



REQUEST FOR PROPOSAL

Proposal for

CITY OF GENEVA LEGAL SERVICES

Acceptance Date: 10:00 a.m. on Monday, November 27, 2023

Nine (9) Sealed bid proposals, plainly marked, "RFP 2024 City of Geneva Legal Services" on the outside of the mailing envelope as well as the sealed bid envelope, addressed to the City Manager's Office, City Hall, 47 Castle Street, Geneva NY 14456, will be accepted until 10:00 a.m. on Monday, November 27, 2023 when all bids will be publicly opened and read aloud.

Bid packages may be obtained from the City's web site: cityofgeneva.ny.com or by contacting the City Clerk's Office at the above address, or by calling (315)789-6104. The City of Geneva reserves the right to reject any or all bids, to waive technical or legal deficiencies, and to accept any bid that it may deem to be in the best interest of the City.

Introduction

The City of Geneva, NY seeks proposals from qualified legal firms to act as its counsel on an as-needed, fee-for-service basis in varied matters of general municipal law.

The services requested include providing legal counsel in the form of written and verbal opinions and presentations, and monitoring and representing the City's interests before various judicial bodies and other entities. Specialized legal services are necessary in all areas of municipal law to include, but not limited to, municipal governance, municipal finance, labor and employment, tax assessment and abatement issues, tax collection, planning/zoning and land use, and transportation.

The City will consider awarding a three-year, annually renewed contract commencing on February 1, 2024 to a single legal firm or multiple legal firms as deemed necessary to address the various specialties required.

The legal services desired are more fully described as follows:

1. Act as City Attorney for the City of Geneva. Provide legal advice and interpret municipal, state and federal law as it applies to the City.
2. Represent the City of Geneva before administrative agencies and in court proceedings; conduct legal research, find relevant facts, develop and review documents.
3. Act as legal advisor to the City Manager and City Council in all areas of municipal law as well as other City Boards and Commissions as needed for land use, code enforcement, and conservation matters; advise any other staff member of the City as authorized by the City Manager.
4. Prepare and review ordinances, resolutions, contracts, deeds, leases, and other written legal documents generated in the course of City business, as requested.
5. Conduct title searches and handle land closings for both Conservation and general City real estate transactions.
6. Attend meetings of the City Council, Planning Board, Zoning Board, and any other boards or commissions as may be required to offer legal advice and opinions.
7. Perform other legal services as assigned.

Purpose

The intent of this Request for Proposals (RFP) is to obtain the most advantageous relationship available. The ideal vendor will provide highly qualified and responsive consultation and representation at competitive prices.

Specifications

All respondents shall meet or exceed the minimum requirements contained herein.

Instructions to Respondents

1. Submission of Proposals: LATE BIDS WILL NOT BE ACCEPTED.
2. Pricing must be inclusive, clear, and concise, including such other information as requested or required. Be sure the proposal container is completely and properly identified. The face of the container shall indicate the title of the RFP City of Geneva Legal Services and the acceptance

date and time. Nine (9) copies of the proposals must be received by the City of Geneva ON or BEFORE the hour specified on the acceptance date.

3. Proposals may be either mailed to Amie Hendrix, City Manager, 47 Castle Street, Geneva NY 14456 or hand delivered to the City Clerk at the City of Geneva City Hall, 47 Castle Street- 1st Floor, Geneva NY 14456; Attention: Amie Hendrix, City Manager.

Inquiries

Inquiries pertaining to the Request for Proposal must cite the RFP title and acceptance date and be directed to the City Manager, Amie Hendrix, email ahendrix@cityofgeneva.ny.us. All inquiries are due by 4pm on November 13, 2023.

Competition Intended

It is the City's intent that this RFP shall permit competition. It shall be the respondent's responsibility to advise the City Manager in writing if any language, requirement, specification, etc., or any combination thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source. Such notification must be received by the City Manager not later than ten (10) days prior to the date set for proposals to close.

Reservation of Rights

The City of Geneva reserves the right to reject all or any part of any or all proposals, to waive technical or legal deficiencies, and to accept any proposal that it deems to be in the best interest of City.

Firm Pricing for City Acceptance

Proposed fees must be firm for City acceptance for 365 days from acceptance date of proposals.

Basis for Award

In reviewing proposals, the City will carefully weigh:

- A. Depth and breadth of experience and expertise in the practice of law, specifically in those matters most often encountered in New York municipalities such as municipal administration, tax collection and assessing, tax foreclosures, road/transportation law, zoning and planning/land use law, and municipal finance;
- B. Ability to perform legal services promptly and in a manner that permits the City's administration to meet established deadlines, to act expeditiously in matters requiring legal counsel, and to operate in an effective and efficient manner;
- C. Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems and availability to accommodate attendance at evening meetings, as necessary;
- D. Degree to which the firm and individual attorneys stay current through continued professional development and active communications with practitioners in the field of municipal law;
- E. Communication skills and the ability to work effectively with the City Council, City Manager, municipal staff members and the City's Boards and Committees.
- F. References of municipalities for which similar services are currently being provided;

- G. Cost of services, breaking such costs down by lead attorney and associates if applicable;
- H. Demonstrated understanding of challenges faced by the City of Geneva and focus on legal services that are most relevant and useful to the City in 2024;
- I. Other qualifications/criteria as deemed appropriate by the City Council
- J. Any appointment resulting from this RFP will not necessarily be awarded to the respondent with the lowest fees. The appointment shall be awarded to the compliant respondent whose proposal best meets the needs of the City of Geneva, in the judgment of the City Council. The City reserves the right to negotiate the terms and conditions of the contract with the successful firm or firms to obtain the most advantageous situation for the City.

Proposal Requirements

The purpose of all submitted proposals is to demonstrate the qualifications, competence, depth and capability of the firms seeking to provide legal services to the City of Geneva in conformity with the requirements of this request for proposals.

Items to be Addressed:

The proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects and questions must be addressed.

1. Name, address, telephone number, and e-mail address of firm.
2. Name of contact person, email, and telephone number for purposes of communications regarding the proposal.
3. State the size of the firm, the size of the firm's municipal law staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement.
4. Narrative about the history of the firm, including date of inception, experience with relevant New York municipal, state and federal law and experience providing services to New York municipalities.
5. Narrative of the qualifications of the person(s) proposed to work directly with the City to include:
 - a. Legal training, years of practice, area of specialization; include date of admittance to NY Bar
 - b. Years of municipal law practice
 - c. Litigation experience and demonstration of a satisfactory court track record
 - d. Identify any professional affiliations
 - e. Detail experience in representing New York municipalities, including the percentage of overall workload that is dedicated to municipal clients.
6. Identify the accessibility of the proposed designated lead Attorney(s), and the response time that the individual offers to the City.
7. Narrative about the resources of the firm, to include clerical and support staff, library and research capabilities, and other relevant information.
8. If situations should arise where the firm does not have the expertise to provide legal services on a certain topic, describe the process to be used by the firm to support the city in retaining

additional legal services. . Provide a list of outside firms and/or internal departments/divisions that are frequently retained or recommended for specialty issues that may be particularly relevant to the City of Geneva, such as Article 78 proceedings, SEQR, land transfer agreements, Union and non-union contracts and labor issues, Fair Housing, ADA, and anti-discrimination law, disputes related to construction and professional services contracts, etc.

9. Describe the level of coverage for malpractice insurance your firm carries. Is the coverage on a per client basis, or is the dollar figure applied to the firm as a whole? Provide documentation of the malpractice insurance coverage.
10. Within the last five years has your organization, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the services provided by your entity? If so, provide an explanation and indicate the current status or disposition of any such situation.
11. State whether the firm, its officers, partners, principals, agents, or employees that are expected to perform services under this RFP, have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
12. Has the firm been in bankruptcy, reorganization or receivership in the last five years? If so, please explain current status.
13. Has the firm been disqualified or terminated by any public agency or City? If so, please explain under what circumstances this disqualification or termination occurred.
14. Detail the value that the municipalities that contract with your firm receive as a result of this contractual relationship.

References

All respondents shall include with their proposal a list of at least three (3) current references for whom comparable work has been performed within in the last three years. This list shall include municipality or organization name, person to contact, email address and telephone number. Failure to include references may be ample cause for rejection of proposal as non-responsive.

Cost Proposals

1. Provide a narrative about the proposed method for calculation of fees or annual rate, including whether or not out of pocket expenses are included in the proposed rate. Include a description of basic services to be included and list services or other incidentals for which additional fees would be charged. Normal billing cycle procedures shall be identified.
2. State the hourly rates for the lead attorney and associates for all routine, basic services and the rate charged for litigation services within court, if at a different rate than charged for basic services.
3. The bidder shall utilize the attached cost proposal form to include all pricing information relative to performing the legal services as described in this request for proposal.

Insurance Coverage:

The awarded vendor at their cost will be required to provide the City with Certificates of Insurance with the City as the Certificate Holder satisfactorily evidencing the required coverage which also provides that prior to policy cancellation, non-renewal or material change, the insurer will give the City 60-days

advance written notice. The Certificate must be an original and must be provided five business days before the commencement of any activities related hereto.

The following standard insurance and indemnification shall be required:

Contractor shall indemnify, hold harmless and defend City of Geneva, its officers, employees, agents, and elected officials for injury or death to any person or persons or damage to property arising out of the performance of this contract by the Contractor, its employees, subcontractors or agents.

The Contractor shall be fully responsible for the worksite and shall indemnify and hold harmless the City of Geneva, its officers, employees, agents, and elected officials from and against any and all claims for injury to persons, including employees of the Contractor or any subcontractor, where such claim asserts that the injury was the result of conditions of the worksite or that the City of Geneva, its officers, employees, agents, and elected officials were in any way negligent in the hiring of the Contractor or any subcontractor to do the work or failure to maintain a safe worksite. The Contractor shall maintain the following minimum limits of insurance or as required by law, whichever is greater.

A.) Workers' Compensation and New York Disability

Workers' Compensation

Statutory coverage complying with NYS Workers' Compensation Law Section 57 General Municipal Law Section 125, Contractor must submit one of the following:

- CE-200 - Certification of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage available
- at <http://www.wcb.ny.gov/content/main/forms/AllForms.jsp>, OR
- CE-105.2 - Certification of NYS Workers' Compensation Insurance (U-26.3 f or State Insurance Fund version), OR
- SI-12 - Certificate of NYS Workers' Compensation Self Insurance, OR
- GSI-105.2 - Certificate of NYS Workers' Compensation Group Self-Insurance Employers' Liability \$1,000,000

Disability Benefits Requirements

Statutory coverage complying with NYS Workers' Compensation Law Section 220 (8) under General Municipal Law Section 125, Contractor must submit one of the following:

- CE-200 - Certification of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage, OR
- DB120.1 - Certificate of Disability Benefits Insurance, OR DB155 - Certificate of Disability Self-Insurance

NOTE: Proof of NYS Workers' Compensation and NYS Disability Benefits must be provided on NYS forms as listed above (complete information available at <http://www.wcb.ny.gov/content/main/forms/AllForms.jsp> or Bureau of Compliance at (866) 546-9322).

B.) Commercial General Liability including, contractual, independent contractors, products/completed operations

- Each Occurrence \$1,000,000
- General Aggregate \$2,000,000
- Products/Completed Operations Aggregate \$2,000,000
- Personal and Advertising Injury \$1,000,000
- Fire Damage Legal \$50,000
- Medical Expense \$5,000

General Aggregate shall apply separately to the project prescribed in the contract.

It is expressly understood and agreed by the Contractor that the insurance requirements specified above, contemplate the use of occurrence liability forms.

The City of Geneva and its officers, employees, agents and elected officials are to be included as Additional Insured's on a primary and non-contributory basis

C.) Business Auto Coverage

- Liability for Owned, \$1,000,000 CSL or
- Hired and Non-Owned Autos 500,000 Per Person BI; 1,000,000 Per Accident BI

All insurance shall be written with insurance carriers licensed by the New York State Office of Financial Services and have a Best's rating of A XI or better. Proof of insurance shall be provided on the Accord Certificate of Insurance, Accord 25 (05/2010), or insurance company certificate. All Certificates shall contain a sixty (60) day notice of cancellation, non-renewal or material change to City of Geneva. All Certificates must be signed by a licensed agent or authorized representative of the insurance company. Broker signature is not acceptable. Certificates of Insurance shall be submitted with the signed contract.

Proposal for CITY OF GENEVA LEGAL SERVICES 2024 ATTACHMENT A

COST PROPOSAL

Name of Firm:

Address:

Phone:

Annual Schedule of Professional Fees and Expenses

February 1, 2024 – December 31, 2024

	Partner	Counsel	Associate	Paralegal	Other (specify)	Blended Rate
Rate						
Subtotal						

January 1, 2025 – December 31, 2025

	Partner	Counsel	Associate	Paralegal	Other (specify)	Blended Rate
Rate						
Subtotal						

January 1, 2026 – December 31, 2026

	Partner	Counsel	Associate	Paralegal	Other (specify)	Blended Rate
Rate						
Subtotal						

Narrative for further explanation and/or additional financial considerations for this proposal.

Provide details on the firm's billing structure regarding non-lawyer expenses, specifically paralegal charges, word processing charges, mark-ups and copying, fax and related costs, and rules for taxi utilization. These costs are for informational purposes only and will not be included as part of the cost evaluation.

Proposal for CITY OF GENEVA LEGAL SERVICES 2024 ATTACHMENT B

CERTIFICATION OF LEGAL FITNESS CLAUSE

"I certify that to the best of my knowledge, _____ (name of firm)

and none of its principals, partners, officers, and employees: (a) are not presently disbarred, suspended, proposed for disbarment or discipline, or declared ineligible for a contract, by a federal or state department or City, including any established courts or administrative tribunals; (b) have not within a three year period preceding this proposal been convicted of, or had a civil judgment rendered against them for the commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, violation of antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are not presently indicted for other criminal or civil charge by a government entity (federal, state, or local) with the commission of any of these offenses enumerated in (b) of this certification; and (d) have not within a three-year period preceding this proposal had one or more public contracts (federal, state, or local) terminated for cause. This certification is a material representation of fact upon which the City of Geneva, New York will rely. If it is later determined that the undersigned knowingly rendered an erroneous certification, in addition to other remedies available, the City of Geneva may pursue available remedies including termination of the professional services relationship."

Signature

Date

Name

Title

Proposal for CITY OF GENEVA LEGAL SERVICES 2024 ATTACHMENT C

AUTHORIZATION TO RELEASE INFORMATION

The undersigned hereby authorizes the City of Geneva to obtain information regarding its performance on other contracts, agreements or other business arrangements, its business reputation, and any other matters pertinent to the evaluation and selection of a successful respondent in response to its Request for Proposals for the City of Geneva.

The undersigned hereby releases, acquits, and forever discharges the City of Geneva, its Administrators, employees, governing Board members, and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references obtained by the City of Geneva in the evaluation and selection of a successful respondent in response to its Request for Proposals for City of Geneva Legal Services.

The undersigned hereby authorizes representatives of the City of Geneva to contact any and all of the persons, entities, and references that are, directly or indirectly, listed, submitted, or referenced in the undersigned proposal submitted in response to its Request for Proposals for City of Geneva Legal Services. The undersigned further authorizes any and all persons or entities to provide information, data, and opinions with regard to the undersigned's performance under any contract, agreement, or other business arrangement, the undersigned's ability to perform, the undersigned's business reputation, and any other matter pertinent to the evaluation of the undersigned. The undersigned hereby releases, acquits, and forever discharges any such person or entity, their officers, directors, employees and agents from any and all liability whatsoever, including all claims, demands and causes of action of every nature and kind affecting the undersigned that it may have or ever claim to have relating to information, data, opinions, and references obtained by the City of Geneva in the evaluation and selection of a successful respondent in response to its Request for Proposals for City of Geneva Legal Services. A photocopy or facsimile of this signed Authorization is as valid as an original. Notwithstanding the foregoing, this authorization and release from liability does not extend to granting the City of Geneva authority to receive any information that would constitute a violation of: any legal privilege attorney ethical obligation, attorney work product, or confidential attorney-client communication that can be claimed by the respondent or entity contacted.

Signature

Date

Name

Title

