

REQUEST FOR PROPOSAL

**INDEPENDENT CONTRACTOR ATTORNEY
Accountability, Conduct and Ethics Board Solicitor
Luzerne County**

DUE DATE:

First Review - May 21, 2014

LUZERNE COUNTY PURCHASING DEPARTMENT

SUITE 203

20 NORTH PENNSYLVANIA AVENUE

WILKES BARRE, PA 18711

ATTENTION:

RFP'S WILL BE RECEIVED WEEKDAYS

BETWEEN THE HOURS OF 9:00 AM TO 4:00 PM

ONLY (EXCLUDING HOLIDAYS).

All RFP'S must be delivered by the time stated in the bid packet.

All RFP'S must be delivered to the:

PURCHASING DEPARTMENT
20 NORTH PENNSYLVANIA AVENUE
SUITE 203
WILKES BARRE, PA 18711

Failure to follow these instructions will result in bid rejection.

THE ATTACHED LABELS MUST BE AFFIXED TO

THE OUTSIDE OF THE MAILING ENVELOPE OR

THE RFP'S WILL NOT BE ACCEPTED.

RESPONDENTS WHO USE USPS SERVICES,

PLEASE NOTE:

The Post Office does not deliver mail directly to Penn Place.

You should allow additional time for your RFP to be forwarded from the Court House to Penn Place.

It is the responders responsibility to get their RFP'S to the PURCHASING DEPARTMENT by the time specified.

LUZERNE COUNTY WILL NOT BE RESPONSIBLE FOR LATE OR MISDIRECTED MAIL.

LUZERNE COUNTY
PURCHASING DEPARTMENT
PENN PLACE BLDG.
SUITE 203
20 N. PENN AVE.
WILKES-BARRE, PA 18711

ALL RFP RETURNS MUST HAVE THIS
LABEL ATTACHED WITH THE NAME
AND REFERENCE NUMBER OF THE
RFP TO THE OUTSIDE OF THE
RETURN ENVELOPE (UPS, FEDEX.
ETC.) OR IT WILL BE REJECTED.

RFP NAME _____

COMPANY NAME _____

REFERENCE # _____

Notice to Responders

SEALED RFP PROPOSALS must be submitted to The Luzerne County Purchasing Department, 20 North Pennsylvania Avenue, Wilkes Barre, Pa 18711 by **May 21, 2014**.

RFP'S will be opened in the Luzerne County Purchasing Department.

RFP packages may be obtained at the offices of Luzerne Purchasing Department in the Penn Place Building, 20 North Pennsylvania Avenue, Wilkes Barre, Pa 18711, and on the website at www.luzernecounty.org.

RFP'S WILL BE RECEIVED WEEKDAYS BETWEEN THE HOURS OF 9:00 AM TO 4:00 PM ONLY (EXCLUDING HOLIDAYS).

Failure to follow these instructions may result in RFP rejection.

THE ATTACHED LABELS MUST BE AFFIXED TO THE OUTSIDE OF THE MAILING ENVELOPE OR THE RFP WILL NOT BE ACCEPTED.

RESPONDENTS WHO USE USPS SERVICE PLEASE NOTE:

The Post Office does not deliver mail directly to Penn Place. You should allow additional time for your RFP to be forwarded from the Court House to Penn Place.

It is the Responders responsibility to get their RFP packets to the Purchasing Office by the time specified.

LUZERNE COUNTY WILL NOT BE RESPONSIBLE FOR LATE OR MISDIRECTED MAIL.

The responder must honor the prices for a period of one (1) year from the date of the execution of the contract and/or as negotiated and provide for in the contract agreement.

By signing and submitting a RFP, each bidder shall be deemed to have consented in writing that the RFP may be awarded and shall remain open up to sixty (60) days of the RFP opening.

The County of Luzerne does not discriminate on the basis of race, color, national origin, sex, religion, age, family, and handicapped status in employment or the provision of services.

The County of Luzerne is an Equal Opportunity Employer.

Luzerne County Manager Reserves the right to reject any or all RFP'S, or any part or items of the RFP'S.

Luzerne County

Advertisement Published by the order of

**Robert Lawton
County Manager**

GENERAL INSTRUCTIONS TO RESPONDENTS

1. ANY ALTERATIONS, ERASURES, ADDITIONS TO OR OMISSIONS OF REQUIRED INFORMATION, OR CHANGE OF SPECIFICATIONS OR BIDDING SCHEDULE, IS DONE AT THE RISK OF THE RESPONDER AND MAY RESULT IN REJECTION OF HIS/HER RFP. IN CASE A RESPONDER FINDS DISCREPANCIES OR OMISSIONS, OR IS IN DOUBT AS TO THE MEANING OF THE SPECIFICATIONS OF BIDDING SCHEDULE, HE/SHE SHOULD AT ONCE NOTIFY THE LUZERNE COUNTY PURCHASING DEPARTMENT , WHO WILL REPLY TO SUCH QUESTIONS IN OFFICIAL SUPPLEMENT AND COPIES WILL BE SENT SIMULTANEOUSLY TO ALL RESPONDERS.
2. ALL RESPONDERS ARE RESPONSIBLE TO SEE THAT THEIR NAMES APPEAR IN THE PURCHASING DEPARTMENT OFFICE ON THE FORM RECORDING THE NAMES OF PROSPECTIVE RESPONDERS SO THAT THE RESPONDERS ARE ASSURED OF RECEIVING PERTINENT BULLETINS WHICH MAY BE ISSUED BEFORE THE RFP'S ARE OPENED.
3. IT IS AGREED BY THE PARTIES HERETO THAT WHEREVER THE WORD "PURCHASING AGENT" OR THE PRONOUN IN PLACE THEREOF OCCURS IN THE ARTICLES OF AGREEMENT OF SPECIFICATIONS, IT IS HEREBY EXPRESSLY UNDERSTOOD THAT THE PURCHASING AGENT IS ACTING ONLY UNDER THE AUTHORITY OF AND SUBJECT TO THE APPROVAL OF THE COUNTY MANAGER AND ADMINISTRATIVE OFFICERS.
4. THE COUNTY MANAGER AND ADMINISTRATIVE OFFICERS RESERVE THE RIGHT TO REJECT ANY AND ALL RFP'S OR SPECIFICATIONS WHEN DEEMED TO THE BEST INTERESTS OF THE COUNTY.
5. THE PARTY OR PARTIES BIDDING UPON THIS PROPOSAL TO WHOM THE AWARD OR AWARDS ARE MADE MAY BE REQUIRED TO ENTER INTO A CONTRACT WITH THE COUNTY OF LUZERNE WITHIN FOURTEEN (14) DAYS OF NOTIFICATION BY THE PURCHASING AGENT. FAILURE TO DO SO, THE AWARD MAY BE CANCELLED.
6. THE RESPONDER OR RESPONDERS TO WHOM THE CONTRACT IS AWARDED AGREES TO RELINQUISH THE COUNTY OF LUZERNE FROM ALL SUITS OR ACTION OF ANY NATURE OR DESCRIPTION BROUGHT AGAINST THEM FOR OR ON ACCOUNT OF THE USE OF PATENTS, APPLIANCES, PRODUCTS OR PROCESSES.
7. ALL RFP'S MUST BE MADE ON PROPOSAL BLANKS ATTACHED TO THESE SPECIFICATIONS AND MADE PART THEREOF, AND MUST BE ENCLOSED IN SEALED ENVELOPE/PACKAGE DIRECTED TO THE LUZERNE COUNTY PURCHASING DEPARTMENT. ATTACHED LABELS MUST BE PLACED UPON OUTSIDE OF SAID ENVELOPE/PACKAGE, FAILURE TO DO SO MAY RESULT IN REJECTION OF SUBMITTED RFP.
8. RESPONDERS MUST WRITE OR PRINT THE FIGURES IN INK OR TYPEWRITTEN.
9. A PROPOSAL WHICH IS INCOMPLETE, OBSCURE, CONDITIONAL OR UNBALANCED OR WHICH CONTAINS ADDITIONS NOT CALLED FOR OR IRREGULARITIES OF ANY KIND. OR ALTERATIONS MAY BE REJECTED.
10. THE COUNTY MANAGER AND ADMINISTRATIVE OFFICERS OF LUZERNE COUNTY RESERVE THE RIGHT TO REJECT ANY OR ALL PROPOSALS, OR ANY PART OR PARTS THEREOF AS MAY DEEM TO THE BEST INTEREST OF THE COUNTY OF LUZERNE. THE LUZERNE COUNTY MANAGER ALSO RESERVES THE RIGHT TO CANCEL THE AWARD AT ANY TIME BEFORE THE EXECUTION OF THE CONTRACT.
11. LUZERNE COUNTY RESERVES THE RIGHT FOR THE LUZERNE COUNTY CONTROLLER AND/OR THE LUZERNE COUNTY MANAGER AND/OR THEIR RESPECTIVE DESIGNEES TO PERFORM FINANCIAL AND/OR PERFORMANCE AUDIS ON ANY PURCHASE, SALE, AWARD, CONTRACT OR OTHER TRANSACTIONS INVOLVING LUZERNE COUNTY. THEREFORE, ANY PARTY TO A PURCHASE, SALE, AWARD, CONTRACT OR OTHER TRANSACTION INVOLVING LUZERNE COUNTY MUST GRANT TO THE LUZERNE COUNTY CONTROLLER AND/OR THE LUZERNE COUNTY MANAGER AND/OR THEIR RESPECTIVE DESIGNEES REASONABLE ACCESS TO ANY PROPERTY AND/OR EQUIPMENT PURCHASED IN WHOLE OR IN PART WITH LUZERNE COUNTY FUNDS AND MUST GRANT REASONABLE ACCESS FOR REVIEW, INSPECTION AND REPRODUCTION OF ANY AND ALL FINANCIAL, EMPLOYMENT AND/OR OTHER RECORDS OF THE VENDOR, CONTRACTOR, SUBCONTRACTOR OR OTHER ENTITY DEEMED RELEVANT BY THE LUZERNE COUNTY CONTROLLER AND/OR LUZERNE COUNTY MANAGER. ANY PARTY TO PURCHASE, SALE, AWARD, CONTRACT OR OTHER TRANSACTIONS FOR A PERIOD OF NO LESS THAN THE LATER OF (i) THE FIFTH (5) YEAR FOLLOWING THE CONTRACT EXPIRATION DATE OR (ii) IN THE EVENT AN AUDIT HAS BEEN COMMENCED WITHIN THE FIVE (5) YEAR PERIOD, THE DATE THAT LUZERNE COUNTY EXPRESSLY STATES IN WRITING THAT SUCH BOOKS, RECORDS, AND DOCUMENTS NO LONGER ARE REQUIRED TO BE RETAINED FOR REVIEW, INSPECTION AND/OR REPRODUCTION.

SIGNING OF THE AGREEMENT

THE SUCCESSFUL RESPONDER OR RESPONDER'S WILL BE REQUIRED TO SIGN THE ARTICLES OF AGREEMENT AS FOLLOWS:

- 1. IF YOU ARE TRADING AS AN INDIVIDUAL – ALL COPIES OF THE ARTICLES OF AGREEMENT MUST BE SIGNED BY THE INDIVIDUAL TO WHOM THE AWARD IS MADE AND THE SIGNATURE MUST BE WITNESSED BY THE SAME WITNESS.**
- 2. IF YOU ARE TRADING AS A PARTNERSHIP – ALL COPIES OF THE AGREEMENT MUST BE SIGNED BY EVERY PARTNER COMPRISING THE PARTNERSHIP REGARDLESS OF THE NUMBER AND THESE SIGNATURES MUST BE WITNESSED BY THE SAME WITNESS.**
- 3. IF YOU ARE TRADING AS A CORPORATION – ALL COPIES OF THE ARTICLES OF AGREEMENT MUST BE SIGNED BY THE PRESIDENT (OR VICE PRESIDENT) AND ATTESTED BY THE SECRETARY OR ASSISTANT SECRETARY AND THE CORPORATE SEAL MUST BE AFFIXED TO ALL COPIES.**

SECTION 1: Project Objective and Instructions

1.1 Project Objective

It is the purpose of this Request for Proposal (RFP) to obtain proposals from qualified attorneys to provide legal services for general solicitor services for the Accountability, Conduct and Ethics Board of Luzerne County. (June, 2014 through December, 2015).

1.2 General

The Vendor will receive compensation as an independent contractor of \$120 per hour. Vendor shall bill no more than \$6,000 in 2014 and no more than \$12,000 in 2015. Vendor will carry legal malpractice insurance. Vendor shall submit no other bills or invoices to the County in conjunction with this contract.

All proposals must remain valid for a minimum of one year (1) from the proposal due date.

The successful Vendor will be required to sign a six (6) month contract with the County of Luzerne.

1.3 Proposal Preparation Costs

The Vendor is responsible for any cost associated with the development, preparation, transmittal, and submission of any proposal or material submitted in response to this RFP. The County of Luzerne assumes no contractual or other obligations as a result of the issuance of this RFP, the preparation or submission of a proposal by a respondent, the evaluation of proposals, or the selection of any respondent for further negotiations.

1.4 Addenda to this Request for Proposal

The County of Luzerne will not be responsible for oral interpretations given by any of its employees, representatives, or others. **The issuance of a written addendum is the only official method whereby interpretation, clarification, or additional information can be given.** If any addenda are issued to this RFP, Luzerne County will attempt to notify all prospective Vendors who have secured the RFP. However, it will be there responsibility of each Vendor, prior to submitting the competitive proposal, to contact the

Project Manager listed in Section 1.5 to determine if addenda were issued and to make it such addenda a part of its competitive proposal.

1.5 Proposal Submittal

One (1) original and four (4) copies of all responses/proposals are due by **Wednesday, May 21, 2014**. These responses are to be delivered in a sealed envelope marked with the Respondent's name, address and noted "**ACE Attorney**".

**PURCHASING DEPARTMENT
PENN PLACE BUILDING,
SUITE 203, 20 NORTH PENNSYLVANIA AVENUE,
WILKES BARRE, PA 18711**

1.6 Questions Regarding this Request for Proposals

Any Questions about this RFP must be referred to:

**C. David Pedri, Esq.
Office of Law
200 N. River Street
Wilkes-Barre, PA 18711
(570) 830-1598**

1.7 Format for Proposals

All Vendors are advised to read this RFP in its entirety. Failure to read and/or understand any portions of this RFP shall not be cause for waiver of any portion of this RFP.

All responses to this RFP must include the following:

1. Resume;
2. References (3);
3. Bidder Signature Form;
4. Proposal;
5. Non-Collusion Affidavit (notarized).

1.8 Award Criteria

Proposals shall be evaluated according to the following general guidelines and other relevant considerations as determined by the County:

1. Applicant must possess a Juris Doctorate from an accredited law school and be a member in good standing of the Bar of the Supreme Court of Pennsylvania.
2. Applicant must show string oral and written communication skills and have a proven track record of handling numerous court hearings and/or trials with the ability to handle a large case load with time constraints.
3. Ideal Applicant will have experience on dealing with ethical issues and/or municipal law.

1.9 Vendor Qualifications and References

All vendor qualifications will be evaluated to determine the entity which, in the sole judgment of the County, will best fit our needs.

All Vendors must provide a list of references. This list must include:

- The name of the contact person familiar with your services.
- The telephone number of this contact person.

1.10 General Information

1. This RFP is not to be construed as creating a contractual relationship between the County and any Firm submitting a response to this RFP.
2. The County shall have no obligation or liability to any of the Firms responding to the RFP. All costs associated with responding to this RFP are borne solely by the respondent.
3. The County reserves the right to reject any/or all responses, to modify the scope, and to negotiate with the one or more of the respondents, and to waive any /all requirements which the County deems to be in its or its employees best interest.
4. By submitting a response, the Firm represents that it possess the technical capabilities, financial resources and personnel necessary to provide the service requested by this RFP.

After evaluation of the responses, the County will select the Firm having the proposal which best meets the needs of the County, in the sole discretion of the County. This RFP is not intended to create a public bidding process, and the proposal with the lowest quoted fee will not necessarily be accepted, nor will any reason for rejection of any proposal be indicated. The County reserves the right to privately negotiate with any Firm with respect to review outlined in this RFP.

1.11 Completeness of Response

Failure to include in the proposal all information requested in this RFP may be cause for rejection of the proposal.

1.12 Non Collusion Affidavit

All Vendors must sign a Non-Collusion Affidavit as provided in this RFP. This must be signed by the Vendor.

SECTION 2: Conflation Services

2.1 Background

Due to potential ethical constraints, Luzerne County has a required need for an attorney to provide legal services for the Accountability, Conduct and Ethics Board.

2.2 Scope

The successful Vendor will provide sound legal advice.

BIDDER SIGNATURE FORM

BIDDER _____

BID MUST BE SIGNED HERE _____

ADDRESS _____

TELEPHONE NUMBER _____

INDIVIDUAL PARTNERSHIP OR CORPORATION

THE BIDDER CERTIFIES THAT THEY COME UNDER THE CLASS CHECKED BELOW:

PLEASE INSERT NAMES:

(A) **INDIVIDUAL OWNER** _____

(B) **PARTNERSHIP PARTNERS** _____

(C) **CORPORATION** _____
EXACT NAME OF CORPORATION

STATE INCORPORATED

NOTE:

ALL COUNTY PROPOSALS UNDER THE JURISDICTION OF LUZERNE COUNTY MANAGER AND LUZERNE COUNTY SOLICITOR'S OFFICE ARE FURNISHED IN DUPLICATE. ONE COPY OF THE PROPOSAL IS TO BE FILLED OUT AND SUBMITTED WITH THE BID AND THE REMAINING COPY TO BE RETAINED FOR THE BIDDERS RECORDS.

FAILURE OF THE BIDDERS TO SIGN THE BID IN THE SPACE PROVIDED, WILL BE CAUSE FOR REJECTION OF THE BID. SIGNATURES MUST BE WRITTEN IN INK. TYPED, PRINTED OR STAMPED SIGNATURES WILL NOT BE ACCEPTED.

RETURN TO PURCHASING DEPARTMENT

PROPOSAL

TO THE COUNTY MANAGER:

I, THE UNDERSIGNED

SUBMIT FOR YOUR CONSIDERATION A PROPOSAL TO SUPPLY

I UNDERSTAND THAT THE FEE FOR MY SERVICES IS SET AT \$120 DOLLARS PER HOUR. I UNDERSTAND THAT THE MAXIMUM BILLING POTENTIAL IS \$6,000 IN 2014 AND \$12,000 IN 2015.

(I/WE) AGREE, IF AWARDED THE CONTRACT FOR ANY ITEMS SHOWN ON THE ATTACHED SPECIFICATIONS, TO ENTER INTO A WRITTEN AGREEMENT AND TO FURNISH THE SAID ITEMS AT THE PRICE SHOWN.

DATE: _____ 20 _____.

SIGNATURE-TYPEWRITTEN

SIGNATURE-SIGNED IN INK

STREET

CITY & STATE

TELEPHONE NUMBER

FAX NUMBER

NON COLLUSION AFFIDAVIT

State of _____
County of _____

_____, being first duly sworn, deposes and says that:

(1) She/He is the _____
(Owner, partner, officer, representative or agent)
of the Bidder that had submitted the attached Bid.

(2) She/He is fully informed with respect to the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid.

(3) Such Bid is genuine and is not part of any conspiracy, collusion or deception.

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit or cost element for the Bid prices or the Bid price of any Bidder, or to secure through any collusion, conspiracy connivance or unlawful agreement any advantage against the any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(6) The price(s) and amount of this proposal have been arrived at independently and without consultation, communication or agreement with any other contractor, proposer, or potential proposer.

(7) Neither the price(s) nor the amount of this proposal, and neither the approximate price(s) nor the approximate amount of this proposal, have been disclosed to any other firm or person who is a bidder/proposer or potential bidder/proposer, and they will not be disclosed before bid/proposal opening.

(8) No attempt has been made or will be made to induce any firm or person to refrain from submitting a bid/proposal on this contract, or to submit a bid/proposal higher than its bid/proposal, or to submit any intentionally high or noncompetitive bid/proposal or other form of complementary bid/proposal.

(9) The bid/proposal of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive bid/proposal.

(10) The above representations are material and important, and will be relied on by Luzerne County in awarding the contract(s) for which this bid/proposal is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from Luzerne County of the true facts relating to the submission of bids/proposals for this contract.

(Signed) _____

(Name)

(Title)

Subscribed and sworn to before me this _____ day of _____, 201__

Title

My commission expires _____