

**TOWN OF YORKTOWN
REQUEST FOR PROPOSALS**

LAND USE LEGAL COUNSEL

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I. PURPOSE:

- A. This request for proposals (“RFP”) is issued by the TOWN OF YORKTOWN, New York (“Town”), which is seeking highly qualified attorney(s) or law firm(s) with extensive experience in land use and development matters including compliance with New York State and Federal environmental laws to serve as the Town’s Land Use Counsel. All responses to this RFP (“Proposal”) will be presented to the Town Board.
- B. The Town expects that the successful appointee(s) should meet or exceed the qualifications stated herein and should be readily accessible to the Supervisor, Town Board, Town Attorney and Planning Department. The successful appointee(s) shall have sufficient resources to ensure that the demands of the Town’s need for land use matters will be met in a timely manner.
- C. The Town will expect that its Land Use Counsel shall be scrupulous in adhering to required standards of professional conduct and ethics and committed to rendering legal advice with suitable objectivity and professional detachment.
- D. The Town reserves the right to retain one or more attorneys or law firms to meet the legal needs of the Town in connection with Land Use matters.
- E. This RFP does not commit the Town to issue a contract to any attorney.
- F. All Proposals shall be treated as confidential, unless otherwise required by law. Then Town reserves the right to waive any technical non-conformance with the requirements of this RFP.

II. GENERAL INSTRUCTIONS:

- A. All Proposals must provide complete information and documentation as described in this RFP. Seven (7) copies of the Proposal must be submitted in a sealed envelope labeled “Land Use Counsel Proposal” by 5:00 pm on October 12th. 2016 to the following address:

Town of Yorktown
Attn: Diana Quast, Town Clerk
363 Underhill Avenue
Yorktown, New York 10598

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- B. All proposals will be presented to the Town Board. The Town Board will select the Land Use Counsel that is deemed to be in the best interests of the Town. The Town Board may conduct interviews of prospective appointee(s) and will award the contract accordingly.
- C. The Town will not reimburse any expenses in connection with preparation of Proposals including and attendance at interviews.
- D. The Town reserves the right to reject any and all Proposals, to request additional information or clarification from any and all Proposers.
- E. Questions or comments should be directed to Town Clerk Diana Quast or Town Attorney Michael J. McDermott.
- F. The Town will not accept any Proposals sent by telefacsimile transmission or email. Each Proposal must be received by the Town Clerk by the stated due date. The Town will not be responsible for any internal or external delivery days that may cause a delay in the timely submission of the Proposal.

III. DESCRIPTION:

- A. The term for such legal services with the Town shall be one year and renewable at the option of the Town Board for sequential years.
- B. The Land Use Counsel will report to the Town Board and the Town Attorney.
- C. The Town will expect that its Land Use Counsel be committed to returning all calls or emails from authorized Town Officials either by himself or herself or through a qualified back up within 24 hours, excluding weekends or holidays.
- D. The Land Use Counsel must also committed, as general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time for a response, which would be clearly communicated at the time of the request.

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- E. The Land Use Counsel will serve in advisory capacity to the Town’s Planning Board and Zoning Board of Appeals. The Land Use Counsel will be required to attend all Planning Board public meetings and work sessions usually conducted on alternate Mondays starting at 7:30 pm and all Zoning Board of Appeals public meetings and work sessions once a month, usually the third Thursday of the month starting at 6:30 pm. The Land Use Counsel will be required to attend any other meeting of the Planning Board and the Zoning Board of Appeals, if requested by the respective Chairs.

- F. The Town will expect that the Land Use Counsel must have within the law firm or through an established “of counsel” relationship at least one other qualified attorney available to render advise on land use, planning or zoning matters to authorized officials when the Land Use Counsel are unavailable. In this context, “qualified attorney” shall mean another lawyer who substantially meets the minimum qualifications to serve as the Town’s Land Use Counsel.

IV. REQUIRED CONTENTS OF PROPOSALS

- A. Attorney information – submit a resume or a curriculum vitae that provides the following information:
 - a. Attorney’s name
 - b. List relevant academic training and degrees.
 - c. Description of background and experience.
 - d. Describe prior municipal land use (zoning and planning) services within New York State and Westchester County.
 - e. Supply a list of current represented municipalities and capacity in which attorney serves those municipalities.
 - f. Provide three (3) municipal professional references, including telephone numbers and email addresses if available.
 - g. A Good Standing Certificate dated within the past 6 months shall be provided to the Town upon request.
 - h. State whether the attorney has been the subject of any investigation or complaint, and whether any disciplinary action is pending or is currently under review by the Appellate Division.
 - i. Upon selection, provide proof of the attorney’s professional liability insurance policy; set forth any exemptions.
 - j. Any additional information which the Proposer wishes to submit to the Town in connection with the Request for Proposals.

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- k. Upon selection, Land Use Counsel shall send an attorney retainer letter to the Town for review as to form by the Town Attorney and approval by the Town Board.

B. Conflict of Interest:

- a. Disclosure of potential conflicts of interest may be required during the selection process. The selected attorney will be required to comply with the spirit and letter of the New York Code of Professional Conduct applicable to attorneys.
- b. The selected attorney shall not accept any client or project which would knowingly place him or his firm in a conflict of interest with the services to be provided to the Town. If a conflict of interest should develop, the attorney shall notify the Town Attorney of any such conflict and shall be responsible for complying with the Code of Professional Conduct to avoid or eliminate the conflict.

C. Fees:

- a. The Town Board strongly desires to properly manage the Town's legal expense budget; and is committed to being more efficient with the Town's approach to legal matters. Accordingly, the Town Board requires that any attorney/law firm wishing to be considered for appointment as Land Use Counsel submit with the Proposal alternatives to the traditional hourly rate fee arrangement with counsel. For example, the Proposal may include a fixed retainer for a specified scope of services with an hourly rate (including minimum increment of time billed) for work outside the established scope of services or a fixed cost for a set number of hours per month. The Proposal shall also include proposed expenses including travel (per mile), telephone, printing, photocopying, etc., for which reimbursement will be requested. Travel time will not be reimbursed.

[END]