



SANDY SPRINGS™

GEORGIA

REQUEST FOR PROPOSALS (“RFP”) Municipal Court Solicitor

Proposals due no later than: **February 27, 2019 2:00 p.m. EST**

SECTION 1: INTRODUCTION

The City of Sandy Springs (“City”), located in Fulton County, Georgia, is currently soliciting proposals (“Proposal(s)”) to engage a firm, individual lawyer, or a consortium of firms or lawyers to serve as Solicitor of the City of Sandy Springs Municipal Court (“Project”). Any party interested in submitting as response to this RFP (“Proposal”) including, where applicable, all partners, employees and contractors of such interested party (collectively, the “Applicant”) shall adhere to the guidelines set forth herein.

BACKGROUND

The City of Sandy Springs (“City”) is located in Fulton County, Georgia, and has a population of approximately 105,000. It is metropolitan Atlanta’s second (2nd) largest city and Georgia’s sixth (6th) largest city. The geographic area of the City is approximately thirty-eight (38) square miles. The City currently controls several hundred acres of parkland. While most of this acreage is owned outright by the City, many outdoor school parks are under an intergovernmental agreement with Fulton County Schools, renewable on a periodic basis. City limits include twenty-two (22) miles of shoreline along the Chattahoochee River and three (3) units of the National Park Service.

The City of Sandy Springs Municipal Court began in 2006 shortly after the creation of the City. The total number of cases is generally around 17,000-18,000 per year. There are four (4) appointed judges and the court sessions are generally scheduled 3-4 days a week. The Court Calendar primarily consists of Jail Sessions, Environmental Court, Trials, and, Arraignments.

IMPORTANT INFORMATION

A. Sealed Proposals must be received **no later than February 27, 2019, 2:00 p.m. EST**. The City will only accept online submissions for this RFP through the City’s Bonfire portal at <https://sandysprings.bonfirehub.com/projects/view/12037> (“Bonfire”). Any Proposal submitted in any other format (email, paper, mail, etc.) will not be accepted for any reason.

B. All communications regarding this solicitation must be with the assigned procurement officer, Charise Glass, purchasing@sandyspringsga.gov (“Procurement Officer”). Until a contractor is selected and the selection is announced regarding the procurement, elected officials, Evaluation Committee members (as defined herein), employees of the City, and contracted personnel receiving information and documents regarding this procurement are not allowed to communicate regarding the procurement for any reason with any Applicant or potential Applicant except through the City’s Procurement Officer or designated successor. For violation of this restriction, the City reserves the right to reject the Proposal of any Applicant or potential

Applicant who knowingly participates in such violation. Any City staff or elected officials who violate this restriction acknowledge such conduct may result in an ethics violation pursuant to the City's ethics ordinance and/or disqualification from further participation in, or briefing on, the procurement.

C. All questions or requests for clarification must be sent via Bonfire under Message - Opportunity Q&A. Questions are due **no later than January 30, 2019, 5:00 p.m. EST. Questions received after this date and time shall not be answered.** The Applicant shall clearly reference the section and page numbers of the RFP which are applicable to the question(s) or comment(s) submitted. Oral questions will not be accepted due to the possibility of misunderstanding or misinterpretation.

D. Questions and clarifications will be answered in the form of an addendum. Any addenda, schedule changes and other important information related to this solicitation will be posted on Bonfire. It is the Applicant's responsibility to check Bonfire for any addendums or other communications related to this solicitation.

SECTION 2: SCOPE OF SERVICES

The Applicant shall comply with and be subject to all provisions of the City's Charter and Codes, including, without limitation, the City's Code of Ethics.

A. Scope of Work. The successful Applicant shall:

1. Represent the City in the prosecution of all criminal violations including violations of any City ordinance.
2. Be responsible for all aspects of prosecution including: investigation, arraignments, pre-trial hearings and motions, bench and/or jury trials, sentencing, review hearings, discovery and appeals.
3. Follow cases through sentencing procedures and manage criminal appeals.
4. Provide legal research, training and assistance to the Police Department in all criminal matters, including statutory interpretation, enforcement issues, and case decisions.
5. Prepare cases for prosecution including contacting the Police Department and the code enforcement division of the Community Development Department, witnesses, victims and defense attorneys.
6. Provide advice and representation in criminal forfeiture hearings, search warrant review and similar matters.
7. Provide occasional training for law enforcement officers and advise the department regarding substantial statutory or case law changes. Coordinate such periodic training sessions with the Police Department and the code enforcement division of the Community Development Department.
8. Manage the prosecutors' and solicitor's office to require a prosecutor, approved herein, to represent the City's interest in charges of a violation of City ordinance.

B. Examples of Work. The successful Applicant shall:

1. Review cases filed by police.
2. Make charging decisions, if necessary.
3. Communicate to victims and officers of charging decision.
4. Subpoena witnesses and comply with discovery requests.
5. Lead cases through the court process.

6. Work with the Police Chief to improve effectiveness.

C. Performance Evaluation. If the Applicant is awarded the contract as a result of this procurement, performance will be measured and evaluated as follows:

1. Prompt attendance at each regular or specially set court dates.
2. Efficient handling of cases at arraignment.
3. Written evaluation of effectiveness of advocacy as observed by the court administrator and City Attorney.
4. Attention to detail concerning charging documents, evidence available.
5. Appropriate negotiation of plea agreements on criminal citations.
6. Communication with the City Attorney on code enforcement cases and any criminal cases in which the City Attorney has asked to be kept informed.

SECTION 3: MINIMUM QUALIFICATIONS

A. Professional Licensing and Experience. The Applicant and any partners in this submittal, including all attorneys designated by Applicant to perform the services under this Proposal, shall have relevant experience as a prosecutor in a municipal court, or a court of record, must be licensed to practice law in the State of Georgia, and be a member of the State Bar of Georgia in good standing. The attorney designated by the Applicant to perform the services of the city solicitor ("Solicitor") shall have at least five (5) years' relevant experience in the State of Georgia as a prosecutor in a municipal court or a court of record. The attorney designated by the Applicant that will perform the services of the assistant city solicitor ("Assistant Solicitor") shall have at least three (3) years' relevant experience in the State of Georgia as a prosecutor in a municipal court or a court of record.

B. Practical Experience in Municipal Courts. The Solicitor and Assistant Solicitor also shall demonstrate a high degree of knowledge, experience and ability in: the operation of local governmental units in Georgia; criminal procedure and substantive criminal law; management of a courtroom and a large docket of cases; efficient use of time and resources to reduce delays that inconvenience other Court personnel; supervision of the proper handling of any discovery requests related to a pending citation; and experience ensuring that proper and accurate records of dispositions are maintained.

SECTION 4: PROPOSAL CONTENTS AND FORMAT

Proposals shall be as succinct as possible while completely providing all requested information. Proposals shall not exceed twenty five (25) pages. In order for the City to conduct comprehensive evaluations, all Proposals must be submitted in accordance with format detailed in the following pages:

A. Cover Letter. The letter shall include the name and business address of the Applicant and be signed by a signatory duly authorized to bind the Applicant. No pricing information shall be included in this section.

B. Table of Contents.

C. Applicant Overview. The Proposal shall include a general overview of the Applicant(s) submitting the Proposal, how long each individual and/or firm has been in business, customer service philosophy, and identification of the primary office which will be supporting the City of Sandy Springs. The overview should include a copy of current professional liability insurance, name of carrier and policy number, policy exclusions, if any, and current coverage amounts. The overview should also disclose any pending litigation or judgments rendered against the Applicant in any matter relating to professional activities of the firm, including any pending complaints to the Georgia State Bar Association. The overview shall designate the attorney who shall act as a full time Solicitor, the attorney who shall act as a part time Assistant Solicitor, and every other attorney performing the prosecution services described herein on behalf of Applicant. Either the Solicitor or the Assistant Solicitor shall be present in the City of Sandy Springs Municipal Court at all times that such Court is in session.

D. Statement of Suitability. The Proposal shall include a statement or specific information that may serve to differentiate the Applicant from other firms in suitability to perform the services described herein for the City.

E. Project Understanding/Methodology. The Proposal shall include a description of the Applicant's understanding of the proposed services as outlined in the RFP and a demonstration of understanding as to the magnitude of the tasks and the desired outcomes for the services. The Proposal shall also include a description of the Applicant's attorney/law firm practice and services the firm is capable of providing, including an explanation of how these services will best meet the City's needs.

F. Qualifications of Personnel. The Proposal shall provide information on personnel to be assigned to the City for services. It should include Georgia State Bar numbers and resumes for all attorneys and a release allowing the City access to all Georgia State Bar Association disciplinary investigations and/or actions. (Does not count toward total page number.

G. Past Performance-Similar Experience. The Applicant shall include three (3) reference projects from past years that demonstrate that the person(s) and designated personnel have experience and expertise with the subject matter and have demonstrated performance of work that is similar in type and scope as the Project described in this RFP. References should be for a public agency, and should include the following: name of the organization; contact information, including contact name, address, email address and telephone number; description of the reference project; brief summary of services provided; period of performance; and project cost.

H. Cost Proposal. Applicants shall also submit a Proposal detailing proposed fees to perform the services described herein ("Cost Proposal"). The Cost Proposal shall be submitted separately. The Cost Proposal shall clearly set forth fees or fee structure to be charged. The Cost Proposal shall include a per hour rate for each attorney (including the Solicitor) to perform any part of the described work. The hourly rate is exclusive to the attorney *actually* performing the work. The fee proposed shall be submitted in the following form. (Does not count toward total page number)

1. A flat fee (to be negotiated annually) to be paid in twelve (12) equal monthly payments;
or
2. An hourly rate for each solicitor or assistant solicitor to be paid monthly upon the City's receipt of an invoice.

SECTION 5: GENERAL EVALUATION PROCESS AND CRITERIA

A. General Information. The RFP will enable the City to gather information and identify one or more qualified Applicants to perform the services described in the Scope of Services. The City will conduct a comprehensive, fair and impartial evaluation of all Proposals received. An evaluation team will be established by the City to evaluate the Proposals (“Evaluation Committee”). The Evaluation Committee may invite the most qualified Applicant(s) to interview; however, the City retains the right to select only one Applicant and negotiate a contract. The City may also determine that no qualified Proposals have been received and reject all Proposals.

B. Interviews. At the City’s discretion, selected Applicants may be interviewed and re-evaluated based upon the criteria set out in the RFP, or other criteria to be determined by the Evaluation Committee (i.e. unique qualities, methodologies, or approaches taken to differentiate from other Applicants). Selected Applicants may be asked to provide additional information to the Evaluation Committee regarding demonstrated competence and qualifications, feasibility of implementing the Project as proposed, ability to meet schedules, costing methodology, or other factors as appropriate. Any information received by the Evaluation Committee subsequent to the Applicant’s Proposal will be used to further evaluate Applicants to determine a rank order. Attorneys designated by the Applicant to perform the services of Solicitor and Assistant Solicitor shall be present for all interviews. Final approval of a selected Applicant is subject to the City’s Purchasing Policies.

C. Past Performance. The City may review past performance of the Applicant using the information provided by the Applicant in response to Section 4, paragraph G of this RFP or information obtained from independent sources, at its sole discretion.

D. Negotiation and Best and Final Offer (as applicable).

1. If the City deems it is in its best interest to retain the services of one or more Applicants, the City reserves the right to negotiate a revised scope and/or fees. Negotiations will encompass all phases of work, including but not limited to: hourly rates; fees for services; markups for overhead and profit on subcontractors; a “not to exceed” contract amount; and any other items the City deems appropriate.

2. If negotiations are successful, the City and the highest ranking Applicant will enter into an agreement to perform the services as described in this RFP. If an acceptable agreement cannot be reached between the City and the highest ranking Applicant, the City may choose to negotiate with other Applicant(s).

3. Separate meetings with more than one Applicant may be conducted during the same time frame; however, negotiation sessions with an Applicant will not be held in the presence of another Applicant.

4. Applicants submitting Proposals should be aware that the Evaluation Committee has sole discretion to determine what constitutes the “best qualified offer” for the City. Consequently, Applicants are urged to submit best possible terms in their original submittal.

E. Evaluation Criteria. The City will evaluate Proposals based on criteria stated within this RFP. Proposals will be assigned values including, but not limited to, the following:

1. Applicant’s suitability to perform the scope of services.
2. Applicant’s understanding and methodology to provide the services to meet the City’s needs.
3. Past performance/similar experience.

4. Cost.
5. Compatibility to the City's systems and procedures.

SECTION 6: TERMS AND CONDITIONS

All Proposals and supporting materials as well as correspondence relating to this RFP become property of the City when received and may be subject to the Georgia Open Records Act. Any proprietary information contained in the Proposal shall be so indicated; however, a general indication that the entire contents, or a major portion, of the Proposal is proprietary will not be honored. The following terms and conditions shall also apply:

A. Applicable Law. All applicable Federal and State of Georgia laws and City of Sandy Springs ordinances, licenses and regulations of all agencies having jurisdiction shall apply to Applicants throughout this solicitation and are incorporated herein.

B. Licenses. Professionals requiring special licenses shall be licensed in the State of Georgia, and shall be responsible for those portions of the work as may be required by law.

C. Applicant Status with City. No Proposal shall be accepted from, and no contract will be awarded to, any person, firm, or corporation that (i) is in arrears to the City with respect to any debt, (ii) is in default with respect to any obligation to the City, or (iii) is deemed irresponsible or unreliable by the City.

D. Applicant Financial Status. The City shall be able to request of an Applicant satisfactory evidence that it has the necessary financial resources to accomplish the requirements of the contract.

E. City Reservation of Rights. While the City has every intention to make an award as a result of this solicitation, issuance of the RFP in no way constitutes a commitment by the City to award and execute a contract. Upon a determination such actions would be in its best interest, the City, in its sole discretion, reserves the right to:

1. Cancel or terminate this RFP at any time. A notice of cancellation will be issued. If the RFP is cancelled, the City will not reimburse any Applicant for preparation of its Proposal. Proposals may be returned upon request if unopened;
2. Reject any or all Proposals received, make a contract award based directly on the Proposals received in the best interest of the City, in its sole discretion, or enter into further discussions with one or more Applicants;
3. Waive and/or amend any undesirable, inconsequential, or inconsistent provisions/specifications of this RFP which would not have significant impact on any Proposal;
4. Make partial award or no award if it is in the best interest of the City to do so; and
5. Terminate any contract if the City determines adequate funds are not available.

PROPOSAL SIGNATURE AND CERTIFICATION

I certify that this Proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a Proposal ("Applicant") for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of this Proposal and certify that I am authorized to sign this Proposal for Applicant. I further certify that the provisions of O.C.G.A. § 45-10-20, et seq. have not been violated and will not be violated in any respect.

Authorized Signature for Applicant: _____

Date: _____

Print/Type Name: _____

Print/Type Applicant Name Here: _____

Company Name: _____

CORPORATE CERTIFICATE

I, _____, certify that I am the Secretary of the company named as Applicant in the foregoing Proposal; that _____, who signed said Proposal on behalf of the Applicant, was then (title) _____ of said company; that said Proposal was duly signed for and in behalf of said company by authority of its Board of Directors, and is within the scope of its corporate powers; that said company is organized under the laws of the State of Georgia.

This _____ day of _____, 2018.

(Signature)

(Seal)

Corporate Name: _____

d/b/a _____