

Request for Proposals: Library Attorney

March 2, 2022

The Long Beach Public Library (the "Library"), a school district public library located in Long Beach, New York, invites qualified applicants to submit proposals for: **Library Attorney**

The Long Beach Public Library seeks proposals from individuals and qualified firms willing to designate an individual to serve as Attorney of the Library Board of Trustees as indicated in this Request for Proposals.

Proposals must be received by 11:59 PM on Friday April 15, 2022.

Each proposal is to be submitted via email only, in a single document in PDF format, to businessoffice@longbeachlibrary.org with the subject line: "Proposal for LBPL Attorney". Proposals received after the deadline will not be considered.

All proposals shall be irrevocable for a period of at least ninety (90) days from the proposal deadline date.

All proposals shall be prepared in accordance with these instructions to receive consideration.

Official Contact: Any questions concerning this Request for Proposals should be submitted via email to:

Tara Lannen-Stanton
Library Director
Long Beach Public Library
director@longbeachlibrary.org

All questions should be submitted in writing to the above email address no later than 5 PM on Friday March 18th, 2022, in order to allow for timely response. Questions will be answered by 8 PM on Tuesday, March 22nd, 2022.

Selection of Proposal: Selection will be based on the most responsive and responsible proposal offering the best value to the Library. The following criteria will be considered:

- Qualifications
- Experience
- References
- Price

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No single criteria will be dispositive. Preference will be given to applicants or firms located within the City of Long Beach or nearby towns and/or to applicants or firms with experience in school district public library and municipal law.

Ownership of Documents: All documents submitted will become property of the Library.

Confidentiality of Information: Any information provided in proposal which is designated as confidential shall be treated as confidential by the Library to the extent permissible by law.

RFP Awards: The Library reserves the right to accept or reject any and all proposals not considered to be in the best interest of the Library, to waive irregularities in any proposal, to reject any proposal which the Library deems to be irregular or in error, to make a partial award or to make a multiple vendor award, as well as the right to not award the services to any individual/firm, or at all. The acceptance or rejection of any proposal and the making of an award or partial award will be at the sole discretion of the Library. Once proposals are reviewed, proposers may be contacted for a follow up interview. The Library reserves the right to obtain clarification of any point in the proposal or to obtain additional information necessary to properly evaluate the proposal.

General Specifications: The Library is seeking an Attorney to serve the Library Board of Trustees and Library administration, as outlined in the Scope of Services.

Scope of Services

The selected Attorney or Legal Firm shall be required to perform all legal services for the Long Beach Public Library's Board of Trustees, the Library Director, and other administrative staff on an as-needed basis. Services shall include but are not limited to the following:

1. Provide legal research and/or advisory opinions as needed.
2. Attend regularly scheduled meetings and special meetings of the Long Beach Public Library's Board of Trustees as needed
3. Review and/or draft all contracts, inter-Local and Inter-Agency agreements
4. Research, counsel, and advise on all legal matters and Board actions affecting Library governance and operations, and rendering (written) opinions interpreting local, state and federal law and regulations, especially provisions of the Education Law, General Municipal laws, State Comptroller opinions, Records Retention, and Open Meetings Law
5. Be available for ad hoc communication and meetings with the Board President, Trustees, and the Library Director

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6. Review and advise for legal notices, resolutions, library policies, by-laws and other matters of governance
7. Draft, review and/or advise with procurement matters including bid specifications, bidding matters, preparation and execution of contracts, and contract disputes solution
8. Negotiate, draft, and review Library Branch leases
9. Represent the Board with respect to matters involving interface with the school district, local governing bodies, financial matters, jurisdictional matters, etc., and with state agencies such as NYSED, DASNY, State Library, as needed
10. Provide advice and counsel on all labor matters and personnel administration including drafting/reviewing employee legal documents
11. Representation at collective bargaining negotiations and development of Labor-Management contracts including drafting bargaining proposals, reviewing contract language, and preparing final contract documents
12. Provide assurance statements as required for financial audits, bonding matters and grant compliance
13. Represent and defend the Board in all legal proceedings

Reporting: The Library Attorney is appointed by the Board of Trustees on an annual basis, reports to the Board of Trustees, and serves at their pleasure. The Attorney will work with the Library Director and other administrative staff on a regular basis and interact with the Board President as the primary officer.

Terms of Engagement: The Library is looking to fill the Library Attorney position for Fiscal Year 2023 starting July 1, 2022 and ending June 30, 2023. Further extensions will be considered on an annual basis. In accordance with best practices of government procurement, the Library issues RFPs for professional services every five years.

Qualifications: The principals and associates of the firm who provide legal services must be properly licensed by the State of New York to practice law in the State. The Attorney shall furnish the Board with a curriculum vitae/firm resume that evidences a minimum of eight (8) years of experience in the representation of public entities, including public libraries, boards of education or municipalities. The Board is seeking a candidate that has significant experience and familiarity with State and Local Government practices and rendering legal services to public entities. The Library Director will schedule an initial interview of qualified candidates and make a recommendation of candidate(s) to the Board. The Board may schedule an interview of final candidates.

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PROPOSAL REQUIREMENTS

The following material is required to be received by email in one document in PDF format by 11:59 PM on Friday April 15th, 2022.

Proposal Content and Format

The following proposal format is requested:

1. **Cover Page** indicating, "Proposal – Long Beach Public Library Attorney" including the firm's name (if applicable); the name, address, telephone number and email address of the specific person who will serve as Library Attorney
2. **Executive Summary**
3. **Proposer's Expressed Understanding of the Services Required**
4. **Proposer's Responses to the RFP questions below**

RFP Questions

A. Background:

1. Provide a background of your/your firm's background, size and history pertinent to the requested services in this RFP. If specific attorney(s) will be assigned to work with the Library, please list their names and relevant qualifications.
2. List the most significant engagements (maximum 5) performed in the last five years that are similar to the engagement described in the Scope of Services. Indicate the scope of work, date, engagement partners (if applicable), total hours, and the contact information for the principal contact.
3. Does your firm represent the Board of Trustees of any other public library? If so, list the full name, email, and telephone number of the Library Director and the Board President.
4. Has your firm or an attorney in your firm ever been disciplined or censured by any regulatory body? If so, describe the principal facts.
5. Within the last five years, has your firm, or an attorney in your firm, been involved in litigation or other legal proceedings relating to the provision of legal

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services? If so, provide an explanation and indicate the current status or disposition of the proceedings.

6. How does your firm identify and manage conflicts of interest?
 7. Are there any potential conflict of interest issues for your firm in serving the Library Board of Trustees? If so, describe them.
 8. List any professional or personal relationships your firm's attorneys may have with the Trustees and/or staff members of the Long Beach Public Library.
- B. **References:** Provide three client references for which your firm has performed work similar to that requested in this RFP, within the past five years. One reference must be a public entity.
- C. **Insurance and liability:**
1. What limitation on liability, if any, do you impose through your contract?
 2. Describe the levels of coverage for legal malpractice insurance and any professional liability insurance your firm carries.
 3. List the insurance carrier(s) and each carrier's rating by a nationally recognized service. Describe your firm's disaster recovery plan and facilities.
- D. **Cost Proposal:** Submit a detailed cost proposal including the following:
1. Retainer Fee - a proposal of a yearly flat retainer fee which would cover the scope of services outlined in this Request for Proposal.
 2. Non-Retainer Fee – for those legal services not covered by the retainer, propose regular hourly rates for legal services provided by the Library Attorney. If a Legal Firm, please propose regularly hourly rates for partners, associates, and paralegals.
 3. Reimbursement for out-of-pocket costs – The proposer may also list any out-of-pocket costs for which it will seek reimbursement (postage, etc.), but generally the annual retainer or hourly rate should compensate the Attorney for his or her services.

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The Board of Trustees reserves the right to negotiate with the proposer on retainer fee and/or non-retainer fees.

- E. **Sample Contract or Agreement:** Include a sample contract or agreement your firm uses for legal services.
- F. **Other Information:** Include in this section any additional information you wish to provide to the selection committee, relevant to the role of Long Beach Public Library Attorney.
- G. A signed **Non-Collusion Statement** (with corporate resolution for corporate proposers).

REQUIRED SUBMISSION
Non-Collusive Certification

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1. The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposal¹ and will not knowingly be disclosed by the proposer prior to opening, directly or indirectly, to any other proposer or to any competitor;
3. No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition;
4. The proposal is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary proposal;
5. The proposer has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by any firm or person to refrain from proposing or to submit a complementary proposal on this project;
6. The proposer has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any other project, in consideration for the proposer's submitting a complementary proposal or agreeing to do so on this project;
7. The individual signing on behalf of the proposer represents and warrants that they are authorized to sign on behalf of the proposer and that they have made a diligent inquiry of all members, officers, employees and agents of the proposer with responsibilities relating to the preparation, approval or submission of the proposal on this project and have been advised by each of them that he/she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in this certification; and
8. This certification is in accordance with Section 103-d of the General Municipal Law.

If the proposer is a corporation, a corporate resolution authorizing the signing of the proposal and this certification shall be included with the proposal.

Proposer's Printed Name: _____

By (printed name): _____

Its (printed title): _____

Signature: _____

Dated: _____