

**TOWN OF WESTFORD  
RFP 2011-102  
REQUEST FOR PROPOSALS  
FOR  
TOWN AND/OR LABOR COUNSEL SERVICES**

**Proposals Due: 01/31/2011**

**I. Objective**

The Board of Selectmen of the Town of Westford, Massachusetts is seeking proposals from highly qualified attorneys/law firms to serve the town as Town and/or Labor Counsel. The successful appointee(s) should meet or exceed the qualifications stated herein and, in general, should be readily accessible to authorized public officials, and exceptionally experienced in municipal law and litigation. In addition, applicants for Town Counsel shall have extensive experience in land use and environmental issues. Applicants for Labor Counsel shall have extensive experience in all matters related to labor, employment, and employee benefits, The attorneys/law firms shall be scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment. The Board of Selectmen reserve the right to employ one or more attorneys/law firms to meet the legal needs of the Town.

**II. Minimum Qualifications**

**A. Bar Admissions**

The appointee(s) and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

**B. Experience**

The appointee(s) must represent or have represented as general town and/or labor counsel (or functional equivalent) a minimum of six (6) Massachusetts municipalities for no less than five (5) years each, or possess equivalent experience. References for all municipalities currently represented or represented in the past ten years by the appointee must be furnished. The appointee(s) also must have substantial experience in the areas of zoning and planning, labor and collective bargaining.

**C. Accessibility**

The appointee(s) must commit to returning all calls or emails from authorized officials either himself/herself or through a qualified back up within 24 hours of the call, excluding weekends or holidays. The appointee(s) must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response, and this is clearly communicated at the time of such request.

#### **D. Back-up**

The appointee(s) must have within his or her firm or through an established “of counsel” relationship at least one other qualified attorney available to render advice and otherwise represent the interests of the Town of Westford when the appointee(s) is (are) unavailable. In this context, “qualified attorney” shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

#### **E. Billing**

The appointee(s) must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service, the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

### **III. Fees and Expenses**

The Board of Selectmen and Town Manager strongly desire to reduce the legal expense budget, and are committed to becoming more efficient with our approach to legal matters.

Accordingly, the Board of Selectmen and Town Manager require that any attorney/law firm wishing to be considered for appointment submit with its application alternative proposals to the traditional hourly rate fee arrangement with counsel. For example, responding attorneys may propose a fixed retainer for a specified scope of services with an hourly rate for work outside the established scope of services or a fixed cost for a set number of hours per month. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable. Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be completely filled out.

### **IV. Selection**

In seeking Town and Labor Counsel, the Board of Selectmen is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Town and Labor Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the Board of Selectmen will select the candidate(s) that they deem to be in the best interests of the town, in their sole discretion. Consequently, the Board of Selectmen and the Town of Westford reserve the right to waive any irregularities in the RFP process and to accept or reject any or all proposals.

### **V. Application**

Qualified attorneys/law firms interested in responding to this RFP should fill out the attached forms completely, attach copies of all documents requested therein, and return the same in an envelope labeled “Town and/or Labor Counsel Proposal” to:

Jodi Ross  
Town Manager  
Town of Westford  
55 Main Street  
Westford, MA 01886

Alternatively, proposals may be emailed to: [jross@westfordma.gov](mailto:jross@westfordma.gov). All responses to this RFP must be received at the above address no later than 2:00 PM on Monday, January 31, 2011.

**RESPONSE TO REQUEST FOR PROPOSALS FOR WESTFORD TOWN AND/OR LABOR COUNSEL**

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

**Please respond to each of the following, using additional pages as necessary:**

1. Please identify by name (address and phone number if different than above) the proposed Town and/or Labor Counsel and each proposed back-up counsel:
2. Please attach resumes for each attorney identified above.
3. Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than "yes", please explain.
4. With respect to each attorney identified, please list each and every Massachusetts municipality represented by the attorney within the past ten years, the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.
5. For Town Counsel proposals, please describe each identified attorney's experience in the areas of land use, zoning, planning, environmental, and overall Massachusetts General Laws.
6. For Labor Counsel proposals, please describe each identified attorney's experience in the areas of employment and labor law.
7. Please describe how you propose to satisfy the Accessibility requirements of the RFP?

8. Please describe how you propose to satisfy the Back-up requirements of the RFP?
9. Will you meet or exceed the Billing requirements of the RFP?
10. How do you insure the delivery of cost effective client services?
11. How do you propose to minimize duplication and/or re-work of matters that are similar to matters previously handled?
12. What educational and/or reporting services will you provide to the Town?
13. Please provide three (3) recent relevant clients who would be prepared to provide references on your performance.

By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate, to the best of my knowledge and belief.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**RESPONSE TO REQUEST FOR PROPOSALS FOR WESTFORD TOWN AND/OR LABOR  
COUNSEL**

**Fees and Expenses Response Sheet**

(To be attached to and made a part of the overall Response to Request for Proposals)

1. Please list the name and hourly rate for proposed Town and/or Labor Counsel and for each attorney intended or likely to serve as back-up:
2. If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill:
3. Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e. any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like):
4. In what hourly increments do you intend to bill?
5. Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.
6. Please attach additional sheet(s) fully describing and explaining your alternative fee arrangement proposal(s).