



# Town of Upper Marlboro

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## Request for Proposals

### Town of Upper Marlboro Town Attorney

RFP # UM 2023-05

**Project Overview:** The Town of Upper Marlboro invites the submittal of responses to this Request for Proposals (RFP) from qualified Firm(s) interested in providing legal services as the Town Attorney. The Town intends to consider Firms and/or individuals who possess the professional and administrative capabilities to provide the scope of services detailed below. This RFP is being released as a part of the Town's routine reevaluation of all professional service contracts to ensure the responsible use of tax dollars.

**Scope of Project:** This RFP is for a 24-month contract with the Town, with the option for renewal beginning September 1st, 2025. Town Elected Officials will participate in the process of selecting the appropriate firm. The areas of legal work to be provided by the Town Attorney may include the items listed below. While this list is representative of the areas of work required, it is not exhaustive, and, by submitting a proposal, respondents acknowledge and agree that if selected, they will perform work in other areas as may be requested by the Town and acknowledge and agree that some of such work may be assigned to other attorneys.

1. **General Legal Guidance:** Advise the President and Board of Town Commissioners and Town Administrator on legal questions arising in the conduct of Town business.
2. **Prepare Legislation:** Prepare and/or revise resolutions and ordinances when requested by the President and Board of Town Commissioners or Town Administrator.
3. **Give Opinions:** Give opinions on any municipal legal matter or question submitted to them by the President and Board of Town Commissioners or Town Administrator.
4. **Attend Council Meetings:** As requested, attend President and Board of Town Commissioners meetings or other related meetings. President and Board of Town Commissioners Work Session Meetings are held on the second (2nd) Thursday of each month. Meetings begin at 7:00 p.m. Legislative Meetings are held on the fourth (4th) Thursday of each month. Meetings begin at 7:00 p.m.
5. **Application Review:** When applicable, provide a review, oversight, and legal advice concerning permit and other applications to the Town.
6. **Prepare Legal Instruments:** Prepare for execution or review of contracts, deeds, and other instruments to which the Town is a party when so requested by the President and Board of Town Commissioners or Town Administrator.
7. **Prosecute Claims and Defend the Town and its Officials and Employees:** Under the direction of the President and Board of Town Commissioners, prosecute legal claims on behalf of the Town and defend the Town and its officials and employees in any action or claim against them in their official capacity. In those claims where the Town's insurance company has appointed legal counsel, the Town attorney shall provide only those services requested by the President and Board of Town Commissioners.
8. **Make Reports:** Immediately report to the Town Administrator (or designee) and President and Board of Town Commissioners the filing of any litigation against the Town, update the

President, Board of Town Commissioners, and Town Administrator on pending litigation on a regular basis, and inform the President, Board of Town Commissioners and Town Administrator of the final outcome of any such claims. Provide the President, Board of Town Commissioners, and Town Administrator with a monthly report of all work performed on their behalf.

9. Real Estate: Prepare or review deeds, easements, and contracts pertaining to real estate and/or property being acquired or sold by the Town.
10. Keep Records: Keep records as required for attorneys general and in compliance with rules for retention of local government records.
11. Public Information Act: Handle or provide advice regarding Public Information Act requests.
12. Personnel Matters: Advise the President, Board of Town Commissioners, Town Administrator, and Department Heads on personnel issues.
13. Annexation: Provide Guidance to the Board of Town Commissioners and Town Administrator on annexation and prepare necessary legal documentation.
14. Municipal Elections: Provide Guidance to the Town Administrator, Town Clerk, and Board of Supervisors of Elections on the proper conduct of the Town's elections.

**Qualifications and Experience of Legal Counsel:** Each applicant should have at least five (5) or more years of experience as a Municipal attorney, preferably experience with small cities and towns in Maryland. The proposal must include the names of all attorneys within the firm who will be providing legal services to the Town. The proposal should demonstrate the qualifications, competence, and capacity of the attorneys to represent the Town in each of the municipal legal services areas listed above.

**Deadline:** Responses to this RFP are to be submitted by **Friday, October 27th, 2023**, at 5 p.m. By Mail: Town of Upper Marlboro P.O. Box 280 Upper Marlboro MD 20773. By Email: [Info@UpperMarlboroMD.gov](mailto:Info@UpperMarlboroMD.gov). In-Person: Upper Marlboro Town Hall, 14211 School Lane, Upper Marlboro MD 20772.

**Confidentiality** Vendors must treat any designated documents and information provided by the Town as confidential. The Town will treat all proposals received and the information contained therein as confidential until a negotiated contract is executed or all proposals are rejected.

**Public Statement** No vendor shall make any public statement in relation to this RFP without prior written consent from the Town.

**General Conditions** The following general conditions apply:

- The Town may not necessarily accept the lowest cost proposal but will strive to select the best and most responsive proposal.
- The Town may cancel this RFP or amend its contents at any time prior to acceptance of a proposal.
- If no proposal is acceptable, then the Town may either re-issue the request for proposal or negotiate with one or more vendors for a satisfactory offer.
- The award of a proposal shall not be deemed final unless and until a contract is successfully negotiated and approved by Town.

**Compensation:** Each applicant must include hourly rates for legal services. Please include the rate for each attorney that would be working with the Town. Each applicant must state the

compensation that will be required for the services of the applicant and must specify the minimum time increments for billing. Itemized bills, including the subject matter, date, time, description of service, and individual requesting the service, will be required to be submitted before each payment will be made by the Town of Upper Marlboro. Such bills shall be submitted monthly. Billing for services shall be explained in detail, including all support services and costs such as paralegal, clerical, supplies, mileage, electronic research, and other expenses. Applicants also shall list any services that will be provided free of charge, such as attendance at annual, special Town meetings and/or any non-charges, in-house expenses. Each applicant shall provide an explanation of how the Town will be billed for consultations between two-attorney who are both members of your legal team (if applicable). The Town also requests information about how applicants bill for informational correspondence (i.e., courtesy copies and emails, other billing practices, etc.) The applicant shall state whether the mileage associated with traveling on Town business will be billed to the client.

**Insurance:** The bidder must obtain at its own cost and expense and keep in force and effect during the term of the contract, including all extensions and renewals, the insurance specified below, with an insurance company licensed or qualified to do business in the state of Maryland. A certificate of insurance must be submitted to the Town prior to the commencement of any work under the contract and prior to any contract modification extending the term of the contract as evidence of compliance with this provision. The Town of Upper Marlboro must be named as an additional insured on all liability policies. A minimum of thirty (30) days written notice to the Town of cancellation or material change in any of the policies is required. In no event may the insurance coverage be less than that shown below, unless the requirements of this section are waived, in whole or in part, in writing by the Town Administrator.

Coverage Amount or Limits Workers Compensation, Bodily injury by Accident (each) \$100,000  
Disease (policy limits) \$500,000 Disease (each employee) \$100,000 Commercial General Liability \$500,000 (Minimum combined single limit for bodily injury and property damage per occurrence, including contractual liability, premises and operations, and independent contractors.) Minimum Automobile Liability (Including owned, hired, and non-owned automobiles.) Bodily injury, each person \$250,000 Bodily injury, each occurrence \$500,000 Property damage, each occurrence \$300,000 Professional Liability \$1,000,000 for errors, omissions, and negligent acts, per claim and Aggregate, Professional Liability (for professional services contracts) \$1,000,000.00 (For errors, omission, and negligent acts, per claim and Aggregate, with one-year discovery period and a maximum deductible of \$25,000)

**Client References:** Each applicant must provide clients and references with email addresses and phone numbers that may be contacted by the Town in connection with the proposal.

**Rejection of Submissions:** The Town reserves the right to do the following: reject any or all submissions, waive informalities and irregularities in the submissions received, and accept any portion of any submission if deemed in the best interest of the Town.

**Incurring Cost:** The Town will not be liable for any cost incurred by entities or proposers prior to executing a contract or purchase order.

**Anti-Lobbying Provision:** Vendors must indicate through written promise within the proposal cover letter that Proposer's officers, employees, agents, consultants, or lobbyists will not attempt to lobby or influence a vote or recommendation related to the Vendor's proposal submitted in

response to this RFP; directly or indirectly, through any contact with Town Commissioner or other Town officials between the date that the request is sent out and the date the contract resulting here from is awarded by the Board of Town Commissioners. Such behavior may be an immediate cause for rejection of the Vendor's proposal.

**Point of Contact:** John Hoatson, Town Clerk, can be reached at 301-627-6905 or [clerk@UpperMarlboroMD.gov](mailto:clerk@UpperMarlboroMD.gov) with any questions.

*Thank you for your interest in this Request for Proposals from the Town of Upper Marlboro.*