



**City of Ferndale**  
**REQUEST FOR PROPOSALS**  
**PROFESSIONAL LEGAL SERVICES**

**LABOR COUNSEL**

Issued to Firms: June 6, 2013

Responses Due: June 27, 2013 @ 4:00 P.M.  
City of Ferndale, Human Resources Department  
300 E. Nine Mile Road  
Ferndale, MI 48220

June 6, 2013

Dear Counselor:

The City of Ferndale is inviting you to submit a proposal to provide Labor Counsel Services.

In preparation of your proposal and to facilitate the comparison of proposals each offeror shall review the attached Request for Proposal and prepare a response in accordance with the submittal format outlined in the RFP.

If during the preparation of your proposal you have any questions or require clarification of any part of the RFP please contact the undersigned and we will respond accordingly.

The final date for submitting a proposal is **Thursday, June 27, 2013 at 4:00 P.M. Eastern Standard Time.** Your proposal shall be e-mailed and marked as noted below so that no error in opening may occur. Firms shall submit proposals as separate Microsoft Word or PDF document attachments to [jlongthorne@ferndalemi.gov](mailto:jlongthorne@ferndalemi.gov). Indicate on the cover of the transmission that a sealed Technical and Cost Proposal-Labor Attorney is attached. Late proposals will be rejected and returned unopened. Proposals will be evaluated at a later time.

We look forward to receiving your response to this request and appreciate your interest in our organization.

The City of Ferndale reserves the right to accept any and all proposals, to waive or not waive any irregularities and to make an award that is determined to be in the best interest of the City

Sincerely,

Jennifer Longthorne  
Human Resources Director

**A. Introduction/Overview of the City of Ferndale**

The City of Ferndale is seeking proposals from qualified attorneys and law firms to serve as Labor Counsel to the City of Ferndale. The initial term of this engagement shall be for a three (3) year period with the option for a two year extension.

The City of Ferndale is a municipal corporation within the State of Michigan located in Southeast Michigan with an estimated work force of approximately 140 employees full-time and an additional 30 part-time positions.

Within the City there are presently six (6) collective bargaining units. The different agreements and membership of each is listed below:

<u>Labor Organization</u>	<u>Employees Represented</u>
AFSCME	General City
AFSCME	Public Works General
AFSCME	Public Works Supervisors
POLC	Police Command
FOP	Police Patrol
IAFF	Firefighters

In addition, to the above, the following employees are part of the full workforce:

Non-union and part-time non-union employees

The City of Ferndale is an active Civil Service community, where by all employees except for the City Manager fall under Civil Service rules.

The City of Ferndale City Council meets regularly on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 7:30 P.M. The selected attorney or law firm may be required to attend these meetings from time to time to consult with, advise or otherwise appear to discuss current matters as they develop.

The attorney or law firm may also be required to attend meetings with City Department Directors, officials and others to confer with, advise and generally provide legal advice on labor employment matters. Such advice and counsel may also be conducted by way of telephone, electronic documents, email, facsimile and U. S. mail provided the service is properly and timely using one of these methods.

The selected attorney or law firm will also be required to conduct periodic meetings or lead discussions where-in information and training is provided to management staff and supervisory personnel, department directors and elected officials covering current topics in employment law. These sessions shall serve to keep our employees knowledgeable in employment law matters as the law may affect the conduct of operations within City offices.

The attorney or law firm shall also be responsible for the services listed below that are in addition to the previously described services:

- Assist in the negotiations of labor agreements as requested with the various collective bargaining units when they become due for renewal.
- Assist staff in advising on a day to day basis on all labor matters, grievance matters and other related labor issues for the employer of the City. This includes workers' compensation and unemployment claims.
- Assistance in Grievance matters including research, advice and representation at hearings
- Unfair Labor Practice charges including investigations and representation at hearings
- Equal Employment Opportunity matters including:
  - Federal Claims
  - State Claims
- Labor Contract interpretation, direction and guidance.

All matters that develop and require the services of Labor Counsel shall be referred to Labor Counsel thru the City's City Manager and Human Resources Director. This service procedure will promote a formalized structure to work within and assist in coordinating the professional legal services.

At such time when the collective bargaining agreements listed below expire, the selected firm may assist in negotiations with the various collective bargaining units that are due to expire in any given year. The selected firm will be assisted by the City Manager, Human Resources Director, and/or Department Heads directly responsible for the daily oversight of the specific bargaining agreement. The expiration dates of the current labor agreements are as follows:

<b>Union Group</b>	<b>Contract Expiration Date</b>
AFSCME Local 998 – Clerical	June 30, 2014
AFSCME Local 1917 – DPW Supervisors	June 30, 2015
AFSCME Local 3120 – DPW Employees	June 30, 2015
POLC – Police Command	June 30, 2017
FOP – Police Patrol	June 30, 2017
IAFF – Fire	June 30, 2016

For your information purposes and for your consideration the County presently employs other counsel in the following areas of law:

- Defense litigation
- Workers Compensation
- Bonding and Financial Issues
- General Legal Counsel
- Tax Appeals
- Civil Service Board Hearings

**B. Issuing Office**

This Request for Proposal is issued by the City Manager’s Office through the Human Resources Director.

All correspondence regarding this RFP must be addressed to:

Ms. Jennifer Longthorne, Human Resources Director  
City of Ferndale  
300 E. Nine Mile  
Ferndale, MI 48220  
Telephone Number: (248) 546-2378  
Facsimile Number: (248) 546-2369  
Email: [jlongthorne@ferndalemi.gov](mailto:jlongthorne@ferndalemi.gov)

**C. Proposal Submittal Information**

The final date for submitting a proposal is **Thursday, June 27, 2013 at 4:00 P.M. EST.** Your proposal shall be e-mailed and marked as noted below so that no error in opening may occur. Firms shall submit proposals Microsoft Word or PDF document attachments to [jlongthorne@ferndalemi.gov](mailto:jlongthorne@ferndalemi.gov). Indicate on the cover of the transmission **Labor Counsel Sealed Proposal** is attached. Late proposals will be rejected and returned unopened. Proposals will be evaluated at a later time.

Any firm who is interested in serving in this capacity and intends to submit a proposal shall notify the City of Ferndale stating interest accordingly. The notification shall be in the form of an e-mail and shall include the company name, address, telephone

number, facsimile number, e-mail address of the person who will be responsible for submitting the proposal and the full name of this person. This notice shall be provided to:

Ms. Jennifer Longthorne  
Human Resource Director  
E-mail: [jlongthorne@ferndalemi.gov](mailto:jlongthorne@ferndalemi.gov)

### **Submission Requirements:**

The proposer shall e-mail the RFP to [jlongthorne@ferndalemi.gov](mailto:jlongthorne@ferndalemi.gov) by Thursday, June 27, 2013 at 4:00pm.

#### Technical Proposal Section

##### **a. General Requirements**

The purpose of the Technical Proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake professional legal services for the City of Ferndale, Michigan in conformity with the requirements of this request for proposals. As such, the substance of the proposal will carry more weight than the form or manner of presentation. The Technical Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to serve in this capacity. It should also specify an approach that will meet the request for proposals requirements.

The Technical Proposal should address all the points outlined in the request for proposals.

##### **b. Proposal Completeness**

To be considered, each proposer must submit a complete response to the RFP. No other distribution of proposals is to be made by the offeror. The proposal must be signed by an official authorized to bind the offeror as to the period during which the proposal remains valid. This period must be at least sixty (60) days from the due date for proposal to this RFP.

#### **D. Oral Presentations/Interviews**

Attorneys and law firms who submit proposals may be required to make oral presentations or conduct interviews regarding their services. These presentations provide an opportunity for the offeror to clarify the proposal through mutual understanding and present capabilities to best match the City's requirements.

**E. Acceptance of Proposal Content**

The contents of this RFP and the proposal itself will become contractual obligations if a contract ensues. Failure of the selected Attorney or law firm to accept these obligations may result in cancellation of the award.

**F. Rejection of Proposals and City's Reservation of Rights**

The City of Ferndale reserves the right to accept or reject any or all proposals received as a result of this request. The City of Ferndale shall not be obligated to award a contract solely on the basis of any response made to this Request for Proposal, nor does the City intend to, nor will it be obligated to pay for the information solicited or obtained. The City reserves and may, at its sole discretion, exercise the following rights with respect to this RFP and all proposals submitted pursuant to this RFP:

- To reject all proposals and re-issue the RFP at any time prior to execution of a final contract; to require, in any RFP for similar products and/or services that may be issued subsequent to this RFP, terms and conditions that are substantially different from the terms and conditions set forth in this RFP; or to cancel this RFP with or without issuing another RFP.
- To reject any proposal if, in the City's sole discretion, the proposal is incomplete, the proposal is not responsive to the requirements of this RFP, the proposer does not meet the qualification requirements set forth in Section 5 herein or it is otherwise determined to be in the best interest of the City to reject the proposal.
- To supplement, amend, substitute or otherwise modify this RFP at any time prior to the execution of a final contract.
- Accept or reject any or all of the items in any proposal and award a contract for the whole or only a part of any proposal if the City determines, in its sole discretion, that it is in the City's best interest to do so.
- To reject the proposal of any proposer that, in the City's sole judgment, has been delinquent or unfaithful in the performance of any contract with the City, is financially or technically incapable or is otherwise deemed to not be a responsible proposer.
- To waive any informality, defect, non-responsiveness and/or deviation from this RFP that is not, in the City's sole judgment, material to the proposal.
- To permit or reject, at the City's sole discretion, amendments (including information inadvertently omitted), modifications, alterations, and/or corrections to proposals by one or more of the proposers following proposal submission.
- To request that one or more of the proposers modify their proposals or provide

additional information.

- To request additional or clarifying information from any proposer at any time, including information inadvertently omitted by a proposer.
- To require that proposers appear for interviews and/or presentations of their proposals at City's offices.
- To require references from proposers' previous clients on projects similar in type and scope to the work sought in this RFP.
- To conduct such investigations as the City considers appropriate with respect to the qualifications of any proposer and with respect to the information contained in any proposal.

**G. Selection Criteria**

Detailed evaluation of comparable proposals is based upon your ability to convince the City of Ferndale that your firm and the assigned staff can best perform the services required. In evaluating your proposal the City of Ferndale will use the criteria listed in the RFP. Please ensure the worksheet attached is completed in full to assist the City in evaluating proposals.

**H. Invoicing/Billing**

The selected Attorney or law firm shall submit monthly statements itemized as follows:

- Date
- Attorney's name or initials
- Brief summary of service(s) rendered
- Total hours charged for the date and corresponding rate
- All other expenses

**I. Contract Terms**

This agreement for Labor Counsel is for a three year period with a possible extension of two more years for a total of five years.

**J. Return of RFP**

In the event that any attorneys or law firm decides not to submit a proposal after declaring interest, they should contact the issuing office stating the disinterest prior to the closing date.

**K. Incurred Offeror Cost**

The City of Ferndale will not be liable for any costs incurred by offerors or other respondents to this RFP prior to issuance of an agreement, contract or other similar acquisition instruments.



**L. Proposal Content and Format**

In addition to and in clarification of items outlined in Section A Introduction all proposals shall include the cost to serve as legal counsel in all facets of general labor and employment law matters and attorneys assigned to the account must be licensed to practice law in the State of Michigan. Providing legal counsel and representation in these areas includes, but is not limited to:

- Interpreting and advising on employment laws and regulations, serving as lead collective bargaining negotiator, reviewing and drafting contract language and labor agreements of settlements, assisting in the administration and processing of grievance matters and arbitration.
- Attend and advise the City of Ferndale City Council at regularly scheduled meetings, committee meetings as requested, and at such other times as may be appropriate or as requested by the Council.

Each respective proposal shall also include the following information in order to be fully considered:

1. A statement of your understanding of the role of Labor Counsel for the City and a statement of your understanding of the laws related to employment law particularly as it applies to public organizations.
2. Biographies, including experience of the attorneys who will be assigned to serve as Counsel and the relevant experience including litigation experience, experience in collective bargaining matters, training, etc.
3. Names, addresses, e-mail addresses and telephone numbers of persons who may be contacted for personal and professional references.
4. The history of your organization and a list of experience particularly on behalf of local government jurisdictions in Michigan. Include information on the demographics of the organizations you have or currently serve on behalf as labor counsel.
5. Complete the attached worksheet for further information requested.
6. A statement indicating whether any of your firm's work with employment law has been the subject of any administrative or legal action, and if so please provide a detailed explanation of the cause for the challenge and the outcome.

7. Provide a listing of all clients where you serve in any capacity on behalf of labor organizations or any type of bargaining units and provide a description of the engagement(s). If you do not serve in this capacity please indicate so accordingly.

**M. Cost Proposal**

Attached is a worksheet to be completed detailing your cost proposals. Provide cost proposals for years one (1) thru five (5). Also include a description of any reimbursable expenses to be incurred by your firm and charged to the City.

By submitting a proposal your firm:

1. Agrees to conform to all applicable Federal, State and local laws
2. Agrees that the City of Ferndale reserves the right to terminate the relationship at any time with the assurance that the firm will be entitled to reimbursement for any services rendered prior to the date of termination. Termination shall be in writing with a thirty (30) day written notice.
3. The selected firm may also terminate the relationship by providing a thirty (30) day written notice.
4. Shall provide a statement that your firm has no conflicting financial or professional interest and is qualified to perform the services.

**O. Professional Qualifications**

The evaluation of professional qualifications of the proposals will be based on the following criteria:

**Mandatory Criteria**

- A. Must be properly licensed for public practice in the State of Michigan.
- B. Must not have a record of substandard work and must be in good standing with the Michigan Bar Association. This can be determined by checking with the State licensing authority, if available, or by requesting information on positive enforcement, ethics infractions, or references from the respondents.
- C. Must have no prior record with the State of Michigan Bar

Association or another licensing agency for ethics infractions or any infraction in the practice of law. A record check may be completed on all proposers.

- D. Must meet any specific qualification requirements imposed by State or local law or rules and regulations.
- E. Must have general and professional liability insurance in amounts determined appropriate by the City.

**Technical Criteria**

Those who have met each of the criteria in Section 1 above will be evaluated on the following criteria:

<b>Criteria</b>	<b>Point Range</b>
Responsiveness of the proposal in clearly stating an understanding of the work to be performed.	15
Technical Experience of the Firm: <ul style="list-style-type: none"> <li>• Legal Work of the type under consideration</li> <li>• Work with similar entities</li> </ul>	15 10
Qualifications of staff, education, including education courses taken during the past three years, position in the firm, and years and types: <ul style="list-style-type: none"> <li>• Qualifications of supervisory personnel</li> <li>• General direction and supervision to be exercised by the firm’s management personnel</li> </ul>	10 10
Size and structure of the firm	15
Oral Interview if necessary	10

**Final Section Determination**

After the proposals have been reviewed and ranked based on the mandatory and technical criteria, a natural cutoff point in the evaluation process may become apparent. For example, those proposals which did not meet the mandatory criteria have been eliminated and the low ranked proposals may now be eliminated as not being competitive or qualified. The evaluation process may now elect to choose the top three to five proposals for the final phase of the review. Oral interviews may be completed, however, it will be at the discretion of the City of Ferndale.

Costs of services will be taken into consideration in our final selection, however will not be the lone factor in the decision of the City of Ferndale.

The City of Ferndale reserves the right to reject any or all proposals, to waive or not waive informalities or irregularities in bids or bidding procedures, and to accept or further negotiate cost, terms or conditions or any bid determined by the Board to be in the best interests of the City even though not the lowest bid.

**Request for Proposals Legal Services  
Labor Attorney-RFP  
City of Ferndale, MI**

**VENDOR QUESTIONNAIRE**

Firm Name:

Office Address that will service this account:

Other Locations if any:

Firm Established:                      Years in Business in Michigan:

Type of Organization: (Check all that apply)

Individual       Partnership       Corporation       Joint Venture

1. How many years has your company been provided labor and employment legal services? Please provide a historical narrative.
2. Describe your company's philosophy relative to public sector negotiations:
3. How many clients does your firm serve with the type of services that the City of Ferndale is interested in securing? Explain the capacity of the services provided and how your firm prioritizes your client bases.
4. Please attach a list of public sector client references (minimum of five). Include the name of the municipality, address, phone number, contact person and briefly describe the services provided to each client.
5. Please provide a list of the last three public sector clients that have ceased your firm's labor and employment legal services, and the reason, if known.
6. Total number of personnel in your firm:

Professional:

Support Staff:

7. Please provide the experience and qualification of the lead attorney and other personnel to be assigned to the City of Ferndale. Include name and position title, total years of labor legal experience, education, summary of pertinent experience and other information that would assist the City in determining the qualifications of the individuals and their ability to perform the services requested:

8. Please provide your understanding of the service and special qualifications and experience that your company will provide the City of Ferndale, if selected:
9. Please provide a summary of your municipal experience and qualifications in the following areas:
  - a. Labor Negotiations
  - b. Public Act 312 Arbitration and Mediation and Fact Finding
  - c. Unfair Labor Practice Charges
  - d. Civil Services (hearings, general advice, etc)
10. Based on your prior experience, what type of professional consulting services would you anticipate utilizing that would need to be subcontracted:
11. Describe your methods of communication with your clients:
12. Has a grievance, complaint or formal charge ever been filed against any of the attorneys in your firm? If so, please explain.
13. Have any of the attorney's in your firm been disbarred for any reason? If so, please explain.
14. Are all of the attorneys in your firm members of the State Bar of Michigan?
15. When were the lead attorney and other attorneys to be assigned to the City of Ferndale admitted to the State Bar of Michigan?
16. Are all legal staff members in good standing with the State of Bar of Michigan, if not please explain:
17. Has your company been involved as a defendant in any litigation during the past five years? If so, please provide an explanation:
18. Please list any exceptions or alternates to the specifications contained in the Request for Proposal:

## **Signature Page**

Firm Name:

Address:

City, State, and Zip Code:

Telephone Number:

Fax Number:

E-Mail Address:

Signature:

Printed Name and Date:

## PRICING

Please provide a complete Cost Proposal including hourly rates for all personnel. Clearly define all relative direct and indirect costs and hourly minimums. The Cost Proposal shall be inclusive for five (5) years.

General Hourly Rate per category

<u>Staff Category</u>	<u>Unit Pricing</u>
Principal/Lead Attorney	\$ _____ / hr.
Associate Attorneys	\$ _____ / hr.
Paralegals	\$ _____ / hr.
	\$ _____ / hr.
	\$ _____ / hr.
	\$ _____ / hr.
	\$ _____ / hr.

### Subcontracted Category

\$ _____ / hr.
\$ _____ / hr.
\$ _____ / hr.

What is the percentage increase for subsequent years of this contract in all categories including subcontracted services?

2014	_____	%
2015	_____	%
2016	_____	%
2017	_____	%
2018	_____	%



Please identify all direct and indirect costs, including any and all minimums relative to hourly rates and other cost categories:

Please identify how travel time is handled and invoiced:

Reimbursable Expenses

Overnight Mail Charges	\$
Transportation Expenses	\$
Copies	\$

FIRM Name:

Signature:

Date:

Printed Name: