

REQUEST FOR PROPOSAL  
TOWN COUNSEL  
TOWN OF CHESTER, CONNECTICUT  
203 MIDDLESEX AVENUE, CHESTER, CT 06412

The TOWN OF CHESTER, CONNECTICUT, is seeking written proposals from licensed practicing attorneys to act as TOWN COUNSEL for the Town. Proposals will be received by the Town of CHESTER at the office of the First Selectman until 12:00 p.m. local time, on January 21, 2022, after which time no further proposals will be accepted. The Proposals will be reviewed thereafter by the Board of Selectmen. The TOWN anticipates appointing TOWN COUNSEL in February 2022.

GENERAL DESCRIPTION

The TOWN seeks an experienced attorney familiar with municipal law who is either a sole practitioner or a part of a larger firm. While the TOWN prefers to designate an individual, and not an entire firm, as the TOWN COUNSEL, the TOWN recognizes that different members of a firm may provide different areas of expertise to the benefit of the TOWN. Due consideration will be given to the attorney's and/or firm's experience representing other towns and municipal agencies.

The TOWN COUNSEL will represent the TOWN OF CHESTER, its elected and appointed officials, and its various boards and agencies, on an as needed and as requested basis. The TOWN requires prompt attention to all matters referred to the TOWN COUNSEL, and many will have strict deadlines that the TOWN COUNSEL must meet. While a portion of the work can be handled by telephone and email, the TOWN COUNSEL will be expected to attend meetings at the Chester Town Hall, both day and evening, on an as-needed basis. The TOWN COUNSEL will report to the First Selectman, who will be the point of contact for the TOWN COUNSELOR on all matters, although the TOWN COUNSEL will be working with various town officials and employees at various times.


Specifically excluded from this representation are the Board of Education, Assessor and all Land Use boards, which are separately represented by other counsel. The TOWN also has separate counsel for bonding.

THE TOWN currently compensates its TOWN COUNSEL on an hourly basis, billed monthly, and while that is the preferred basis for any agreement, the TOWN will consider any different compensation method set forth in any proposal. The TOWN COUNSEL will serve at the pleasure of the Board of Selectmen and may be terminated at any time for any or no reason.

THE TOWN requests that any response to this REQUEST FOR PROPOSAL include a complete and full description of the experience and background of the attorney and/or firm, the Juris number of the attorney, a proposal for compensation method including an hourly rate (or such other method of compensation as may be proposed) a copy of a current Certificate of Professional Liability Insurance, and any other information that may be helpful to the TOWN in making its decision.

The right is reserved by the TOWN to reject any or all proposals, to waive any informalities or defects or to accept the proposal that, in the judgment of the TOWN will be in its best interests.

TOWN OF CHESTER, CT

By:   
Charlene O. Janecek, First Selectman

## SCOPE OF WORK

### General Government Town Attorney

- Contract/document review and drafting, ordinance drafting, State Statute interpretations. Familiarity with Freedom of Information Act (FOIA) and real estate transactions required.
- Assists officials and employees in their understanding of the legal roles and duties of their respective offices and interrelationships with others.
- Counsels staff on enforcement of Town ordinances, Town policy and enforcement of Town codes/regulations.
- *Litigation.* Ability to manage/conduct/oversee litigation in all courts (State and Federal). Not often needed for trial work, but when it is, it is usually a significant matter.
- *Criminal Law.* Advises Police Department on proper police operating procedures when requested, or otherwise.
- *General.* Includes all other legal matters typically associated with the operations of a municipal government and other services. Effective verbal and written communication skills are essential, since information must be readily understood by elected and appointed offices, Town staff and the public.
- *Tax Matters.* Must represent the Town in tax collection issues; assists the Tax Collector with tax foreclosures and tax sales.

## MINIMUM QUALIFICATIONS

Each attorney in the proposed team must possess a Juris Doctor Degree and have graduated from a law school accredited by the American Bar Association.

Each attorney in the proposed team must be a member in good standing of the Connecticut State Bar.

The proposed designated Town Attorney must have a minimum of five (5) years' experience in the field of Municipal Law.

## PROPOSAL FORMAT

In order to facilitate the analysis of responses to this RFP, Respondents are required to prepare their proposals in accordance with the instructions outlined in this section. Proposals should be prepared as simply as possible and provide a straightforward, concise description of the Respondent's capabilities to satisfy the requirements of the RFP. The proposal should be organized into the follow major sections:

1. Submittal Letter – Respondents shall submit a cover letter addressed to Charlene O. Janecek, First Selectman, signed by an authorized principal or agent of the Respondent which provides an overview of the Respondent's offer, as well as the name, title, and telephone number of the person to whom the Town may direct questions concerning the proposal. The letter shall include a statement by the Respondent accepting all terms and conditions contained in this RFP, signed by an officer or other individual with authority to negotiate and contractually bind the firm.
2. Table of Contents
3. Requested Information – In order to be considered each Respondent shall, at a minimum, submit the following information:
  - o Brief background statement as to the Respondent's particular capabilities, history, qualifications and other general introductory information on the Respondent.

- Resumes of key personnel who would be assigned to Chester. If the Respondent is a firm, the qualifications, resumes and position within the firm of each attorney that will be assigned to work on matters pertaining to the Town of Chester. Include evidence the attorney is a member of the Connecticut Bar and fully qualified to practice law in all the courts of Connecticut.
  - A detailed description of all areas of expertise and experience, including the types of services supplied to past and present clients. A strong background in Connecticut Statutes relating to municipal law and relevant state regulations is required. This information should set forth the extent of specialization, and include background and experience, in the areas as outlined above.
  - A detailed description of how the Respondent proposes to provide legal services to the Town and their general approach as to providing the legal services to a municipal client.
  - Describe the systems or mechanisms that would be established for regular reporting on the status of projects, requests and litigation.
  - List of municipalities in Connecticut for which the Respondent has provided similar services in the last five years. Please also include the type of service, name and contact information for these references.
  - A list of grievances, with the outcome, against the law firm or individual attorney within the last ten (10) years.
  - List and describe any pending or past litigation in which you represented or represented a client against the Town of Chester or any of its officers, representatives or agencies.
  - Details on the amount and extent of malpractice and other insurance carried by the Respondent; please refer to the Insurance Requirement Section below for specific coverage thresholds required by the Town.
  - Describe the Respondent's policy regarding travel costs for which it will expect reimbursement from the Town.
  - Additional information or documentation that may be useful and applicable to this project.
4. Executive Summary – This part of the response to the RFP shall contain the body of the Respondent's proposal. It shall limit technical jargon as much as possible and shall be oriented toward technical and non-technical personnel.
5. Non-collusion and Ethics Affidavit – Respondents shall complete Appendix A.
6. Fee Proposal Summary – Respondents will submit the hourly rate, plus any additional costs anticipated or shall summarize costs in the Attached Appendix B. Include any retainer, any hourly rates for all personnel providing legal services, required expenses and other costs involved. The Fee Proposal should include proposals for annual legal expense caps, as applicable. Special attention will be paid by the Town to suggestions and recommendations for managing and controlling the cost of legal services. The Town is interested in receiving innovative cost containment proposals and suggestions for legal services. This should include proposals for review and improvement of current procedures, quality control measures, the manner in which specialists will be retained, and any other suggestions regarding legal services and cost containment measures.

#### INSURANCE REQUIREMENTS

Respondents shall agree to maintain in force at all times during which services are to be performed the following coverages and shall endorse the Town of Chester as an Additional Insured on a primary and non-contributory basis. **These requirements shall be clearly stated in the remarks section on the Certificate of Insurance.** Insurance shall be written with Carriers approved in the State of Connecticut

and with a minimum Best's Rating of A-. In addition, all Carriers are subject to approved by the Town of Westbrook.

		(Minimum Limits)
General	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
	Products/Completed Operations Aggregate	\$2,000,000

**A Waiver of Subrogation shall be provided**

Auto Liability:	Combined Single Limit	\$1,000,000
	Each Accident	\$1,000,000
Umbrella:	Each Occurrence	\$2,000,000
(Excess Liability)	Aggregate	\$2,000,000
Workers' Compensation and WC Statutory Limits		
Employers'	EL Each Accident	\$500,000
	EL Disease Each Employee	\$500,000
	EL Disease Policy Limit	\$500,000

**Copy of Malpractice/Liability Insurance Certificate in a minimum amount of \$1,000,000.**

**Exclusion to the Policy:** A statement of exclusions to all policies will be submitted prior to the award of contract.

DURATION OF AGREEMENT

The term of appointment by the Board of Selectmen is generally parallel to the term of the elected municipal officers. Each Respondent's submitted proposal is requested to detail its fee proposal for a least a two (2) year basis. Any effect the term of agreement may have on legal fees, cost containment or any other elements of Town Attorney services should be noted.

EVALUATION CRITERIA

The Town of Chester intends to use the following criteria to evaluate Respondent proposals:

- a. Depth and breadth of experience and expertise in the practice of law, most specifically in the municipal areas for which proposals are submitted;
- b. Capability to perform legal services promptly and in a manner that permits the Town to meet established deadlines and to operate in an effective and efficient manner;
- c. Degree of availability for nimble response to unanticipated inquiries that arise out of day-to-day operating questions or problems;
- d. Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field;
- e. Communication skills;
- f. Cost of services; and
- g. Other qualifications/criteria as deemed appropriate by the Town.

The Board of Selectmen will conduct interviews of the top candidates and make the final selection.

## SUBMITTAL INSTRUCTIONS

Interested firms or individuals should submit one (1) original statement of qualifications with four (4) printed copies and one (1) electronic copy on or before 12:00 p.m. on January 21, 2022 to:

Town of Chester, Connecticut  
Attention: Charlene O. Janeczek, First Selectman  
203 Middlesex Avenue, Chester, CT 06412

Proposals will be opened and recorded at this time. No proposals submitted after this time will be accepted. Proposals should be labeled "Town of Chester Legal Services". Faxed or electronically mailed (e-mailed) proposals will be deemed non-responsive and will not be accepted.

All inquiries shall be in writing and directed to the individual noted above, no later than 12:00 p.m., January 14, 2022. Inquiries can be made via e-mail ([firstselectman@chesterct.org](mailto:firstselectman@chesterct.org)). Any clarifications made in response to the questions of any one potential firm will be communicated in writing to all other known, potential firms.

An electronic copy of this Request for Proposals, along with any changes, will be posted on the Town web page ([www.chesterct.org](http://www.chesterct.org)). The Town may issue Addenda to this RFP. When issued, addenda will be posted on the Town's website under the "Bid Opportunities" link located on the home page. It is the Respondent's responsibility to check for and address any Addenda to this RFP.

## GENERAL INFORMATION

1. The Town of Chester reserves the right to accept or reject any and all proposals and reserves the right to waive technicalities where such action best serves the interest of the Town. The Town of Chester reserves the right to withdraw its RFP at any time prior to final section, in its sole discretion.
2. The Town of Chester will be the sole and exclusive judge of quality and compliance with proposal specifications in any other matters pertaining to this RFP. The Town reserves the right to award the contract in any manner it deems to be in the best interest of the Town of Chester.
3. All responses provided should be as detailed as possible to provide the proposal evaluations with enough information to make a fair assessment of the proposer's qualifications and approach.
4. The Town will not be liable for any costs associated with the preparation or submittal of this RFP or subsequent presentations.
5. The Town of Chester will review and evaluate all proposals that have been received by the submission deadline. Evaluation of the proposals will be based on the information provided in the Respondent's submission in accordance with the submission requirements of this RFP and any interviews, references and additional information requested by the Town of Chester.
6. In submitting the proposal, the Respondent agrees that the proposal will remain valid for a period of one hundred twenty (120) days after the closing date for submission, and may be extended beyond that time by mutual agreement. Fees quoted must be firm, for acceptance by the Town of Chester, for a period of one hundred twenty (120) days.
7. No contract may be assigned or transferred without the consent of the Town of Chester.
8. Each Respondent is responsible for having read and understood each document in this RFP and any addenda issued by the Town. A Respondent's failure to have reviewed all information that is part of or applicable to this RFP, including but not limited to any addenda posted on the Town's website, shall in no way relieve it from any aspect of its proposal or the obligations related thereto.

Each Respondent is deemed to be familiar with and is required to comply with all federal, state and local laws, regulations, ordinances, codes and orders that in any manner relate to this RFP or the provision of goods or performance of the work described herein.

By submitting a proposal, each Respondent represents that it has thoroughly examined and become familiar with the scope of work outlined described in this RFP, and it is capable of performing the work to achieve the Town's objectives.

9. A Respondent filing a proposal thereby certifies that no officer, agent or employee of the Town who has a pecuniary interest in this request for proposal neither has nor shall participate in the contract negotiations on the part of the Town, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Respondent of the same call for proposals, and that the Respondent is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

Respondents must fully disclose, in writing to the Town on or before the closing date of this RFP, the circumstances of any possible conflict of interest or what could be perceived as a possible conflict of interest if the Respondent were to become a contracting party pursuant to this RFP. The Town shall review any submissions by Respondents under this provision and may reject any Proposals where, in the sole opinion of the Town, the Respondent could be in a conflict of interest or could be perceived to be in a possible conflict of interest position if the Respondent were to become a contracting party pursuant to this RFP.

APPENDIX A

REQUEST FOR PROPOSALS  
LEGAL SERVICES

NON COLLUSION AFFIDAVIT FORM

The undersigned proposer, having fully informed himself/herself/itself regarding the accuracy of the statements made herein, certifies that:

1. The proposal is genuine; it is not a collusive or sham proposal;
2. The proposer developed the proposal independently and submitted it without collusion with, and without any agreement, understanding, communication or planned common course of action with any other person entity designed to limit independent competition;
3. The proposer, its employees and agents have not communicated the contents of the proposal to any person not an employee or agent of the proposer and will not communicate the proposal to any such person prior to the official opening of the proposal; and
4. No elected or appointed official or other officer or employee of the Town of Chester is directly or indirectly interested in the proposer's proposal, or in the supplies, materials, equipment work or labor to which it relates, or in any of the profits thereof.

The undersigned proposer further certifies that this affidavit is executed for the purpose of inducing the Town of Chester to consider its proposal and make an award in accordance therewith.

\_\_\_\_\_  
Legal Name of Proposer

\_\_\_\_\_  
(signature)  
Proposer's Representative, Duly Authorized

\_\_\_\_\_  
Name of Proposer's Authorized Representative

\_\_\_\_\_  
Title of Proposer's Authorized Representative

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

APPENDIX B

REQUEST FOR PROPOSALS  
LEGAL SERVICES

FEE PROPOSAL SUMMARY

A. Fees for services will be submitted on the basis of a retainer agreement. In exchange for the payment of the retainer, the selected respondent will provide the following legal services:

- Provide written memorandum of law on questions raised by Boards and Commissions;
- Be available for general advice and counsel as required;
- Research and provide municipal law updates including conducting seminars;
- Review and draft letters, contracts, indemnification agreements, consent forms and other miscellaneous forms and documents
- Prepare and opine on proposed municipal ordinances and policies;
- Attend evening Board of Selectmen, Board, Commission and other meetings and Town Meetings as required.

This retainer agreement is not intended to cover time intensive labor and employment matters (such as negotiations or lawsuits) but will include routine, general labor and employment advice, routine research on procedure, statutory mandates, tax questions, personnel policy changes and contract interpretation.

The Town Attorney shall submit monthly statements with sufficient detail to generally apprise the Town of the nature of the work being performed under the retainer.

Indicate on the chart below the proposed monthly retainer amounts in each of the following periods:

_____	\$ _____
_____	\$ _____

The identities of the lawyers who are expected to perform services under the general retainer must be provided. Include each lawyer's name, area of practice, and number of expected hours to be dedicated to the retainer per month for each of the periods.

- B. The selected firm will also provide services outside the scope of the retainer agreement. Attach your firm's proposed hourly rates for litigation and administrative hearings. Include each lawyer's name, area of practice, proposed rate and the person's standard hourly rate.