

Jeanne R. Colvin
Finance Director

Birthplace of the
Council-Manager
Form of Government



116 W. BEVERLEY STREET
P.O. Box 58
STAUNTON, VA 24402
540.332.3809 (O)
540.851.4017 (F)

**REQUEST FOR PROPOSALS
FOR
REAL ESTATE RELATED SERVICES FOR
THE CITY OF STAUNTON, VIRGINIA**

April 16, 2009

GENERAL INFORMATION

The City of Staunton is seeking proposals from qualified attorneys/law firms or other responsible and responsive offeror to provide special legal-related services for preparing and recording utility deeds of easement and fee simple absolute deeds for right of way for a project involving thirty-seven (37) properties in what is known as the Newtown area, as specified herein.

All proposals must be delivered to:

Mail To:
Cynthia A. Steed
Supervisor of Purchasing
P.O. Box 58
Staunton, VA 24402-0058

Overnight To:
Cynthia A. Steed
Supervisor of Purchasing
116 W Beverley St., 3rd Floor
Staunton, VA 24401

(540) 332-3819

ALL PROPOSALS MUST BE RECEIVED BY 5:00 P.M. LOCAL TIME, MAY 4, 2009.

The City of Staunton is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private couriers, or the inter-office mail system. It is the sole responsibility of the Offeror to ensure that its proposal reaches the Supervisor of Purchasing by the designated date and hour. **Facsimile and e-mail submittals are not acceptable.**

All offerors shall abide by all applicable State and Federal laws. The City does not discriminate against small and minority businesses or faith-based organizations.

INQUIRIES CONCERNING RFP

Any questions or comments concerning this Request for Proposal should be directed to:

James Davis, City Engineer
City of Staunton
P. O. Box 58
Staunton, VA 24402-0058
540-332-3858 (office)
DavisJD@ci.staunton.va.us

**SPECIFICATIONS FOR REQUEST FOR PROPOSAL
FOR
CITY OF STAUNTON, VIRGINIA
REAL ESTATE-RELATED SERVICES**

I. SCOPE OF SERVICES

The offeror selected shall complete all research and prepare final documents for recording for utility deeds of easement and fee simple absolute deeds for right of way for a time-sensitive project involving thirty-seven (37) properties in what is known as the Newtown area. The offeror shall be required to complete and provide title research and Deeds such that the City will have assurance of having indefeasible easements and insurable and marketable title as to property acquired for right of way consistent with survey plats as provided by the City Engineer as memorialized in a final instrument form comporting with the City standard format. The City generally expects the services to be complete within three (3) months of a Notice to Proceed.

II. TERMS AND CONDITIONS

1. The City of Staunton reserves the right to reject any and all proposals and to select the one considered the most advantageous for the City.
2. The City requires affirmative action, and therefore, the firm will not discriminate under the contract against any person in accordance with federal, state and local regulations.
3. The City shall pay the selected offeror for services on the basis of the approved fee schedule per the negotiated contract.
4. All available engineering and related information, data, reports and records necessary for carrying out the work shall be furnished to the firm without charge by the City, and the City shall cooperate with the firm in every way practicable.
5. The selected offeror shall not assign any interest in the contract and shall not transfer any interest in the same without prior written approval of the City.
6. No information, reports, or data given to or prepared by the selected offeror under the contract shall be made available to any other individual or organization without the prior written approval of the City, and a paper and electronic copy of the documentation for chain of title, adverting, and related data and references generated in completing the work shall be furnished at no additional charge to the City.
7. The City reserves the right to negotiate contract terms with the successful offeror for items/services other than those specifically stated in this RFP in the best interest of the City. Additional work of reasonable scale shall be priced consistent with proposal to allow for additions and future expansions.

III. GENERAL REQUIREMENTS

Proposals should be as thorough and detailed as possible so that the City may properly evaluate the capabilities of respective offerors to provide the required services. Offerors are required to submit the following items for a complete proposal:

1. A statement of the offeror's understanding of the work to be performed in accordance with the timeline.
2. Information as to the offeror's background and experience relative to the services being requested.
3. Offeror's proposed workforce assignment and allocation of duties (legal assistant, paralegal, attorney, etc.)
4. Offeror's preferred payment schedule (lump sum, hourly, hourly not to exceed, etc.) (Note: Proposal shall not include estimates of man-hours or cost for services.)
5. Listing of previous clients who may be contacted as reference, for whom similar services have been provided.
6. The proposal shall also include resumes identifying the type of professional personnel who will be employed to perform the contract. Resumes should describe the experience, education, background, specific or technical accomplishments and any special qualifications applicable to contract performance, as well as the Martindale-Hubbel rating of any attorney and any current approval by title insurance companies doing business in Virginia.
7. Description of financial responsibility of the offeror, including adequate proof of Professional Liability Insurance in an amount not less than \$300,000/\$500,000 and a minimum of \$1,000,000 excess liability insurance umbrella coverage, or such other insurance as is satisfactory and may be approved by the City.
8. Any other special experience and qualifications relative to this project.

IV. REVIEW AND AWARD

To be considered for selection, offerors must submit a complete response to this Request for Proposal. Failure to submit all information requested may result in the rejection of the incomplete proposal.

Proposals shall be signed by an authorized representative of the offeror. Three (3) copies of the proposal must be submitted to the City. Each copy of the proposal should be bound in a single volume as practical. All documentation submitted with the proposal also should be bound in the single volume.

The following criteria, not necessarily listed in the order of importance, will be used in evaluating the responses to this RFP with weighting as determined in the sole discretion of the City:

1. Scope of services to be provided, as described in the proposal.
2. Proposed work force assignment.
3. Proposed payment schedule.
4. Previous experience and applicability to services requested.
5. References.
6. Credentials of project team proposed to perform work.

PROCUREMENT GUIDELINES

I. COMPETITIVE NEGOTIATION

The procurement method is competitive negotiation as defined in Section 2.2-4301 of the Code of Virginia (1950) as amended. This Request for Proposal indicates, in general terms, the nature of the program and services being sought. Each offeror is to submit the proposal(s) that best suits the needs of the City.

The specific requirements for the contents of proposals are contained in the RFP. Offerors are encouraged to provide additional information not specifically identified as a requirement if that additional information enables the proposal to better suit the needs of the City.

In order to procure the program that best suits the needs of the City, the competitive negotiation process and evaluation criteria consider factors in addition to cost.

II. AWARDING THE CONTRACT

The award of a contract shall be determined in the sole discretion of the City based upon evaluation of all information as the City may request. The City reserves the right to waive any informality in proposals submitted in response to this RFP when such waiver is in the best interest of the City.

The evaluation process shall be based upon the criteria identified in section IV of this Request for Proposals. The City shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the City may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined herein, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the City shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the City can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the City determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

The City of Staunton shall endeavor to award the contract within sixty (60) days from receipt of proposals. Notice of award will be posted on the City Web Site. (www.staunton.va.us/vendors).

III. PUBLIC INSPECTION OF PROCUREMENT RECORDS

Proposals submitted shall be subject to public inspection only in accordance with Section 2.2-4342 of the Code of Virginia, which reads, in essence, as follows:

Except as provided in this section, all proceedings, records, contracts, and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act.

Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the City decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction shall not be subject to the Virginia Freedom of Information Act; however, the bidder, offeror or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

IV. ETHICS IN PUBLIC CONTRACTING

By submitting their proposal, all offerors certify that their proposal is made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer or sub-contractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised unless consideration of substantially equal or greater value was exchanged.

V. ANTI-DISCRIMINATION

By submitting their proposal, offerors certify to the City of Staunton that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, the Virginia Fair Employment Act of 1975, as amended, where applicable and Section 2.2-4311 of the Virginia Public Procurement Act.

1. During the performance of this contract, the offeror agrees as follows:
 - a. The offeror will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the offeror. The offeror agrees to post in conspicuous places, available to employees and the applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The offeror, in all solicitations or advertisements for employees placed by or on behalf of the offeror will state that such offeror is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
2. The offeror will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

VI. DRUG-FREE WORKPLACE

By submitting their proposal, offerors certify to the City of Staunton that they will conform to the provisions of Section 2.2-4312 of the Virginia Public Procurement Act. offerors agree to (i) provide a drug-free workplace for the offeror's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the offeror's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the offeror that the offeror maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

VII. IMMIGRATION REFORM

By submitting a proposal, offerors certify that, they will not, and shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

VIII. PROMPT PAYMENT ACT

Any contract awarded as a result of this Request for Proposal shall incorporate the terms and conditions of Article 4 of the Virginia Public Procurement Act with respect to Prompt Payment.

IX. REJECTION OF PROPOSALS

The City reserves the right, at any time prior to award of the contract, to reject any and all proposals, or any part thereof, to make no award, and/or to issue a new Request for Proposal, or make modifications, corrections or additions to the information contained herein.

Offerors are cautioned this is a Request for Proposal, NOT a request to contract.

X. COSTS FOR PROPOSAL PREPARATION

Any costs incurred by offerors in preparing or submitting proposals are the offeror's sole responsibility; the City will not reimburse any offeror for any costs incurred as a result of the preparation of this Request for Proposal.

XI. APPROPRIATIONS

The obligations of the City of Staunton are subject to and contingent upon annual appropriation by City Council of sufficient funds for the purposes of this contract. In the absence of such annual appropriation, either the City of Staunton or offeror may terminate the contract by giving not less than ten (10) days prior notice to the other, specifying this reason for the termination, and upon effective termination pursuant to this provision, any compensation due shall be equitably adjusted by mutual agreement.

XII. FORUM SELECTION

Any action, proceeding, or claim in any way related to this agreement or the relationship between the parties shall be filed and maintained solely in the General District Court or the Circuit Court of the City of Staunton, Virginia.