

**REQUEST FOR QUOTATION
FOR MUNICIPAL LEGAL SERVICES
GENERAL SERVICES -TOWN SOLICITOR
TOWN OF PORTSMOUTH**

GENERAL INFORMATION

The Town of Portsmouth invites qualified attorneys to submit a Letter of Qualifications and Proposal to provide Town Solicitor services on a contractual basis. The Town Solicitor must be able to handle general legal matters relating to the operation of town government. This RFQ does not include School Department, bond counsel services, labor and employment counsel services, or matters where special counsel may be retained.

All proposals must be in writing and signed by the applicant. Proposals must include the name, address, telephone number and email address of the applicant. Written proposals in hard copy must be received no later than 4:00 PM on February 27, 2025. Proposals must be sealed and clearly marked "Proposal for General Legal Services -Town Solicitor" on the exterior of an envelope addressed to:

Jennifer West, Town Clerk
Portsmouth Town Hall
2200 East Main Road
Portsmouth, RI 02871

PREFERRED QUALIFICATIONS

The successful applicant may be selected based on these preferred characteristics and qualifications:

1. A primary office or home office located within the State of Rhode Island.
2. At least ten (10) years of combined experience representing municipal, state and/or federal government entities and authorities.
3. Knowledge of and experience with the following areas of law:
 - a. Public law -e.g., the RI Open Meetings Act, and Public Records Act.
 - b. Constitutional law -e.g., 1st Amendment (freedom of speech and religion issues), 4th Amendment (search and seizure issues), and civil rights issues generally.
 - c. Tax law -e.g., municipal taxation issues such as liens, tax foreclosures and tax appeals.
 - d. Land Use and Zoning law.
4. Knowledge of and experience with litigation in local, state and federal court jurisdictions.
5. A proven ability to accomplish the scope of work set forth below.

SCOPE OF WORK

The applicant shall perform duties, including but not limited to:

1. Manage the Town's on-going cases.
2. Work as "in house" counsel with respect to those cases that are handled through the Rhode Island Interlocal Risk Management Trust and legal counsel assigned by the Trust.
3. Manage cases where the Town is a plaintiff or defendant.
4. Assist and advise Town Council and/or Town Administrator about hiring special counsel.
5. Coordinate the transmission of cases to legal counsel of the Town's insurance carriers.
6. Provide Town Council and/or Town Administrator with reports as requested summarizing the status of pending and potential litigation, including those cases represented by outside counsel.
7. Examine and approve the forms of all routine ordinances and resolutions and the forms of all routine invitations for bids, contracts and other legal documents sent out by any office, department, or agency of the town.
8. Attend all Town Council meetings and work sessions and meetings of Town boards, commissions, committees, and other meetings as deemed necessary by the Town Council.
9. Handle suits brought against the Town, its officials, departments, and agencies or suits initiated by the Town as authorized by the Town Council, including appellate work.
10. Work directly with the Town Administrator, Town Clerk, and the Town's administrative staff on a wide range of municipal issues.
11. Provide or arrange to provide legal services acceptable to the Town Administrator at all times, including outside of regular business hours and during vacation/sick leaves such that:
 - a. they are prohibited from assigning, conveying, subcontracting, or otherwise transferring this agreement or its rights, title, or interest therein, or its power to execute such agreement to any other person, company, or corporation, without the consent of the Town Council; and
 - b. they must also provide advance notification to the Town Administrator and get Town Administrator approval oftentimes when counsel will be unavailable (vacations, professional conferences, etc.) and the name(s) of legal counsel who will handle Town affairs in the absence of the principal.
12. Accept contract terms that recognize the Town Solicitor serves at the pleasure of the Town Council pursuant to the Town Charter.
13. Provide the Town Council reasonable notice of resignation and with fulfillment of all requirements of the professional code of conduct for attorneys regarding the transition of pending matters to new counsel.
14. Provide a detailed monthly statement, in a manner acceptable to the Town Administrator, documenting all hours (and portions thereof) employed providing hourly rate legal services on behalf of the Town.

15. Avoid all conflicts of interest that may arise from acting as the Town Solicitor, including agreeing that they and members of any law firm to which they belong shall not represent or shall discontinue representing any client that may have a legal position, purpose, or interest that is in conflict with the legal position, purpose, or interests of the Town of Portsmouth.
16. Carry professional liability insurance of not less than \$1M per claim, with proof of coverage to be submitted prior to the start of the Town Solicitor contract.

APPLICATION REQUIREMENTS

Each applicant must include the following in his/her written application in order for the application to be considered complete.

1. Provide a resume and other information, including references, showing how the preferred qualifications set forth above are met.
2. Provide information, including references, showing that the applicant is capable of doing the scope of work set forth above.
3. Provide a detailed statement of the fixed and hourly rate package for the work set forth herein.
4. Specify if there are any actual or potential conflicts of interest with the Town, including a disclosure of clients who have had dealings with the Town, including all boards and commissions. Explain how you and your firm would handle such conflicts. Also, set out any allowance in contract price if the Town has to retain other legal counsel because of any conflict of interest.
5. Execute and submit a written authorization for the release of records on file with the Disciplinary Counsel of the Rhode Island Supreme Court. See attached sheet. The Town shall only request information from the Disciplinary Counsel for those candidates that are to be interviewed by the Town Council. The Town Council reserves the right to question any of the information obtained from the Disciplinary Counsel during the interview process.
6. Disclose any other information about any incidents that may relate to your ability to perform legal services (including disciplinary hearings, malpractice claims, criminal citations, etc.) which have occurred within the last ten (10) years, and any settlement or verdict or decision rendered.
7. Be prepared to make an oral presentation concerning your proposal to the Portsmouth Town Council upon notification of such request.
8. Understand and accept the following terms:
 - a. that the contents of the proposal submitted by all interested parties responding to this RFQ may become part of a written agreement between the Town of Portsmouth and the selected Town Solicitor, and said agreement is a public document.
 - b. that the Town has determined that a blend of a fixed fee arrangement and hourly

charges for the range of municipal legal services is in the Town's interest. Current fixed fee component of Solicitor services involves an average of approximately 70 – 75 hours of time spent on a monthly basis including two Town Council, one Zoning Board and one Planning Board Meeting(s) per month, (rarely exceeding four hours per meeting) plus prep and follow up.

- c. that the Town Council reserves the right to reject any or all proposals received in response to this request or to negotiate separately in any manner necessary to serve the best interests of the Town.
 - d. that under no condition shall the Town be liable for interest payment on any unpaid balance owed by the law firm for any reason under a contract awarded as a result of this RFQ.
 - e. that the Town reserves the right to include additional terms and conditions during the process of contract negotiations.
 - f. that this RFQ does not commit the Town to pay any costs incurred by any applicant in the preparation or submission of a proposal.
 - g. that the applicant certifies that no officer, agent or employee of the Town has a pecuniary interest in his/her proposal, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other applicant for the same RFQ's and that the applicant is competing solely in his/her own behalf without connection with, or obligation to, any undisclosed person or firm.
9. Submit ten (10) complete copies of your proposal.

**TOWN OF PORTSMOUTH, RHODE ISLAND
AUTHORIZATION FOR RELEASE OF DISCIPLINARY RECORDS**

I hereby provide to the Disciplinary Counsel of the Rhode Island Supreme Court my written authorization for the release of any and all records including, but not limited to, complaints, investigation reports, recommendations, and sanction actions pertaining to any complaints filed against the undersigned with the Office of the Disciplinary Counsel.

Name of Candidate: _____

Signature: _____

Bar Registration Number: _____

Date: _____