



# Request for Proposal

AS AGENT FOR THE CITY OF PHILADELPHIA

Eminent Domain Litigation Services

July 5, 2018

# Table of Contents

1. Introduction
2. Scope of Work
3. Schedule
4. Proposal Requirements
5. Evaluation/Selection
6. Declaration and Other Information
7. Application Process

Attachments:

- A. PRA Insurance Requirements
- B. City of Philadelphia Professional Services Contract General Provisions for Legal Services
- C. Philadelphia Tax Status Certification and Conflict of Interest Form
- D. Campaign Disclosure Forms



## 1. Introduction

The Philadelphia Redevelopment Authority ("PRA"), acting as agent for the City of Philadelphia (the "City"), invites competitive proposals from qualified, licensed and experienced firms to provide legal representation (each, a "Respondent", collectively, "Respondents").

The PRA and the City have entered into a contract whereby the PRA may be asked to file a condemnation action on behalf of the City, using the City's powers of eminent domain. The PRA has and will be gathering information required to evaluate, and then, if authorized, to file, a declaration of taking to condemn fee simple title in certain properties in North Philadelphia under the Pennsylvania Eminent Domain Code. Because the subject condemnation involves several properties and the need for prompt turnaround times, the PRA may select more than one legal firm.

All work contracted pursuant to this Request for Proposals ("RFP") will be directed by the PRA on behalf of the City.

## 2. Scope of the Work

The PRA seeks professional services providers to assist in its work, or in the event of a conflict, to represent the PRA and the City's interests. The contracting opportunity will entail providing legal representation on behalf of the PRA and the City in eminent domain litigation, including, but not limited to, legal representation before the Board of View and the Court of Common Pleas in any valuation hearings; legal representation on any challenge to the declaration of taking, miscellaneous related matters arising in connection with the condemnation of property and the relocation of residential and business occupants, if any, and other matters as may be required.

### Minimum Qualifications

Attorneys proposing to work on these matters must be licensed and admitted to the bar in Pennsylvania or other appropriate jurisdictions and tribunals and have demonstrated expertise and experience in the types of matters requiring services. Only applications of individual attorneys will be considered. Attorneys that are part of law firms are welcome to apply, however, the attorney from the law firm should submit, not the law firm, and be able to demonstrate past work experience with the Pennsylvania Eminent Domain Code.

### Standard Compensation Rates

For legal services, the PRA will pay no more than \$225.00/Hour blended rate. Respondents should state what rates will be comprised of the blended cap rate.

For some situations, work may be done on a flat fee basis, if the PRA determines that this would be more cost effective.

Proposals will be reviewed to determine the most responsive proposal in accordance with the evaluation/selection criteria listed below. Services will be requested from successful Respondents when and as needed during the term of the contract.



### 3. Schedule

The timeline for this Contract Opportunity is as follows:

Event	Date
Notice of Contract Opportunity Posted	July 5, 2018
Questions and/or Requests for Additional Information Due	July 13, 2018
Proposals Due	July 20, 2018
Respondent(s) Selected	July 27, 2018
Contract Executed	August 10, 2018

These dates are estimates only and the PRA reserves the right, in its sole discretion, to alter this schedule as it deems necessary or appropriate.

### 4. Proposal Requirements

Proposals must include:

- Names of individuals performing the work; briefly describe each individual's role, include a resume for each individual. Please provide a rate, state what rates may be, noting the cap blended rate of \$225.00/Hour.
- Proposals must also include the statement that the Respondent is able to comply with the PRA's insurance requirements attached as Attachment A and the City's Professional Services Contract General Provisions for Legal Services. Please note that although the PRA's insurance requirements may conflict with the insurance requirements set forth in the City's Professional Services Contract General Provisions for Legal Services, the PRA insurance requirements set forth in Attachment A shall govern this legal services contract.

### 5. Evaluation/Selection

The PRA intends to award a contract to Respondent(s) who demonstrate the level of experience, skill and competence required to perform the services called for in this RFP in the most efficient, cost-effective, and professional manner. The successful Respondent will be willing to work pursuant to the City's contract terms and conditions which include – without limitation – non-discrimination requirements, indemnification of the City and the PRA, insurance coverage in accordance with the requirements indicated in Attachment A and cost principles. The successful Respondent will execute a contract with the PRA, as agent for the City, which will include the City's Professional Services Contract General Provisions for Legal Services. The PRA reserves the right not to award a contract as a result of this RFP, or to award a contract for part of this scope.

The PRA will be guided by the following criteria in making a selection for award, and will use its professional judgment in determining which Respondents best serve the interests of the PRA and the City:

- Superior ability or capacity to meet particular requirements of this contract opportunity and needs of the PRA and the City.



- Superior prior experiences of various scales; demonstrated relative strength, reputation and successful experience providing services.
- Eligibility under Philadelphia Code provisions relating to campaign contributions.
- Compliance with PRA and City standards for contracting, such as indemnification and non-discrimination.
- Competence and proven track record working with private sector, governments and development organizations.
- Administrative and operational efficiency, requiring less PRA oversight and administration.
- Demonstrated ability to meet timelines and milestones.
- Any other factors the PRA considers relevant to the evaluation of the responses from Respondents.

## 6. Declarations and Other Information

MBE/WBE/DBE Firms: The PRA and the City strongly encourage and promote the employment of qualified MBE/WBE/DBE firms in all aspects of its procurement of goods and services. If Respondent is a Certified M/W/DBE, defined as Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE"), or Disabled Business Enterprises ("DSBE"); please submit information to confirm Certification as part of bid proposal.

City of Philadelphia Professional Services Contract General Provisions for Legal Services: The contract awarded pursuant to this RFP will substantially and materially contain the requirements and provisions as set forth in Attachment B.

Tax Clearance and Conflict of Interest Form: Respondents, upon request of the PRA, must provide evidence satisfactory to the PRA that all municipal taxes, including business taxes, real estate, school, water and sewer charges, if applicable, are current for both the individual Respondent and the Respondent's firm and neither is currently indebted to the City nor will they at any time during the term of the agreement be indebted to the City, for or on account of any delinquent taxes, liens, judgments, fees or other debts for which no written agreement or payment plan satisfactory to the City has been established. Respondents must complete the Philadelphia Tax Status Certification and Conflict of Interest form (Attachment C) and submit it with your proposal.

Campaign Contribution Disclosure Forms: Respondents must complete the applicable disclosure forms (Attachment D) and submit with your proposal.

Insurance Requirements: Respondents must submit a certificate of insurance evidencing the required coverages as outlined in Attachment A with your proposal. Please note that although the PRA's insurance requirements may conflict with the insurance requirements set forth in the City's Professional Services Contract General Provisions for Legal Services, the PRA insurance requirements set forth in Attachment A shall govern this legal services contract.

### Reservation of Rights:

By submitting a proposal in response to this RFP, a Respondent affirmatively acknowledges: (i) its acceptance of the terms and conditions of this RFP; (ii) the PRA may exercise in its sole discretion the following rights; and (iii) the PRA may exercise the following rights at any time and without notice to any Respondent:



1. to reject any and all proposals;
2. to supplement, amend, substitute, modify or re-issue the RFP with terms and conditions materially different from those set forth here;
3. to cancel this RFP with or without issuing another RFP;
4. to extend the time period for responding to this RFP;
5. to solicit new proposals;
6. to conduct personal interviews with any Respondent to assess compliance with the selection criteria;
7. to request additional material, clarification, confirmation or modification of any information in any and all proposals;
8. to negotiate any aspect of a proposal, including price;
9. to terminate negotiations regarding any and all proposals at any time;
10. to expressly waive any defect or technicality in any proposal;
11. to rescind a selection prior to contract execution if the PRA determines that the proposal does not conform to the specifications of this RFP;
12. to rescind a selection prior to contract execution if the PRA determines that the specifications contained in this RFP are not in conformity with law or that the process in selection of a proposal was not in conformity with law or with the legal obligations of the PRA;
13. in the event a contract is awarded, the successful Respondent or Respondents shall procure and maintain during the life of the contract liability insurance in an amount to be determined prior to the award of any contract;
14. in the event a contract is awarded, all Respondents agree to perform their services as an independent contractor and not as an employee or agent of the PRA or the City;
15. in the event a contract is awarded, all Respondents agree that no portion of performance of the contract shall be subcontracted without the prior written approval of the PRA; and
16. each Respondent agrees to indemnify, protect and hold harmless the PRA and the City from any and all losses, injuries, expenses, demands and claims against the PRA or the City sustained or alleged to have been sustained in connection with or resulting from (i) the submission of the Respondent's proposal; (ii) the delivery by the Respondent to the PRA of any other documents or information; and (iii) any other conduct undertaken by the Respondent in furtherance of or in relation to the Respondent's proposal. Each Respondent agrees that its duty to indemnify and hold harmless shall not be limited to the terms of any liability insurance, if any, required under this RFP or subsequent contract.

## 7. Application Process

Respondents must submit proposals to the PRA no later than **July 20, 2018, 3:00 PM**; absolutely no proposals will be accepted after that time.

A Respondent, whether an individual, partnership, LLC, non-profit, for profit or other business entity, may submit only one response to this RFP. Individuals or businesses that are legally related to each other or to a common entity may not submit separate proposals. The PRA, in its sole and absolute discretion, retains the right to reject any proposal where: 1) Respondents or principals of Respondents are substantially similar or



substantially related parties; or 2) the PRA has determined that the Respondent has violated these conditions or the spirit of these conditions.

Proposal submission will only be accepted in either of the following forms:

**1. Online Submission** – via the electronic portal on PRA’s website (<http://www.philadelphiaredevelopmentauthority.org/>); or

**2. Hard Copy Submission** - Respondents may hand deliver or send 3 original copies of the proposal via registered mail to:

Ryan D. Harmon, Esq.  
General Counsel  
Philadelphia Redevelopment Authority  
1234 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19107  
Phone: 215-854-6500

## Contact for Additional Information

All questions and requests for additional information should be directed in writing to Ryan D. Harmon, Esq., at [ryan.harmon@pra.phila.gov](mailto:ryan.harmon@pra.phila.gov). Questions will only be accepted until **July 13, 2018**. Questions, responses, and additional information will be posted on the PRA website by July 17, 2018.

## Disqualification

Bids will be disqualified if:

1. They are submitted after the specified deadline;
2. They are submitted by some means other than the two formats listed above. For electronic submissions, the PRA website portal is the only means that will be accepted. Submissions sent via email, Dropbox or other electronic venues will be disqualified;
3. If the bid package is incomplete.

## Events of Disqualification or Default

Subsequent to the selection of an individual or firm, and before execution of a contract, the PRA may treat any of the following as an event of disqualification or default:

1. Unilateral withdrawal by the selected Respondent;
2. Failure to proceed substantially in accordance with the proposal as submitted;
3. Failure by the Respondent for any reason whatsoever to timely execute the contract when tendered;
4. Material misrepresentation, omission, or inaccuracy contained in any document submitted either as part of the Request for Proposals, or subsequent thereto. For the purposes of this section, the PRA places particular importance on the information required by the Respondent's Philadelphia Tax Status Certification and Conflict of Interest Form;
5. Failure to provide in a timely manner the additional material required after selection throughout the PRA contract process.



Upon the happening of an event of disqualification or default by the Respondent, PRA shall have the right, at its election, to:

1. Rescind its selection; or
2. Declare null and void a contract that may already have been executed.

**The PRA is under no obligation whatsoever to Respondent as a result of this RFP. The RFP does not represent any commitment on the part of the PRA to Respondent or the project. In no event shall the PRA be responsible for any cost, expense or fee incurred by or on behalf of Respondent in connection with the RFP. Respondent shall be solely responsible for all such costs, expenses and fees.**

**NOTICE: The PRA is subject to the Pennsylvania Right to Know Law. Any information provided in your response to this Request for Proposals may be subject to disclosure to the public. Documents provided in response to this RFP may also be required to be disclosed by applicable law, subpoena, and/or court order.**

