

# **THE CITY OF ST. LOUIS**



## **REQUEST FOR QUALIFICATIONS FOR LEGAL SERVICES**

**City Counselor's Office  
1200 Market Street  
St. Louis, Missouri 63103  
Phone: 314-622-3361  
Fax: 314-622-4956**

# **Request for Qualifications (RFQ)**

## **Legal Services**

### **I. Purpose and Intent.**

This Request for Qualifications (“RFQ”) is issued by and through the Office of the City Counselor of the City of St. Louis, Missouri. The purpose of this RFQ is to solicit qualifications for the purpose establishing a list for hiring law firms through competitive negotiations to provide legal services, as set forth below in the scope of services, for the City of St. Louis, its departments, and its related agencies and entities. The City of St. Louis is seeking high-quality, cost-efficient, proactive legal services. Interested attorneys or law firms should submit qualifications to the attention of Nancy R. Kistler, Deputy City Counselor via courier or mail. Proposals must be received by 5:00 p.m., January 11, 2016.

### **II. Background.**

The City of St. Louis (“City”) is a constitutional charter city and political subdivision organized and existing under the Constitution and laws of the State of Missouri and is a city not within a county. The Office of the City Counselor (“OCC”) is the City’s law department. The OCC represents the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers is officially interested. It also directs the management of all of the litigation in which the City is a party, including service in the City Courts. Per the Charter, the OCC advises the Mayor and the heads of all departments, all other officers of the City, and the City’s Board of Aldermen or any committee or member thereof as to all legal questions affecting the City’s interest. The OCC retains outside counsel in several type of situations, including for example: when the matter or case requires specialized experience or expertise that is outside the experience and expertise of the services provided by in-house counsel; when the matter or case presents a conflict of interest; when the matter or case strains the workload capacity of in-house counsel; or when the matter or case presents special circumstances that require the assistance of outside counsel.

### **III. Questions and Answer Period.**

It is the Policy of the OCC to accept questions and inquiries regarding this RFQ via U.S. mail. Written questions shall be mailed to the attention of the following individual:

Nancy Kistler  
Deputy City Counselor  
1200 Market Street, Room 314  
St. Louis, MO 63103  
Tele: (314) 622-3361

Questions must be submitted no later than December 30, 2015. The OCC will maintain a list of all firms or individuals requesting copies of the RFQ and will ensure that copies of all questions and responses shall be made available to each firm on such list, when requested.

Questions should be asked in consecutive order, from beginning to end, following the organization of this RFQ. Each question should begin by referencing the RFQ page number and section number to which it relates. Short procedural inquiries may be accepted by telephone; however, oral explanations or instructions given over the telephone shall not be binding upon the OCC. Respondents should not otherwise contact the OCC directly, in person, by telephone, facsimile, or by e-mail, concerning this RFQ.

Contact with the OCC after the submission of qualifications 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 RFQ to the CCO or any of its employees or to the Selection Committee Members will be considered an impermissible supplementation of the respondent's proposal.

#### **IV. Submission of Qualifications Deadline.**

In order for the OCC to consider qualifications, a respondent's qualifications must be received by:

#### **SUBMISSION DEADLINE DATE, TIME AND LOCATION ARE:**

<b><u>Date:</u></b>	<b>JANUARY 11, 2016</b>
<b><u>Time:</u></b>	<b>5:00 P.M.</b>
<b><u>Location:</u></b>	<b>THE CITY COUNSELOR'S OFFICE 1200 MARKET STREET ROOM 314 ST. LOUIS MO 63103</b>

**Proposals received after this deadline will not be accepted.**

The RFQ must be labeled on the outside of the package to clearly indicate that it is in response to the **RFQ FOR LEGAL SERVICES**. 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.

## **V. Scope of Services.**

The OCC is interested in receiving sealed qualifications to provide legal services on the following matters;

- Bankruptcy
- Civil rights and constitutional law (including actions pursuant to 42 U.S.C. § 1983)
- Complex civil litigation
- Contracts, generally, and specifically related to design and construction
- Land use, including real estate, eminent domain and condemnation, tax incentives, zoning and other land regulatory issues
- Employment and labor law
- Environmental law
- Federal and state regulations
- Municipal finance
- Police -related issues (including internal affairs investigations and the Civilian Oversight Board
- Tax law
- Torts and personal injury law
- Workers' compensation

The respondent should assume that any contract(s) that may be entered into as a result of this RFQ would be based on a mutually agreeable hourly rate for services or an agreeable contingency fee and that the selection of a firm or an attorney for such services may not be based on cost alone and may consider qualification-related factors contained in this RFQ.

## **VI. Requested Information.**

- A. **Description of the Firm:** In this section of the proposal, describe the firm and the services it is qualified to provide to the City of St. Louis (including reference to the matters/legal topics listed above in paragraph V). The description should also include the number of years that the firm has been in business, address, and telephone number of the office(s), and the total number of attorneys in the firm with relevant experience.
- B. **List of Clients:** In this section of the proposal, please provide a representative list of clients for which the firm or the attorneys in the firm have provided services.
- C. **List of Attorneys in Charge of Practice Area:** Provide a list of the attorneys in charge of the area(s) of practice for which the firm is qualified to offer legal services.
- D. **Names of Attorneys:** Provide the names of the responsible individuals who could be assigned to each such area of practice.

- E. Specific Projects: In this section, provide a description of the nature and scope of specific projects handled by qualified attorneys, or significant matters that may be relevant to representation of the City in such disputes.
- F. List of Cases/Matters Pertaining to the City: Please provide a list of cases or matters in which the firm or attorneys with the firm who are currently representing the City or have brought suit against the City in the past.
- G. List of Practice Areas: identify each of the practice areas listed in the Scope of Services section that the firm desires to be considered for this RFQ process.
- H. Provide fee structure: Please provide hourly rates for senior partners, junior partners, associates, paralegal, and staff or, if applicable, the ordinary range of the contingency fee. Such fees and ranges could be subject to future negotiation, as provided below.
- I. Verification of License/Taxes: In this section, Respondent must affirmatively verify that the firm has a current business license and is current with tax remittance.
- J. Diversity: In this section, Respondent should the number of attorneys in the firm who are from groups that are traditionally underrepresented in the legal community, including women, racial and ethnic minorities, LGBT individuals, and persons with disabilities, as well as the number of such attorneys as a percentage of attorneys in the entire law firm. Respondent should also describe the firm's policies of inclusion and diversity, and should list any scores the firm has received from groups representing inclusion interests such as, for example, the Human Rights Campaign's Corporate Equality Index.
- K. Commitment to the City: In this section, Respondent should describe the ways in which the firm has demonstrated its commitment to the City of St. Louis. This could include, for example: the firm maintaining an office in the City of St. Louis, the percentage of the firm's employees that work out of an office located within the City of St. Louis, the percentage of the firm's employees who live within the City of St. Louis, or the firm's participation in pro bono projects that support the City of St. Louis's legal initiatives (such as, for example, participation in the Lawyers for City Neighborhoods program sponsored by the Bar Association of Metropolitan St. Louis, pro bono representation of the City in litigation, pro bono representation of the City and co-parties in the filing of amicus briefs, pro bono assistance offered to the City in the preparation or analysis of legislation, pro bono representation of neighborhood organizations pursuant to § 82.1025, RSMo. and related laws, or similar pro bono projects).

## **VII. Proposal Evaluation.**

The evaluation of proposals will be performed by a Selection Committee composed of representatives of the Mayor's Office, Comptroller's Office, the Aldermanic President's Office, and the OCC, in accordance with the guidelines established by Ordinance No. 64102 and the Regulations established by the Board of Public Service.

The Selection Committee will consider, at a minimum, the following, as related to the selection of firms qualified to perform legal services for the City:

- A. Specialized experience, qualifications and technical competence of the firm, its principals, project manager and key staff.
- B. Ability of the firm to provide innovative solutions.
- C. Approach to the project and any unusual problems anticipated.
- D. The capacity and capability of the firm to perform the work within the time limitations.
- E. Past record and performance of the firm with respect to schedule compliance, cost control, and quality of work.
- F. Proximity of the firm to the City.
- F. Fees or fee structure as may be appropriate for the service to be provided.
- G. Availability of financial and operating resources as required to complete the work.
- H. M/WBE and/or DBE participation.
- I. Ability of the firm to meet statutory or ordinance requirements.
- J. Other relevant criteria as may be developed by the OCC or the Selection Committee. One such relevant, though not determinative, consideration will be the firm's commitment to the City of St. Louis.

This RFQ does not constitute a commitment by the OCC or by the City to enter into any agreement or contract, or to pay any costs associated with the preparation of responses, submittals or other documents or any related-work by any Respondent. The OCC reserves the right to interview, or call for a presentation from, any respondent submitting a response. The OCC also reserves the right to discuss the proposals with any or all respondents. 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 and the OCC may request additional submission of information during the negotiations of the contract.

**VIII. Amendments.**

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 OCC will not merge, collate, or assemble proposal materials.

**IX. 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 OCC.

**X. Revisions to this RFQ.**

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

All RFQ addenda will be issued on the City website. To access addenda, the respondent must locate "RFQ for Legal Services" at the following address:  
<https://www.stlouis-mo.gov/government/procurement.cfm>

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

**XI. Respondent Responsibility.**

The respondent assumes sole responsibility for the complete effort required in this RFQ. 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 RFQ. By submitting a proposal in response to this RFQ, the respondent represents that it has satisfied itself, from its own investigation, of all the requirements of this RFQ.

**XII. 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 RFQ, 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.

### **XIII. Contents of Proposals.**

All materials submitted in accordance with this RFQ 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 OCC, pursuant to 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 RFQ should be assumed to be subject to public disclosure.

### **XIV. No Obligation.**

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

### **XV. Termination.**

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

### **XVI. Governing Law.**

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

### **XVII. Nondiscrimination.**

In connection with the contract resulting from this RFQ, the firm agrees that in performing any services resulting from this RFQ, 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.

### **XVIII. 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 City is actively seeking participation by MBE and WBE firms and encourages those firms to submit proposals.

### **XIX. American with Disabilities Act.**

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

**XX. Minority and Women’s Business Enterprise Participation (MBE/WBE).**

The selected firms shall comply with the Mayor’s Executive Order No. 28 any superseding Executive Orders relating to the utilization of minority and women (MBE/WBE). Executive Order No. 28 requires contractors and consultants to seek, through good-faith efforts, the involvement of MBE’s and WBE’s with a goal of participation of at least 25% and 5% respectively, for the project.

**XXI. Unauthorized Aliens Affidavit.**

As a condition for the award of this contract, Contractor, shall, pursuant to the provisions of §§ 285.525 through 285.555, RSMo., by sworn Affidavit (attached hereto as Appendix 1) 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 RFQ. Contractor shall also sign an affidavit (attached hereto as Appendix 1) affirming that it does not knowingly employ any person who is an unauthorized alien in connection with this RFQ pursuant to the above-stated Statutes.

**XXII. Indemnification.**

Each respondent, in seeking, receiving, or possessing this RFQ 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 RFQ, making any revisions thereto, conducting this selection process and subsequent negotiations, and making a final recommendation and/or entering into a contract.

**XXIV. Subject to Appropriation.**

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



