firm or corporation)

By: _____
(Signature)

(Please Print Name)

(Title)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)ss

Sworn to me before this _____ day of _____ 2020

(Notary Public)

**TOWN OF YORKTOWN
TOWN ATTORNEY
GENERAL MUNICIPAL LEGAL SERVICES**

REQUIRED DISCLOSURE OF RELATIONSHIPS TO THE TOWN OF YORKTOWN

Name of Bidder: _____
Address: _____
Telephone No.: _____ Fax No.: _____

The Reporting Entity is (please check one):
Individual _____ Corporation _____ Partnership _____

A.) Related Employees: Are any of the employees that you will use to carry out this contract with the Town of Yorktown also an officer or employee of the Town of Yorktown, or the spouse, or the child or a dependent of a Town officer or employee?

Yes _____ No _____

If yes, please provide details:

B.) Related Owners:

1. If you are the owner of the Company, are you or your spouse an officer or employee of the Town?

Yes _____ No _____

If yes, please provide details:

To answer the following question, the following definition of the word "interest" shall be used.

Interest means a direct or indirect pecuniary or material benefit accruing to a Town officer or employee, his or her spouse, child or dependent, whether as a result of a contract with the Town or otherwise. For the purpose of responding to these questions, a Town officer or employee shall be deemed to have an "interest" in the contract of:

- a. His/her spouse, children and dependents, except a contract of employment with the Town;
- b. A firm, partnership or association of which such officer or employee is a member or

employee;

c. A corporation of which such officer or employee is an officer, director or employee; and

d. A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

2. Do any officers or employees of the Town have an interest in the Contractor or in any subcontractor that will be used for this contract? Yes _____ No _____

I am the _____ (Title or Office) of the reporting entity listed above.

I make this affirmation based upon my personal review of the books and records of the reporting entity. All of the foregoing information is true to the best of my knowledge, after inquiry. I make these statements under penalty of perjury.

Signature: _____ Print Name: _____
Print Title: _____

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)ss

Sworn to me before this _____ day of _____ 2020

**ANNUAL FEE FOR LEGAL SERVICES PROPOSAL FORM
IN ACCORDANCE WITH SPECIFICATIONS FOR
GENERAL MUNICIPAL LEGAL SERVICES**

TO: TOWN OF YORKTOWN, NEW YORK

THE UNDERSIGNED, HAVING A PRINCIPAL PLACE OF BUSINESS AT: _____ AND BEING RESPONSIBLE AND EXPERIENCED FOR THE PERFORMANCE OF SAME, AGREES TO FURNISH PROFESSIONAL SERVICES TO PROVIDE GENERAL MUNICIPAL LEGAL SERVICES IN ACCORDANCE WITH THE "SPECIFICATIONS" CONTAINED IN THE REQUEST FOR PROPOSAL DOCUMENTS, THE PROPOSAL SUBMITTED BY MY FIRM, AND THE SCHEDULE OF FEES ATTACHED HERETO.

1. BID PROPOSAL – LUMP SUM AMOUNT

BID AMOUNT (IN NUMBERS): \$ _____

BID AMOUNT (IN WORDS): _____

2. ALSO ATTACH FEE SCHEDULE AND HOURLY BILLING RATES TO THIS PAGE FOR ADDITIONAL WORK DESCRIBED UNDER THE GENERAL CONDITIONS. INDICATE ANY AND ALL VARIANCES WITH THE SPECIFICATIONS (ATTACH AN ADDITIONAL PAGE, IF REQUIRED).

Date: _____

LEGAL NAME OF PERSON BY: _____

FIRM/CORP BY: _____

_____ STREET

_____ CITY STATE ZIP CODE

_____ TELEPHONE NUMBER

_____ FAX NUMBER

UPON ACCEPTANCE OF THIS PROPOSAL, BIDDER AGREES TO COMPLY IN ALL RESPECTS WITH THE SPECIFICATIONS AS INDICATED.