

TOWN OF CLARKSTOWN
RFP
TOWN ETHICS COUNSEL

I. Objective

The Town of Clarkstown, New York is seeking proposals from highly qualified law firms to serve the town as Town Ethics Counsel. The successful firm should meet or exceed the qualifications stated herein and, in general, should be readily accessible to authorized public officials, and exceptionally experienced in municipal law.

The law firms shall be scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment. The Town reserves the right to employ one or more law firms to meet the legal needs of the Town.

II. Expected Work Schedule

1. Attend quarterly Ethics Board meetings. Provide legal guidance to Board of Ethics on related matters.
2. Serve on counsel for any Ethics investigation. Review and draft decision. (N.B. – In the past seven years these investigations have been undertaken by the Board of Ethics.)
3. Provide Annual Summary Report
4. Suggest best practices for overhaul of Town Ethics Code.
5. Provide guidance and Annual Report to Supervisor and Town Board.

III. Minimum Qualifications

A. Bar Admissions

The attorneys must be a member in good standing of the New York Bar and of the Federal Bar for the District of New York.

B. Experience

The attorneys must represent or have represented as ethics counsel (or functional equivalent) for no less than five (5) years each, or possess equivalent experience. References for all municipalities or officials currently represented or represented in the past ten years by the appointee must be furnished.

C. Accessibility

The attorneys must commit to returning all calls or emails from authorized officials either himself/herself or through a qualified back up within 24 hours of the call, excluding weekends or holidays. The attorneys must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response; and this is clearly circumstance is communicated at the time of such request.

D. Back-up

The attorneys must have within his or her firm or through an established “of counsel” relationship at least one other qualified attorney available to render advice and otherwise represent the interests of the Town of Clarkstown when the attorneys is (are) unavailable. In this context, “qualified attorney” shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

E. Billing

The attorneys must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service; the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

IV. Fees and Expenses

The Clarkstown 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 submit with its application alternative proposals to the traditional hourly rate fee arrangement with counsel. For example, responding attorneys may propose a fixed retainer for a specified scope of services with an hourly rate for work outside the established scope of services or a fixed cost for a set number of hours per month. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable. Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be completely filled out.

V. Selection

In seeking Town Ethics Counsel, the Town Board, who is the appointing authority, is not bound by any constraints apart from sound judgment. This process is being used to communicate the desired qualifications of Town Ethics Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the Town Board will choose the attorneys that are deemed to be in the best interests of the Town, in their sole discretion. The Town Board will award the contract within forty-five (45) days following the opening of all proposals at a duly posted and scheduled Town Board meeting. Consequently, the Town of Clarkstown reserves the right to waive any irregularities in the Request for Proposals (RFP) process and to accept or reject any or all proposals.

VI. Application

Qualified attorneys/law firms interested in responding to this RFP should fill out the attached forms completely; attach copies of all documents requested therein, and return the same in a **sealed** envelope, labeled "Town Ethics Counsel Proposal."

Proposals will be received at the address below by 11:00 a.m. on March 1, 2016. Proposals received after this date and time will not be considered. Please forward proposals as follows to:

Town of Clarkstown
Office of the Town Attorney
10 Maple Avenue
New City, NY 10956

TOWN OF CLARKSTOWN RESPONSE TO
REQUEST FOR PROPOSALS FOR TOWN
ETHICS COUNSEL SERVICES

Name: _____

Firm Name: _____

Address: _____

Telephone: _____

Fax No.: _____

Email: _____

Please respond to each of the following; using additional pages as necessary:

- 1) Please identify by name (address and phone number if different than above) the proposed Town Ethics Counsel and each proposed back-up counsel.

- 2) Please attach resumes for each attorney identified above.

- 3) Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than "yes," please explain.

- 4) With respect to each attorney identified, please list each and every New York municipality or official represented by the attorney within the past ten years; the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.

- 5) Please describe each identified attorney's experience in the areas of Ethics Law.

- 6) Please describe how you propose to satisfy the Accessibility requirements as indicated in Section C of the RFP?

- 7) Please describe how you propose to satisfy the Back-up requirements as specified in Section D of the RFP?

- 8) Will you meet or exceed the Billing requirements specified in Section E of the RFP?

- 9) How do you insure the delivery of cost effective client services?

- 10) How do you propose to minimize duplication and/or re-work of matters that are similar to matters previously handled?

- 11) What educational and/or reporting services will you provide to the Town?

- 12) Please provide three (3) recent relevant clients who would be prepared to provide references on your performance.

By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate, to the best of my knowledge and belief.

Signed: _____ Date: _____

TOWN OF CLARKSTOWN RESPONSE TO
REQUEST FOR PROPOSALS FOR TOWN ETHICS
COUNSEL SERVICES

Fees and Expenses Response Sheet

(To be attached to and made a part of the overall Response to Request for Proposals)

- 1) Please list the name(s) and hourly rate for proposed Town Ethics Counsel and for each attorney intended or likely to serve as back-up.

- 2) If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill.

- 3) Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e. any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like.)

- 4) In what hourly increments do you intend to bill?

- 5) Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis?
Please describe.

- 6) Please attach additional sheet(s) fully describing and explaining your alternative fee arrangement proposal(s).

NON-COLLUSIVE PROPOSAL CERTIFICATE. NON-COLLUSIVE AFFIDAVIT AND ACKNOWLEDGEMENT BY PROPOSER

Each Agency shall complete and submit with their Proposal the "Non-Collusive Proposal Certificate" the "Non-Collusive Affidavit" and the "Acknowledgment by Proposer" found on the following three (3) pages. These three completed documents shall be included in the sealed Proposal envelope.

NON-COLLUSIVE PROPOSAL CERTIFICATE

By submission of this Proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint Proposal each party thereto, certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1 The prices in the Proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;

2 Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and

3 No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(Signature) (Date)

(Name and Title)

(Name of Firm)

NON-COLLUSION AFFIDAVIT

STATE OF: _____
SS

COUNTY OF: _____

I, _____ of the (City, Town, Village)
of _____ in the County of _____ in
the State of , _____ of full age, being duly sworn according to law on my oath dispose and
say that:

I am _____ an officer of the firm of _____ the vendor making the Proposal for the above named work, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise in connection with the above named work; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with the full knowledge that the Town of Clarkstown relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for said work.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by _____

(Name of Agency)

Subscribed and sworn to by: _____

(Also type or print name and title of affiant under signature)

Before me this day: _____

of _____, 20

Notary Public of

My commission expires _____ 20__

THIS AFFIDAVIT MUST BE COMPLETED BY ALL VENDORS SUBMITTING PROPOSALS

ACKNOWLEDGEMENT BY PROPOSER

IF INDIVIDUAL OR INDIVIDUALS:

STATE OF _____

COUNTY OF _____ SS.:

On this _____ day of _____, 201_____, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she (or they severally) acknowledged to me that he/she (or they) executed the same.

Notary Public, State of
Qualified in
Commission Expires _____

IF CORPORATION:

STATE OF _____

COUNTY OF _____ SS.:

On this _____ day of _____, 201_____, before me personally appeared _____ to me known, who, being by me sworn, did say that he/she resides at (give address) _____ that he/she is the (give title) _____ of the (name of corporation), _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

IF PARTNERSHIP:

STATE OF _____

COUNTY OF _____ SS.:

Notary Public, State of _____

Qualified in _____

Commission Expires _____

On this _____ day of _____, 201_____, before me personally appeared _____ to me known, to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of and that he/she

has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, _____
State of _____
Qualified in _____
Commission _____
Expires _____