

**Connecticut Port Authority**

**Request for Proposals**

**for**

**Legal Counsel for the Connecticut Port Authority**

**Key Dates:**

Questions Due: 4:00 PM, Thursday, December 12, 2019

RFP Submission Deadline: 4:00PM, Friday, January 10, 2020

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Legal Counsel for the Connecticut Port Authority**

**I. Purpose**

The Connecticut Port Authority (hereinafter “Authority”) is soliciting proposals from qualified law firms to provide general legal services to the Authority in the capacity of its Legal Counsel on a fixed fee, retainer basis.

**II. About the Authority**

The Authority was established by Public Act 15-5 of the Connecticut General Assembly as a quasi-public entity of the State of Connecticut. The Authority oversees the operation of the State’s three deep water ports and works to develop and market these and other state ports and promote the state’s maritime economy. The CPA is governed by a 15 member Board of Directors, five ex-officio State officials and ten appointed members. The CPA has an annual budget of approximately \$1. 5 million and a budgeted position count of four employees.

**III. Scope of Services**

The Authority’s Legal Counsel is required to provide legal advice, counsel, services, training, consultation and opinions to the Authority management, staff and it’s Board of Directors. Legal services required of the Legal Counsel include but are not limited to:

1. Prepares and reviews contracts and other documents for legal acceptability and approval as to form;
2. interprets State, federal and local laws statutes and regulations;
3. assists Authority staff and Board members to maintain awareness of ethical standards and avoid potential conflicts of interest and prohibited transactions;
4. review FOIA requests, directs appropriate response;
5. assists Authority in understanding and enforcing terms of contracts;
6. updates the Authority Board and staff on the impact of changes in federal or state laws or judicial decisions;
7. oversees outside attorneys engaged by the CPA to handle litigation in all courts and administrative agencies, including insurance carrier claims;
8. provides guidance in regard to employment and labor matters or oversees outside counsel engaged by the CPA for more complex matters;
9. manages Authority’s use of outside legal services required for various matters; and
10. other legal work that may be required by the Authority.

For legal matters involving more complex or specialized matters that may arise, the Authority reserves the right to undertake a separate procurement process to procure such services. The firm selected through this RFP process would not be precluded from submitting a proposal related to such procurement process presuming that no particular conflict of interest exists. The firm selected through this RFP would have to recuse itself from any discussions or activities related to any such future legal services procurement processes.

**IV. Contract Period**

The Authority anticipates that the successful proposer will commence work on or about April 1, 2020 and will be contracted to work for three years.

**V. Contractor Qualifications**

The Authority seeks Proposals from law firms with demonstrable expertise in matters outlined in the Scope of Services in Section III of this RFP. The law firm should have extensive knowledge working with governmental agencies or entities with a preference for firms with experience or significant knowledge of Connecticut quasi-public entities (or other reasonably comparable experience).

**VI. Proposal Content**

Responses should be clear and thorough, but concise, and include any information and materials requested in this RFP.

Proposals must, at a minimum, include the following information in the order in which it is requested in this section:

**A. FIRM PROFILE**

1. The proposal must contain the official name, address and phone number of the proposer, the principal contact person for the proposal, and the name and signature of the person (or persons) authorized to execute contracts.
2. Provide a general overview of your firm, including history, areas of practice, office locations, and total number of attorneys and non-attorney support staff.
3. Overall capabilities, qualifications, academic training and degrees, areas of expertise and governmental experience the principals, partners and associates of the law firm, including the length of employment and area of specialization.
4. Indicate the attorney(s) whom your firm proposes to assign to serve as the Authority's Legal Counsel and describe their particular skills and experiences related to this RFP's scope of services.
5. Describe any material assignments or relationships (including employment relationships) that firm or any employee it has with any entity, state or local government, or other person or entity that may constitute or create the appearance of a conflict of interest in serving as outside counsel to the Authority. Include assignments or relationships that could in the future be adverse to the Authority in any dispute (e.g., litigation) or non-disputed matter (including commercial transactions). Discuss any measures your firm has taken or would take to resolve any possible conflicts of interest.
6. Describe fully any lawsuits, complaints or grievances, including status and outcome, brought against the firm or its individual attorneys within the last seven (7) years.

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**B. SERVICE PROPOSAL**

1. Describe the firm’s understanding of the Authority’s desired services and experiences with respect to the services outlined in the Scope of Services.
2. Firms should describe any specific experience representing governmental/quasi-public agencies, or other similar entities, with particular emphasis on the attorney(s) proposed to be assigned to serve as the Authority’s Legal Counsel.
3. Provide a detailed description of Proposer’s approach to performing the services, including Proposer’s approach to ensuring legal services are managed properly and delivered in accordance in a high quality manner.

**C. FEE PROPOSAL**

For these services, the Authority is requesting a flat rate monthly retainer for the services, excluding reimbursables. Please provide separate monthly retainer amounts based on an average monthly hours of 20 hours, 40 hours and 60 hours in the format provided below.

<b>Monthly Hours</b>	<b>Year 1 Monthly retainer from 4/1/2020 to 3/31/21</b>	<b>Year 2 Monthly retainer from 4/1/2021 to 3/31/22</b>	<b>Year 3 Monthly retainer from 4/1/2022 to 3/31/23</b>
20 hours			
40 hours			
60 hours			

Responders shall also describe costs, in addition to the retainer, for which reimbursement would be sought.

**D. DECLARATIONS & REQUIRED FORMS:**

1. Identify any circumstance involving the firm that could materially affect the viability of its Proposal, its ability to perform the services, its operations, or its financial stability, or that could harm or subject the Authority to public scrutiny if the Authority contracts with firm.
2. Complete and submit the following forms (Attached)
  - **OPM Ethics Form 1 – Gift and Campaign Contribution Certification**, available at: <https://portal.ct.gov/-/media/OPM/OPMForm1GiftandCampaignContributionCertificationRev052615pdf.pdf?la=en>
  - **Agency Vendor Form (SP-26NB) and W-9 Form**, available at: [http://das.ct.gov/Purchase/Info/Vendor\\_Profile\\_Form\\_\(SP-26NB\).pdf](http://das.ct.gov/Purchase/Info/Vendor_Profile_Form_(SP-26NB).pdf)
  - **CHRO Employment Information Form**, available at: <http://www.ct.gov/chro/lib/chro/pdf/notificationtobidders.pdf>

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- **OPM Ethics Form 5 – Consulting Agreement Affidavit**, available at:  
[http://www.ct.gov/opm/lib/opm/OPM\\_Form\\_5\\_Consulting\\_Agreement\\_Affidavit\\_3-28-14.pdf](http://www.ct.gov/opm/lib/opm/OPM_Form_5_Consulting_Agreement_Affidavit_3-28-14.pdf)

Selected firms must also submit an updated Form 5 together with their delivery of the executed Contract, which Form 5 must be dated contemporaneously with the date that the firm executes the Contract

The appropriate **Nondiscrimination Certification** from those available at:  
[http://www.ct.gov/opm/cwp/view.asp?a=2982&q=390928&opmNav\\_GID=1806](http://www.ct.gov/opm/cwp/view.asp?a=2982&q=390928&opmNav_GID=1806)

**VII. Submission Deadline**

The due date for proposals is 4:00 P.M. EST Friday, January 10, 2020. An original (clearly identified as such) and four (4) copies of the proposal must be received in the required packaging with appropriate labeling to: Joseph Salvatore, Connecticut Port Authority, 455 Boston Post Road, Suite 204, Old Saybrook, CT 06475 or by e-mail at: [Joseph.Salvatore@ct.gov](mailto:Joseph.Salvatore@ct.gov) Late submissions will not be accepted.

**IX. RFP Procedures**

1. *Official Authority Contact.* The Authority's contact person for the purpose of this RFP is: Joseph Salvatore, Connecticut Port Authority, 455 Boston Post Road, Suite 204, Old Saybrook, CT 06475. Any and all communications or contacts with the Authority regarding this RFP must be limited to and directed in writing to the Official Authority Contact via email. Any violation of this requirement by proposers or their representatives will result in disqualification.
2. *Inquiry Procedures.* All questions regarding this RFP and submission requirements must be directed, by e-mail, to the Official Authority Contact by 4:00 P.M. EST Thursday, December 12, 2019. Proposers are required to limit their contact regarding this RFP to the person(s) named herein. Written responses to all questions received will be posted to the Authority website <https://ctportauthority.com/rfqs-rfps-3/> by Thursday, December 19, 2019
3. *Revisions to the RFP.* Only written modifications to this RFP issued in the form of one or more addenda will be considered to be alterations to this RFP. Oral comments are not binding. An Addendum may be issued by Authority for any revisions, modifications, clarifications or alterations to the RFP. Any such Addendums shall be posted to the Authority's website. It is the responsibility of potential proposers to keep track of postings on the Authority's regarding this solicitation.
4. *Technicalities.* The Authority may waive any technicalities or non-material deficiencies in a proposal and seek clarification from any or all proposers for the purpose of clarifying proposals.
5. *Packaging and Labeling Requirements.* All proposals must be submitted in sealed envelopes or packages. All proposals must be addressed to Joseph Salvatore, Connecticut Port Authority, 455 Boston Post Road, Suite 204, Old Saybrook, CT 06475. The name and address of the proposer must appear in the upper left hand corner of the envelope or package. An original

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(clearly identified as such) and four (4) copies of the proposal, as well as an editable electronic version of proposal, must be submitted. The proposal must be signed by the proposer. Unsigned proposals will be rejected. Proposals transmitted by facsimile will not be accepted or reviewed.

- 6. *Proposals Due.* An original and four (4) copies, as well as an editable electronic version of proposal, must be received no later than Friday, January 10, 2020.
- 7. *Minimum Submission Requirements.* At a minimum, proposals must: (1) be submitted before the deadline; (2) satisfy the packaging and labeling requirements; (3) follow the required format; (4) be complete; (5) include all required forms; and (6) be signed by an authorized person. The Authority, at its sole discretion, may disqualify any proposal that fails to meet the minimum submission requirements.
- 8. *Scope and Price Negotiable with Selected Proposer.* The Authority shall negotiate the final scope and cost of this work with the selected proposer.

**X. Selection Committee**

A Selection Committee comprised of Authority Board Members or other designees as deemed appropriate will evaluate qualified proposals submitted in response to this RFP and recommend finalists for consideration. The Selection Committee shall evaluate all proposals that meet the Minimum Submission Requirements. Proposals not meeting the minimum submission requirements will not be reviewed. As part of its selection process, the Selection Committee, at its discretion, invite one or more proposes to make oral presentations.

**XI. Timeline**

The following timeline, up to and including the deadline for submitting proposals, shall be changed only by an amendment to this RFP. Dates after the submittal deadline are target dates only.

- 4:00PM. EST November 26, 2019                      RFP Released
- 4:00 P.M. EST December 12, 2019                Deadline for Questions
- 4:00 PM EST December 19, 2019                Responses to Questions
- 4:00 P.M. EST January 10, 2019                Proposals Due

**XII. Evaluation Criteria**

All proposals will be evaluated using the following criteria:

- 1. Experience and Capacity
- 2. Cost – The cost of performing the proposed scope of work (fee proposal)

Proposals submitted in response to this RFP will be evaluated based the quality and the reasonableness of the responses for each item above. Among substantially equally qualified proposers, rates and efficiency will weigh heavy in making a selection.

**XIII. Conditions**

Any proposer must be willing to adhere to the following conditions and must positively certify to adhere to them in its proposal:

1. **Acceptances or Rejection by the Authority.** The Authority reserves the right to accept or reject any or all proposals submitted for consideration under this RFP and to amend or cancel this RFP at any time.
2. **Ownership of Proposals.** All materials are considered public information with the exception of personal and financial information. Following the execution of one or more contracts in connection with this RFP, proposals will be available for review upon request. All proposals in response to this RFP will be the sole property of the Authority and subject to the provisions of Connecticut's Freedom of Information Act, CGS §1-200 et seq.
3. **Ownership of Subsequent Products.** Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP will be sole property of the Authority unless stated otherwise in the contract.
4. **Stability of Proposed Prices.** Any price offerings must be valid for a period of 120 days from the due date of the proposals.
5. **Oral Agreements.** No contract, unless it shall be in writing, executed by an authorized representative of the Authority following the obtaining of all necessary approvals and in accordance with all applicable law, shall be binding on the Authority. No oral agreement or arrangement made with the Authority or any Authority member shall be binding on the Authority.
6. **Rejection for Default or Misrepresentation.** The Authority reserves the right to reject any proposal if any proposed subcontractor is in the default of any prior contract with the Authority or for any misrepresentation.
7. **Authority's Clerical Errors in Awards.** The Authority reserves the right to correct inaccurate awards resulting from its clerical errors.
8. **Presentation of Supporting Evidence.** Any respondent, if requested, must be prepared to present evidence of experience, ability, service capacity, and financial standing.
9. **Changes to Proposal.** Except as otherwise permitted by the Authority, no additions or changes to a proposal will be allowed after submittal.
10. **Collusion.** By responding, the respondent implicitly states that its proposal is not made in connection with any competing respondent submitting a separate response to this RFP, and is in all respects fair and without collusion or fraud. It is further implied that the respondent did not participate in the RFP development process, had no knowledge of the specific contents of the RFP prior to its issuance, and that no member of the Authority participated directly or indirectly in the respondent's proposal preparation.

**Attachments:** Required Forms from Section VI.D of this RFP