



**REQUEST FOR QUALIFICATIONS
PROVISION OF LEGAL SERVICES
COUNTY OF WARREN, VIRGINIA**

Warren County is seeking proposals from qualified individuals and/or firms for the provision of professional temporary legal services. The submittal consisting of the original proposal will be received no later than **4:00 p.m. on Tuesday, September 10, 2019, by:**

IN PERSON OR SPECIAL COURIER U.S. POSTAL SERVICE
County of Warren
Mr. Douglas P. Stanley, County Administrator
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

This Request for Qualifications and any addenda are available on the County of Warren website at: www.warrencountyva.net.

Any proposal received after **4:00 p.m. on Tuesday, September 10, 2019**, whether by mail or otherwise, will be returned unopened. The time of receipt shall be determined by the clock in the County Administrator's Office. Offeror(s) are responsible for insuring that their proposal is stamped by Administration Office personnel by the deadline indicated. Proposals may not be submitted by facsimile or email.

Nothing herein is intended to exclude any responsible individual or firm or in any way restrain or restrict competition. On the contrary, all responsible individuals and/or firms are encouraged to submit proposals. The County of Warren reserves the right to accept or reject any or all proposals submitted. The awarding authority for this contract is the Warren County Board of Supervisors. Questions concerning this Request for Qualifications should be directed to Douglas P. Stanley, County Administrator, at dstanley@warrencountyva.net or 540-636-4600.

**WARREN COUNTY
REQUEST FOR QUALIFICATIONS
FOR THE PROVISION OF LEGAL SERVICES**

ISSUING DATE: August 28, 2019
CLOSING DATE: September 10, 2019

Warren County is requesting qualifications and proposals from qualified individuals and/or firms who wish to be considered for providing professional temporary legal services on an “as needed” basis to Warren County. Proposals will be accepted until, and no later than Tuesday, September 10, 2019 at 4:00 p.m.

1.0 GENERAL INFORMATION

Warren County desires to establish a general legal services contract specifically between Warren County and a selected individual or firm to temporarily serve as the County Attorney. The County Attorney works at the direction and under the general oversight of the Warren County Board of Supervisors. The County Attorney is expected to provide legal counsel to the Board of Supervisors, County staff, Constitutional Officers, and other County Departments agreed upon. Specific workload and commitment of hours will vary based on the needs of the County.

Any proposer must have thorough knowledge of Virginia local government law, legal procedures, court cases and administrative regulations pertaining to, but not limited to: land use, taxation, contracts, real estate, public financing, public sector employment law, civil litigation, constitutional law and related regulatory laws pertaining to local governments within the Commonwealth of Virginia.

The individual appointed either as a sole practitioner or a member of a law firm shall be a member of the Virginia State Bar. The candidate should possess at least five (5) years of experience as a practicing attorney in the Commonwealth of Virginia within the field of municipal law. The candidate shall be a member in good standing of the Virginia State Bar and have an active license to practice law within the Commonwealth of Virginia. The candidate must be admitted to practice law in all Virginia courts and applicable federal courts.

Warren County, with an estimated population of 40,003, covers 219 sq. miles and is located in the northern Shenandoah Valley. The governing body of the County is the Board of Supervisors, which establishes policies for the administration of the County. The Board of Supervisors consists of five members representing the five magisterial districts in the County. In addition to the elected Board of Supervisors, five constitutional officers are elected. These officers include the Sheriff, the Commonwealth’s Attorney, the Clerk of the Circuit Court, the Treasurer, and the Commissioner of the Revenue.

The County provides a full range of services to its residents, including education, public safety, court services, solid waste disposal, community and economic development, parks and recreation activities, social services, and general administration.

Legal services solicited through this Request for Proposals (RFQ) are for the County operations and will not include the Warren County Public School System or the Front Royal-Warren County Economic Development Authority.

2.0 SCOPE OF SERVICES REQUESTED

2.1 Legal services to be provided to Warren County include, but are not limited to, the following:

- A. Provide counseling on issues as they arise to the Board of Supervisors and/or County Administrator and staff, Constitutional Officers where the consultation with Constitutional Officers does not conflict with the interests or policies of the Board of Supervisors.
- B. Prepare and/or review contracts, leases, easements, deeds and other legal instruments on behalf of the County.
- C. Draft ordinances, resolutions and other legal documents.
- D. Support staff in the interpretation and implementation of the County ordinances and code. Assist in the development of new and amended general county ordinances as needed.
- E. Keep the Board of Supervisors and senior staff apprised of changes to state and federal law, which potentially impacts Warren County's government.
- F. Litigating in all state and federal courts as required.
- G. Assist staff in the administration and compliance with public procurement and public financing.
- H. Provide legal counsel to staff on human resource and personnel related matters.
- I. Attendance at all regular meetings of the Board of Supervisors and other County Boards as needed. The Board meets at 9:00 a.m. on the first Tuesday of each month and 7 p.m. on the third Tuesday of each month. From time to time the County Attorney may be asked to attend special meetings of the Board of Supervisors, advisory boards, commissions, and committees.

2.2 Billing: Invoices for legal services must be received within forty-five (45) days of the last day of the month in which the service was provided. At a minimum, the Provider's monthly invoice must contain the following information: legal name of the Provider and all contact information; the applicable services provided; and specific service dates.

2.3 The Provider may be requested from time to time to provide cost estimates or quotes for specific projects.

3.0 CONTACT PERSONS

Questions regarding this IFB or the evaluation process should be directed to:

Mr. Douglas P. Stanley, County Administrator
220 N. Commerce Avenue, Suite 100
Front Royal, VA 22630
Telephone: 540-636-4600

4.0 PROPOSAL SUBMISSION

Submittals shall be prepared simply and economically, presenting a concise description of the proposer's capabilities and qualifications to satisfy the requirements of this RFQ and any relevant local government experience. The submittals shall include:

4.1 One (1) original of each proposal must be submitted to: Mr. Douglas P. Stanley, County Administrator, 220 N. Commerce Ave., Suite 100, Front Royal, VA, 22630. Proposals must be received no later than Tuesday, September 10, 2019 at 4:00 p.m.

4.2 Warren County will not be responsible for any cost incurred by any proposer who chooses to submit a proposal.

4.3 No proposals will be accepted or considered after the proposal closing date and time. The date of postmark will not be considered.

4.4 Proposals may be withdrawn by written request from the proposer to the County Administrator prior to the proposal closing date.

5.0 GENERAL CONDITIONS

5.1 It is the responsibility of the proposer to inquire about and clarify any requirements of this RFQ that are not understood.

5.2 Any interpretation relative to interpretation of these specifications shall be requested in writing at least three (3) working days prior to the deadline for the acceptance of proposals.

5.3 Any interpretation made to a prospective proposer will be expressed in the form of an addendum to the specifications that will be sent to all known prospective proposers no later than two (2) working days before the date set for opening of proposals. Oral answers will not be authoritative.

5.4 No protests regarding the validity or appropriateness of the specifications or of the RFQ will be considered unless the protest is filed in writing with the County Administrator prior to the closing date for proposals.

5.5 Warren County reserves the right to reject any and/or all proposals received and to waive informalities in the proposal process.

5.6 During the performance of the resulting contract, the Provider agrees as follows:

- A. The provider will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Provider. The Provider agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The Provider, in all solicitations or advertisements for employees placed by or on behalf of the Provider, will state that such Provider is an equal opportunity employer.
- C. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- D. The Provider will include the provisions of the foregoing paragraphs A, B, and C in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
- E. The Provider does not, and shall not, during the performance of the resulting contract for services, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.
- F. The Provider agrees to (i) provide a drug-free workplace for the Provider's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Provider's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Provider that the Provider maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with the Virginia Public Procurement Act, §§ 2.2-4300 -- 2.2-4377, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

- G. The resulting contract may not be assignable by the Provider, in whole or in part, without the written consent of Warren County.
- H. By submitting a proposal, all proposers certify that their proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other proposer, supplier, manufacturer, or subcontractor in connection with their proposal; and that they have not conferred upon any public employee having official responsibility a subscription, advance, deposit of money, service or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

5.7 Termination for Convenience

The resulting Contract for services may be terminated by Warren County upon not less than thirty (30) days written notice to the provider for Warren County's convenience and without cause. In the event of such termination, the provider shall be compensated for satisfactory services performed prior to termination.

6.0 PROPOSAL SELECTION PROCESS

6.1 Proposal Review

A representative Review Committee, will review all proposals received and select qualified individuals or firms for further review.

6.2 Discussion/Interviews

The Committee shall engage in individual discussions with two (2) or more proposers deemed fully qualified, responsible, and suitable based on initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews may occur. The proposers shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the scope of services requested, as well as alternative concepts, if any. At this discussion stage, the Review Committee may discuss nonbinding estimates of price or rates for services.

6.3 Evaluation Phase

At the conclusion of the discussion/interviews, the committee will select in the order of preference two or more proposers whose professional qualifications and proposed services are deemed most meritorious. Criteria for this selection, at the discretion of the Review Committee, may be determined through evaluation of relevant experience, price, and fee structure. Negotiations shall then be conducted, beginning with the proposer ranked first. Negotiations may also include, at no additional cost to Warren County, an oral presentation of the proposal to the review committee and/or the Warren County Board of Supervisors, and may include submission of additional or clarifying written information. If a contract that is satisfactory and advantageous can be negotiated at a price considered fair and reasonable, the award shall be made to that

proposer. Otherwise, negotiations with the proposer ranked first shall be formally terminated and negotiations conducted with the proposer ranked second, and so on, until such a contract can be negotiated at a fair and reasonable price.

Warren County reserves the right to award more than one contract, if it determines that qualifications of the proposers warrant separate contracts for specified legal services.

Should Warren County determine in writing and in its sole discretion, that only one proposer is fully qualified, or that one proposer is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that proposer.

7.0 PROPOSAL CONTENT

7.1 Proposers should address, but need not be limited to, all performance requirements listed herein, with a written proposal and should not assume that an opportunity will exist to add such matters after the proposal is submitted.

- A. Proposer name, address, and telephone number.
- B. Provide a brief description of your firm, including number of employees and primary officers or partners.
- C. Identify the attorney(s) who are being proposed to provide the requested legal services and provide information about their background including education and legal experience.
- D. Provide information regarding your firm and specifically the identified attorney's, experience in local government legal issues or other relevant experience.
- E. Provide a minimum of three (3) references in which similar legal service contracts or services have been provided within the last five (5) years.
- F. Provide specific payment terms and arrangements, such as hourly rate vs. retainer or some combination thereof.

7.2 Trade secrets or proprietary information submitted by the proposer in connection with the procurement transaction shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the proposer must invoke the protections of this section prior to or upon submission of the data and/or other materials included in this proposal and must identify the data or other materials to be protected and state the reasons why protection is necessary.

7.4 All proposals shall be signed in ink by an authorized principal. By submission of the proposal, the offeror covenants that it is authorized to do business within the Commonwealth of Virginia.

7.5 Any other information that you may deem relevant for consideration.

8.0 TERM OF CONTRACT

It is the intent of the Warren County Board of Supervisors to memorialize the relationship with the selected offeror in the form of a contract. The term of the contract shall be negotiated with the selected offeror.

During the negotiation phase, Warren County and the offeror will agree on a mutually agreeable payment arrangement and fee structure.