

**TOWN OF ABINGTON
REQUEST FOR QUALIFICATIONS
FOR TOWN COUNSEL SERVICES**

Objective

The TOWN of ABINGTON (hereinafter called the “TOWN”) through its Board of Selectmen seeks to appoint a highly qualified attorney/law firm as Town Counsel. The successful appointee should meet or exceed the qualifications stated herein and, in general, should be readily accessible to authorized public officials, exceptionally experienced in the following areas:

- General Municipal Law
- Municipal Finance
- Town Bylaws and Regulations
- Open Meeting, Public Records, executive Session and Conflicts of Interest Law
- Zoning and Land Use
- Real Estate Issues: Acquisitions, Sales, Eminent Domain, Easements, Leases, Tax Takings, Licenses, Conservation and Agricultural Restrictions, Right of First Refusal
- Town Meeting: Review of Warrant and Motions, Advice on Issues before and at Town Meeting
- Drafting and Monitoring Special Legislation
- Public Bidding, Public Construction, Municipal Procurement Issues
- Affordable Housing, Housing Trusts
- 12.Subdivision Control Law
- Community Preservation Act
- Wetlands Regulations
- Environmental Issues
- Election Law and Procedures
- Licensing
- Court Representation: Appellate, Administrative Agencies, Litigation
- Appellate Tax Board
- Property and Liability Claims Against the Town
- Effective Collaboration with other Counsel Representing the Town
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While being 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 expects Town Counsel attendance at all sessions of Special and Annual Town Meeting. Upon Request of the Board of Selectmen (BOS) and/or the Town Manager, be present at BOS meetings or other Town agency meetings. The primary contact for the town is the TOWN MANAGER.

Background

The TOWN OF ABINGTON is a municipal government employing approximately 365 permanent employees. The TOWN operates under Open Town Meeting form of government with policy functions vested in a five-member Board of Selectmen and the daily executive and management of Town duties assigned to an appointed Town Manager. In addition to approximately 40 non-union permanent employees, the Town has five (5) non-school department collective bargaining units including: Police, Fire, Public Works, Clerical and Managers Associations.

Minimum Qualifications

Bar Admissions

The appointee and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

Experience

The appointee must represent or have represented as Town Counsel (or functional equivalent) a minimum of two Massachusetts municipalities for no less than three years each or possess other equivalent experience. References for all municipalities currently represented or represented in the past ten years by the appointee must be furnished. The appointee must have substantial experience in the areas of law as listed above.

Accessibility

The appointee must also commit, as a rule, to responding to phone calls from authorized officials and/or requests for written opinions in a timely manner.

Back-up

It is preferable that the appointee have within his or her firm or through an established “of counsel” relationship with sufficient qualified attorney(s) available to render advice and otherwise represent the interests of the TOWN when the appointee is unavailable. In this context, “qualified attorney” shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

Billing

The appointee 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.

Fees and Expenses

The TOWN is willing to consider alternatives to the traditional hourly rate fee arrangement with counsel. As but one 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. 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.

Insurance Requirements

Evidence of valid minimum insurance coverage must be submitted by the selected firm or individual prior to or upon execution of the contract, as follows:

- Workers’ Compensation Insurance as required by law
- Insurance Certificates with the Town named as an additional insured for each:
 1. General Liability of at least \$1,000,000 Bodily Injury and Property Damage Liability, Combined Single Limit with a \$3,000,000 Annual Aggregate Limit.
 2. Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident.
 3. Lawyers Professional Liability of at least \$1,000,000/occurrence, \$3,000,000/aggregate

Selection

In seeking Town Counsel, the TOWN is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the TOWN will select the candidate that they deem to be in the best interests of the TOWN, in their sole discretion. Consequently, the TOWN reserves the right to waive any irregularities in the decision process and to accept or reject any or all proposals.

There is no expressed or implied obligation for the TOWN to reimburse attorneys and law firms for any expenses incurred in preparing proposals in response to this request.

Application

Qualified attorneys interested in responding to this Request for Qualifications (RFQ) should fill out the attached forms completely, attach copies of all documents requested therein, and return the same in an envelope labeled “Town of Abington Town Counsel RFQ” to:

Suzanne Moquin
Town Accountant/Procurement Officer
Town of Abington Offices
Office of the Accountant
500 Gliniewicz Way
Abington, Ma 02351

All responses must be received at the above address no later than Friday, **September 6, 2019 at 12:00 noon. If the Town Offices at the above address are closed on the aforementioned date due to weather or natural disaster, the deadline for submittals will be extended to Thursday, September 12, at 12:00 noon.**

Requests for Information

Should any prospective proposer desire clarification about any of the information contained within the RFQ, they must submit any questions in writing via email to Smoquin@abintonma.gov by 12:00 noon on August 30, 2019. Inquiries not in writing will not be accepted. If, as a result of a written inquiry, a clarification or addenda to this RFQ is issued, it will be provided to the list of firms that have requested the RFQ

-application begins on next page-

**RESPONSE TO REQUEST FOR QUALIFICATIONS FOR
TOWN COUNSEL**

Name: _____ BBO # _____

Firm Name: _____

Address: _____

Telephone: _____

Fax No.: _____

Email: _____

Please respond to each of the following, using separate pages as necessary:

Please identify by name (and BBO #, address and phone number if different than above) the proposed Town Counsel and each proposed back-up counsel:

Please attach resumes or *curriculum vitae* for each attorney identified above. Do each of the attorneys identified above meet the minimum qualification requirements of the RFQ? If other than "yes", please explain:

With respect to each attorney identified, please list every Massachusetts municipality 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.

Please describe each identified attorney's experience in the areas of municipal law and all forms of law listed above.

Please identify any areas of the law where you restrict your practice or are not certified.

Please describe how you propose to satisfy the accessibility requirements of the RFQ?

Please describe how you propose to satisfy the Back-up requirements of the RFQ?

Will you meet or exceed the Billing requirements of the RFQ?

Please state the amount of malpractice or other applicable insurance you currently have.

Are you available to review and approve as to form and content all contracts to which the Town is a party?

Do you provide regular updates on regulations, legislation and court decisions affecting municipalities and, if so, would this be a separate expense?

Do you provide training in legal obligations and compliance for elected, appointed and compensated Town employees on issues such as conflict of interest, ethics, freedom of information, open meeting law and harassment, if so, would this be a separate expense?

Please describe your suggestions for the transition from current Town Counsel.

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

Signed: _____ Date: _____

-fee and expense response sheet begin on next page-

**RESPONSE TO REQUEST FOR QUALIFICATIONS FOR
TOWN COUNSEL**

Fees and Expenses Response Sheet

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

Please list the name and hourly rate for proposed Labor Counsel and for each attorney intended or likely to serve as back-up (research, travel time, court appearances, town meetings):

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:

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):

In what hourly increments do you intend to bill?

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

Do you intend to propose an alternative fee arrangement? Yes____ No____ If "yes", please attach additional sheet(s) fully describing and explaining your proposal.

Tax Compliance Certification

Pursuant to M.G.L. Chapter 63C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Federal Identification Number: _____

Signature of Individual: _____

Name of Business: _____

Statement of Non-Collusion

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Name of person authorized to sign: _____

Name of business: _____

MUNICIPAL LAW EXPERIENCE CHECKLIST

(to be completed for each team member)

Name of Team Member: _____

Rate your experience within the last five years in the following areas of municipal law using the scale below

1. No Experience
2. Limited Experience
3. Moderate Experience
4. Advanced Experience
5. Extensive Experience

_____ General Municipal Law, established under Massachusetts General Law

_____ Municipal Finance

_____ Town Bylaws and Regulations

_____ Open Meeting, Public Records, executive Session and Conflicts of Interest Law

_____ Zoning and Land Use

_____ Real Estate Issues: Acquisitions, Sales, Eminent Domain, Easements, Leases, Tax Takings, Licenses, Conservation and Agricultural Restrictions, Right of First Refusal

_____ Town Meeting: Review of Warrant and Motions, Advice on Issues before and at Town Meeting

_____ Drafting and Monitoring Special Legislation

_____ Public Bidding, Public Construction, Municipal Procurement Issues

_____ Affordable Housing, Housing Trusts

_____ Subdivision Control Law

_____ Community Preservation Act

_____ Wetlands Regulations

_____ Environmental Issues

_____ Election Law and Procedures

_____ Licensing

_____ Court Representation: Appellate, Administrative Agencies, Litigation

_____ Appellate Tax Board

_____ Property and Liability Claims Against the Town

_____ Effective Collaboration with other Counsel Representing the Town

**Statement of Litigation Experience
(to be completed for each team member)**

Name of Team Member: _____

Rate your experience within the last five years in the following areas of municipal law using the scale below

1. No Experience
2. Limited Experience
3. Moderate Experience
4. Advanced Experience
5. Extensive Experience

_____ Trials before State Courts (District, Superior, Land Courts)

_____ Trials before Federal District Courts

_____ Appeals before Massachusetts Appeals Court

_____ Appeals before Massachusetts Supreme Judicial Court

_____ Administrative proceeding before Massachusetts Civil Service Commission

_____ Arbitration Proceedings

_____ Mediation Proceedings

_____ Administrative Proceedings before Massachusetts Appellate Tax Board

_____ Administrative Proceedings before Massachusetts Department of Environmental Protection

_____ Administrative Proceedings before ABCC

_____ Administrative Proceedings before the Housing Appeals Committee

_____ Administrative Proceedings before the Division of Administrative Law Appeals

-end of RFQ document-