



MEMORANDUM

To: Members of the Rappahannock-Rapidan Regional Commission
From: Patrick L. Mauney, Executive Director
Date: October 19, 2021
Subject: RFQ for Legal Services

With increased funding in various programs and the expectation of multiple contracts related to the PDC Housing Development program, staff believes that it would be beneficial for the Commission to discuss the need for on-call legal services or other mechanisms for legal consultation moving forward. In the past, the Commission has utilized short-term legal guidance with local attorneys on an as-needed basis.

A template request for quote is provided here for consideration, though I would also welcome other solutions that may be identified on the topic.

REQUESTED ACTION: Consider release of RFQ or other appropriate action



RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION
REQUEST FOR QUOTE | RFQ # RRRC-2021-001

RFQ # RRRC-2021-001: On-Call Legal Services for the Period of January 1, 2022 to June 30, 2026

Date Issued: October 29, 2021

Summary: The Rappahannock-Rapidan Regional Commission (RRRC) is issuing this request for quote (RFQ) for on-call legal services to be provided to the RRRC for the period of January 1, 2022 through June 30, 2026, with potential for a total of three (3) one-year extensions.

Who May Respond: Only attorneys who are currently licensed to practice law in the Commonwealth of Virginia may respond to this RFQ. Preference may be given to those attorneys who maintain an office within the Rappahannock-Rapidan region; or law firms including such attorneys.

Questions: Please direct any questions regarding this request to Patrick Mauney via email to plmauney@rrregion.org. Responses to inquiries, in the form of an addendum to the RFQ will be posted to the Regional Commission website at <https://www.rrregion.org>.

Conditions: Any and all costs incurred in the preparation of this Quote will be the responsibility of the respondent and will not be reimbursed by the RRRC.

Instructions to Submitters: One (1) original, two (2) hard copies, and one (1) electronic copy of the offeror's quote should be mailed, or hand-delivered to:

Mr. Patrick Mauney
Rappahannock-Rapidan Regional Commission
Attn: RFQ # RRRC-2021-001
420 Southridge Parkway, Suite 106
Culpeper, VA 22701

Quote Submission: All quotes must be received no later than 4:00 p.m. on November 19, 2021. Late submissions will not be considered.

Right to Reject: The RRRC reserves the right to reject any and all responses received in response to this RFQ. A contract for the accepted submittal will be drafted based upon the factors described in this RFQ.

Small and/or Minority-Owned Businesses: Efforts will be made by the RRRC to utilize small businesses, women and/or minority owned businesses. Respondent qualifies as a small business firm if it meets the definition as established by the Small Business Administration.

Notification of Award: It is anticipated that a decision to select a successful Quote and award a contract will be made within 45 days of receipt of proposals. It is expected that the initial term of the contract shall be for a period beginning January 1, 2022, and ending June 30, 2026; with a potential of three (3) – one-year extension periods.

BACKGROUND

The Rappahannock-Rapidan Regional Commission serves the local governments in the counties of Culpeper, Fauquier, Madison, Orange and Rappahannock and the towns of Culpeper, Gordonsville, Madison, Remington, The Plains, Warrenton and Washington. The 21-member RRRC board includes elected and appointed officials appointed by each member jurisdiction. Localities with greater than 3,500 residents appoint two members to the Regional Commission, while localities with fewer than 3,500 residents appoint one member to the Regional Commission.

The Rappahannock-Rapidan Regional Commission facilitates a collaborative approach to regional cooperation, and serves as a convening forum for the interaction of appointed and elected local government officials, regional stakeholders and citizen members. The Regional Commission coordinates a broad range of regional planning activities – including multi-modal and human services transportation, environmental planning, homelessness and affordable housing coordination, regional tourism, agricultural planning, hazard mitigation, and economic and community development activities.

SCOPE OF WORK

The Offeror shall be readily available to perform the following legal services on an as requested basis by the Executive Director or their designee. It is projected that 40 to 120 hours of legal services will be required on an annual basis.

1. Advise and review RRRC staff prepared procurement documents to insure federal (FTA, FHWA, EPA and other designated agencies) and Commonwealth of Virginia (State) compliance.
2. Review, draft, and negotiate contracts and leases in compliance with both federal and state requirements, including on-call consultant contracts.
3. Advise on organization legal issues.
4. Review personnel, fiscal and other policies.
5. Advise on responses to requests for information from third parties (FOIA).
6. Defend lawsuits, administrative claims, or other legal claims.
7. Attend Commission Board meetings, as necessary.
8. Assist staff with maintenance of the agency procurement policies and procedures, and with compliance with Virginia Public Procurement Act requirements, providing updates as necessary.
9. Other legal services as needed including matters relating to Charters/Bylaws; agency policies and procedure; real estate related matters.

Offeror agrees to decline any other representation or professional relationship that could potentially create a conflict of interest, thus preventing continued provision of legal services to the Commission during this contract.

Offeror shall be prepared to submit detailed monthly billing statements for all services billed at an hourly rate, broken down into time increments of no more than a quarter hour, and shall include summaries of work performed and time spent on services performed.

SUBMITTAL REQUIREMENTS

Qualified attorneys and/or law firms are invited to submit three (3) printed copies and (1) electronic copy of its proposal by the application deadline listed on the first page of this RFQ. The Offeror shall include, at a minimum, in their quote:

1. **Legal Experience:** The Offeror should describe its legal experience including names, addresses, contact persons, and telephone numbers of at least three clients, preferably including public sector clients, such as the RRRRC. Experience should include the following categories:
 - a. Experience working with public sector clients
 - b. Experience in Federal (focus on FTA and FHWA) and Virginia procurement and contracting
 - c. Knowledge and experience with FOIA requests
 - d. Experience working with clients conducting similar programs and government-funded services.
2. **Attorney Qualifications:** The Offeror should demonstrate experience in the following public sector areas: procurement; contracting; Freedom of Information Act (FOIA); federal and state grants; and labor and employment. The Offeror should describe the pertinent experience and qualifications of any attorneys to be assigned to this representation. This description should include:
 - a. Professional and educational background
 - b. Prior experience of the individual attorney or attorneys to be assigned to the representation, with respect to the experience and scope described above.
3. **Price:** The Offeror's proposed price should be an all-inclusive hourly rate, that incorporates costs for attorney(s) or other staff who are expected to work on, or support, this representation. The hourly rate should also include all related and anticipated charges for travel, research, copies, and faxes, and other associated costs.

EVALUATION

The RRRRC Executive Director and appropriate staff, and potentially, member jurisdictions' legal counsel, will review the quotes, and may request a meeting with one or more of the qualified Offerors prior to final selection. Submissions will be evaluated in accordance with the following criteria:

- Level of experience with similar public clients, exhibiting knowledge of Federal and Commonwealth of Virginia regulations and specifically FTA requirements.
- Qualifications of attorney(s) identified to work on this representation.
- Response from references
- Cost
- Interviews, if conducted

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OTHER TERMS AND CONDITIONS

- A. All proposals must be submitted in accordance with this RFP. All information received shall become part of the proposal.
- B. The Offeror certifies that it knows of nothing that could raise the issue of conflict of interest with regard to this RFP.
- C. The award of a contract shall be at the sole discretion of RRRC. The award shall be based upon the evaluation of all information made available to the Commission. RRRC reserves the right to enter into any contract deemed to be in its best interest. RRRC shall not be obligated to furnish a statement of the reason why a proposal was not deemed to be the most advantageous.
- D. The Offeror agrees that their proposal shall be good and may not be withdrawn for a period of ninety (90) days.
- E. RRRC shall not be responsible for any expense incurred by any Offeror in preparing and submitting a proposal or participating in the interview and negotiation processes.
- F. All proposals shall become the property of the RRRC. In accordance with the Virginia Public Procurement Act, they will not be open for public inspection prior to final selection.
- G. RRRC reserves the right to cancel this RFP, to accept or reject any or all proposals in whole or in part and to waive any informality in the RFP.
- H. This RFP, any subsequent contract and the work performed there under shall be governed in all respects by the laws of the Commonwealth of Virginia. The Offeror shall comply with applicable federal, state, and local laws and regulations.
- I. The Offeror shall not assign, transfer, convey, sublet, or otherwise dispose of any award, or any or all of its rights, obligations, or interests under this contract, without the prior written consent of the RRRC.
- J. The Offeror shall indemnify and save harmless the RRRC, its supervisors, officers, agents, and employees from and against any and all liability, claims, losses, suits, legal proceedings, and costs occurring from any cause whatsoever in any work required by this RFP.
- K. By submitting its proposals, the offeror certifies that their proposals are made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer, or subconsultant in connection with its proposal, and that it has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
- L. The Offeror shall agree to the nondiscrimination provisions set out in § 2.2-4311, Code of Virginia.

M. The Rappahannock-Rapidan Regional Commission, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

N. The Offeror shall agree to the drug-free workplace provisions set out in § 2.2-4312, Code of Virginia.

O. The Offeror shall agree to comply with all federal immigration laws. Offeror shall not knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986.

P. In accordance with § 2.2-4311.2, Code of Virginia, Offerors organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 shall include the identification number issued to it by the State Corporation Commission. Any Offeror not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include a statement describing why they are not required to be so authorized.

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