

INTERGOVERNMENTAL COOPERATION AUTHORITY (ICA)
FOR HARRISBURG
REQUEST FOR PROPOSALS (RFP)
PROFESSIONAL SERVICES
INDEPENDENT GENERAL COUNSEL
(LEGAL SERVICES)

I. Purpose and Intent

- a. The Intergovernmental Cooperation Authority for Harrisburg (the ICA) is a public authority and instrumentality of the Commonwealth of Pennsylvania. The ICA was created for the general purpose of fostering the fiscal integrity of the City of Harrisburg, pursuant to the Intergovernmental Cooperation Authorities Act for Cities of the Third Class (Act of October 24, 2018, P.L. 751, No. 124).

The ICA, composed of members experienced in finance and management, advises the City of Harrisburg, the General Assembly and the Governor concerning solutions to fiscal problems the City of Harrisburg may face.

A governing board composed of five appointed members exercises the powers and duties of the ICA. At the time of this writing, there is one vacancy on the ICA. All five members must be residents of the City and/or have their primary place of business or employment in the City. In addition, there are two ex officio, non-voting members of the board representing the City and the Secretary of the Budget.

The governing board of the ICA contract with an Authority Manager and Independent General Counsel to assist them in their mission.

- b. In accordance with the Commonwealth Procurement Code, 62 Pa.C.S., the ICA issues this Request for Proposals (RFP) to qualified firms or individuals interested in serving as its independent general counsel. This appointment shall be in the form of an independent services agreement, serving "at-will" as an independent Contractor to the ICA.

II. Proposal Submission

Qualified parties shall submit an electronic copy of the proposal via email to hbgica@gmail.com with the subject "Proposal for Independent General Counsel."

Proposals shall be addressed to:
Members of the Board
Intergovernmental Cooperation Authority for Harrisburg

The proposal must be received no later than **January 8, 2021 at 12:00 pm**, prevailing time.

Any questions concerning this RFP must be directed in writing to: Jeffrey Stonehill, Authority Manager, ICA for Harrisburg, at hbgica@gmail.com

All documents/information submitted in response to this solicitation shall be available to the general public pursuant to the Open Records Law. Offerors are solely responsible for any costs associated with the preparation and/or presentation of their proposals. The ICA reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The ICA further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all offerors submitting proposals.

III. General Information on the Role of the Independent Counsel

- a. The Independent Counsel is the sole legal advisor for the ICA, managing all legal affairs. However, insurance provider's counsel handles some litigation matters.
- b. The Independent Counsel works as-needed; estimated workload of approximately four to eight hours per week.

- c. The Independent Counsel does not need to attend all meetings of the Board, unless attendance is requested. However, the Independent Counsel must be on-call during meetings and available at other times to address agency business, documents, agreements, and actions.
- d. The Independent Counsel is responsible for documents associated with the intergovernmental relationships established by the ICA.
- e. This is a prominent position as the ICA is established to advise the City of Harrisburg, the General Assembly, and the Governor on the fiscal recovery of the City. From time-to-time, the Independent Counsel may be required to issue public statements or provide public testimony.
- f. The ICA has limited funding, derived from appropriation by the Commonwealth. Respondents are asked to consider a partial pro bono or community-service support effort in their proposal.
- g. The Independent Counsel should be knowledgeable about the form and function of municipal government, independent Commonwealth agencies, and the status of the fiscal affairs of the City of Harrisburg.

IV. Services Required

The Board generally meets on the fourth Wednesday of each month and holds special meetings on an as-needed basis. Although the ICA has no employees, the Board may retain employees and contract for professional services. In addition to the Independent Counsel, the ICA has a contract for an Authority Manager, who manages the administrative affairs of the agency. The Board had a contract with an Independent Counsel from its inception, and that firm has withdrawn, due to a potential change in plans. As such, a number of projects are already underway, and will need to be transferred upon appointment of a successor. Finally, the term of the ICA is finite and, unless extended by the Commonwealth, is due to expire in September 2023.

V. Minimum Qualifications

- 1. Offerors shall be licensed to practice law in the Commonwealth of Pennsylvania and be a member of the Bar in good standing
- 2. Offerors shall possess at least three (3) years of experience in municipal law, municipal litigation, tort claim laws, and transactional experience or comparable Commonwealth State Agency, school district, or municipal authority experience in the Commonwealth of Pennsylvania.
- 3. Offerors shall certify compliance with all provisions of the Act, including but not limited to paragraphs (2) and (3) of Section 202(g) (relating to employees and agents).

VI. Mandatory Contents of the Proposal

- 1. Contact information, including the location of the offeror's office at which services shall be performed.
- 2. A statement of compliance with all the minimum qualifications set forth above.
- 3. An executive summary of no more than two (2) pages, identifying and substantiating why the offeror is well qualified to accept this engagement.
- 4. A staffing plan listing those persons who will be assigned to the engagement, including their experience qualifications and resumes, profiles, curriculum vitae or similar. The staffing plan shall designate a principal professional responsible for all services performed under this engagement.
- 5. A fee proposal for the 2021 and 2022 calendar years.
- 6. References, with contact information, for two (2) or more current or former governmental entities for whom services have been provided within the past five (5) years.
- 7. If the offeror is the subject of any ongoing investigation, is a defendant in any litigation, and/or has been subject to any professional disciplinary action over the last five (5) years, provide a description of the same.
- 8. Disclosure of any existing or potential conflicts of interest as may relate to this appointment.

VII. Non-discrimination Policy

The successful offeror shall adhere to all federal and state regulations in respect to equal opportunity, if applicable. The Independent Counsel shall conform to all policies and executive orders issued by the Commonwealth of Pennsylvania governing the non-discrimination of contractors, vendors, and their employees. Minority-owned firms or individuals are encouraged to apply.

VIII. Interview

The ICA reserves the right to interview any or all of the offerors submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The ICA reserves the right to request clarifying information subsequent to receipt of proposals.

IX. Evaluation Factors

Award shall be made to the responsible offeror determined to be best qualified based on, but not limited to, the following criteria (not necessarily listed in order of significance):

1. Responsiveness to the Mandatory Contents of Proposal. Non-responsive proposals may be rejected without further evaluation.
2. General approach to providing the services required under this RFP.
3. Relevant experience.
4. Overall ability to mobilize, undertake, and successfully perform services for the ICA.
5. Costs and fee schedules.

X. Selection and Appointment

The ICA will accept the proposal deemed most advantageous to the ICA, with fees, any changes negotiated by the parties, and other factors considered.

It is the intention of the Board to formally appoint the new Independent Counsel at the regular meeting of the Board on February 24, 2021.

The parties will complete a professional services agreement.

Please contact the Authority Manager, Jeffrey Stonehill, at hbgica@gmail.com with any questions.

The ICA website is: www.hbgica.org