

CITY OF TUSCALOOSA, ALABAMA



**REQUEST FOR QUALIFICATIONS
FOR PROFESSIONAL LEGAL SERVICES
Representation of Indigent Persons in Tuscaloosa Municipal
Court**

OCA File Number: OCA-23-1124

Issued by:

City of Tuscaloosa Municipal Court
2122 6th Street Tuscaloosa, AL 35401

Date Issued: 10/09/2023
Deadline for Proposals: 11/08/2023

LATE SUBMISSIONS WILL NOT BE ACCEPTED

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PART 1 – OVERVIEW

The City of Tuscaloosa is requesting qualifications from professional firms to provide legal services to indigent persons qualifying for legal representation in Tuscaloosa Municipal Court. Part 2 of this RFQ provides a general description and abbreviated scope of work for the project.

This is a procurement of professional services and will be conducted in a manner to provide full and open competition. The criteria may include, but is not limited to: proof of competency and experience in areas of criminal defense advocacy such as plea negotiation, pre-trial motion practice, and criminal trial experience. Upon selection, the City will enter into negotiations with the successful Respondent firm(s). Pending successful negotiations, the successful Respondent(s) will enter into a Contract for professional legal services with the City.

PART 2 – THE PROJECT AND SCOPE OF WORK

The City of Tuscaloosa seeks the professional legal services of firms possessing the knowledge, experience and expertise to perform the following types of services upon request from Tuscaloosa Municipal Court:

Professional Legal Services including:

Full legal representation and services of and for indigent persons appearing before Tuscaloosa Municipal Court who qualify for appointed legal counsel and who may be charged with violations of municipal ordinances (which may include violations of local and/or State law). Legal services shall include:

- Review of client files, relevant records and materials and Discovery provided by the Tuscaloosa Municipal Prosecutor.
- Consultation with clients and witnesses.
- Negotiation of plea deals when applicable.
- Pre-trial Motion filing when appropriate.
- Subpoena of witnesses and/or evidence.
- Representing clients at Trial.
- Assisting clients in filing of appeals when applicable.
- Any other professional legal services necessary to provide effective legal representation of clients.

Respondents must comply with all applicable state, local, and federal laws, rules and regulations, as well as professional rules and regulations promulgated by the Alabama State Bar related to the legal services provided to clients. The City reserves the right, subject to negotiation and agreement, in writing, with the selected Respondent(s), to either expand or limit the scope of services as needed.

The selected Respondent(s) will be required to have sufficient personnel to complete the tasks required by this scope of services. The selected Respondent(s) will complete the required tasks representing clients in a timely and efficient manner while providing effective legal representation.

The Respondent(s) are free to form a legal entity with another firm to enter a joint submission to the Request for Qualifications. Therefore, Respondents may be two separate professional firms forming a legal entity to perform the services requested in this RFQ or individuals (in part-time capacities) or one single firm or individual (in a full-time capacity).

PART 3 – CONTENT OF PROPOSALS / RESPONSE TO THIS REQUEST FOR QUALIFICATIONS

Each Respondent should include the following content, in the following order:

- Attorney Qualifications, Experience, Licensing and Professional Standing
- Firm Qualifications, Experience and Professional Standing
- Conflicts of Interest
- Understanding and Approach

Each of these items is discussed in more detail in the following sections.

3.1 Education, Experience, Licensure, and Standing

a. For each attorney proposed to provide legal services for the applicant Respondent firm(s), please include the following:

1. Resume which includes attorney's education, experience and references.
2. A dated Letter of Good Standing for the attorney issued by the Alabama State Bar Association.
3. A signed and dated statement/letter from the attorney confirming that the attorney is currently a member in good standing of the Alabama Bar not presently debarred, suspended, proposed for debarment, declared ineligible, pending any disciplinary proceeding, or voluntarily excluded from participation in the practice of law by any state or federal department or agency.
4. A list of up to five (5) criminal law hearings or trials in which the attorney has represented a criminal Defendant in the past three (3) years that gives the case number, jurisdiction, type of proceeding and date of proceeding. (e.g : CC-20-1234: Hearing on Motion to Suppress in Tuscaloosa Circuit Court – January, 2021).
5. List all claims made against the attorney arising out of the attorney's legal professional services and list all litigation (including any arbitration or mediation proceedings) to which the attorney has been a party.¹ If the attorney has not been a party to any claims or litigation, please include a statement to that effect.

b. For each Respondent firm, provide the following:

1. A brief narrative about the Respondent firm's experience, history, ownership and primary client type(s) served by the firm including the percentage of the firm's practice that client type represents. (e.g.: 25% criminal defense, 25% family law practice, 50% juvenile law practice.)

¹ The disclosure of claims, or litigation will not automatically disqualify a Respondent from consideration. The Selection Committee will review any matter disclosed and make an independent determination as to whether the matter should disqualify the Respondent from consideration.

2. Include a statement as to whether the firm is a Minority/Disadvantaged/Women Owned Business Enterprise (MBE/DBE/WBE).
3. A brief statement confirming that the Respondent firm is legally authorized to do business in the State of Alabama and in the City of Tuscaloosa.
4. List all claims made against the Respondent firm arising out of the Respondent's professional legal services and all litigation (including any arbitration or mediation proceedings) to which the Respondent has been a party.² If the Respondent firm has not been a party to any claims or litigation, please include a statement to that effect.

3.2 Conflicts of Interest

Please identify all actual or potential conflicts of interest that would prevent the Respondent firm (s) from entering into a professional relationship with (1) the City generally, or (2) with indigent persons they may be appointed to represent in Tuscaloosa Municipal Court specifically. If no such conflicts exist, please include a statement to that effect. Note: the selected Respondent firm(s) will be responsible for implementing their own conflict of interest checks as necessary.

3.3 Understanding and Approach

- a. Indicate whether the Respondent firm is capable of performing the above-described services in a part-time capacity or a full-time capacity.
- b. Discuss the proposed approach to resolving scheduling conflicts with other courtrooms and ensuring that the Respondent(s) listed in 3.1 will be present in court when so required. For proposals enlisting the services of more than one attorney, indicate who will be the lead attorney (the attorney expected to provide the majority of the services requested and attend the majority of the scheduled dockets) and/or describe the plan for representation of clients.
- c. Discuss the proposed approach to representation of clients in Tuscaloosa Municipal Court. Include Respondent firm's approach to representing difficult clients, efficiently managing a high volume of clients, addressing potential immigration issues, and navigating substance abuse and mental health disorders among clients.

PART 4 – INSTRUCTIONS FOR PROPOSALS

Before submitting a response to this RFQ, the Respondent firms should carefully review the entire RFQ and be familiar with its contents.

4.1 Format of Proposals

² The disclosure of claims, or litigation will not automatically disqualify a Respondent from consideration. The Selection Committee will review any matter disclosed and make an independent determination as to whether the matter should disqualify the Respondent from consideration.

Proposals may be written in either Times New Roman or Calibri font, and the font size must be 12-point or larger.

4.2 Inquiries

The City will accept inquiries on the contents and requirements of the RFQ in electronic form only. Inquiries may only be submitted by email. Inquiries should be submitted to:

City Project Representative: Jessica Junkin
Contact Information: jjunkin@tuscaloosa.com

Inquiries must be submitted at least seven (7) days before the deadline for submission of proposals. **For this RFQ, the deadline for inquiries is November 1, 2023 at 5:00 Central Standard Time, after which time no further inquiries will be addressed by the City.**

If the City chooses to respond to an inquiry, the City will do so in writing, in the form of an addendum to this RFQ. The addendum will be sent to all recipients of the RFQ, and will be posted to the City's website at www.tuscaloosa.com/bids.

Each addendum issued by the City shall become part of this RFQ and proposals shall include any work or requirements described in the addendum. No addendum will be issued or posted less than 72 hours before the deadline for submission of responses to this RFQ.

4.3 Submissions

Respondent firm submissions must be received by the City by 5:00 Central Standard Time on November 8, 2023. Late proposals will not be accepted or reviewed. It is the Respondent firm's responsibility to ensure that their submission is received within the time required by this RFQ.

Respondent firms MUST submit proposals electronically. Electronic submissions should be made in Portable Document Format (PDF) file format, and should be sent to via email to:

City Project Representative: Jessica Junkin
Contact Information: jjunkin@tuscaloosa.com

Proposals should be clearly labeled with the following information:

Proposal for PROFESSIONAL LEGAL SERVICES, Representation of Indigent Defendants in Municipal Court
OCA File Number: OCA 23 1124

The Respondent is responsible for obtaining confirmation that the City received the Respondent firm's proposal.

4.4 Additional Items Related to submissions by Respondent Firms

a. Submission rejection

By issuing this RFQ, the City does not commit to entering into a contract, to paying any costs incurred in the preparation of a submission, proposal, or to procuring or contracting for services. The City reserves the right to cancel this RFQ in whole or in part, to reject any and/or all submissions and proposals, to accept the submission and proposal it considers the most favorable to the City's interests in its sole discretion, and to waive irregularities or informalities in any submissions/proposals or in the submission procedures. The City reserves the right to reject all submissions or proposals and issue a new RFQ, at its sole discretion. All submissions and proposals and other materials submitted in response to this RFQ will become property of the City.

b. Contract and Insurance Requirements

The laws of the State of Alabama shall govern the contract executed between the successful Respondent Firm(s) and the City, as well as any interpretations or constructions thereof. Further, the place of performance and transaction of business shall be deemed to be in the City of Tuscaloosa, Alabama, and in the event of litigation, the exclusive venue and place of jurisdiction shall be in the Tuscaloosa County, Alabama. For any and all attorneys who will perform any legal services in response to this RFQ, each attorney will be required to submit proof of ATTORNEYS' PROFESSIONAL LIABILITY INSURANCE to the satisfaction of the City.

c. Requests for Additional Information

The City reserves the right to request additional information from Respondent Firms to clarify the submissions.

4.5 Public Records

Each Respondent is hereby informed that, upon submission of its proposal to the City in response to this RFQ, the proposal becomes the property of the City.

Unless otherwise compelled by a court order, the City will not disclose any submissions while the City conducts its deliberative process in accordance with the procedures identified in this RFQ. However, after the City either awards an agreement to a firm, or after the City rejects all submissions, the City shall consider each submission from Respondents subject to the public disclosure requirements of the Alabama Open Records Act (Ala. Code § 36-12-40) and Tuscaloosa City Code § 2-4, unless there is a legal exception to public disclosure.

If a Respondent believes that any portion of its proposal is subject to a legal exception to public disclosure, the Respondent shall: (1) clearly mark the relevant portions of its proposal "Confidential"; (2) upon request from the City, identify the legal basis for exception from disclosure under the Open Records Act; and (3) defend, indemnify, and hold harmless the City regarding any claim by any third party for the public disclosure of the "Confidential" portion of the qualifications submittal.

PART 5 – SELECTION PROCEDURE

The City will use a panel of qualified City employees for the evaluation of submissions. This is a qualifications-based procurement for professional services, in which the qualifications of the responding firms will be reviewed and evaluated, and the most qualified firm will be selected, subject to negotiation of fair and reasonable compensation.

After review and evaluation of the submissions, the panel may select one or more Respondent Firms for interviews. However, the City is not required to conduct interviews. The City may determine that interviews are not necessary for the selection process, and such decision is within the sole discretion of the City.

When the panel concludes its work of evaluating responses to this RFQ, the panel will make a selection recommendation to the City Council's Public Projects Committee, and request authority to begin negotiating an agreement with the selected firm(s), including final scope of work and fees for services, with the successful Respondent firm(s).

Upon approval by the City Council's Public Projects Committee, City staff will begin contract negotiations with the successful Respondent firm(s). If the negotiations are unsuccessful, or if an agreement cannot be reached within a reasonable time, as determined by the City, then City staff will terminate negotiations with the firm and will request authority from the Public Projects Committee to begin negotiations with another Respondent firm. Any compensation discussed with one Respondent firm will not be disclosed or discussed with any other Respondent firm.

Upon the conclusion of negotiations, the successful Respondent firm will enter into an agreement with the City. The agreement shall not be in force until it is approved by the Tuscaloosa City Council, and it is signed by the Mayor. The City cannot pay for any work or services performed prior to the approval of the agreement by the City Council, and the issuance of a notice to proceed by the City.

Please note, this RFQ does not guarantee that the City will make any contract award. The City reserves the right to modify, amend, or withdraw this RFQ, in whole or in part, at any time and for any reason, in its sole discretion. The City also reserves the right to reject all submissions, in its sole discretion.

END OF RFQ