



Genesee County Land Bank Authority

452 S. Saginaw St. 2nd Floor, Flint, MI 48502

Request for Proposal: Legal Services

BID NUMBER: LB 24-006

Proposals Due: May 17, 2024 by 4:00 pm EST

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REQUEST FOR PROPOSALS – LEGAL SERVICES

INTRODUCTION

A. Overview

The Genesee County Land Bank Authority, further referred to in this document as “the Organization” requests qualifications from law firms or attorneys who are licensed to practice law in the State of Michigan and are in good standing with the State Bar of Michigan for legal services to serve as legal counsel. The Organization shall contract with a qualified attorney or legal firm to handle legal matters of the Organization and to receive compensation, as the Organization may provide. The Organization encourages participation by respondents who are MBE/WBE.

Nothing in this RFP shall be construed to create any legal obligation on the part of the Organization or any respondents. The Organization reserves the right, in its sole discretion, to amend, suspend, terminate, or reissue this RFP in whole or in part, at any stage. In no event shall the Organization be liable to respondents for any cost or damages incurred in connection with the RFP process, including but not limited to, any and all costs of preparing a response to this RFP or any other costs incurred in reliance on this RFP. No respondent shall be entitled to repayment from the Organization for any costs, expenses or fees related to this RFP. All supporting documentation submitted in response to this RFP will become the property of the Organization. Respondents may also withdraw their interest in the RFP, in writing, at any point in time as more information becomes known.

Each proposer is responsible for labeling the exterior of the sealed envelope containing the proposal response with the proposal number, proposal name, proposal due date and time, and your firm’s name. The proposal request number and due date for this Bid is:

<p>PROPOSAL REQUEST NUMBER: #LB 24-006 DUE DATE: MAY 17, 2024 @ 4:00 PM EST</p>

B. Time of Completion

Any agreement awarded pursuant to this RFP solicitation shall be in accordance with the scope of work and compensation as outlined below, and, within a mutually agreed upon timeframe.

C. Terms of Service

The initial contract for these services will be for a one (1) year term with an option for the Organization to extend the contract under the same terms, conditions, and price for up to two (2) additional one-year periods, upon mutual written agreement with attorney/firm.

1. A review by the Organization after completion of the initial contract shall be conducted to determine whether to reappoint the current attorney/firm for an additional two (2) years or seek other competitive proposals.
2. The Organization may continue to renew the contract for additional terms of two (2) years, upon mutual written agreement with the attorney/firm.
 - a. The Organization may conduct reviews prior to additional renewals.

D. Organization Background

The Land Bank's mission is to restore value to the community by acquiring, developing, and selling vacant and abandoned properties in cooperation with stakeholders who value responsible land ownership.

The Organization acquires properties through the tax foreclosure process. All tax foreclosed properties that go unsold through public auction and are not accepted by the state or local unit of government are transferred from the County Treasurer to the Organization. Once properties are under the ownership of the Organization, they can be sold on a case-by-case basis. The Organization may also do some rehabilitation work on some of the properties it acquires.

PROFESSIONAL SERVICE REQUIREMENTS

A. Scope of Work

This scope of work includes the following:

1. The attorney or legal firm for the Organization shall have, but not be limited to, the following responsibilities:
 - a. The attorney/firm shall report to the Board of Directors and/or the Organization's Executive Director and/or CFO.
 - b. The attorney/legal firm shall act as the counsel at the Organization's request of the following:
 - i. Upon request of the Organization's Executive Director, CFO or Board Chairperson, attend Organization Board of Directors meetings and act as counselor.
 - ii. Render a written opinion on a legal question when requested by the Organization.
 - iii. Prepare or supervise the preparation of legal papers and documents which shall be executed by the Organization Directors or employees as requested.
 - iv. Provide such opinions or other legal information to the Executive Director or Organization's CFO or Board Chair as requested.
 - v. Represent the Organization, as specifically designated by the Organization, in litigation to which the Organization may be a party or in which it is interested.
 - vi. Shall, upon request, represent the Organization in the purchase or sale of any real estate.
 - vii. Attend to and act on any matters the Organization refers to them for supervision, adjustment, and/or disposal.
 - viii. Periodically provide progress reports to the Organization on legal matters, as requested.
 - c. Perform such other legal services as requested by the Organization.

B. Specifications & Requirements

1. The Organization’s Executive Director, CFO or Board Chairperson are authorized to contact the attorney on legal matters concerning the Organization.
 - a. Organization members and employees not already designated as authorized points of contact shall request the Organization’s Executive Director or CFO for written permission to discuss legal issues before contacting the Organization Attorney.
 - b. When the Organization Attorney initiates contact with an Organization board member or employee, the Organization Attorney will clearly inform the board member/employee the purpose of the contact and whether the matter is a billable one relating to official the Organization business.
2. The Organization’s legal counsel shall not provide personal legal assistance to individual Organization members, the Executive Director, or members of the staff unless specifically authorized to do so by the Organization’s Executive Director.
3. The Organization may utilize other law firms as needed to address special needs, i.e. personnel, bonding, negotiations, etc.
 - a. The Organization may engage additional subject matter legal experts.
 - b. The Organization’s Executive Director or CFO will review and may approve employee requests to use an attorney or law firm for special, ongoing legal needs on a yearly basis (i.e. personnel, bonding, negotiations, compliance, and contracts). Use of an attorney or law firm for other non-routine, special legal matters will be approved by the Organization’s Executive Director or CFO on a case-by-case basis.
4. The attorney/firm, its subcontractors, and agents will abide by all federal, state, and local laws, rules, and regulations related to fair labor practices, prohibiting discrimination in employment and controlling workplace safety.

C. Experience & Qualification Requirements

1. Attorneys/firms shall demonstrate significant experience and expertise in the legal areas of practice outlined below. This list contains the most common areas or practices which will be required but may not contain all areas that may be needed.
 - a. Required experience:
 - i. General Governmental Procedures: Federal, State, and Local general law including, but not limited to, competitive procurement practices
 - ii. Contract Law
 - b. Additional preferred experience:
 - i. Real Estate Law: Land Contracts, Reverter Deeds, Title
 - ii. Construction Law: Federal and State Law in development and contractor issues, acquisition and sale of real property, performance bond issues, products & professional liability, negligence, premises or any other construction legal representation
 - iii. Public Law and Federal Legislature: assist, represent and advise in maintaining relations and continuous communications with federal agencies. Provide legislative interpretation, analysis and tracking of legislative bills

- iv. Land Banking and Tax-Foreclosure Law: Assist, represent and advise in issues specific to or related to Land Banking
2. Attorneys/Firms must provide documentation and references for a minimum of three (3) clients for whom they have performed services in comparable or similar expertise areas within the last ten (10) years. References must contain the client's name, a contact person's name, title, email address, phone number and description of the services performed.
3. If Attorney/Firm has served the Organization in the past in an official capacity, please briefly describe the nature of such service.

D. Service & Performance Expectations

1. Coordination with the Organization:
After award and any required contractual agreements, the Organization's CFO will serve as the contract administrator and will be the primary point of contact for the Attorney/Firm. The Organization's CFO will:
 - a. Monitor and document the Attorney/Firm's performance and progress to ensure the Attorney/Firm's services conform to or exceed the established requirements.
 - b. Manage the financial aspects of the contract including payment approval and review and acceptance of change orders when required.
 - c. Meet with the Attorney/Firm regularly to review progress, discuss and resolve issues and establish corrective procedures as needed.
2. In performing the work for this outlined in this RFP, the Attorney/Firm, its subcontractors, agents, and employees shall act in an independent capacity and not as officers, employees, or agents of the Organization.
3. Indemnification: Attorney/Firm agrees to indemnify and hold the Organization, its officers, employees, agents, volunteers, and board members harmless against any and all liabilities, claims, losses, actions, costs, expenses, and attorney fees, of any kind, whether relating to the property of the Organization or any third party, or for personal injury or death, or for compensatory or economic damages, arising out of or in any way attributable to the acts or failure to act of the Attorney/Firm or its officers, agents, employees, subcontractors and independent contractors. Further, the Attorney/Firm agrees to indemnify, defend and hold harmless the Organization, its officers, employees, agents, volunteers, and board members from any and all claims and losses accruing or resulting from any and all Attorney/Firms, subcontractors, material persons, laborers, and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of the contract; from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Attorney/Firm in the performance of this agreement; or from any misrepresentation or breach of warranty by the Attorney/Firm.
4. Termination: The Organization may terminate Attorney/Firm's rights to perform any or all the work without penalty at any time with or without cause by giving written notice. If the Organization terminates work awarded by this solicitation, Attorney/Firm shall be entitled to payment for hours worked up to point of termination.

- a. If the Organization terminates work awarded by this solicitation, Attorney/Firm shall peaceably and quietly return all files and documents to the Organization.

E. Compensation

- 1. Standard payment terms are Net 30. To request payment, the Attorney/Firm must submit an itemized invoice containing a detailed description and cost breakdown for work performed at the proposed rate. Attorney/Firm should submit a request for payment no later than thirty (30) calendar days following the completion of services or for services over a period of time requiring progressive payments, every 30 days.
- 2. Attorney/Firm must submit invoices for payment in a timely manner; the Organization shall have no obligation to make payment for invoices submitted more than 120 calendar days after the completion of Work. Incorrect invoices will be returned to the Attorney/Firm for correction. Attorney/Firm waives the right of payment within 30 calendar days if the invoice submitted is inaccurate, incomplete, cannot be verified, or must be returned to Attorney/Firm for correction.
- 3. The Organization Attorney will submit legal fee rates to be approved by the Organization every two years.
- 4. The Organization Attorney must have authorization from the Organization’s Executive Director, CFO or Board Chairperson to refer an issue to another attorney.
- 5. The Organization Attorney will provide an estimate of legal fees to the Organization Executive Director or Organization’s CFO when recommending outside attorney services.

EVALUATION CRITERIA AND SCORING

In evaluating responses to this Request for Proposal, the Organization will take into consideration the experience, capacity, and costs that are being proposed by the Respondent. The following Evaluation Criteria will be considered in reviewing submittals:

A. Experience and Capacity

The point system is to evaluate the experience and capacity of the Respondent.

- 1. Experience in Legal/Attorney Services:

(40 points total)

One (1) to five (5) years of relevant experience.	10 Points
Five (5) to ten (10) years of relevant experience.	20 Points
Greater than ten (10) years of relevant experience.	40 Points

- 2. Experience in Flint and/or Genesee or County (20 points)

Have served one (1) to five (5) clients	5 Points
Have served six (6) to ten (10) clients	10 Points
Have served more than ten (10) clients	20 Points

3. Compensation (40 points)

Highest 1/3 of proposals	10 Points
Middle Cost 1/3 of proposals	20 Points
Lowest Cost 1/3 of proposals	40 Points

4. Specialized Experience in Land Banking in Michigan
(Bonus Points – up to 10)

Up to one (1) year of Land Banking experience	5 Points
Up to three (3) years of Land Banking experience	7 Points
Up to six (6) years of Land Banking experience	10 Points

SUBMITTAL REQUIREMENTS

RFP responses should be submitted via email in PDF format. Responses may be submitted in hard copy, but email is the preferred method. Each respondent shall submit one (1) copy of the following documents in a clear, legible, 12-point font, and 8.5 by 11 inch format. Respondents are advised to adhere to the Submittal Requirements. Failure to comply with the instructions of this RFP may be cause for rejection of submittals.

The Organization reserves the right to seek additional information to clarify responses to this RFP. Each response must include the following:

A. Letter of Interest

Please submit a Cover Letter of Interest signed by a duly authorized officer or representative of the Respondent, not to exceed two pages in length. The Letter of Interest must also include the following information:

1. The principal place of business and the contact person, title, telephone/fax numbers and email address.
2. A summary of the qualifications of the Respondent and/or team.
3. Description of organization (i.e. Corporation, LLC, PLLC PC, Joint Venture, etc.).
4. The names and business addresses of all Principals of the Respondent. For purposes of this RFP “Principals” shall mean persons possessing an ownership interest in the Respondent.

B. Threshold Requirements

These documents must be submitted and acceptable before the Organization will review the Experience and Capacity proposal:

1. Copy of Respondent’s Law License
2. Certificate of Good Standing for a Corporation or Certificate of Existence for Limited Liability Company, or similar, issued by the Michigan Secretary of State (If Respondent is a joint venture, a Certificate of Good Standing or Certificate of Existence, as applicable, must be submitted.

3. Evidence of Insurance: See attached Insurance Requirements Checklist. Please be sure to include the attached Insurance Checklist fully completed along with your current certificate of insurance.
4. Respondent Stability Plan: Respondents shall include a plan of action if they are physically unable to serve in their capacity for the Genesee County Land Bank Authority as counsel.
5. References: At least three (3) references of related contracts, including dates of contract, contact person and phone number, and a brief description of the work completed.
6. Conflict of Interest Statement & Supporting Documentation: Respondent shall disclose any professional or personal financial interests that may be a conflict of interest in representing the Organization. In addition, all Respondents shall further disclose arrangement to derive additional compensation from various investment and reinvestment products, including financial contracts.
7. Certification Form Note and Signature Page attached hereto at the end of this RFP and incorporated herein by reference must be signed by Respondent and attached to the Letter of Interest. Additionally, at least one of the proposals submitted is to include an **original signature** of an official authorized to bind the proposer to the proposal response.
8. A list of any malpractice claims and/or grievances filed in the last 5 years, if any.

C. Main Proposal

Please ensure that you are addressing the scoring criteria in your proposal. Please provide the following information:

1. Description of experience and qualifications aligning with requirements detailed in this RFP
2. Description of any prior municipal or governmental work in Genesee County or the State of Michigan.
3. Respondents should state whether they are a MBE/WBE. If so, please provide a copy of a current MBE/WBE certification letter.
4. Compensation – All proposals shall include a fee schedule for each service.
5. At least three references from clients where similar or related scopes of services were provided.

SELECTION PROCESS

The Selection Committee comprised of the Organization staff will review qualifications in accordance with the evaluation criteria set forth herein. Proposals that are submitted in a timely manner and comply with the mandatory requirements of the RFP will be evaluated in accordance with the terms of the RFP. Any contract resulting from this RFP will not necessarily be awarded to the vendor with the lowest price.

The contract that may be entered into will be awarded based on the proposal response and, where applicable, the best and final offer that is the most advantageous to the Genesee County Land Bank Authority.

Discussions may be undertaken with those proposers whose proposal, based on the evaluation criteria stated herein, has been determined to be reasonably susceptible of being selected for award. After discussions are held, and prior to award, proposers may be allowed the opportunity to submit revisions to their proposals for the purpose of obtaining best and final offers.

During the aforementioned procedures, neither the names of any of the proposers nor the contents of any proposal will be disclosed until the completion of negotiations and revision of proposals (best and final offers).

The Selection Committee will select one (1) Attorney/Professional Legal Firm to enter into a contract with.

QUESTIONS

Questions regarding this RFP should be submitted in writing via email to:
sstravato@thelandbank.org

SUBMITTAL DUE DATE

Emailed or hard copy responses to this RFP are due by 4:00pm EST on Friday, May 17, 2024. Each Respondent is responsible for entering in the subject line of the email: the proposal number, proposal name, proposal due date and time, and your firm's name. Each proposal packet must include all items from the RFP Submittal Requirements Checklist.

Electronic/digital copies shall be emailed to:
sstravato@thelandbank.org

A hard copy of the proposal response may be sent to:

Genesee County Land Bank Authority
Susan Stravato, CFO
452 South Saginaw Street
Suite 200
Flint, MI 48502

GENESEE COUNTY LAND BANK AUTHORITY INSURANCE CHECKLIST

PROFESSIONAL SERVICES CONTRACT FOR: LB 24-006 LEGAL SERVICES

LEGAL SERVICES

	Coverage Required	Limits (Figure Denote Minimums)
X	1. Worker’s Compensation	Statutory Limits of Michigan
X	2. Employer’s Liability	\$100,000 Accident/Disease \$500,000 Policy Limit/Disease INCLUDING PREMISES/DISEASES
X	3. General Liability	\$1,000,000/Occurrence with \$2,000,000 Aggregate INCLUDING PRODUCTS/COMPLETED OPERATIONS
X	4. Professional Liability	\$1,000,000/Occurrence with \$2,000,000 Aggregate INLCUDING ERRORS AND OMISSIONS
	5. Medical Malpractice	\$200,000/Occurrence with \$800,000 Aggregate
X	6. Automobile Liability	\$1,000,000 Combined Single Limit Each Accident Owned, Hired, Non-Owned
	7. Umbrella Liability/Excess Coverage	\$1,000,000 BI & PD & PI
	8. Named as an additional insured on other than workers' compensation via endorsement. A copy of the endorsement or evidence of blanket Additional Insured language in the policy must be included with the certificate.	
	9. Other Insurance Required:	
	10. Best’s Rating: A VIII or better, or its equivalent (Retention Group Financial Statements)	
	11. The certificate must state bid number and title	

Prospective Respondent’s Statement

I understand the insurance requirements and will comply in full if awarded the contract.

 Respondent

 Signature

Required general insurance provisions are provided in the checklist above. These are based on the contract and exposures of the work to be completed under the contract. Modifications to this checklist may occur at any time prior to signing of the contract. Any changes will require approval by the Executive Director of the Organization. To the degree possible, all changes will be made as soon as feasible.

CERTIFICATION FORM NOTE

THIS PAGE MUST BE COMPLETED AND INCLUDED WITH THE SUBMITTAL CERTIFICATION

The undersigned hereby certifies, on behalf of the Respondent named in this Certification (the “Respondent”), that the information provided in this RFP submittal to the Organization is accurate and complete, and I am duly authorized to submit same. I hereby certify that the Respondent has reviewed this RFP in its entirety and accepts its terms and conditions.

(Name of Respondent)

(Signature of Authorized Representative)

(Typed Name of Authorized Representative)

(Title)

(Date)

SIGNATURE PAGE

GENESEE COUNTY LAND BANK AUTHORITY RFP #LB 24-006 LEGAL SERVICES

The undersigned represents that he or she:

1. is duly authorized to make binding offers on behalf of the company,
2. has read and understands all information, terms, and conditions in the RFP,
3. has not engaged in any collusive actions with any other potential proposers for this RFP,
4. hereby offers to enter into a binding contract with GCLBA for the products and services herein offered, if selected by GCLBA within 120 days from proposal due date,
5. certify that it, its principals, and its key employees are not “Iran linked businesses,” as that term is described in the Iran Economic Sanctions Act, P.A. 2012, No. 517, codified as MCL 129.311, et seq.
6. acknowledges the following addenda _____ issued as part of the RFP:

Conflict of Interest:

_____ To the best of our knowledge, the undersigned firm has no potential conflict of interest due to any other contracts, or property interest for this proposal.

OR

_____ The undersigned firm by attachment to this form, submits information which may be a potential conflict of interest due to other contracts, or property interest for this Proposal.

Exceptions to Solicitation and/or Standard Contract: NO___ YES_(include attached statement)

Name (typed): _____

Signature: _____ Title: _____

Company: _____

Federal Employee Identification Number (FEIN): _____

DUNS Number: _____

Date: _____

Contact Person of company representative for matters regarding this RFP

Contact Name Position

Email

Mailing Address City State Zip Code

Phone Fax

HEALTH & SAFETY VIOLATIONS

If any, attach a list of any violations of any state, federal or local laws, including OSHA violations, violation of any state or federal prevailing wage laws, worker's compensation or unemployment compensation laws, rules or regulations, issued to or against you within the past five (5) years. Attorney/Firms will not be automatically disqualified due to reported violations; violations reported will be reviewed in the evaluation of proposals.

OR

By signature below, I certify we do not have any violations of any state, federal or local laws, including OSHA violations, violation of any state or federal prevailing wage laws, worker's compensation or unemployment compensation laws, rules or regulations, issued to or against us within the past five (5) years:

Company

Authorized Representative Name & Title

Authorized Representative's Signature

Date Submitted

OCCURRENCES of ARBITRATION and/or LITIGATION

Attach a list of any arbitration or litigation currently pending or settled within the past five (5) years that may affect your ability to successfully complete the project specified in this RFP. Attorney/Firms will not be automatically disqualified due to current or pending litigation or arbitration; reported litigation or arbitration will be reviewed in the evaluation of proposals.

OR

By signature below, I certify we do not have any arbitration or litigation currently pending or settled within the past five (5) years that will affect our ability to successfully complete this project:

Company

Authorized Representative Name & Title

Authorized Representative's Signature

Date Submitted

PRICING PROPOSAL

Attorney/Firm Name: _____

Service Address: _____

City, State, Zip: _____

Contact Name: _____ Title: _____

Contact Email: _____ Phone: _____

Note ⇒ The Organization is exempt from taxes in direct sales transactions with the Attorney/Firm; subcontractors are not included in this sales tax exemption protection and should calculate sales tax as a part of their quote when quoting as a subcontractor to the Attorney/Firm. I acknowledge receipt of the following addenda:

Proposed Rate for Outlined Legal Services in this RFP# LB24-006: \$ _____/Hour

Signature of this form indicates agreement with the following statements:

1. I am fully acquainted with and understand completely the work covered by this RFP and that my failure to read and understand any part of this ITS does not relieve me of my contractual obligations.
2. I have examined the factors and conditions affecting, or which may be affected by, the work and its various parts and elements and agree:
 - a. To hold my proposal price and the terms and conditions of my proposal firm for ninety [90] calendar days following the proposal due date;
 - b. To provide proof of insurance as detailed in this RFP;
 - c. To accomplish the work at my quoted rate;
 - d. To perform the work in conformance with the specifications and in a fashion that will meet or exceed the service and performance expectations required by this RFP.
3. I certify that:
 - a. Neither I nor our company leadership or key employees are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in any procurement transaction(s) by any Federal, State, or local department or agency;
 - b. Neither I nor our company leadership or key employees are or could be considered an Iran-linked business under State of Michigan, Public Act No. 517;
 - c. No illegal, non-US citizens will work on this project.
4. Upon notification of the acceptance of my proposal, I agree to execute a contract for the work.

If you are unable to certify any of the statements above, please attach an explanation directly addressing each statement you cannot certify.

Signature of Respondent

Date

RFP SUBMITTAL REQUIREMENTS CHECKLIST

Please provide this Checklist with response to RFP

- Letter of Interest
- Copy of Business License if applicable
- Description of Company
- Experience of Company
- Threshold Requirements:
 - Copy of Respondent's Law License & Bar Number
 - Certificate of Good Standing for a Corporation or Certificate of Existence for Limited Liability Company, or similar, issued by the Michigan Secretary of State
 - Evidence of Insurance
 - Respondent Stability Plan
 - Three (3) references of related contracts
 - Conflict of Interest Statement & Supporting Documentation if applicable
 - Certification Form Note and Signature Page
 - A list of any malpractice claims and/or grievances filed in the last 5 years, if any.
- Contact Form
- Health & Safety Violations Disclosure
- Occurrences of Arbitration and/or Litigation Disclosure
- Pricing Proposal
- MBE/WBE if applicable