

RFP FOR PROFESSIONAL SERVICES

INFORMATION FOR RESPONDENTS

Purpose and Intent

This Request for Proposal (“RFP”) is to seek law firms interested in assisting the City of St. Louis with legal, logistical and pension planning issues, including but not limited to modifications to existing plans and benefits. The RFP is being issued by the City of St. Louis, Missouri (the “City”).

The purpose of this RFP is to solicit sealed proposals for the purpose of hiring a qualified firm, company or other organization through a competitive selection process to provide professional legal, logistical and pension planning assistance to the City of St. Louis. A law firm may make a proposal in conjunction with another entity that provides pension planning services.

The intent of this RFP is to award a contract to the respondent(s) who presents a detailed proposal conforming to this RFP, is most advantageous to the City regarding cost and other factors considered. The City reserves the right to award the contract(s) resulting from this RFP to one or more respondents, as required and appropriate to meet the needs of the City, or to no one. Prior to any binding agreement between the successful bidder and the City for services under this RFP, the successful respondent will be required to enter into a Contract for the requested services under this RFP. The City is seeking a contract beginning on or after March 31, 2011 with a duration of one year, with possible extensions.

RFP Timeline

Question and Answer Period

It is the policy of the City to accept questions and inquiries regarding this RFP only via U.S. mail. Written questions shall be mailed to the attention of the following individual:

Michael Garvin
Associate City Counselor
City of St. Louis
1200 Market Street
Room 314, City Hall
St. Louis, Missouri 63103

Questions must be postmarked no later than February 25, 2011 at 5 p.m. CST. The City will maintain a list of all firms, companies and other organizations requesting copies of the RFP and shall ensure that copies of all questions and responses hereto shall be made available to each entity on said list. Contact with selection committee members other than the chairman is strictly prohibited.

Questions should be asked in consecutive order, from beginning to end, following the organization of the RFP. Each question should begin by referencing the RFP page number and section number to which it relates. The City will respond in writing to each contact and/or question. Short procedural inquiries may be accepted by telephone by the City; however, oral explanations or instructions given over the telephone

shall not be binding upon the City. Other than short procedural inquiries made by telephone, respondents shall **not** contact the City directly, in person, by telephone, facsimile, or by e-mail, concerning this RFP.

After the submission of proposals, unless requested by the City, contact with the City is limited to status inquiries only and such inquiries are only to be directed to the above-named individual. Any further contact or information about the proposal to the City or any other City official connected with this RFP will be considered an impermissible supplementation of the respondent's proposal.

Submission of Proposal

In order to be considered by the Selection Committee, a respondent's proposal must be received by the City at the appropriate location by the required time. Proposals received after this deadline will not be accepted. **THE DATE, TIME AND LOCATION ARE:**

Date: March 11, 2011.
Time: 4:00 p.m. CST
Contact: Michael Garvin
Location: 1200 Market, Room 314
St. Louis, Missouri 63103
Tel #: 314-622-3361

Proposals must be labeled on the outside of the package to clearly indicate that they are in response to the **RFP FOR PROFESSIONAL LEGAL and PENSION PLANNING SERVICES.**

The respondent's proposal must contain specific and detailed fee information.

Bids made in any other manner are not valid and will not be considered. Sealed bids may be mailed or delivered personally but must be received by the point of contact listed in this Section of this RFP by the deadline listed in this Section. Bids received late will be returned unopened. Bidders shall assume full responsibility for timely delivery of sealed bids at the designated location.

INFORMATION FOR RESPONDENTS

Proposals submitted via e-mail or facsimile will not be accepted.

Each respondent must submit one (1) sealed, complete, ORIGINAL proposal. Each respondent must also submit seven (7) sealed, full, complete and exact copies of the original. It is suggested that the respondent make and retain a copy of its proposal.

REPRESENTATIONS

In submitting a bid, each bidder represents that:

- 1) he or she has read and understands the RFP and that the bid is submitted in accordance therewith;
- 2) the costs have been arrived at independently without collusion with any other person or firm for the purpose of restricting competition;

- 3) he or she has not employed or retained, paid or agreed to pay any fee, commission or percentage to any person or firm (other than a full time employee working solely for the bidder) to solicit or secure this contract.

SCOPE OF WORK / SCOPE OF SERVICES

The City is interested in receiving sealed proposals for the purpose of hiring a qualified company or organization to assisting the City of St. Louis with legal, logistical and pension planning issues related to the modifications to pension plans and systems for local government employees. Assistance will be needed in the following areas: (1) evaluation of the City's legal rights and obligations with respect to existing members of public retirement systems, both vested and non-vested; (2) drafting local legislation enabling and containing plan modifications; (3) structuring and coordinating implementation of any approved modifications; and (4) representing the City or assisting with any litigation that might ensue. Other responsibilities incidental to the matters described above will be included.

PROPOSAL EVALUATION

1. Proposal Selection Committee

The evaluation of proposals will be performed by a Selection Committee composed of representatives of the City Counselor's Office, Comptroller's Office, the Aldermanic President's Office and the Mayor's Office. The guidelines for the selection process are in accordance with Ordinance No. 64102 and the Rules and Procedures established by the Board of Public Service.

2. Selection Criteria

The following statements should be addressed in full in preparing any response to the RFP. Each statement should be restated in bold with a detailed response immediately following, unless inclusion in an appendix is more practical. Proposals are limited to ten (10) double-spaced pages, excluding the cover letter and Appendices.

The Selection Committee will review proposals using the following criteria as a guide to determine which, if any, proposals are the most advantageous to the City's needs and which bidder is most qualified for the requested services:

1. The company or organization's willingness and ability to represent a municipality of the size and nature of the City of St. Louis.
2. The qualifications and experience of the company or organization and its staff to perform the requested services, as requested in this RFP. Provide a summary of your firm's qualifications as they relate to providing public pension plan counsel and, specifically, the firm's experience as it relates to said description of services.
3. Provide a brief description of how your firm would propose to provide legal services. This should include your approach to investigation, a tentative schedule of services, responsiveness, and the firm's policy for settlement negotiation. Provide a detailed description of your firm's intended fee scheme or structure. Please provide your company's proposal to handle expenses associated with these services and the various costs/fees of these services to the City. (Please see Proposed Fees Above)

4. Provide the name, address, and telephone number of a representative from any public entity that has engaged the firm for representation regarding pension issues within the past three years.
5. Indicate the extent to which your firm anticipates that it would retain third-party entities, including law firms, consulting firms, or other expert services, and list such entities presently retained or under consideration, with a description of the qualifications, experience, and the role(s) in providing the services under this RFP. Please provide the name, address, and telephone number of any representatives who may be contacted by the City for each such third-party entity.
6. Identify the name, title, role, and office location of the two most senior individual(s) assigned to work as the City's Counsel. Also provide the location of any additional anticipated team members. Identify three recent clients (preferably municipalities) of the firm served by these individuals. Provide brief résumés of each "team member" in an Appendix.
7. Provide a description of any potential conflicts of interest.
8. Include, in an Appendix, copies of your firm's most recent Equal Employment Opportunity and related policies.
9. The company's ability to provide innovative solutions for the requested services.
10. The company's familiarity and experience working with all applicable federal, state and local laws pertaining to public retirement systems as well as the company's ability to meet statutory and ordinance requirements in general.
11. The company's experience and proof of successful projects with similar services for other municipalities with regard to cost control and quality of work.
12. The company's proximity to the City.
13. The company's availability of financial and operating resources as required to complete the work.
14. The company's level of Minority and Women's Business Enterprise (MBE/WBE) participation. The City of St. Louis is fully committed to involving M/WBE firms in meaningful roles on all consultant contracts. To that end, the City, acting through its Disadvantaged Business Enterprise (DBE) Program Office, has established a goal of ___% MBE and ___% WBE participation in connection with the contract resulting from this RFP. A copy of the City's Directory of Certified M/WBE's is available on the DBE Office website: www.mwdbe.org or by contacting the DBE Office at 314-551-5000. A M/WBE Utilization Plan form is attached to this RFP (Appendix 1).

The Selection Committee also requires that the following be included as part of the company's bid submission:

1. Completed Minority and Women's Business Enterprise form (Appendix 1).
2. Statement of the company's ability to meet all requirements of the Americans with Disabilities Act (ADA).

3. Statement of the company's ability to meet all Living Wage Ordinance requirements.
4. Statement of the company's ability to meet all audit requirements.
5. Statement of the company's ability to meet all non-discrimination requirements.
6. Statement of the company's cost/pricing structure for full completion of any of the requirements stated in this RFP.
7. Signed and notarized affidavit verifying company's enrollment and participation in a federal work authorization program. (Appendix 2)

3. Reservation

The Selection Committee reserves the right to interview, or call for a presentation from, any respondent submitting a response, as well as form additional evaluation criteria for the presentations. The Selection Committee also reserves the right to discuss the proposals with any or all respondents. Nothing in this RFP is intended to be, nor should anything herein be construed as, an offer of engagement. A selection or designation of a successful respondent shall not be construed as an offer of engagement until and unless a contract is fully negotiated. For the contract to take effect, all applicable parties with the authority to bind the respective entity must sign the agreement.

The Selection Committee reserves the right to: 1) reject any and/or all bid responses with or without cause, 2) request additional information from bidders as the City may deem necessary, 3) waive any and/or all non-material irregularities pertaining to this selection and/or the submission of responses, 4) disqualify any and/or all firms or bidders and reject any and/or all bid responses for failure to comply with this RFP or to promptly provide additional requested materials or information, and 5) cancel this RFP.

4. Intent

It is the intent of the Selection Committee to award the Contract to the lowest responsible qualified bidder provided the bid response has been submitted in accordance with the requirements of this RFP.

AWARD OF CONTRACT

Upon notification of acceptance of their bid by the City, the successful bidder will be required to enter into the Contract within thirty (30) days of the notification of the award, subject to extension at the City's discretion. The City is **NOT** obligated under this RFP for services and there is **NO** binding agreement between the City and the successful bidder unless and until the successful bidder enters into a written, executed Contract with the City and approved by the City for the required services under this RFP. If the successful bidder and the City are unable to enter into the Contract within thirty (30) days of the notification of the award, subject to extension at the City's discretion, the acceptance of the successful bidder's bid may expire and the City may select the next most advantageous and qualified bid pursuant to the Selection Criteria. The above-stated time limits and terms in this section ("Award of Contract") apply to all further potential successful bidders.

ADDITIONAL INFORMATION

1. Amended Proposals

A respondent may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. The City will not merge, collate or assemble proposal materials.

2. Right to Withdraw Proposal.

Respondents will be allowed to withdraw their proposals at any time prior to the deadline for receipt of proposals. The respondent must submit a written withdrawal request signed by the respondent's duly authorized representative(s) addressed to the City.

3. Revisions to this RFP

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum.

There are no designated dates for release of addenda. Therefore, interested respondents should check the City website on a daily basis from time of RFP issuance through RFP deadline date. It is the sole responsibility of the respondent to be knowledgeable of all addenda related to this RFP.

4. Respondent Responsibility

The respondent assumes sole responsibility for the complete effort required in this RFP. No special consideration shall be given after proposals are opened because of a respondent's failure to be knowledgeable of all the requirements of this RFP. By submitting a proposal in response to this RFP, the respondent represents that it has satisfied itself, from its own investigation, of all the requirements of this RFP.

5. Cost Liability

Any cost incurred by the respondent in preparation, transmittal, or presentation of any proposal or material submitted in response to this RFP, including oral presentation and demonstration if required, shall be borne solely by the respondent.

6. Audits

The City of St. Louis and the City's auditors and accountants shall be afforded access during the term of any contract adopted pursuant to this RFP, and for five (5) years following termination, to all of the company's books and records without limitation whatsoever for the purpose of conducting audits. All books and records shall be open to inspection and/or reproduction to the extent necessary to adequately permit evaluation and verification of the company's full compliance with contract documents. In those situations where the company's records have been generated from computerized data or records, in addition to hard copy (reports), contractor shall provide such information on disk or in a suitable alternative electronic format.

7. Contents of Proposals

All materials submitted in accordance with this RFP will become and remain the property of the City and will not be returned.

All Proposals shall be considered public records, but may be deemed and treated as “closed” or “exempt” by the City, at the sole discretion of the City, pursuant to the City’s understanding and interpretation of the laws of the State of Missouri. All Proposal material may be treated as open records. The City cannot guarantee confidentiality of any materials during the evaluation process or at any other time. Thus, Proposals and communications exchanged in response to this RFP should be assumed to be subject to public disclosure.

8. No Obligation

This RFP in no manner obligates the City to the eventual purchase of services offered until confirmed by an executed written Contract approved by the City. Progress toward this end is solely at the discretion of the City and may be terminated at any time prior to the signing of the Contract.

9. Termination

This RFP may be canceled at any time and any and all proposals may be rejected, in whole or in part, when the City determines it is in its best interest.

10. Governing Law

This RFP, and any contract or agreement with respondents that may result, shall be governed by the laws of the State of Missouri.

11. Nondiscrimination

In connection with the contract resulting from this RFP, the firm agrees that in performing any services resulting from this RFP, neither he/she nor anyone under his/her control will permit discrimination against any business, employee, applicant, client or subscriber because of race, creed, color, disability, religion, sexual orientation, national ancestry or origin.

12. Living Wage & Minority Participation

Respondents will be expected to comply with the City’s Living Wage Ordinance No. 65597, and are encouraged to review this ordinance prior to making their submissions. The Contractor shall make a good faith effort to maximize utilization of women and minority-owned businesses (W/MBE) in all of its activities under this Contract and shall comply with the Mayor’s Executive Order No. 28, as amended, or any subsequent order, ordinances, or any City Rules and/or Regulations with respect to W/MBE participation.

13. Americans with Disabilities Act (ADA)

In connection with the furnishing of goods and services under any contract resulting from this RFP, the firm shall comply with all applicable requirements and provisions of the Americans with Disabilities Act (ADA).

14. Unauthorized Aliens Employees

As a condition for the award of this contract, Contractor, shall, pursuant to the provisions of Sections

285.530 through 285.555 of the Revised Statutes of Missouri 2000, as amended, by sworn affidavit (attached hereto as Appendix 2) and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with this Agreement. Contractor shall also sign an affidavit (attached hereto as Appendix 2) affirming that it does not knowingly employ any person who is an unauthorized alien in connection with this Agreement pursuant to the above-stated Statutes.

15. Indemnification

Each respondent, in seeking, receiving or possessing this RFP and/or in submitting a response, does release, indemnify, and hold the City and its various employees, representative and agents harmless from and against all claims and demands of any and all loss, cost, damage, or liability of whatever nature, which may be asserted against or imposed against the City as a result of issuing this RFP, making any revisions thereto, conducting this selection process and subsequent negotiations, and making a final recommendation and/or entering into a contract.

16. Subject to Appropriation

Any contract or agreement that results from this RFP is subject to annual appropriation by the City. Any contract or agreement that results from this RFP is voidable at any time by the City if appropriation by the City for the services under the contract or agreement is not made.

Appendix 1

CITY OF ST. LOUIS
MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE) UTILIZATION PLAN
CONTRACTING AGENCY:
PROJECT NAME:
NAME OF PRIME CONSULTANT:

PROJECT GOAL: _____ % MBE; _____ % WBE

The prime consultant shall utilize and require all subconsultants to utilize the maximum number of certified minority and women-owned business enterprises possible and will purchase materials and supplies from minority and women-owned business enterprises to the maximum extent feasible, and to this end, the prime consultant will inform each subconsultant of this requirement, The prime consultant shall utilize the services and/or supplies to be provided by the following certified minority and women-owned business enterprises in the execution of this contract.

FIRM NAME
ADDRESS
PHONE NUMBER
CONTACT PERSON CERTIFYING AGENCY
CERTIFICATION DATE
CATEGORY
CERTIFICATION NO.
WORK TO BE PERFORMED
M/WBE PERCENT

PRIME CONSULTANT AUTHORIZED SIGNATURE DATE

Appendix 2

STATE OF _____)
)SS.
COUNTY OF _____)

AFFIDAVIT

Before me, the undersigned Notary Public, personally appeared _____
(Name) who, by me being duly sworn, deposed as follows:

My name is _____ (Name), I am of sound mind, capable of making this
Affidavit, and personally acquainted with the facts herein stated:

I am the _____ (Position/Title) of _____. (Contractor)

I have the legal authority to make the following assertions:

1. _____ (Contractor) is currently enrolled in and actively participates in a federal work authorization program with respect to the employees working in connection with this Agreement, as required pursuant to Sections 285.525 through 285.555 of the Revised Statutes of Missouri 2000, as amended.
2. Pursuant to Sections 285.525 through 285.555 of the Revised Statutes of Missouri 2000, as amended, _____ (Contractor) does not knowingly employ any person who is an unauthorized alien in connection with this Agreement.

Affiant

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this
____ day of _____, 20__.

Notary Public

My Commission Expires: