

Greater Boise Auditorium District

Request for Proposal

PROFESSIONAL LEGAL SERVICES

Due:

Thursday May 2, 2019

At 5:00 PM

Deliver to:

Patrick D. Rice, Executive Director
Boise Centre
Attn: RFP/Legal
850 W. Front Street
Boise, ID 83702

Table of Contents

1. Purpose	3
2. Instructions to Attorneys	3
2.1 Instructions to Attorneys	3
2.2 Submission of Proposal	3
2.3 Schedule	3
2.4 Proposal Format	3
2.5 Incurring Costs	4
2.6 Rejecting of Proposals	4
2.7 Specifications	4
2.8 Determination of Responsibility	4
3. Scope of Work	4
3.1 General	4
3.2 Tasks	5
3.3 Specification of Work	5
4. Evaluation of Proposals	5
4.1 General	5
4.2 Qualifications and Experience	6
5. Conditions	6
5.1 Public Record	6
5.2 Governance	6
5.3 Substitutions	6
5.4 Rights	7
5.5 Non-Discrimination	7
5.6 Review and Selection Criteria	7

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

1. PURPOSE

To solicit proposals for providing legal services to The Greater Boise Auditorium District, further known as “the District” from law firms and attorneys licensed to practice law in the state of Idaho.

2. INSTRUCTIONS TO ATTORNEYS

2.1 Please read all documents contained in this Request for Proposal (RFP).

2.2 Submission of Proposal. A written proposal responding to the needs outlined and specified in this RFP must be submitted in a sealed envelope addressed to:

Mr. Patrick D. Rice, Executive Director
Boise Centre
Attn: RFP/Legal
850 W. Front Street
Boise, ID 83702

To receive consideration, one (1) executed original and six (6) copies of the proposal must be received by the Executive Director of the District, no later than **5:00 p.m. on Thursday May 2, 2019.**

Attorneys or law firms are responsible for submitting their proposal to the appropriate location at or prior to the time indicated in the specifications. **No proposal will be accepted after the designated time or date indicated in the proposal specifications. No Exceptions.**

Questions or clarifications pertaining to the technical specifications must be made in writing to the Executive Director prior to the submission of the proposal. Responses to such questions will be made available to all participants.

2.3 Schedule. Notice of acceptance of proposals to provide legal services to the District will be made as soon as possible after the District’s Board reviews the proposals and makes its selection.

2.4 Proposal Format. The proposal must be signed by the offering attorney and include the following information:

- a. Name, phone number, and address of firm.
- b. Names, qualifications, experience, and references of the attorney(s) to be assigned to work on the District’s matters.
- c. Any specialized training, experience, or abilities of the attorney or law firm.
- d. Hourly or reimbursement rates for all assigned staff, and any other incidental costs that may be incurred by the District.

- e. Additional information. This is an opportunity to expand proposals by addressing areas not specifically mentioned in the RFP such as the value the attorney or law firm brings to a partnership with the District, what sets the attorney or law firm apart from its competitors, and why the attorney or law firm is the right partner for the District.

2.5 Incurring Costs. The District is not liable for any costs incurred by an attorney or law firm prior to the execution of a contract.

2.6 Rejecting of Proposals. The District reserves the right to reject any and all proposals received in response to this RFP or to negotiate separately with any attorney or law firm in any manner necessary to serve the best interests of the District.

2.7 Specifications. In order to be considered for evaluation, proposals submitted in response to this RFP must meet all required specifications. Proposals that are incomplete or unclear may be rejected; written explanations regarding any missing or incomplete information will be evaluated. Proposals that are unsigned will be rejected as unresponsive and unacceptable. Photocopied signatures by the offering attorney on the proposal are not acceptable.

2.8 Determination of Responsibility. The District reserves the right to make reasonable inquiries to determine the responsibility and capability of the offering party. Such inquiries may include, but not be limited to, requests for references, proof of good standing in the Idaho State Bar, etc. Failure of an attorney or law firm to promptly supply the requested information may result in disqualification of the proposal.

3. SCOPE OF WORK

3.1 General. The Greater Boise Auditorium District was established by the vote of the electorate in 1959. The Boise Centre was constructed and opened January 27, 1990 as the operating entity of the District. Boise Centre provides meeting and convention facilities not normally available at other facilities in the area. Selected attorneys or law firms must have experience in and be knowledgeable about all aspects of local government law including but not limited to; Open Meeting Law, Public Records Law, public procurement, taxing authority, bonding authority, and parliamentary procedure. Selected attorneys or law firms must also be adept in real estate law, land use, contract formation and negotiation, auditorium district legislation, business law, employment/labor law and election law. Selected attorneys or law firms must be able to assign priority to work that must be performed on an ASAP basis.

The District is seeking proposals from attorneys or law firms having experience and qualifications in representing public sector entities, preferably governmental entities generally and auditorium districts specifically.

It is the intention of these specifications to describe the variety of legal services that the District will need to have provided on its behalf, including but not limited to the following:

- a. **Specific and extensive knowledge of Open Meetings, Procurement and Public Records laws as well as an understanding of the laws governing public and quasi- public agencies.**

- b. **Employment Law** – matters pertaining to human resource law and policy including employee benefits issues.
- c. **Collection Law** – matters related to the collection of overdue client accounts and other related collections issues.
- d. **Litigation** – litigation related to autonomy of auditorium districts, governance matters pursuant to State Auditorium District Law and other applicable law and rules including proceedings against governmental bodies or officers.
- e. **Real Estate and Development Law** – matters involving land development, real estate, leasing, land use, and naming rights for facilities and the relation of all these issues to auditorium districts and governmental bodies.
- f. **Auditorium District Law** – matters pertaining to Auditorium District Legislation specifically the laws affecting statewide auditorium districts, Idaho State District Legislation and other federal, state and local laws.
- g. **Tax Law** – matters pertaining to all tax laws governing auditorium districts and governmental entities.
- h. **Contract Law** – matters pertaining to review, draft, and negotiation of legal documents.
- i. **Election Law** – matters pertaining to the process of electing members to the Board of Directors.

3.2 Tasks. The work of the selected attorneys or law firms may include but not necessarily be limited to the following:

- a. Attend monthly District Board meetings, or those scheduled in addition to, and provide legal advice on matters arising therein.
- b. Negotiate with public and private entities on a wide variety of matters such as real estate acquisition, philanthropic giving, and employment.
- c. Draft and/or review Requests for Proposals/Quotes.
- d. Develop and assist with Policy formation.
- e. Assist with Public Procurement.

3.3 Specification of Work. Work under contract with the District must be performed in the manner that a reasonably prudent and competent attorney would perform such legal work. All time deadlines specified by the client shall be met. The ethical standards of the Idaho State Bar shall be complied with meticulously.

4. EVALUATION OF PROPOSALS

4.1 General. Proposals received by the stated deadline will be reviewed by the District Board. The Board will consider, among other factors, the following:

- a. The ability of the attorney or law firm to provide the full spectrum of legal work required by the District in a timely and professional manner.
- b. The community and legal professional reputation of the attorney or law firm.
- c. Practice location, and accessibility.

Preference will be given to attorneys or law firms with offices and staff located within the District boundaries. A District map may be obtained upon request.

The District will only consider attorneys or law firms that demonstrate ability and experience for services of similar nature and complexity and reserves the right to reject any or all proposals, or *to award contracts in whole or in part. In addition, attorneys previously retained by the District with particular expertise in existing contracts, projects, or essential historical knowledge may continue to be retained as needed.*

4.2 Qualifications and Experience. Use the following list to describe the attorney's or law firm's qualifications and experience in providing similar services or goods as required in this RFP.

- a. Provide a brief history and description of the law firm including a presentation of qualifications data, limited to not more than ten pages, exclusive of resumes and other forms.
- b. Provide a summary of experience with the subject scope of work and identify specific qualifications that especially enable the attorney or law firm to perform this work.
- c. Demonstrate proficiency in Auditorium District and Governmental Entity law.
- d. Identify all Auditorium District and Governmental Entity related engagements that have been performed within Idaho and the dates thereof.
- e. Provide the names and resumes of all professionals to be assigned to the project and identify the project manager or lead attorney that will be the District's point of contact. The attorneys who will be providing legal services on behalf of the District must be admitted to practice in Federal and State Courts in the State of Idaho.
- f. Contact information of at least three references for which the attorney or law firm has provided similar legal services as the District is considering.
- g. The attorney or law firm must disclose any known or pre-existing conflicts of interest that could arise due to their accepting an award of the contract with the District, and the manner in which said conflict of interest would be rectified, if said contract is awarded to the attorney or law firm.

5. CONDITIONS

5.1 Public Record. All proposals become property of the District. Proposals and evaluations are public records pursuant to chapter three, title nine of the Idaho Code, and may be inspected and copied by any member of the public.

5.2 Governance. Any contract resulting from this RFP will be governed in all respects, whether as to validity, construction, capacity or otherwise, by the laws of the State of Idaho.

5.3 Substitutions. The District retains the right to approve or disapprove any proposed changes in the attorneys that a law firm or attorney may wish to substitute for those identified in proposals submitted in response to this RFP and to cancel the contract if acceptable substitute counsel cannot be found.

- a. In the event the selected attorney or law firm wishes to substitute personnel,

the District shall be provided with written notice of this fact prior to any work being performed by the substitute, an explanation of the reason the substitution is necessary, and, with respect to the substitute, the information called for in paragraph 2.4 of this RFP.

- b. In the event the selected attorney or law firm needs to hire outside consulting, the District shall be provided with a written request prior to any work being performed by the outside consultant or attorney or law firm. The request shall include the reason(s) for the need to hire an outside consultant and with respect to the outside consultant, the information called for in paragraph 2.4 of this RFP. The District reserves the right to interview said outside consultant(s) and to accept or reject said outside consultants, if it so chooses.
- c. The District will not be liable for any costs incurred by an outside consultant prior to the acceptance of said outside consultant and execution of a contract.

5.4 Rights. The District reserves the right to terminate any resulting contract without cause or liability of any kind. The contractor shall receive payment as provided for in the contract for services performed to the date of receipt of the termination notice.

5.5 Non-Discrimination. The District is committed to equal opportunities. No attorney or law firm representative may be rejected or disqualified from consideration under this RFP solely on the basis of the gender, race, age, religion, national origin, ancestry, creed, pregnancy, marital or parental status, or physical or mental disability.

5.6 Review and Selection Criteria. All written proposals will be reviewed and evaluated based on how well they address the specific needs of the District as outlined in this RFP. The District may choose to use competitive negotiations to develop the final contract/agreement with the attorney or law firm whose proposal best suits the needs of the District, based upon the sole discretion of the District.

- a. The review and selection criteria shall be based on the written proposals and responses during any interview sessions if such sessions are conducted. A listing of the criteria in the order of their importance is as follows:
 - i. Qualifications and experience with projects of similar scope or complexity including work on projects including Auditorium Districts, governmental entities and local sponsors/counties.
 - ii. Staff experience and competence.
 - iii. Pricing Scale of Services.
 - iv. Familiarity with the District and the service area.
 - v. Approach to planned delivery of services.
 - vi. References.
- b. The following is the schedule of events pertaining to the time-line to be used in review of proposals and award.

<u>Event</u>	<u>Approximate Date</u>
RFP Issued:	4/05/19
Proposal Due Date	5/02/19
Proposal Evaluation and Interviews of Selected Candidates, if necessary	5/6-10/19
Anticipated Contract Award	5/16/19