



Office of Selectmen
Town of Moultonborough
6 Holland Street - PO Box 139
Moultonborough, NH 03254
(603) 476-2347 * Fax (603) 476-5835

Request For Proposals

Proposals Due May 26, 2016, 2:00 PM

The Town of Moultonborough (the Town) is soliciting proposals from selected firms (Contractors) for municipal legal services including, but not limited to, municipal governance, municipal finance, labor and employment, tax assessment and abatement issues, tax collection, planning/zoning and land use, and transportation.

Summary & Background

The Town is currently represented by Attorney Peter Minkow of Minkow & Mahoney Mullen, P.A. who has advised the Town he is retiring as Town Counsel as of May 28, 2016. The Town is not currently a party to any major litigation.

Scope of Work

The Town seeks proposals from qualified legal firms to act as its counsel on an as-needed, fee-for-service basis in varied matters of general municipal law. The services requested include providing legal counsel in the form of written and verbal opinions and presentations, and monitoring and representing the Town's interests before various judicial bodies and other entities.

The Town will consider awarding a contract to a single legal firm or multiple legal firms as deemed necessary to address the various specialties required. The legal services desired are more fully described as follows and will be on an as needed basis: 1) Act as Town Attorney for the Town of Moultonborough, provide legal advice and interpret municipal, state and federal law as it applies to the Town; 2) Represent the Town before administrative agencies and in court proceedings; conduct legal research, find relevant facts, develop and review documents; 3) Act as legal advisor to the Board of Selectmen and the Town Administrator and in all areas of municipal law as well as other Town Boards and Commissions as needed for land use, code enforcement, and conservation matters; advise any other staff member of the Town as authorized by the Town Administrator; 4) Prepare and review ordinances, resolutions, contracts, deeds, leases, and other written legal documents generated in the course of Town business, as requested; 5) Conduct title searches and handle land closings for both Conservation and general Town real estate transactions; 6) Attend meetings of the Board of Selectmen, Planning Board, Zoning Board of Adjustment and any other boards or commissions as may be required to offer legal advice and opinions; and 7) Perform other legal services as assigned.

General Information

Award of Contract – It is the policy of the Town of Moultonborough that contracts are awarded only to responsible vendors. In order to qualify as responsible, a prospective vendor must meet the following standards as they relate to this request: Have adequate financial resources for performance or have the ability to obtain such resources as required during performance; have the necessary experience, organization, technical and professional qualifications, skills and facilities; be able to comply with the proposed or required time of completion or performance schedule; and have a demonstrated satisfactory record of performance.

Selection – It is the policy of the Town of Moultonborough to select vendors on the basis of the best overall value to the Town. Some of the factors considered when determining the best overall value are: Price, quality, warranty, service, availability, past performance with the Town of Moultonborough, and references.

Proposal Requirements - The purpose of all submitted proposals is to demonstrate the qualifications, competence, depth and capability of the firms seeking to provide legal services to the Town in conformity with the requirements of this request for proposals.

Items to be Addressed: The proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects and questions must be addressed:

1. Name, address, telephone number, fax number and e-mail address of firm.
2. Name of contact person and telephone number for purposes of communications regarding the proposal.
3. State the size of the firm, the size of the firm's municipal law staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement.
4. Narrative about the history of the firm, including date of inception, experience with relevant New Hampshire municipal, state and federal law and experience providing services to New Hampshire municipalities.
5. Narrative of the qualifications of the person(s) proposed to work directly with the Town to include:
 - Legal training, years of practice, area of specialization; include date of admittance to New Hampshire Bar;
 - Years of municipal law practice;
 - Litigation experience and demonstration of a satisfactory court track record;
 - Identify any professional affiliations;
 - Detail experience in representing New Hampshire municipalities.
6. Identify the accessibility of the proposed designated lead Attorney, and the response time that the individual offers to the Town.
7. Narrative about the resources of the firm, to include clerical and support staff, library and research capabilities, and other relevant information.

8. Describe the level of coverage for malpractice insurance your firm carries. Is the coverage on a per client basis, or is the dollar figure applied to the firm as a whole? Provide documentation of the malpractice insurance coverage.
9. Within the last five years has your organization, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the services provided by your entity? If so, provide an explanation and indicate the current status or disposition of any such situation.
10. State whether the firm, its officers, partners, principals, agents, or employees that are expected to perform services under this RFP, have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
11. Has the firm been in bankruptcy, reorganization or receivership in the last five years? If so please explain current status.
12. Has the firm been disqualified or terminated by any public agency or Town? If so please explain under what circumstances this disqualification or termination occurred.

References – All respondents shall include with their proposal a list of at least three (3) current municipal references of similar size and make-up to Moultonborough. This list shall include municipality name, person to contact, address and telephone number. Failure to include references may be ample cause for rejection of proposal as non-responsive.

Governing law – All contracts entered into by the Town shall be governed by the laws of the State of New Hampshire. Any claims arising out of the contract shall be brought only in the Carroll County Superior Court.

Cost Proposals – Each bidder shall submit a detailed cost proposal which responds to the following minimum requirements:

1. Provide a narrative about the proposed method for calculation of fees, including whether or not out-of-pocket expenses are included in the proposed rate. Include a description of basic services to be included and list services or other incidentals for which additional fees would be charged. Normal billing cycle procedures shall be identified.
2. State the hourly rates for the lead attorney and associates for all routine, basic services and the rate charged for litigation services within court, if at a different rate than charged for basic services.

Insurance – The successful Contractor, prior to the execution of the contract, must produce a certificate of insurance, naming the Town an Additionally Named Insured, for the following types and levels of coverage:

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|----------------------------|-------------------------|
| • Workers Compensation | Statutory |
| • Automobile and Equipment | \$1 Million/\$2 Million |
| • Property Damage | \$1 Million/\$2 Million |
| • General Liability | \$1 Million/\$2 Million |

Submission Information

Proposals as outlined above must be received at the Moultonborough Town Hall, P.O. Box 139, 6 Holland Street, Moultonborough, NH 03245 no later than 2:00 p.m. on May 26, 2016, at which time they will be publicly opened in order to be eligible for consideration. Each proposal must be submitted in a sealed envelope clearly marked: "Legal Services".

The Town of Moultonborough reserves the right to reject any or all proposals or accept the proposal the Town deems to be in its best interest, regardless of the lowest proposal amount. The Town reserves the right to request additional data or information or a presentation in support of written proposals, however the Town may award a contract based on the offers received, without additional submissions. The proposal should be submitted on the most favorable terms, from all aspects, which the contractor can submit. The Town reserves all rights to negotiate with the contractor of its choice based not solely upon cost, but on the qualifications and ability of the contractor to perform, consistent with the Town's intent, requirements, time schedule, and funds availability. The Town further reserves the right to:

- Not award a contract for the requested services;
- Waive any irregularities or informalities in any proposals;
- Accept the proposal deemed to be the most beneficial to the public and the Town;
- Negotiate and accept, without advertising, the proposal of any other company in the event a contract cannot be successfully negotiated with the selected firm; and
- Retain products submitted by companies for its own use at its sole discretion.

Any questions regarding this request for proposals should be directed to Town Administrator Walter Johnson at wjohnson@moultonboroughnh.gov, 603-476-2347. This RFP will be directly mailed to: Upton & Hatfield LLP, 10 Centre Street, P.O. Box 1090 Concord, NH 03302; Donahue, Tucker & Ciandella, PLLC, 225 Water St., Exeter, NH 03833; Gardner, Fulton & Waugh, PLLC, 78 Bank Street, Lebanon, NH 03766; Gallagher, Callahan & Gartrell, 214 North Main Street, Concord, NH 03301; and Mitchell Municipal Group, 25 Beacon St E #2, Laconia, NH 03246.