

COUNTY COMMISSIONERS OF KENT COUNTY

REQUEST FOR PROPOSALS -

BOARD OF APPEALS ATTORNEY (“RFP”)

1. PURPOSE AND INTENT

The County Commissioners of Kent County (“Commissioners”) seek to engage an attorney for the Board of (Zoning) Appeals (“Board”) upon appointment.

2. PROPOSAL SUBMISSION

One (1) original and three (3) full, complete and exact copies of each proposal shall be submitted in a sealed envelope and must be marked as “Proposal for Board of Appeals Attorney” and addressed to: County Commissioners of Kent County, 400 High Street, Chestertown, MD 21620. The proposal must be received not later than 10:00 a.m., July 14, 2017. Faxed or emailed proposals will **not** be accepted. Any inquiry concerning this RFP should be directed in writing to Amy C. Moredock, CFM, Director, Kent County Department of Planning, Housing and Zoning, 400 High Street, Chestertown, MD 21620. Persons or entities responding to this RFP will hereinafter be referred to as “Respondent”.

All documents/information submitted in response to this RFP shall be available to the public in accordance with the Maryland Public Information Act. The Commissioners reserve the right to reject any and all proposals with or without cause and to waive any irregularities or informalities in the proposals. The Commissioners also reserve the right to negotiate, or to cancel, in part or in its entirety, the RFP if the Commissioners determine that such action is in the best interest of Kent County (“County”). The Commissioners further reserve the right to make

such investigations as they deem necessary as to the qualifications of any and all respondents submitting proposals.

3. APPOINTMENT OF BOARD OF APPEALS ATTORNEY

A Board of Appeals Attorney (“Attorney”) shall be appointed by a majority vote of the Commissioners, shall serve at the will of the Commissioners, and may be terminated at any time, for any reason, upon a vote of the majority of the Commissioners. The Attorney shall be admitted to practice law in the State of Maryland. The Attorney shall receive such compensation as agreed upon and determined by the Commissioners.

4. DUTIES OF THE BOARD OF APPEALS ATTORNEY (SCOPE OF SERVICES)

The duties of the Board of Appeals Attorney are as follows:

- a) Reviewing and aiding in the preparation of legal documents including, without limitation, project information such as staff reports, site plans, and supplemental materials and consulting with Planning Department staff as necessary;
- b) Attending regular, special, and continued sessions of the Board;
- c) Conducting legal research and rendering legal opinions and assistance to the Board;
- d) Assisting the Board in the conduct of hearings and appeals before the Board;
- e) Representing the Board in litigation; and
- f) Assisting the Board in any other manner necessary to carry out the Board’s responsibilities under Section 4-301 et seq. of the Land Use

Article of the Annotated Code of Maryland and Article X, Section 2 of the Kent County Land Use Ordinance.

5. CONFLICTS OF INTEREST

The Respondent shall not have conflicts of interest with the County or Board and shall address and resolve any matters constituting a conflict in advance of appointment. Such conflicts and potential conflicts shall be disclosed as part of the proposal.

6. MANDATORY CONTENTS OF PROPOSAL

Each response to this RFP (hereinafter sometimes referred to as "Proposal") must contain the following information:

- a. **Contact Information:** Provide the name and address of the Respondent and, if associated with a law firm, the name of the firm; the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the Proposal, and the principal professional to be assigned to the Board (hereinafter "Principal") along with a description of the Principal's relevant professional experience, years and type of experience, and number of years with the Respondent.
- b. **A three-year Proposal for 2017, 2018, and 2019:** The Proposal should include a staffing plan listing those persons who will be assigned to the engagement and a Rate Schedule for such personnel including Principal, associates, and paralegals, detailing personnel classifications, rates per hour, direct expenses such as auto travel, copies, etc., and any other costs that may be applicable to the preparation of all personnel both prior to and following all hearings.
- c. **An executive summary of not more than one (1) page, identifying and substantiating why the Respondent is best-qualified to provide the requested services.**

- d. A description of the Respondent's experience in performing services of the type described in this RFP. The respondent should have extensive experience in governmental and zoning matters in the State of Maryland. Provide specific examples of work within the Scope of Services set forth in Section 4 hereof.
- e. The location of Respondent's office (if other than the Respondent's main office) at which the respondent proposes to perform services required under this RFP. Describe Respondent's presence in Maryland and any familiarity that Respondent has with Kent County.
- f. References, including governmental clients, current clients for whom services have been provided for a least three (3) years, and clients for whom services have been provided within the past seven (7) years. Provide the contact names, titles, and phone numbers.
- g. If the Respondent or, if Respondent is other than a sole practitioner, any principal of Respondent's law firm, or any attorney in Respondent's law firm who may provide services under Respondent's proposal, has been named as a defendant in any litigation and/or has been subject to any professional disciplinary action, the Respondent must provide a description of the litigation and/or disciplinary action.
- h. A description of any ongoing investigations and/or litigation matters involving the Respondent, its directors, officers and principals and any individuals employed by the respondent that relate to the performance of the Respondent in the areas of governmental and zoning law.
- i. State whether Respondent has any actual or potential conflicts of interest with Kent County and/or its Board of Appeals. The response must include a disclosure of

Respondent's clients who have had dealings with Kent County, including all of its boards and commissions, for the past five years. Explain how Respondent would respond if faced with conflicts of interest going forward. Also, set out any allowance in the proposed contract price that Kent County would receive if Kent County were required to retain other legal counsel because of a conflict of interest with Respondent.

- j. A detailed explanation of the method of charging for professional and administrative services including, without limitation: the billable rates for all personnel of Respondent who may provide services to the Board (do not list a range of rates); a description of multipliers, overhead charges, and other applicable fee information; a description of minimum billings; hourly or per meeting rates associated with attending evening sessions of the Board as requested.

NOTE: Costs and expenses incurred by Respondent in responding to this RFP are the Respondent's sole responsibility. Kent County will not reimburse the Respondent for any costs or expenses incurred prior to the contract award.

7. INSURANCE

The Respondent shall: (i) maintain professional liability/malpractice insurance coverage and general commercial liability insurance coverage with limits of coverage of not less than \$1,000,000 in the aggregate and \$500,000 per claim; (ii) maintain workers' compensation coverage in accordance with applicable statutory requirements; and (iii) to the extent permissible under such coverages, name Kent County and the Board as additional insureds. The Respondent shall provide certificates of such insurance to the Commissioners.

8. FINANCIAL DISCLOSURE

The Respondent shall annually file with the Commissioners a Statement of Financial Interest such as may be required by the Maryland State Ethics Commission and/or the Kent County Ethics Ordinance.

9. INTERVIEW

The Commissioners reserve the right to interview any or all of the respondents submitting a proposal. Although interviews may take place, Proposals should be comprehensive and complete on their face. The Commissioners reserve the right to request clarifying information subsequent to receipt of the Proposal.

10. SELECTION PROCESS

All Proposals will be reviewed by the Commissioners to determine responsiveness. Non-responsive Proposals will be rejected without further evaluation. For Proposals that satisfy the Minimum Qualifications and the Mandatory Contents of Proposal set forth hereinabove, the Commissioners' evaluation will include, but will not be limited to, the following evaluation criteria, separate or combined as the Commissioners, in their sole discretion, deem appropriate:

- a) The Respondent's general approach to providing the services as set forth in Section 4 hereof;
- b) If the Principal is other than the Respondent, the Principal's approach to providing the services as set forth in Section 4 hereof;
- c) The Respondent's government and zoning experience pertinent to the engagement described in this RFP;
- d) If the Principal is other than the Respondent, the Principal's government and zoning experience pertinent to the engagement described in this RFP;

- e) The qualifications and experience of the Respondent's management, supervisory, or other key personnel assigned to the engagement, with emphasis on government and zoning experience pertinent to the services described in this RFP;
- f) The overall ability of the Respondent and, in particular, the Principal, to mobilize, undertake, and successfully complete the Scope of Services described herein in a timely fashion. This criterion will include, but not be limited to, the number and qualifications of management, supervisory, and other staff proposed by the Respondent to perform the services described in this RFP, as well as their availability and commitment to the engagement described in this RFP;
- g) Costs and fee schedules to include billing methodology; and
- h) Other criteria as deemed appropriate by the Commissioners.

11. SELECTION AND CONTRACT

The Commissioners will select the Proposal deemed most advantageous to the Kent County and the Board with price and other factors considered. The Commissioners shall not be required to appoint the Respondent submitting the lowest cost Proposal. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected Respondent's Proposal, and any changes negotiated by the parties. The contract will also include a provision that: (i) specifies presumptively reasonable professional fees for standard hearing preparation and project completion, including the review of all hearing materials prior to the hearing or special meeting and the final drafting of all decisions and materials affiliated with that hearing or special meeting ("Presumptive Fee"); and (ii) requires the existence of extraordinary circumstances for the payment of fees in excess of the Presumptive Fee. The contract will further specify that Respondent is an independent contractor is not an employee or agent of the County or the Board.

The Commissioners' decision will be based, in large part, on their evaluation of the qualifications of the Principal and their expectation that the Principal will be primarily responsible for the professional services to be provided during the term of the contract. Past performance and practices of the Respondent may also be considered.

12. RETURN OF BOARD FILES

At termination of the employment of the successful Respondent, he/she shall promptly return to the Board files in his/her possession complete with all documents, memorandums, legal research notes, correspondence, and all other material contained therein, including but not limited to electronic data, at no cost to the Kent County or the Board.

13. EXCEPTIONS

Any requested exceptions to terms, conditions, or other requirements in any part of the RFP must be clearly identified in the Respondent's Proposal. Absent such requests, the Commissioners will consider that the Proposal is in all respects consistent with this RFP, and the successful Respondent will be responsible for strict compliance with the terms hereof.

KENT COUNTY, BOARD OF APPEALS ATTORNEY
REQUEST FOR PROPOSALS

The County Commissioners of Kent County are seeking to engage the services of an attorney to represent to represent the Kent County Board of Zoning Appeals, in accordance with their Request for Proposals (RFP). Copies of the RFP are available at Department of Planning, Housing, and Zoning between the hours of 8:30 a.m. and 4:30 p.m. Monday thru Friday or on the County's website <https://www.kentcounty.com/government/rfp>.

All proposals shall be made upon letterhead stationary and all references to numbers shall be stated both in writing and figures. One (1) clearly marked original and three (3) clearly marked complete copies (including all attachments) of each proposal shall be submitted and delivered to: Director of Purchasing, 400 High Street, Chestertown, MD 21620, prior to 10:00 a.m., July 14, 2017. Envelopes shall be sealed and marked, “# **PHZ 17-01 Kent County Board of Appeals Attorney**”.