



TOWN OF WINDERMERE
REQUEST FOR QUALIFICATIONS
RFQ# 2022-03

Town of Windermere General Legal Representation

RESPONSES ARE DUE BY 5:00 PM EST March 10, 2022

MAIL OR DELIVER RESPONSES TO:

ATT: Robert Smith, Town Manager 614
Main St.
Windermere, FL 34786

CONTACT:

Robert Smith, Town Manager 614
Main St.
Windermere, FL 34786
Phone: (407) 876-2563, Fax (407) 876-0103
Email: rsmith@town.windermere.fl.us

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1. OVERVIEW

The Town of Windermere is seeking proposals from qualified firms/individuals who are currently licensed to practice law in the State of Florida. The Town of Windermere currently manages Town Administration, Police Department, Finance Department, Public Works Department and Human Resources. The Town presently employs 32 full time staff and operates under a Council Manager form of government. The Town currently contacts out Code Enforcement, Legal Services, Special Magistrate, Fire Protection Services, Solid Waste, Building Permitting and Inspections and Land Planning Services.

Those individuals or firms interested in providing this service are instructed to submit three (3) bound copies, one (1) unbound original, and one (1) electronic copy (Flash Drive: PDF Format) of their qualifications pertinent to the scope of work prior to 5pm Eastern Standard Time, March 10, 2022, to the attention of Robert Smith, Town Manager 614 Main St. Windermere, FL 34786. RFQ can be hand delivered to 614 Main St. Windermere, FL 34786. Proposal documents received after this date and time will not be considered. The Town of Windermere reserves the right to reject any and all qualification documents received, to solicit new qualification documents, or take any other such actions that may be deemed to be in the best interest of the Town of Windermere. The Town of Windermere is an Equal Opportunity Employer. MBE/WBE/DBE businesses are encouraged to participate. The Town of Windermere strictly enforces open and fair competition.

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2. SUBMISSION REQUIREMENTS:

Individuals/Firms are invited to submit qualifications documents to the Town of Windermere RFQ# 2022-03 Town of Windermere General Legal Representation.

Requirements for submission and selection criteria may be obtained from the Town of Windermere's web site at www.town.windermere.fl.us. All questions pertaining to this Request for Qualifications (RFQ) should be directed, in writing, to Robert Smith, Town Manager, 614 Main St. Windermere, FL 34786, by facsimile (407) 876-0103, or by email rsmith@town.windermere.fl.us. Any addenda to this RFQ shall be made on the Town web site. It is the sole responsibility of those submitting an RFQ to check the web site for addendums. These questions are due by 5pm EST February 25, 2022. Final addenda will be posted by 5pm EST March 1, 2022.

Proposers must submit one (1) original response unbound marked "Original", three (3) bound copies marked "Copies", and one (1) electronic copy (Flash Drive; PDF Format) of the submittal in a sealed envelope clearly marked on the outside with the Proposers name and "RFQ# 2022-03 Town of Windermere General Legal Representation addressed and delivered to:

**Att: Robert Smith, Town Manager
614 Main Street
Windermere, FL 34786**

**Hand Delivered: 614 Main St.
Windermere, FL 34787**

All proposals must be received by Robert Smith before 5:00pm EST March 10, 2022. Any qualifications received after this date and time will be automatically rejected. Materials may be delivered by Certified Mail, Return Receipt, hand delivered or couriered. Faxed or emailed proposals will be automatically rejected. Hand delivered qualification documents may request a receipt. If sent by mail or courier, the above-mentioned envelope shall be enclosed in another envelope addressed to the entity and address stated above. Proposers should be aware that certain "express mail" services will have to meet the required time frame of submittal or be deemed automatically rejected. It is the sole responsibility of the Proposer to ensure their proposal is received in a timely manner.

The Town of Windermere reserves the right to reject any and all proposals, to waive informalities in any or all qualification documents, to re-advertise for RFQ's, and to separately accept or reject any item or items and to negotiate contracts in the best interest of the Town of Windermere.

While every effort has been made to ensure the accuracy and completeness of the information in this RFQ we recognize that the information may not be complete in every detail and that all work may not be expressly mentioned in these specifications. It is the responsibility of the proposing company to include in their proposal all pertinent information in accordance with the objectives of the Town.

3. Calendar of Events

All times listed in the calendar of events is Eastern Daylight Time

Request for Qualifications Advertised	February 4, 2022
Technical Questions Due to the Town (written)	5p EST February 25, 2022
Responses to Questions Due from the Town	5pm EST March 1, 2022
Proposals Due to the Town	5pm EST March 10, 2022
Short List Presentations (if necessary)	March 2022
Contract Negotiated with Town	March 2022
Board Approval of Qualified Vendor	April 2022

- The Town reserves the right to alter scheduled dates if necessary

4. Instructions to Respondents

4.01 Description

The Town of Windermere is seeking proposals from qualified firms/individuals who are currently licensed to practice law in the State of Florida. The Town of Windermere currently manages Town Administration, Police Department, Finance Department, Public Works Department and Human Resources. The Town presently employs 32 full time staff and operates under a Council Manager form of government. The Town currently contacts out Code Enforcement, Legal Services, Special Magistrate, Fire Protection Services, Solid Waste, Building Permitting and Inspections and Land Planning Services.

4.02 Copies of Responding Documents

Only complete sets of Responding Documents will be issued and shall be used in preparing responses. The Town does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets.

4.03 Disqualification of Respondents

- A. **NON-COLLUSION AFFIDAVIT:** Any person submitting a response to this invitation must execute the enclosed NON-COLLUSION AFFIDVIT. If it is discovered that collusion exists among the Responders the response of all participants in such collusion shall be rejected, and no participants will be considered in future responses for the same work
- B. **PUBLIC ENTITY CRIME:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a response/bid on a contract to provide any goods or services to a public entity submit response/bids on leases or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.
- C. **DRUG-FREE WORKPLACE FORM:** Any person submitting a response or qualification documents in response to this invitation must execute the enclosed DRUG-FREE WORKPLACE FORM and submit it with the response. Failure to complete this form

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in every detail and submit it with your response will result in immediate disqualification of your response.

- D. **CONFLICT OF INTEREST:** Any Respondent who is deemed to have a conflict of interest prohibited by Chapter 112, Florida Statutes, shall be disqualified.

- E. **PROHIBITED COMMUNICATION:** Any form of communication, except for written correspondence authorized herein, shall be prohibited regarding this particular request for qualifications, or any other competitive solicitation between:
 - 1. Any person or person's representative seeking an award from such competitive solicitation; and
 - 2. Any Town Council Member or any Town staff authorized to act on behalf of the Council to award a particular contract (Selection Committee Member, etc)

For the purpose of this section, a person's representative shall include but not limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

This prohibition on communication shall be in effect as of the publication of the bid advertisement. The provisions of this section shall not apply to oral communications at any public proceeding, oral presentations before selection committees, contract negotiations, presentations made to the Council if requested, and protest hearings.

The provisions of this section shall terminate at time of award of grant writing services, rejects all bids, or otherwise takes action which ends the solicitation process.

4.04 EXAMINATION OF RFQ DOCUMENTS

Each Respondent shall carefully examine the RFQ and other contract documents, and inform him or herself thoroughly regarding any and all conditions and requirements that may in any manner affect cost, progress, or performance of the work to be performed under the contract. Ignorance on the part of the Respondent in no way relieves the Respondent of the obligations and responsibilities assumed under the contract.

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Should a Respondent find discrepancies or ambiguities in, or omissions from, the specifications, or be in doubt as to their meaning, Respondent shall notify the Town Manager in writing prior to the Response Question Due Date.

4.05 INTERPRETATIONS, CLARIFICATIONS, AND ADDENDA

No oral interpretations will be made to any potential Respondent as to the meaning of the contract documents. Any inquiry or request for interpretation received on or before February 2, 2022 will be given consideration. Any changes or interruption will be made in writing in the form of an addendum and, if used, will be posted on the Town Web Site www.town.windermere.fl.us. Each respondent shall acknowledge receipt of any addenda in their proposal. If the acknowledgement is not included, the response to the RFQ will constitute acknowledgment. It is the responsibility of all Respondents to verify all addenda prior to submitting a response to the RFQ.

4.06 GOVERNING LAWS AND REGULATIONS

The Respondent is required to be familiar with and shall be responsible for complying with all Federal, State, and Local laws, ordinances, rules, and regulations that in any manner affect the work including grant award terms for all grants to which a respondent may apply on behalf of the Town.

4.07 SIGNATURE OF RESPONDENT

The Respondent must sign the response forms in the space provided for the signature. If the Respondent is a professional association or other business entity, the title of the officer signing the response on behalf of the entity must be stated and evidence of the officer's authority to sign the response must be submitted. The Respondent shall state in the response the name and address of each person interested therein.

4.08 COST OF PROPOSAL

The Town of Windermere assumes no responsibility or liability for the costs incurred by the submitting firm to prepare and/or submit a proposal. The entire cost of preparing and submitting qualification documents, or any work in connection therewith will be borne by the submitting form or team of firms.

5. Scope of Services

5.01.1 Services will include the following to the extent approved by the Town Council and/or Town Manager

- Provides legal advice, counsel, services and consultation to the Town Manager, Town Council and senior staff on a wide variety of civil assignments, including but not limited to: general civil law, labor law, general state and federal laws relating to grant and contract issues, public disclosure issues, laws against discrimination, property/real estate law, contract law, purchasing and procurement, criminal law, statutory law related to Service Delivery and Intergovernmental Agreements, and law that may affect Town governance. Counsel's advice includes methods to avoid civil litigation.
- Answers requests for legal opinions, in writing and verbally. Prepares written legal opinions at the request of the Town Manager, Town Council and senior management staff. Availability to answer staff questions by telephone or email.
- Appears before courts and administrative agencies to represent the Town of Windermere's interests.
- Provides guidance and legal advice on the Sunshine Law, the Freedom of Information Act, Federal, State, County and Town rules, policies, and procedures.
- Assists staff to understand the legal roles and duties of their respective offices and Interrelationships with others.
- Assists the Town Manager, Town Council, and senior management staff, to maintain ethical standards and appearance of fairness standard, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
- Prepares and reviews contracts, leases, Intergovernmental Agreements, resolutions, ordinances, proclamations and other legal documents for correctness and acceptability. Negotiates said contracts, leases, Intergovernmental Agreements, resolutions, ordinances, proclamations and other documents upon request.
- Review and redrafts various policies for legal correctness and acceptability. This would include by way of example but not limited to, Personnel Policies, Family Medical Leave, etc.
- Attendance during the year of Town Council meetings and/or Work Sessions.
- Attend other meetings as requested, by way of example but not limited to, Special Called Meetings, Code Enforcement proceedings, etc.

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- Timeliness of response and accessibility to Counsel is an important aspect of this service. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone, cell phone or e-mail. Regular scheduled office hours should be staffed and maintained for public availability.
- Counsel must be available by phone, fax, cell phone and e-mail. Regular scheduled office hours should be staffed and maintained for public availability.
- Service response is also of high importance. When the Town requests legal services, Counsel should provide some estimated time of completion and keep the requesting party apprised of any delays or special considerations.
- Performs other legal services and tasks, as requested.

6. Qualification/Experience requirements:

The Respondent must submit qualification/experience.

6.01 Respondents must demonstrate the following:

- Respondent must be licensed to practice law in the State of Florida and be in good standing
- Respondent must demonstrate capabilities to fulfill above referenced Scope of Work.
- Legal Experience. The Respondent should describe its legal experience, including the names, addresses and telephone numbers of at least three (3) clients, preferably including Municipal or County clients.
 - Experience should include the following categories:
 - Experience advising local and county governments
 - Experience advising clients providing similar services through local taxation, fees, local, state and federal funds
- Organization, Size, Structure, and Areas of Practice. If the Respondent is a firm, it should describe its organization, size, structure, areas of practice and office locations. Indicate, if appropriate, if the firm is a small or minority owned business.
- Attorney Qualifications. The ideal candidate should have a preferred minimum of 5 years of experience in the following areas: local and county government, government grants/contracts, labor/employment and general business operations with overall preferred experience of at least 10 years. The offeror should describe the qualifications of attorneys to be assigned to the representations.
 - Descriptions should include:
 - Professional and educational background of each attorney.
 - Overall supervision to be exercised.
 - Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience and continuing professional education will be considered.

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6.02 The Supervision and Personnel

Respondent must demonstrate how the operation will be supervised and what current quality controls policies would be in place for the service. Please identify the individual who, from project start to finish, will be the principal point of contact with the Town. This individual's competence, his/her leadership, and his/her/her ability to achieve customer satisfaction will be heavily considered in the selection of a Designer

6.03 Records

Respondent shall be required to maintain records in accordance with local, State, and Federal Public Records Retention Requirements.

7. EVALUATION/PROPOSAL FORMAT

Qualification documents will be evaluated on the basis of Scope of Services listed.

Proposals will be evaluated based on the information provided in the response. All Respondents who demonstrate previous success as described above and are not disqualified on some other basis outlined in this RFQ shall be approved as a qualified vendor. For qualification documents to be eligible, the format must be strictly followed. All qualification documents should be type written, bound 8 1/2 x 11 format, and should be properly identified by name of respondent and marked with "RFQ 2020-01 Town of Windermere Farmers Market Event Coordinator to facilitate effective evaluation by the Town, qualification documents shall be limited to 25 pages.

MBE/WBE/DBE certificate(s), other appendix documentation, sectional dividers, and front and back covers will not be counted towards the total. A letter of interest or executive summary, not to exceed three (3) additional pages, may also be included in the proposal. Qualification documents that exceed this length will be considered non responsive and will not be evaluated. During this RFQ process, any intentional omissions, alterations, or false representations will be grounds for rejection of any proposal.

Proposals must include the following tabbed sections:

1. Company or Personal Background
2. Experience
3. References
4. Service approach
5. Required Forms (Does not Count against 25 Page Max)
 - a. Response Cover
 - b. Hold Harmless Agreement
 - c. Certificate of Insurance
 - d. Non Collusion Affidavit
 - e. Drug Free Workplace Form

8. Indemnification and Insurance

8.01.1 Indemnification and Hold Harmless

The Respondent agrees to indemnify and hold the Town harmless for any and all claims, liability, losses and causes of action which may arise out of its fulfillment of the contract awarded pursuant to this RFQ. It agrees to pay all claims and losses, including related court costs and reasonable attorneys' fees, and shall defend all suits filed due to the negligent acts, error or omissions or Respondent employees and/or agents

In the event the completion of a project awarded pursuant to this RFQ (to include the work of others) is delayed or suspended as a result of the Respondent's failure to purchase or maintain the required insurance, the Respondent shall indemnify the Town from any and all increased expenses resulting from such delay.

8.01.2 Insurance Requirements

Respondent must provide a certificate of insurance with their response.

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**RESPONSE TO: 2022-03 Town of Windermere General Legal Representation
ROBERT SMITH, TOWN MANAGER 614 MAIN ST. WINDERMERE, FL 34786**

I acknowledge receipt of any/all Addenda: _____

I have included:

- Hold Harmless Agreement
- Certificate of Insurance
- Non Collusion Affidavit
- Drug Free Workplace Form

Mailing Address:

_____ TELEPHONE _____

_____ FAX: _____

_____ DATE _____

BY signing and submitting this proposal, I am certifying that (a) I am a citizen of the United States; (b) I am not a member or an employee of any taxing authority; and (c) I do not represent any property owner in an administrative or judicial review of property tax issues.

Signature of Respondent

Witness

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by (name of person making statement).

Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

My Commission Expires _____

HOLD HARMLESS AGREEMENT

I _____ (Respondent) agrees to indemnify and hold the Town harmless for any and all claims, liability, losses and causes of action which may arise out of its fulfillment of the contract awarded pursuant to this RFQ. It agrees to pay all claims and losses, including related court costs and reasonable attorneys' fees, and shall defend all suits filed due to the negligent acts, error or omissions of Respondent or employees and/or agents of Respondent.

In the event the completion of a project awarded pursuant to this RFQ (to include the work of others) is delayed or suspended as a result of the Respondent's failure to purchase or maintain the required insurance, the Respondent shall indemnify the Town from any and all increased expenses resulting from such delay.

Respondent

Witness

Signature of

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by (name of person making statement).

Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

My Commission Expires _____

