

**PERSONNEL COMMITTEE**  
**TOWN OF SOUTH WINDSOR**

**Minutes**

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**November 29, 2017**

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**Caucus Room – South Windsor Town Hall**

**1. Call Meeting to Order**

The meeting was called to order at 6:02 p.m.

**2. Roll Call**

Members Present: Mayor M. Saud Anwar, Town Council  
Deputy Mayor Andy Paterna, Town Council

Members Absent: Lisa Maneeley, Town Council

Others Present: Matthew B. Galligan Town Manager  
Vanessa Perry, Director of Human Resources  
Scott Roberts, Director of Information Technologies

Mayor Anwar commented that there was an error on the agenda. Deputy Mayor Paterna should have been listed as a member rather than Councilor Pendleton.

Deputy Mayor Paterna made a motion to nominate Mayor Anwar as the Chairman for this Committee. Mayor Anwar seconded the motion; and it was approved, unanimously.

**3. Discussion items**

**A. Town Attorney Search**

**a. Review/Amend the Town Attorney RFP**

Committee member reviewed the RFP stating that the 2016 RFP created restrictions and made the following motions:

Motion to: Amend the Qualifications to read as follows: Law Firms and/or individuals submitting proposals should have experience in representing municipalities in general government, land use, and environmental law.

Was made by Mr. Galligan

Seconded by Deputy Mayor Paterna

The motion was approved, unanimously

Motion to: Eliminate "Labor" on page 7 under "Contracts/Bid Documents/Compliance (Attachment A).

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**ITEM:**

**3. Discussion Items (Continued)**

Was made by Mr. Galligan  
Seconded by Deputy Mayor Paterna  
The motion was approved, unanimously

Motion to: Under "Purpose" on page 1, eliminate the last sentence which reads, "Law firms and/or individuals may submit for one or both of the above legal services; however, preference will be given to individuals/firms that can provide most of all of the required services". In place of that sentence, it should read, "The Town of South Windsor is seeking a law firm that can provide all of the required services".

All amendments are incorporated into **Exhibit A**.

b. Review/Amend the Interview Evaluation

Committee members reviewed the Interview Evaluation and amended it as shown in attached, **Exhibit B**.

c. Review/Amend the Legal Notice

Committee members reviewed the Legal Notice and amended it as shown in attached, **Exhibit C**.

**4. Miscellaneous**

Chairman Anwar requested the Town Manager to inform the present Town Attorney that there will be an RFP going out.

**4. Executive Session**

None


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**ITEM:**

**5. Adjournment**

At 6:35 p.m. Mr. Galligan made a motion to adjourn the meeting. Deputy Mayor Paterna seconded the motion; and it was approved, unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
Deborah W. Reid  
Clerk of the Council

**TOWN OF SOUTH WINDSOR  
REQUEST FOR PROPOSALS  
LEGAL SERVICES – TOWN ATTORNEY  
December 8, 2017**

**PURPOSE:**

The Town of South Windsor, Connecticut is seeking proposals from law firms and/or qualified individual attorneys wishing to provide legal services to the Town of South Windsor, to function as General Town Attorney and Land Use/Environmental Attorney. Interested parties should submit a proposal in accordance with the requirements and directions described herein. The Town of South Windsor is seeking a law firm that can provide all of the required services.

**QUALIFICATIONS:**

Law Firms and/or individuals submitting proposals should have experience representing municipalities in general government and land use/environmental law.

**SCOPE OF SERVICE:*****General Government Town Attorney***

The Town Attorney is required to provide legal advice and counsel to the Town Manager and Town Council on a variety of matters pertaining to all aspects of municipal government in a clear, concise, effective and responsible manner, understandable by lay people who may not be familiar with the legal complexities of specific situations. Advice and legal support is also provided to various Town departments, boards and commissions. Provision of legal services is coordinated by the Town Manager and may only be requested by the Town Manager and Town Council in accordance with established Council policy. Legal Services required by the Town Attorney include but are not limited to:

- Contract/document review and drafting, ordinance drafting, charter and statute interpretations. Familiarity with Freedom of Information Act (FOIA) and real estate transactions;
- *Litigation.* Ability to manage/conduct/oversee litigation in all courts (state and federal). Not often needed for trial work, but when it is, it is usually a significant matter;
- *Criminal Law.* Advise Police Department on proper police operating procedures when requested, or otherwise;
- *General.* Includes all other matters typically associated with municipal government operations and other services as may be directed by the Town Manager and Town Council. Effective verbal and written communication skills are

essential, since information must be readily understood by elected and appointed officials, Town staff and the public.

- *Attendance at Council Meetings.* Attend-bi-weekly evening Town Council Meetings upon request only.

***Land Use/Environmental Attorney***

Includes familiarity/experience with zoning, planning, inland wetlands laws and regulations and managing administrative appeals associated with same.

- *General:* Includes all other matters typically associated with municipal Planning and Zoning Commission and Planning Department and other matters as directed by the Town Manager, Town Council, and Town Planning and Zoning Commission. Attend Board/Commission Meetings as needed to address legal issues/items. Effective verbal and written communication skills are essential, since information must be readily understood by elected and appointed officials, Town staff and the public.
- *Litigation.* Ability to manage/conduct/oversee litigation in all courts (state and federal). Not often needed for trial work, but when it is, it is usually a significant matter;

***See Attachment A for additional typical required services***

**REQUIRED INFORMATION:**

The following information, as a minimum, shall be submitted:

- Background statement setting forth the capabilities, history and other general introductory information of the responder.
- If the responder is a firm, the qualifications, resumes and position with firm of each attorney that will be assigned to work on matters pertaining to the Town of South Windsor.
- A detailed summary of all areas of expertise and experience to include the types of services supplied to past and present clients. This information should set forth the extent of specialization, and include background and experience, in the areas as outlined above.
- A detailed description of how the responder (law firm or individual attorney) proposes to provide legal services to the Town and general approach as to providing the legal services. Response time to legal services with time constraints (i.e. personnel issues).
- A list of references to include any towns or municipalities that have been represented by the responder within the past five (5) years and that also indicates a minimum of five (5) years experience representing municipalities. The name and phone number of a contact person must be provided.
- A detailed proposal regarding the charges involved for each legal service(s) including any retainer, hourly rates of all personnel providing these services, required expenses and other costs involved. This should include proposals for annual legal expense caps.
- Cost containment. Special attention should be made to suggestions/recommendations for managing and controlling the cost of legal services. The Town is interested in receiving innovative cost containment proposals and suggestions for Town Attorney services. This should include proposals for review and improvement of current procedures, quality control measures, the manner in which specialists will be retained, and any other suggestions regarding the function of Town Attorney and cost containment measures.
- A listing of any grievances filed, with the outcome, against the law firm or individual attorney within the past five (5) years.
- Submit Non-Collusion Affidavit (Exhibit B)

**OTHER CONDITIONS:****A. INSURANCE:**

The successful attorney shall be required to furnish evidence of the following insurance coverage within ten (10) days from notification award. Insurance coverage shall remain in full force for the duration of the contract term, including any and all extensions. All renewal certificates shall be furnished at least ten (10) days prior to policy expiration.

- Commercial General Liability issued by an insurance company licensed to conduct business in the State of Connecticut in the amount of \$1,000,000 combined single limit per occurrence for bodily injury, personal injury or property damage.
- Automobile Liability Insurance with \$1,000,000 combined single limit per accident for bodily injury and property damage.
- Umbrella Liability of \$1,000,000 per occurrence must be provided.
- Errors and Omissions Professional Policy with limits of \$5,000,000 per claim with a \$5,000,000 aggregate. Any changes to the legal firm's policy or carrier from year to year will include "Full Prior Acts" coverage.
- Workers Compensation Insurance in accordance with Connecticut State Statutes.
- The Town of South Windsor is named as Additional Insured on the General Liability, Auto, and Umbrella insurance coverage. THE UNDERLINED WORDING MUST BE SHOWN IN THE SPACE PROVIDED FOR "COMMENTS" ON THE INSURANCE CERTIFICATE.
- Each insurance coverage named above shall provide for not less than a thirty (30) day notice of cancellation to the Town of South Windsor by certified mail, return receipt requested.

**B. HOLD HARMLESS AGREEMENT:**

The attorney, its agents and assigns, shall absolutely indemnify and hold harmless the Town of South Windsor, including but not limited to its elected officials, its officers, employees and agents, from any and all claims brought by a person or entity whatsoever, in any forum, on any theory, arising from any negligent or wrongful act or omission of the attorney during the attorney's performance of the contract or any other agreement of the attorney entered into by reason thereof. The attorney shall indemnify the Town of South Windsor, including but not limited to its elected officers, employees and agents, from any and all losses or liabilities resulting from any such claim, including but not limited to damage awards, costs and attorney's fees.

**C. NON-DISCRIMINATION:**

No person shall be denied or subjected to discrimination on account of services or activities made possible by or resulting from this agreement on the grounds of sex, race, color, creed, national origin, age (except minimum age and retirement provisions), marital status, sexual orientation or disability.

Any violation of this provision shall be considered to be a violation of material provision of this agreement and shall be grounds for cancellation, termination or suspension of the agreement, in whole or part, by the Town and may result in ineligibility for further Town contracts. The proposer shall at all times, both in the proposal and in the contract process, comply with all applicable city, state, and federal anti-discrimination laws, rules, regulations and requirements thereof.

**D. CONFLICT OF INTEREST:**

The Town Attorney shall provide a statement that no conflict of interest exists in rendering service to and in representing the Town of South Windsor.

**SUBMISSION:**

The information required for this Request for Proposal must be submitted, with an original and six (6) copies, to The Clerk of the Council, Town of South Windsor, 1540 Sullivan Avenue, South Windsor, CT 06074, no later than 4:00 p.m. on Friday, January 5, 2018.

**LATE PROPOSALS WILL NOT BE CONSIDERED**

**SELECTION PROCESS:**

The "Town Attorney Search Committee" will first review all proposals and recommend several firms/individuals for interviews with a committee of the Town Council or its representatives based on:

- experience
- references
- principal staff assigned to the Town
- timeliness of response
- length of and services provided to similar clients cost (note: lowest cost may not be the sole determining factor in selection for interview or final appointment.

It is the Town's intention to select the Town Attorney within the First Quarter of 2018.



The applicant may withdraw his/her application personally, or in writing, in time for delivery in the normal course of business prior to the time fixed for opening. Once the applications are opened, they shall remain firm for sixty (60) days from the date of the opening so that the Town may review the applications and investigate the qualifications prior to appointing a Town Attorney.

The information requested in this Request for Proposal is intended to serve as the basis for interview selection and individual/firm interviews. Respondents are encouraged to address each of the factors thoroughly and provide additional information concerning background, experience, cost and cost containment, and qualifications for legal services as deemed appropriate. The Town reserves the right to reject or accept any and all applications in whole or in part or waive any informality or technical defects in applications received if, in its sole opinion, it is in the best interest of the Town to do so.

**DURATION OF AGREEMENT:**

The term of appointment by the Town Council will be for a period of 24 months, in accordance with the South Windsor Town Charter, with the possibility of subsequent appointment for two-year periods. Each individual/firm submitting a proposal is requested to detail its fee proposal for the period of appointment. Any effect the term of agreement may have on legal fees, cost containment or any other elements of Town Attorney services should be noted in the RFP Submittal.

**POINT OF CONTACT:**

Requests for more specific information must be made at least seven (7) days in advance to the advertised response deadline and should be addressed to the Clerk of the Council at (860) 644-2511, Extension 206. All questions, answers, and/or addenda will be faxed and/or mailed to all known respondents.

The Town of South Windsor reserves the right to accept or reject, in whole or in part, any or all proposals if it is in the best interest of the Town of South Windsor..

**Town of South Windsor**

**LEGAL SERVICES**

**Contracts/Bid Documents/Compliance**

- Review draft contracts
- Compliance issues
- Inter town agreements

**Boards & Commissions/Council**

- Attendance at Meetings
- Resolutions
- Legal Opinions

**Human Services Area**

- Landlord/Tenant
- Moderate Price Housing
- Conservator Program
- Juvenile Review board

**Town Property Issues**

- Review of deeds/easements
- Questions regarding individual situations
- Roads and Right of Ways

**FOI**

**Litigation/Courts**

**Laws, Ordinances & Regulations**

- Review & Enforcement
- Compliance with State and Federal Laws
- Health Code
- Interpretation
- Review Draft Regulations

**Municipal Day-to-Day**

- Operations
- Liability issues
- Police Department items
- Legal Opinions
- Document review/Legal Opinion

**Financial**

- Auditors
- Grants
- Compliance
- User charge & assessment
- Billing
- Tax Abatement
- Foreclosure & Tax Sales
- Assessment Appeals

Town of South Windsor

PROPOSER'S NON COLLUSION AFFIDAVIT

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PROPOSAL FOR: LEGAL SERVICES-TOWN ATTORNEY

The undersigned proposer, having fully informed himself/itself regarding the accuracy of the statements made herein, certifies that:

- (1) The proposal is genuine; it is not a collusive or sham proposal;
- (2) The proposer developed the proposal independently and submitted it without collusion with, and without any agreement, understanding, communication or planned common course of action with, any other person or entity designed to limit independent competition;
- (3) The proposer, its employees and agents have not communicated the contents of the proposal to any person not an employee or agent of the proposer and will not communicate the proposal to any such person prior to the official opening of the proposal; and
- (4) No elected or appointed official or other officer or employee of the Town of South Windsor is directly or indirectly financially interested in the proposer's proposal, or in the supplies, materials, equipment, work or labor to which it relates, or in any of the profits thereof, nor to the proposer's knowledge has said elected or appointed official, officer or employee of the Town violated any rule, law or regulation, including local and state ethics rules, as concerns the proposal.

The undersigned proposer further certifies that this affidavit is executed for the purpose of inducing the Town of South Windsor to consider its proposal and make an award in accordance therewith.

Proposer's Full Legal Name -

(signature)\_\_\_\_\_

(print)\_\_\_\_\_

Name and Title of Proposer's  
Authorized Representative –

(signature)\_\_\_\_\_

(print)\_\_\_\_\_

Proposer's Representative, Duly  
Authorized

Date - \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_

Notary Public  
My Commission Expires:

**TOWN OF SOUTH WINDSOR  
TOWN ATTORNEY**

\_\_\_\_\_ 2018

**INTERVIEW EVALUATIONS**

Name of Firm \_\_\_\_\_

Maximum possible score = 60

Ratings 0-10 -- 0=lowest rating to 10=highest rating.

| Category  | Rating |
|---|--------|
| <b>1. Grasp of Project Requirements, Approach, Methodology</b><br>Evaluate firm's analysis, preparation, level of interest and approach to the project.<br>Did the firm demonstrate understanding of current issues/condition of the town?<br>Does the presentation address any/all of the questions listed in the RFP?<br>Notes: |        |

|  |  |
|--|--|
| <p><b>4. Responsiveness</b><br/>How quickly will the attorney(s) respond to requests for service? Can we reach them promptly by phone?<br/>Turnover time for written opinions?<br/>What happens when the primary attorney(s) is/are not available?</p> |  |
| <p><b>5. FOI</b><br/>How familiar is the attorney with Freedom of Information and the FOI Commission?<br/>Has attorney represented clients before the FOIC? Outcomes?</p>  |  |

| Category   | Rating |
|--|--------|
| <b>6. Other Considerations</b><br>Overall presentation?<br>(Keep in mind economic development, land use, energy and captive insurance) |        |
| <b>Total Score (max 60)</b>  |        |

\_\_\_\_\_  
Evaluator

\_\_\_\_\_  
Date

**TOWN OF SOUTH WINDSOR  
REQUEST FOR PROPOSALS  
LEGAL SERVICES – TOWN ATTORNEY**

The Town of South Windsor is seeking Requests for Proposals from qualified individual attorneys or law firms to provide general legal services as Town Attorney for the period of 24 months. RFP packages are available at the Town Council Office, 1540 Sullivan Avenue, South Windsor, CT 06074 or by calling (860) 644-2511, ext. 206. An original and six (6) copies of the sealed proposal must be received in the Town Council Office, in envelopes plainly marked **“RFP Legal Services”** by 4:00 p.m. on January 5, 2018. Requests for any information must be made at least seven (7) days prior to the advertised response deadline. The Town of South Windsor reserves the right to accept or reject any and all proposals, or any part thereof, if it is in the best interest of the Town.

Town Attorney Search Committee