

**TOWN OF PLYMPTON
REQUEST FOR PROPOSALS
FOR TOWN COUNSEL SERVICES**

I. Objective

The Board of Selectmen of the Town of Plympton, Massachusetts seeks to appoint on an at-will basis a highly qualified attorney/law firm as Town Counsel. The successful appointee should meet or exceed the qualifications stated herein and, in general, should be readily accessible to authorized public officials, exceptionally experienced in municipal law, labor, zoning and planning issues, scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment.

II. Minimum Qualifications

A. Bar Admissions

The appointee and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

B. Experience

The appointee must represent or have represented as general town counsel (or functional equivalent) a minimum of two Massachusetts municipalities for no less than three years each, or possess equivalent experience. References for all municipalities currently represented or represented in the past ten years by the appointee must be furnished. The appointee also must have substantial experience in the areas of zoning and planning, labor and collective bargaining.

C. Accessibility

The appointee must commit to returning all calls from authorized officials either himself/herself or through a qualified back up within 24 hours of the call. If located beyond the Plympton dialing area, the appointee should be available by toll-free telephone line and fax line. The appointee must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response.

D. Back-up

The appointee must have within his or her firm or through an established "of counsel" relationship at least one other qualified attorney available to render advice and otherwise represent the interests of the Town of Plympton when the appointee is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

E. Billing

The appointee must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service, the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

III. Fees and Expenses

The Town's budget for legal expenses for FY 2004 is \$30,000. This budget includes fees and expenses for Town Counsel and special counsel as necessary; the Board of Selectmen strongly desires to stay within this budgeted amount.

Towards this end, the Board of Selectmen would be pleased to consider alternatives to the traditional hourly rate fee arrangement with counsel. As but one example, responding attorneys may propose a fixed retainer for a specified scope of services, with an hourly rate for work outside the established scope of services. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable.

Whether or not the responding attorney proposes an alternative fee arrangement, the attached fees and expenses response sheet must be completely filled out.

IV. Selection

In seeking Town Counsel, the Board of Selectmen is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the Board of Selectmen will select the candidate that they deem to be in the best interests of the Town, in their sole discretion. Consequently, the Board of Selectmen and the Town of Plympton reserve the right to waive any irregularities in the RFP process and to accept or reject any or all proposals.

V. Application

Qualified attorneys interested in responding to this RFP should fill out the attached forms completely, attach copies of all documents requested therein, and return the same in an envelope labeled "Counsel RFP" to:

Plympton Board of Selectmen
PO Box 239
Plympton, MA 02367

All responses to this RFP must be received at the above address no later than July 28, 2003.

5. Please describe each identified attorney's experience in the areas of land use, zoning and planning.

6. Please describe how you propose to satisfy the Accessibility requirements of the RFP?

7. Please describe how you propose to satisfy the Back-up requirements of the RFP?

8. Will you meet or exceed the Billing requirements of the RFP?

By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate, to the best of my knowledge and belief.

Signed: _____ Date: _____

RESPONSE TO REQUEST FOR PROPOSALS FOR PLYMPTON TOWN COUNSEL

Fees and Expenses Response Sheet

(To be attached to and made a part of the overall Response to Request for Proposals)

1. Please list the name and hourly rate for proposed Town Counsel and for each attorney intended or likely to serve as back-up:
2. If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill:
3. Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e. any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like):
4. In what hourly increments do you intend to bill?
5. Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.
6. Do you intend to propose an alternative fee arrangement? Yes____ No____ If "yes", please attach additional sheet(s) fully describing and explaining your proposal