

**REQUEST FOR PROPOSALS**  
**FOR**  
**TUSCALOOSA COUNTY ROAD IMPROVEMENT COMMISSION**

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July 2020

# TUSCALOOSA COUNTY ROAD IMPROVEMENT COMMISSION

## LEGAL SERVICES/ATTORNEY SERVICES

### SPECIFICATIONS

#### I. INTENT

The Tuscaloosa County Road Improvement Commission (the Commission or TCRIC) seeks qualified law firms to serve as contracted Counsel and provide other legal services encompassing the traditional scope of work including legal counsel, opinions, consultation and coordination with special counsel.

Preference will be given to those submittals demonstrating extensive experience in municipal law and/or transportation law, but it not required. The successful applicant(s) shall possess sufficient resources to ensure that the demands for the Commission's legal needs will be met on a timely basis. This relationship will be on a consulting or contractual basis, as opposed to a staff position.

In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts with County or City staff or members of the County Board of Commissioners, City Councils or TCRIC regarding these proposals. Failure to comply with this request may result in disqualification of the proposal.

Counsel will provide general legal counsel to the Tuscaloosa County Road Improvement Commission and its members; provide written opinions, prepare and review contracts, and work with legal counsel for member entities in their implementation and planning for Commission business. Attendance at a variety of meetings may be required, including Board of Directors' meetings, as well as County Commission, City Council, and planning commission meetings, as specified.

The Commission is open to a range of fee arrangements, whether fixed fee, hourly, or both.

#### II. TERM OF AGREEMENT

This contract is for a two-year period starting October 1, 2020, and running through September 30, 2022. The Commission shall have the right to extend this contract for one additional two-year term. Renewal of the appointment/contract will require reauthorization by a vote of the members of the Commission. If both parties cannot agree on rates for a contract extension, the existing contract will be allowed to expire and the contract work will be rebid.

### **III. SCOPE OF WORK**

Under the proposed agreement, Counsel will provide the following services:

1. Provides legal advice, counsel, services, and consultation to the Commission and its members on a wide variety of civil assignments, including but not limited to: general municipal law, labor law, interpretation of general state and federal laws relating to public roadway issues, public disclosure issues, resolution development and interpretation, subdivision and land use law, economic development activities including development, redevelopment, enforcement, and property/real estate law, contract law, environmental law, municipal leases, purchasing and procurement, trial activity, and tort law. Counsel's advice includes methods to avoid civil litigation;
2. Answers requests for legal opinions, in writing and verbally. Prepares written legal opinions at the request of the Commission. Availability to answer staff questions by telephone;
3. Appears before courts and administrative agencies to represent the Commission's interests;
4. Works cooperatively with counsel retained by the Alabama Department of Transportation, Tuscaloosa County, the City of Tuscaloosa, and the City of Northport, and any special legal counsel retained by the Commission for special projects. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal information among special counsel;
5. Provides guidance and legal advice on the Open Meetings Act, the Open Records Act, and Board rules and procedures;
6. Assists officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others;
7. Assists officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions;
8. Prepares and reviews resolutions for legal correctness and acceptability;
9. Prepares and reviews contracts, leases, and other documents for legal correctness and acceptability. Negotiates said contracts, leases, and other documents upon request;
10. Reviews and redrafts various policies for legal correctness and acceptability;
11. Attends any meetings during a calendar year of any Board, Committee, or Commission, as requested. Attendance at other meetings when requested.
12. Provides "in-service" training to officials and departments on a wide variety of issues, as requested; and
13. Performs other legal services and tasks, as requested.

Counsel will also be expected to provide legal services to assist any special bond counsel

retained by the Commission, and to review any information submitted in connection with any bond issuance for legal correctness and acceptability.

#### **IV. GENERAL SPECIFICATIONS**

The following provisions will also apply.

1. Timeliness of response and accessibility to Counsel is an important aspect of this service. Accessibility and responsiveness for the Lead Attorney of the selected firm is of greatest importance, although these elements will also be considered in relation to other attorney(s) as well. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone, cell phone, or e-mail.
2. Attorneys must be available by phone, cell phone, and e-mail.
3. Service response is also of high importance. When the Commission requests legal services, Counsel should provide some estimated time of completion and keep the requesting party apprised of any delays or special considerations.
4. The Commission does not offer office space.
5. Must demonstrate sufficient malpractice insurance coverage: carrier, limits, and exemptions.
6. The service provider shall provide detailed itemized statements on a monthly basis, as appropriate based upon the fee schedule agreed to between the parties.

#### **V. CONTRACT ETHICS**

1. No elected official or employee of Tuscaloosa County, the City of Tuscaloosa or the City of Northport who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.
2. It is a breach of ethical standards for any person to offer, give or agree to give any County or City employee, elected official, or County Commissioner or City Councilperson, or for any County or City employee, elected official, or County Commissioner or City Councilperson to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
3. The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the Commission.
4. The firm shall not accept any client or project that places it in a conflict of interest with its representation of the Commission. If such a conflict of interest is subsequently discovered, the Commission shall be promptly notified.

## VI. **PROPOSAL SUBMISSION**

Proposals received after the deadline will not be accepted. It is neither the Commission's responsibility nor practice to acknowledge receipt of any proposal. It is the responder's responsibility to assure that a proposal is received in a timely manner.

The Commission will not reimburse any expenses incurred by the responder including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

Interested firms shall submit a proposed fee structure for identified legal services. The proposed structure should include consideration of all labor, material, and equipment necessary for the performance of this contract, as well as consideration of specialized legal services such as litigation, bond work and specialized tax work. The Commission is open to a range of fee arrangements, whether fixed fee, hourly, or both.

The Commission expects all submitting firms to consent to the Scope of Work and General Specifications. Exceptions desired must be clearly noted in the proposal submittal.

The Commission reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interests of the Commission.

All interested firms should provide a written proposal, responding to each inquiry in the order below.

Each proposal shall be considered binding and in effect for a period of ninety (90) days following the proposal opening.

All proposals shall contain the following information:

### 1. **Firm Experience (20 points)**

- Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
- Provide a statement of the law firm's philosophy.
- Identify the specific experience of the firm in specialized areas, including but not limited to municipal issues including parliamentary procedures, open meetings, FOIA, elected officials, municipal finance, land use, zoning, growth management, environmental law, inter-local agreements, personnel, state and federal transportation laws, and any additional legal areas that will identify the focus of the firm.
- Describe your legal library and research capabilities, with specific emphasis on municipal law publications, software/subscription services, and the firm's capability to maintain a proposed response time for legal reports and memorandums.
- The firm should have adequate office space, staff, equipment, and resource

materials and library that are readily available. Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail addresses, and FAX number(s) of the firm.

**2. Proposed Attorney, Team (15 points)**

- Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.
- Include a current resume for each attorney who will be primarily assigned to the Commission. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating your proposal.
- Specify the organizational structure applicable to this contract, including the Lead Attorney and the relationship of any assisting attorney(s) to that Lead Attorney.
- If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please briefly identify such individuals, specialties, and resources.
- Provide information regarding the number of paralegals by their specialties and the number and position titles of support personnel; specifically, those who may be providing services to the Commission.

**3. Accessibility and Responsiveness (10 points)**

- Provide an assessment of the availability of the attorney and other professional staff to be assigned to a contract to the Commission. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
- Provide a statement of how the workload of the Commission will be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of services section. The proposal should expand upon each item and set forth the firm's approach/ability to carry out each activity. Include a description of the proposed allocation of work between the attorney(s) and support personnel identified.

**4. Proposed Fee Structure (15 points)**

- All fees should be clearly stated in the proposal. Please provide billing information for a period of two years. Fees for any extensions will be negotiated.
- Propose a fee structure that is inclusive of all service costs for the identified Scope of Work and General Specifications. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, mileage, travel time, etc.).

- Special litigation services, including but not limited to litigation will be handled on an as required basis. Please quote the dollar amount of hourly fees and costs your firm will charge for providing such legal services. List fee per hour for principal attorneys, other firm attorneys, and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference, etc.
- The Commission will select the finalist by considering the proposed compensation as a “best and final offer,” although the Commission reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the Commission, including cost.

**5. References (5 points)**

- Provide a reference list of three (3) recent (within five years) local government clients. If local government clients are not available, other major clients may be submitted. Particular attention will be given to government client references. Please provide contact information including, address, phone number and e-mail address.
- The Commission may contact any other known governmental clients, whether offered as references or otherwise, to obtain information that will assist the Commission in evaluating this Proposal.
- The Commission retains the right to use reference information to make selection decisions. Submittal of a proposal is agreement that the Commission may contact and utilize such information.

**6. Conflict of Interest (10 points)**

- Indicate whether your firm currently represents, or has represented any client where representation may conflict with your ability to serve as Counsel for the Commission.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to Tuscaloosa County.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

**VII. Submission**

Submissions should be received in their entirety by 4 p.m. Wednesday August 19, 2020 by email submission to Kelly R. Johns, TCRIC Administrator at [kjohns@tcric.org](mailto:kjohns@tcric.org) Proposals received after this deadline will be considered late and not opened or considered. Submissions should clearly state in the subject line “Legal Services Proposal.”

## VIII. **CLARIFICATIONS**

Should any responder find discrepancies in or omissions from this request for proposals or should any responder be in doubt as to the meaning of any requirement or instruction, questions should be directed to:

Kelly R. Johns  
TCRIC Administrator  
kjohns@tcric.org  
256-345-4681

The Commission shall not be responsible for any oral instructions. Interested parties must notify the Commission of any omissions or errors in this document prior to the submission deadline so a corrective addendum may be issued in a timely manner to all interested parties.

## IX. **TERMINATION**

Either party shall have the right to terminate this contract with a one hundred twenty (120) calendar days' prior written notice to the other party.