



**REQUEST FOR QUALIFICATIONS
2024 - 001
LEGAL SERVICES**

The West Palm Beach Downtown Development Authority (DDA) will receive electronic proposals until 3:00 P.M., local time, on Monday, September 9, 2024, via email to bidquestion@downtownwpb.com.

Proposals delivered in any other way will not be considered or received. Any proposals received after the above time will not be accepted under any circumstances. Any uncertainty regarding the time will be resolved against the Proposer. Proposals will not be accepted via fax, delivered, or any way other than email to bidquestion@downtownwpb.com.

At 3:05 P.M. or shortly thereafter, only the names of the respondents will be read aloud.

Submit one (1) complete electronic Proposal packet via bidquestion@downtownwpb.com. It is strongly encouraged that you review all documents to ensure they have been submitted all information required. Upon closure of the RFQ, all proposals will be verified to ensure that all documents are indeed provided and accurate. Any items not provided, incomplete, or illegible may deem the proposal unresponsive.

Requests for additional information or clarifications must be made in writing via e-mail to the email address listed below. Replies will be issued to inquiries and additional information, or amendments deemed necessary in written addenda, which will be issued prior to the deadline for responding to this Request for Proposal. Questions must be received no later than 3:00 P.M., Wednesday, September 4, 2024.

West Palm Beach Downtown Development Authority
107 South Olive Avenue, Suite 200 West Palm Beach, FL 33401 PH: 561-833-8873
bidquestion@downtownwpb.com

It will be the sole responsibility of the Proposer to contact the DDA at the email address provided, prior to submitting a response to determine if any addenda have been issued, to obtain such addenda, and to acknowledge addenda with their proposal.

This solicitation and any addenda posted by the DDA on DowntownWPB.com/RFP are the only official documents. The DDA does not post solicitations on other third-party sites and is not responsible for the content posted on any third-party site other than DowntownWPB.com/RFP.

Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and DDA holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.



The DDA reserves the right to reject any or all proposals, to waive any informalities or irregularities in any proposals received, to re-advertise for proposals, or take any similar actions that may be deemed to be in the best interest.

West Palm Beach Downtown Development Authority

Teneka James-Feaman, Executive Director



Introduction / Overview

The West Palm Beach Downtown Development Authority is seeking a qualified attorney or law firm interested in providing legal services to the DDA, as its General Counsel. The General Counsel will provide legal advice on a variety of legal matters, including but not limited to, legal advice during meetings of the DDA Board of Directors, its committees or task forces, contract negotiations, drafting and reviewing agreements, etc.

The selected Attorney or law firm shall have been admitted to practice in the State of Florida for no less than five (5) years at the time of their appointment, be a member of good standing in the Florida Bar and have no less than five (5) years of experience in the practice of law for local/municipal government.

The General Counsel's primary functions will be to attend and advise the Board at all Board meetings and to otherwise advise the Board and/or Executive Director on issues, laws, rules and regulations affecting the operation of an independent special taxing district such as the DDA, including, for example: the Florida Sunshine Law; the Florida Public Records Act; the Florida Code of Ethics; questions regarding the Board's authority; questions regarding the legality of various issues or decisions coming before the Board; and any other matters for which the Board or Executive Director seek general legal representation, guidance or advice.

An award, if made, will be made to the best overall proposer whose proposal is most advantageous to the DDA, taking into consideration the evaluation factors set forth in this RFQ.

The DDA anticipates that the contract will have an initial period of three (3) years with two (2) options to renew at three (3) year each for a total of nine (9) years. Initial contract term and option years, as applicable, will be determined during the negotiation process and shall be specified in a resultant agreement.

Scope of Work

The DDA is seeking Proposals from qualified and experienced attorneys or law firms, licensed to practice in the State of Florida, with demonstrated skills and experience in legal services.

Minimum Qualifications

To be eligible to respond to this RFQ, the proposing firm shall have been admitted to practice in the State of Florida for no less than five (5) years at the time of their appointment, be a member of good standing in the Florida Bar and have no less than five (5) years of experience in the practice of law for local/municipal government. The proposing firm must be independent and licensed to practice in the state of Florida. Such experience should include representing local governments in facets of daily government operations. Florida Bar Certification by individuals of the firm in the field of town, county, and local government law is preferred.

Respondents are advised and should consider in the preparation of their Proposal, that the evaluation of the firm's qualifications shall include, but is not limited to, consideration of the Firm's experience in municipal law and experience, availability, and capabilities.



The Attorney will perform all duties pursuant to the DDA's Bylaws. The services sought by the DDA include, but are not limited to:

- a. Providing legal advice and counsel to the DDA Board, and DDA Staff in matters relating to their official duties.
- b. Attending all regular meetings, workshops, and special meetings of the DDA Board. Ensure compliance with the Florida Open Meeting Law; DDA policies and procedures, DDA Bylaws, and actions that will put DDA at risk for liability exposure. In the event of scheduling conflicts or conflicts of interest, will be prepared to designate a substitute Attorney who can be called upon if necessary.
- c. Advising the Board with respect to individual Member and/or Board duties and responsibilities, including but not limited to issues pertaining to the Florida Code of Ethics (Chapter 112, Florida Statutes), Florida Government in the Sunshine Law (Chapter 286, Florida Statutes), Florida Public Records Act (Chapter 119, Florida Statutes), and any other state or federal statutes or regulations governing the actions of the individual Members and/or the Board.
- d. Conducting research and analysis of specific legal questions, prepare memoranda, opinions and position papers upon requests.
- e. Advising, researching, and assisting the DDA on a wide variety of legal areas including, but not limited to grants, budgets, tax increment collection, appropriateness of expenditures, public disclosure issues, purchasing and procurement, etc.
- f. Preparing, reviewing, or advising on all contracts, and all other legal and official instruments in which the DDA is concerned and shall endorse of each his approval of the form and correctness.
- g. Assisting the DDA in preparation, drafting, revisions of resolutions, contracts and amendments to contracts, leases, policy and procedural manuals, and other legal documents at the request of the DDA Board or Executive Director.
- h. Defend the District in lawsuits which are not defended by legal services provided by the district's insurers.

Deliverable Items/Performance Requirements

- a. **Independence.** The firm shall provide an affirmative statement that it is independent of the DDA as defined by generally accepted auditing standards.
- b. **Licenses to Practice in the State of Florida.** An affirmative statement shall be included indicating that the firm and all assigned key professional staff are properly licensed to practice in the State of Florida.
- c. **Firm Qualifications and Experience.** Must be licenses with the State of Florida and be in good standing the Florida Bar Association. At least five (5) years' experience practicing law in the State of Florida, including at least five (5) years' experience with representing one or more independent special districts and/or municipalities in Florida is preferred.

Respondents are advised and should consider in the preparation of their Proposal, that the evaluation of the firm's qualifications shall include, but is not limited to, consideration of the Firm's experience in municipal law and experience, availability, and capabilities.



All attorneys, paraprofessionals or other staff who will perform services under this arrangement must be pre-approved by the Board or Executive Director. All key personnel assigned by the General Counsel to provide services to DDA shall be clearly identified at the initiation of the contract. Should it be necessary for the General Counsel to replace a key person, the replacement is subject to approval by the Board or Executive Director. In addition, replacement personnel shall have credentials equivalent to or greater than the individuals who they replace.

Public Entity Crimes. The proposer shall provide a signed statement of Public Entity Crimes as provided in Florida Statutes Chapter 287.133(2)(a).

Evaluation Criteria

The establishment, application and interpretation of the above Scope of Work shall be solely within the discretion of DDA.

Proposers should provide all information outlined in the Scope of Work to be considered responsive. Proposals will be evaluated based on the responsiveness of the Proposer’s information to the Scope of Work which will demonstrate the Proposer’s understanding of the Evaluation Factors and capacity to perform the required services of this Request for Proposal. The maximum points that shall be awarded for each of the Evaluation Factors are detailed and described below.

Price will not be the controlling factor in selecting firms for the list, but price will be a factor in making work assignments. An attorney and/or firm is not entitled to be placed on the list or entitled to work solely on the basis of submission of a low-price quotation.

The DDA will select proposals deemed most qualified based on the submittal criteria. The DDA Board will rank those proposers whose proposals are deemed most qualified. The DDA reserves the right to select the proposal which in the opinion and sole discretion of the DDA will be in the best interest of and/or most advantageous to the DDA. The DDA reserves the right to waive any irregularities and technicalities and may at its discretion request re- submittal of proposals.

The following factors will be utilized by the DDA Board to evaluate each submission received. Award of points will be based on the documentation that the Proposer submits within the submission.

Evaluation Factors		
Factor	Points	Description
1	60	Expertise and Experience Experience, Strength, and Qualifications of Firm as it relates to this solicitation
2	20	Firms Methodology or Approach Firms Methodology or Approach to Meet or Exceed scope of work
3	15	Fee Information Fee Proposal
4	5	Local Preference



		Businesses located within the City of West Palm Beach will be afforded 5 additional points
Total	100	

Each Evaluation Factor will be rated and assigned points using the scoring guide below.

Scoring Scale:

0= Unsatisfactory: Not responsive to the requirement

1= Below Minimum Standards: Responsive to the requirement but below acceptable standards.

2= Average: Acceptable performance standards and responsive to the requirement.

3= Above minimum performance, effective and responsive to the requirement.

4= Exceeds Expectations for effectiveness and responsiveness to the requirement.

NOTE: The Committee member’s score times the “weighted value” assigned to the different sections listed here equals the total score for that section. (EXAMPLE: Maximum score of **4** times weighted value of **10** = Maximum of **40-Points**).

During the evaluation process and at the sole discretion of the DDA, requests for clarification of one or more proposer submittals may be conducted. This request for clarification may be performed by the DDA in a written format, or through scheduled oral interviews. Such clarification request will provide proposers with an opportunity to answer any questions the DDA may have on a proposer’s submittal.

Evaluation Factor 1 – Expertise and Experience (maximum 4 X 15 = maximum 60 points)

- a. Identify whether the attorney(s) is/are certified in city, county, local, and federal government law.
- b. Describe each attorney’s professional ratings and/or recognition in the legal field for professional achievement; recognition or extraordinary participation in Florida Bar, Federal Bar, American Bar Association, local bar associations or professional practices committees, or ratings by other nationally recognized systems.
- c. Describe firm Background, Principal Officers, and Statement of Staff Experience.
- d. Describe your experience in providing the requested service, training, and experience with government clients.
- e. Describe your qualifications, and experience specifically to the requirements in this RFQ. The Proposer shall describe the qualifications of attorneys to be assigned to represent the Authority and shall identify the Lead Attorney for each service/practice area to be offered.
- f. Provide Resumes of each key attorney to be assigned to the DDA.
- g. Describe overall supervision the Lead Attorney and each individual attorney shall receive.
- h. Describe prior experience of the individual attorneys with respect to the required services requested.
- i. Provide documentation demonstrating that all attorneys are licensed to practice in the State of Florida and are in good standing.



- j. Provide details on the law firm's demonstrated experience in representation of cities, counties, special districts, and other governmental entities and the relationship between the attorney and law firm and the identified entity, including:
 - a. Past record of performance for entities described in above paragraph
 - b. Knowledge of public finance;
 - c. Representation of entities in litigation
 - d. Experience or practice in advising entities on Florida Sunshine and public records law, and practice and procedures before local government, legislative, and quasi-judicial bodies
 - e. Knowledge of and experience in grant submission
 - f. Knowledge of public procurement

Evaluation Factor 2 Firms Methodology or Approach (maximum 4 X 5 = maximum 20 points)

- a. At a minimum, state how the Proposer will provide Legal Services in the specific areas of law.
- b. Provide a statement describing the capability to respond to time-sensitive or short notice requests and/or complicated issues.
- c. Describe how you would advise the Board of Directors and Executive Director about legal developments or issues of concern.
- d. Describe the Firm's practices regarding professional development, training, and keeping current with the law and legal matters affecting their clients.
- e. Describe any scholarship or panels, or other expertise your firm has engaged in. Qualified Firm(s) will also show membership and expertise in at least two of the following Florida Bar Association Sections: government and administration, constitution law, environmental law, and construction law.
- f. Provide the names and contact information of at least three (3) Clients/References. Preferably public entity clients, for which the Primary Attorney or firm currently or has previously served as similar counsel.
- g. Provide a listing of all governmental organizations represented.
- h. Provide any other information that the Proposer feels applicable to the evaluation of the Proposal or of the qualifications for accomplishing the legal services should be included in this section. You may use this section to address those aspects of your services that distinguish you or the Proposer from others.

Evaluation Factor 3 – Fee Information (maximum 4 X 3.75 = maximum 15 points)

Provide all fees and costs to be charged including hourly rates of any individual(s) that will be involved with advising the DDA and the rate at which their time will be billed to the DDA. The hourly rate quoted should include all salary and compensation, and all overhead expenses, profits and other employee costs, including but not limited to clerical and administrative processing expenses.



- a. State your proposed lump sum to cover requirements as outlined in the Scope of Work and referenced in the Cost and Price section of this RFQ.
- b. State your proposed hourly rate for additional consultation.

- c. Services or items considered to be reimbursable expenses outside the retainer should be listed and described as appropriate.
- d. Explain if you charge by monthly retainer or by the hour?
- e. How much do you charge for monthly retainer?
- f. How much do you charge by the hour?
- g. Any other charges that may be levied for implantation of the services.

Evaluation Factor 4 – Local Preference (maximum 5 points)

- a. Additional consideration for a local business in the City of West Palm Beach, provide proof of business residing within the city Boundary such as a copy of The City of West Palm Beach Business Tax Receipt (BTR).

Projected Timetable

The following projected timetable should be used as a working guide for planning purposes only. The DDA reserves the right to adjust this timetable as required during the course of the RFQ process.

Event	Date
Issue RFQ Notice	August 21, 2024
Last Date for Receipt of Written Questions	September 4, 2024, 3:00P.M.
Proposal Due Date	September 9, 2024, 3:00P.M.
Presentations/Interviews (If required)	NLT – September 17, 2024
Recommendation Presented for Approval	NLT – September 17, 2024