



## **RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**

### **LEGAL SERVICES**

### **REQUEST FOR QUALIFICATIONS (RFQ)**

**ADDRESS:**

River to Sea Transportation Planning Organization  
2570 W. International Speedway Blvd., Suite 100  
Daytona Beach, Florida 32114

**TELEPHONE:**

(386) 226-0422

**One (1) electronic copy and/or one (1) printed copy of the firms qualifications must be received by the River to Sea Transportation Planning Organization no later than 12:01 PM Eastern Standard Time (EST) August 14<sup>th</sup>, 2020. Qualifications received after this date and time will not be considered.**

# River to Sea Transportation Planning Organization

## Legal Services

### REQUEST FOR QUALIFICATIONS (RFQ)

#### SECTION 1: INTRODUCTION

##### Purpose

The River to Sea Transportation Planning Organization (R2CTPO) is seeking a professional firm with a broad range of knowledge and experience pertaining to governmental law to provide legal services on an as needed basis. The purpose of this Request for Qualifications (RFQ) is to solicit responses from qualified firms interested in the respective services.

##### Background

The R2CTPO is an independent quasi-governmental organization responsible for the planning and programming of all federal and state transportation funds for the entirety of Volusia County and portions of Flagler County inclusive of the cities of Flagler Beach, Beverly Beach, and portions of Palm Coast and Bunnell.

The TPO is the primary forum within which local governments and citizens voice concerns, identify priorities, and plan for improvements to all modes of transportation – roadway, public transportation, and bicycle and pedestrian facilities. The TPO Board is comprised of elected officials representing various local area governments and appointed members representing transportation authority's serving the planning area.

The TPO Board is supported by several advisory committees that include technical staff as well as citizen representatives who review information and make recommendations to the board. The organization has a small staff of transportation planning professionals that support, coordinate and complete the transportation planning activities undertaken by the TPO Board and committees. The TPO currently operates under signed joint participation and inter-local agreements with all member governments. Together, the board and committees are responsible for working together to improve the safety and efficiency of the transportation system in the area served by the TPO.

Firms providing services under this agreement must possess knowledge of public sector law, including federal, state and local levels of government. Activities generally include contract development and review, employment law, and clarification regarding existing legal rulings.

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## SECTION 2: GENERAL INFORMATION, TERMS AND CONDITIONS

### Schedule

**July 22<sup>nd</sup> through August 5<sup>th</sup>, 2020:** Legal Ad appears in newspapers and on website [www.r2ctpo.org](http://www.r2ctpo.org) and notification email sent to firms.

**August 10, 2020:** Questions about the Proposed Scope of Services may be submitted by email on or before August 10, 2020 at 5:00 PM Eastern Standard Time (EST), to Lois Bollenback at [lbollenback@r2ctpo.org](mailto:lbollenback@r2ctpo.org). Answers will be posted on the website at [www.r2ctpo.org](http://www.r2ctpo.org) on or before 5:00 PM EST, August 12, 2020.

**August 14, 2020:** To be considered responsive, ***applicants must submit one (1) electronic copy, and/or one (1) printed copy containing the Qualifications to the TPO no later than 12:01 PM Eastern Standard Time (EST) on August 14, 2020.***

**August 18, 2020:** The Selection Committee meets and selects short-listed firms. This will be based on the qualifications, experience, cost and capabilities submitted in the proposals and evaluation criteria set forth in the request for qualifications.

**August 19, 2020:** Oral presentations, if needed, will be given to the Selection Committee by the short-listed firms at the TPO office. This will include a brief presentation and Q&A session. The Selection Committee will rank short-listed firms based on qualifications, experience, capabilities, cost and oral presentations.

**August 26, 2020:** The Executive Director of the TPO will present the recommendations of the Selection Committee to the River to Sea TPO Board. The TPO Board will authorize the Executive Director to enter into negotiations with the top ranked firm or as directed.

### Questions Concerning RFQ/No Contact Provision

Respondents are hereby notified not to contact any member of the Selection Committee or any member of the River to Sea Transportation Planning Organization committees or staff in regard to this RFQ until such time as a contract has been awarded. All inquiries pertaining to this RFQ should be directed to the designated TPO staff liaison in writing via email. Failure to abide by this condition of the RFQ may be cause for the rejection of the firm's Qualifications.

### Questions, Clarification and Addenda to RFQ

Questions concerning any portion of this RFQ shall be directed in writing via email to Lois Bollenback the official point of contact for this RFQ. Questions and requests for clarifications must be received no later than 5:00 PM (EST) on August 10, 2020.

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Any inquiries, suggestions or requests concerning interpretation, clarification or additional information shall be made in writing via email through the designated TPO staff liaison. The TPO shall not be responsible for any oral representation(s) given by any employee, representative or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

If it becomes necessary to revise or amend any part of this RFQ, a good faith attempt will be made to notify all prospective respondents via email. All addenda will be posted on the TPO's website at [www.r2ctpo.org](http://www.r2ctpo.org).

### **SECTION 3: QUALIFICATIONS**

Each firm shall submit written qualifications describing how the firm will fulfill the requirements detailed in the Proposed Scope of Services. The firm should identify relevant experience and provide professional references. The qualifications should include sufficient information to enable the Selection Committee to fully evaluate the capabilities of the firm.

#### **Qualifications Closing Date and Time**

One (1) electronic copy and/or one (1) printed copy must be received by the R2CTPO no later than 12:01 PM (EST) on August 14, 2015. Qualifications received after this date and time will not be considered.

#### **Delivery of Qualifications**

All Qualifications shall be sealed and delivered or mailed to (fax and email submittals will not be accepted); postmark is NOT considered date of receipt:

**River to Sea Transportation Planning Organization (TPO)  
2570 W. International Speedway Blvd., Suite 100  
Daytona Beach, Florida 32114**

Mark package(s) as follows:

### **LEGAL SERVICES**

*Note: Please ensure that if a third party carrier (Federal Express, UPS, USPS, etc.) is used, they are properly instructed to deliver the Qualifications only to the R2CTPO at the above address. To be considered, Qualifications must be accepted at the TPO office no later than the RFQ closing date and time. If the Qualifications are delivered anywhere else, it may not reach the TPO office in time.*

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The Qualifications must be signed by an official authorized to legally bind the respondent to its provisions and shall contain a statement that the Qualifications shall remain valid for at least ninety (90) calendar days from the Qualifications closing date.

Qualifications should be formatted as 8 1/2" by 11" pages. Terms and conditions differing from those in this RFQ shall be cause for disqualification of the Qualifications.

Respondents must provide the following information:

1. The firm's name, address, phone number and email address.
2. Name and qualifications of the attorney (or attorneys) who will be involved in providing the service.
  - A. Whether a member in good standing of the Florida Bar, and if so, the date of admission;
  - B. If a member in good standing of other bars, identify state and date of admission;
  - C. The area of practice concentration relative to the area of service required by the TPO;
  - D. Whether attorney is certified in city, county and local government law by the Florida Bar; and
  - E. Whether attorney is rated by any national rating service and the rating.
3. The respondent should list and describe all clients within the last three (3) years for which the respondent has provided the same or similar services to those being requested in the scope of services. Each example must include the name and address of the client for whom the work was completed and the name and telephone number of a contact person at the client's organization.
4. Provide three (3) professional references and contact information (email and phone numbers) for each one.
5. Primary contact person(s), phone number and email address.
6. Any certifications held by the attorney providing the services or any other pertinent information.
7. The following certifications/statements **must** be included:
  - A. DBE Participation Statement
  - B. Truth-In-Negotiations Certificate.
  - C. Non-Collusion Qualifications Certification
  - D. Certification of Eligibility
  - E. Certification Regarding Lobbying

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- F. Debarment and Suspension Certification
- G. E-Verify
- H. Florida Bar Certificate of Good Standing
- I. Florida Bar Board Certification Awards (if any)

### **Disclosure of Qualifications Content**

All Qualifications shall be held confidential to the extent permitted by law from parties other than the TPO until the recommendation for award is made. The TPO is governed by the Public Records Law, Chapter 119, and Florida Statutes.

### **Respondent's Responsibility**

**A respondent, by submitting Qualifications, represents that:**

1. The respondent is familiar with the conditions under which this contract must be performed. The respondent possesses the capabilities, resources and personnel necessary to provide efficient and successful service to the TPO; and
2. It is understood and the respondent agrees that the respondent shall be solely responsible for all services provided. Notwithstanding the details presented in the RFQ, it is the responsibility of the respondent to verify the completeness of the requirements and its suitability to meet the intent of this RFQ.

## **SECTION 4: FIRM SELECTION PROCESS**

In order to be considered for this work, the firm(s) must meet the following conditions at a minimum:

1. The firm must have relevant legal expertise.
2. The firm must be a member and in good standing with the Florida Bar.
3. The firm cannot employ a current TPO Board or advisory committee member.

### **Selection Committee Review and Short-listing**

The Selection Committee will review all Qualifications submitted according to the requirements of this RFQ and meet on August 18<sup>th</sup>, 2020 to review and recommend a firm or develop a short-list of respondents for further consideration.

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The Selection Committee shall consider and weigh the following areas in their selection process:

- DEMONSTRATED LEGAL EXPERIENCE (0-30 Total Points)
- UNDERSTANDING OF REQUESTED SERVICES (0-30 Total Points)
- RELATED EXPERIENCE AND TECHNICAL SKILLS (0-30 Total Points)
- COST OF THE SERVICE (0-10 Total Points)

### **Oral Presentations/Interviews**

Firms may be invited for Oral Interviews and may be asked to give an Oral Presentation. This will include a brief presentation, Q&A session of the firm's past work, and capabilities. Short-listed firms will be given up to fifteen (15) minutes for their presentation and up to fifteen (15) minutes to answer questions from the Selection Committee. The attorney providing the services will make the oral presentations. Oral presentations, if needed, will occur on August 19, 2020 and may be scheduled in alphabetical order. Presentations, if needed, will be conducted using Go To meeting video conferencing as arranged by TPO staff.

The Selection Committee shall discuss the overall merits of each proposer and conduct a final recommendation based on the evaluation criteria noted in the previous section. Each voting member will be required to consider the proposer's original Qualifications and any additional information acquired during the presentations/interviews, if applicable. Final recommendations and authorization to negotiate will be presented by the TPO Executive Director to the River to Sea TPO Board.

### ***Americans with Disabilities Act***

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons with disabilities needing special accommodations to participate should contact the TPO office no later than 48 hours prior to any meeting at (386) 226-0422 for assistance.

## **SECTION 5: FINAL SELECTION AND CONTRACT NEGOTIATIONS**

The R2CTPO will enter into negotiations with the highest-ranked proposer, and if negotiations are successful, the R2CTPO will enter into a contract with the firm.

It is the TPO's intent to commence final contract negotiations with the respondent(s) deemed most advantageous to the TPO in accordance with the evaluation criteria specified elsewhere in this RFQ. The TPO reserves the right, however, to conduct contract discussions with any respondent possessing a realistic possibility of contract award including request for additional information and request for "best and final" offers.

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The TPO is therefore not bound to accept a Qualifications on the basis of lowest price and further, the TPO has the sole discretion, and reserves the right to cancel this RFQ, and to reject any and all Qualifications, to waive any and all informalities and or irregularities, or to re-advertise with either the identical or revised specifications, if it is deemed to be in its best interests to do so.

The selection process and potential contracts resulting from this process will obligate the successful proposers to comply with all local, state and applicable federal funding requirements.

### Length of Contract

This will be a three (3) year contract with the possibility of up to two (2) one (1) year extensions.

### Professional Services Agreement

The content of this RFQ and all provisions of the successful Qualifications deemed pertinent by the TPO may be incorporated into a professional services agreement and become legally binding.

If the firm fails to properly perform the conditions of the agreement, in the sole opinion of the TPO, the TPO will communicate to the firm in writing the problem(s) that exists. The firm will have up to ten (10) business days to rectify the problem(s). If the same or other problems persist or recur the TPO may immediately cancel the agreement by advising the firm in writing.

### Firm Eligibility

It is a basic tenet of the TPO's contracting program that contracts are procured in a fair, open, and competitive manner. The TPO requires that the firm representing the R2CTPO be free of conflicting professional or personal interests and fully disclose any known conflicting professional or personal interests no later than the date of submission.

**Nondiscrimination:** The firm, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment.

**Applicable Law:** The laws of the State of Florida shall govern this Agreement.



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#### **SCOPE OF SERVICES**

The following list describes reasonably anticipated activities. Additional support may be required as needed.

- General legal counsel to the TPO Board and attendance at meetings when requested (routine monthly attendance is not required)
- Counsel and legal services to TPO committees when requested
- Assist staff in preparation and review of agreements, contracts, resolutions, RFPs, RFQs, bylaws etc. that are necessary and reasonable to carry out the metropolitan planning process in accordance with 23 CFR 450 and when requested by the TPO Chairman, Executive Director or his/her designee
- Interpretation of applicable federal, state and local laws, regulations and guidance necessary and reasonable to carry out the metropolitan planning process
- Review and respond to litigation pertaining to the TPO's roles in the metropolitan transportation planning "3-C" process
- Review agendas, documents and plans when requested
- The attorney shall be expected to make a reasonable effort to respond to requests from the TPO Board or staff within a reasonable time period agreed upon by the attorney and the TPO