

# WINTER HAVEN

*The Chain of Lakes City*

March 17, 2010

## REQUEST FOR QUALIFICATIONS RFQ-10-26

Sealed responses marked "**LABOR AND EMPLOYMENT PROFESSIONAL LEGAL SERVICES**" will be received by the City of Winter Haven until **2:00 P.M., April 7, 2010**, at the office of the Procurement Services Division, Central Stores Complex, 401 6<sup>th</sup> St. SW, Winter Haven, Florida 33880, for the following:

"Labor and Employment Professional Legal Services"

At that time, responses will be publicly opened and read aloud in the Procurement Services Office.

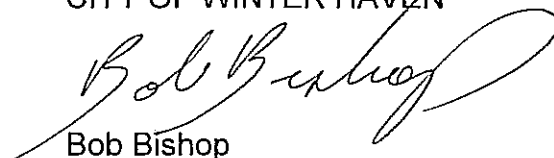
The City is requesting responses from those qualified firms with previous experience in this type of work. Firms submitting responses shall provide evidence of their experience and expertise in similar work performed. Bidders must submit one (1) **unbound original** and two (2) copies of their response.

The responses shall be furnished in accordance with the RFQ, requirements, and any other documents prepared for this bid. **W-9** must be attached to the bid when returned by the responding vendor. Payment will be rendered to the name and ID appearing on the W-9.

For additional information, contact Michele Stayner at 863.291.5622.

The City of Winter Haven reserves the right to reject any and all responses, to waive informalities, to re-advertise, and to enter into a contract determined to be in its best interest, in accordance with the documents referenced herein above.

Sincerely,  
CITY OF WINTER HAVEN



Bob Bishop  
Procurement Services Division Director

Enclosures

Procurement Services PO Box 2277, Winter Haven, FL 33883 Ph 863.291.5664 Fax 863.291.5666

# *W*INTER HAVEN

## *The Chain of Lakes City*

### **REQUEST FOR QUALIFICATIONS RFQ-10-26**

The City of Winter Haven invites proposals from qualified firms/individuals to provide professional legal services in the capacity of the primary labor and employment law counsel and advisor to the City Commission, City Manager and City staff. Professional legal services are to be provided as requested and on a contractual fee-for-services basis (i.e., hourly billing method).

Sealed proposals MARKED **“REQUEST FOR QUOTATION – LABOR AND EMPLOYMENT PROFESSIONAL LEGAL SERVICES”** will be received by the City of Winter Haven until 2 p.m., April 7, 2010, at the office of the Procurement Services Division, 401 6<sup>th</sup> Street, SW, Winter Haven, Florida 33880. At that time, proposals will then and there be publicly opened and read aloud.

Firms/individuals on their own accord and at their sole expense shall submit one original and two copies of their proposal containing information relevant to the firm/individual(s) experience, qualifications, personnel, availability and capability to provide and perform the professional services necessary in a complete, effective and timely manner. All proposals must be signed by an authorized representative and include the following:

1. Identification of the Principal and Secondary Representatives: The names of the persons who will provide the primary labor and employment professional legal services to the City, and those who will act in a back-up capacity, are to be identified. Any known schedule conflicts and unavailability of the principal representative are to be declared.
2. Qualifications: Any and all attorneys who will provide legal services to the City under the proposed contact must be identified by name with an accompanying statement of qualifications and experience provided.
3. Office Location: The mailing, physical and electronic address of the local office serving the City of Winter Haven is to be provided, as is the relevant telephone and facsimile numbers.

4. Conflicts of Interest: Any potential conflicts of interest that the firm/individual might incur while rendering services to the City of Winter Haven are to be disclosed.
5. Fees and Charges: The hourly rates charged for attorney services and paralegal services (if billed separately) are to be identified. Proposed billing rates of any ancillary legal services, office expenses, travel and miscellaneous expenses (i.e. expenses not included in the hourly rates specified herein or those that are billed separately) are to be included too.

The responsibility for completing and submitting sealed proposals by the deadline shall be solely and strictly the responsibility of proposing firms/individuals. The City of Winter Haven shall in no way be responsible for delays caused by the United States Postal Service or any other occurrence. Proposals received after the time and date stipulated herein shall be considered non-responsive. No proposal shall be withdrawn for a period of 90 days from the date and time of the proposal opening.

For additional information, contact Executive Services Director Michele Stayner at (863) 291-5622. Any such contact shall be for clarification purposes only, as material changes to the scope of services or proposal procedures, if any, will be transmitted by written addendum.

All proposals received by the deadline will be screened to ensure that qualifications and requirements of the RFQ are met. In order for a proposal to be considered, all requested information must be submitted. Incomplete proposals will be subject to disqualification. Top qualified firms/individuals may then be invited to a formal interview with City staff. If selected, a formal contract will be negotiated with the selected firm/individual.

The City of Winter Haven, Florida reserves the right to waive informalities; to reject any and all responses to this RFQ, in whole or part, with or without cause; to re-advertise and to enter into a contract determined to be in its best interest.

# *W*INTER HAVEN

## *The Chain of Lakes City*

### **RFQ-10-26**

### **Scope of Services**

### **Labor and Employment Professional Legal Services**

#### Background:

Centrally located between Tampa and Orlando, the City of Winter Haven spans 39 square miles and has a population of 34,464. The City of Winter Haven by charter is a Commission-Manager form of government. The Commission is made up of five elected citizens; one of the five is appointed Mayor to chair the Commission meetings held twice monthly on the second and fourth Monday at 7:30 p.m. The Commission appoints a City Manager to serve as the chief executive officer. Likewise appointed are a City Clerk and City Attorney. Each appointee serves at the pleasure of the City Commission.

A City organization chart is attached hereto and labeled "Exhibit 1." Overall, the City of Winter Haven employs 478 individuals to work in a full time or part time capacity in varied departments providing fire, police, parks and recreation, planning and zoning, water, sewer and garbage services and administrative services such as finance, information and support, human resources, etc. Among the 478 employees, there are 66 sworn firefighters; 78 sworn police officers; 166 standard employees and 168 operational services employees. The 168 operational services employees are represented by the Federation of Public Employees, a division of the National Federation of Public and Private Employees, AFL-CIO.

City employees are governed by the provisions of a 1991 Personnel Policy and Procedures Manual; said Manual is presently being revised to encompass labor and employment law changes of late. City employees represented by the Federation of Public Employees are likewise governed by the provisions of a Collective Bargaining Agreement that expires September 30, 2010.

A broad spectrum of municipal government law issues are handled by the City Attorney, appointed by and who serves at the pleasure of City Commission; however, historically, the City's labor and employment law concerns have been handled by a separate attorney. Since 1972, the City's labor and employment law affairs have been handled by a single attorney who specializes in this field of law. The labor law attorney who has served at the pleasure of the City Manager for 30+ years has retired this aspect of his practice.

#### Purpose and Intent:

The City of Winter Haven seeks to contract with a qualified State of Florida certified and licensed firm/attorney to provide labor and employment legal services on an as-requested, specialty and fee for services basis.

### Scope of Professional Services:

The chosen firm/individual will serve as the primary labor and employment law legal counsel and advisor to the City Commission, City Manager and City staff. The chosen firm/attorney will work under the direction of the City Manager and will perform work that will include, but will not be limited to:

- Engaging in and facilitating bargaining unit negotiations and contract development;
- Handling grievance and arbitration processes and hearings;
- Attending to Public Employee Relations Commission (PERC) matters;
- Handling due process hearings;
- Investigating and if necessary litigating discrimination, harassment, unemployment, and wrongful employment actions, complaints and related lawsuits;
- Defend for and on behalf of the City all labor, employment and related discrimination complaints, suits and controversies in which the City may be named a party;
- Represent an employee or elected official who may be individually named in a suit as a result of the execution of official duties with the City;
- Consult and cooperate as necessary with the City Attorney or other legal counsel designated by the City's insurance provider;
- Provide staff assistance and legal counsel where needed and requested;
- Maintain satisfactory work relationships with the City Commissioners, City Manager, Assistant City Manager, Department/Division Heads, general employees and the public;
- Keep the City Manager or his designee informed of new laws or judicial opinions that could affect the City in any way;
- Developing and interpreting policies;
- Preparing and presenting legal opinions and advice;
- Providing on-site legal services, labor and employment law consultant services and professional development training and
- Performing other such professional duties as may be required.

### Capabilities and Qualifications:

The qualified firm/attorney must have knowledge and experience in a broad range of labor and employment legal issues; three or more years experience in practicing labor and employment law in the State of Florida and meet the following requirements:

- Be a graduate of an accredited four year college/university;
- Be a graduate of an accredited law school;
- Be an active member in good standing of the Florida Bar Association;
- Be a lawyer admitted in and having authority to practice in all courts of the State of Florida, as well as United States District Court, Court of Appeals and the Supreme Court;
- Have the ability to communicate effectively with City officials, staff and the public;
- Possess highly developed legal writing skills;
- Have the ability to present ideas and communicate in a clear, concise and comprehensible manner;
- Have the ability to respond to the City's request for service within a reasonable period of time;

- Have knowledge and experience in the areas of litigation, administrative hearings and appeals;
- Have the ability to provide legal opinions and advice to the City and its staff and
- Attend meetings as requested and provide legal input where warranted.

Insurance Requirements:

The successful firm/attorney shall procure and maintain, at its sole expense, insurance of the types and in the minimum amounts stated below.

Type	Minimum Amount of Coverage (Inclusive of any amount provided by an umbrella or excess policy)
Workers' Compensation <sup>1</sup>	
Part One	"Statutory"
Part Two	\$500,000 Each Accident \$500,000 Disease – Policy Limit \$500,000 Disease – Each Employee
General Liability <sup>2</sup>	\$500,000 General Aggregate \$500,000 Products/Completed Operations Aggregate \$500,000 Personal and Advertising Injury \$500,000 Each Occurrence
Automobile Liability <sup>3</sup>	\$500,000 Each Occurrence – Bodily Injury and Property Damage Combined
Professional Liability <sup>4</sup>	\$1,000,000 Each Occurrence/Annual Aggregate Maximum per claim deductible of \$10,000 or 5% of the successful firm/attorney's net worth according to the most recent fiscal year financial statement certified by an independent Certified Public Accountant and prepared in accordance with United States General Accepted Accounting Principles. <sup>5</sup>

<sup>1</sup> Such insurance shall be no more restrictive than that provided by the Standard Workers' Compensation Policy without restrictive endorsements. In addition to coverage for the Florida Workers' Compensation Act, where appropriate, coverage is to be included for the Federal Employers' Liability Act and any other applicable Federal or State law.

<sup>2</sup> Such insurance shall be no more restrictive than that provided by the standard Commercial General Liability Form (ISO Form CG 00 01) without any restrictive endorsements. The City shall be included as an "Additional Insured – Owners, Lessees, or Contractors (Form B).

<sup>3</sup> Such insurance shall be no more restrictive than that provided by Section II (Liability Coverage) of the standard Business Auto Policy (ISO Form CA 00 01), including coverage for liability contractually assumed, and shall cover all owned, non-owned, and hired autos used in connection with the performance of work.

<sup>4</sup> Such insurance shall be in a form acceptable to the City and shall cover the successful firm/attorney for those sources of liability arising out of the rendering or failure to render professional services in the performance of the work including any hold harmless and/or indemnification agreement. The successful

firm/attorney shall provide and maintain such professional liability insurance from the inception of services and until completion of all work required under the contract. Coverage must either be on an occurrence basis, or if on a claims-made basis, the coverage must respond to all claims reported within three years following the period for which coverage is required and which would have been covered had the coverage been on an occurrence basis.

<sup>5</sup> Financial statements dated more than six months prior to the commencement of work for the City must be accompanied by a certification by an owner, partner or corporate officer that there has been no material adverse change since the date of the fiscal year-ending statement and by an interim financial statement less than six months old. If the successful firm/attorney is a joint venture and each member of the joint venture agreed to be jointly and severally liable for that portion of any claim under the deductible, the maximum amount of the deductible shall be based on the net worth of the member of the joint venture having the least net worth.

If the successful proposer subcontracts any of the work, then the successful proposer shall require the subcontractor to maintain professional liability as described herein. The insurance provided by the successful proposer and its subcontractors shall apply on a primary basis. Any insurance maintained by the City shall not contribute with the insurance provided by the successful proposer and its subcontractors. Except as otherwise specified, no deductible or self-insured retention is permitted.

Such insurance shall be written by a company or companies licensed to do business in the State of Florida. Certificates evidencing the maintenance of said insurance must be furnished to the City for approval prior to commencing any contracted work. The insurance certificate shall provide that no material alteration or cancellation, including expiration and non-renewal, shall be effective until 30 days after receipt of written notice by the City of Winter Haven.

The successful firm/attorney shall include a waiver of subrogation on all required insurance in favor of the City, its City Commission, employees, agents and subcontractors.

The selected firm/individual(s) must fully comply with the City's indemnification and insurance requirements. A Certificate of Insurance or a binder of coverage is to be provided by the proposer's liability insurance carrier at the time negotiation of final terms and conditions begin. If the selected firm/individual cannot produce the required insurance coverage, the City will cease negotiations with that firm/individual(s) and commence negotiations with the next firm.

Until such insurance is no longer required, the successful firm/attorney shall provide the City with renewal or replacement evidence of insurance at least 30 days prior to the expiration or termination of the insurance.

Billing:

Billing shall be in accordance with an established and agreed upon fee for service - hourly rate basis. The firm/attorney shall forward itemized bills for legal services to the City Manager's office for processing.

Duration and Terms of Engagement:

Rates and terms resulting from the RFQ will be in effect through September 30, 2010. The City and the select legal firm/individual may mutually agree to extend the engagement at existing rates, or as negotiated, in one-year increments for five additional one year periods beginning October 1, 2010 – subject to the availability of funds.

The legal firm/attorney of choice will be issued a letter detailing the start date, rates and fees for professional labor and employment legal services and confirming the requirements of the RFQ will be binding on the select legal service provider.

Service may be terminated by the selected firm upon 90 days prior written notice to the City with or without cause. In such termination of services, the selected firm/individual(s) shall honor the provision of Rule 4-1.16 of the code of Professional Conduct of the Florida Bar.

The City retains the right to discontinue the service of any legal service provider with or without notice.

Contact:

For additional information regarding this Scope of Service contact Executive Services Director Michele Stayner at (863) 291-5622.

CITY OF WINTER HAVEN ORGANIZATIONAL CHART 2009/10

CITIZENS OF WINTER HAVEN

**CITY COMMISSION**  
 Mayor: Jeff Potter, Mayor Pro Tem: J.P. Powell, Commissioner: James Baggett, Commissioner: Neil Birdsong, Commissioner: Steven Hunkel

**CITY ATTORNEY**  
 John Murphy

**CITY MANAGER**  
 Dale L. Smith

**CITY CLERK**  
 Dorothy Johnson  
**EXECUTIVE ASST. / DEPUTY CITY CLERKS**  
 Sheandolen Dunn  
 Dolly Pelletier

**Airport**  
 Cheryl Connor  
 Div. Dir.

**Community Redevelopment Agency (CRA)**

**Technical Services**  
 Joey Murphy, Div. Dir.  
 Development Review  
 Engineering/Design  
 Inspections/Locates

**Strategic Initiatives/Capital Projects**  
 Kim Hansell, Div. Dir.  
 Capital Improvement Plan/TIP  
 Masterplan Coordination/Implementation  
 Regulatory Permitting/Compliance  
 Infrastructure/Strategic Planning

**COMMUNITY DEVELOPMENT**  
 David Dickey, Dir.  
 Administration

**Planning**  
 David Dickey, Dir.  
 Planning/Zoning  
 Annexations  
 Economic Development  
 Grant Acquisition

**Building / Permitting**  
 Randy Aldridge, Bldg. Official  
 Bldg. Permits / Inspections  
 Business Tax Receipts

**Sustainability**  
 Erin Tighman, Sustainability Mgr.  
 CDBG/SHIP  
 Historic Preservation  
 Neighborhoods/Codes  
 Neighborhood Planning

**EXECUTIVE SERVICES**  
 Michaele Stayner, Dir.  
 Human Resources  
 Organizational Effectiveness  
 Safety, Health & Wellness Programs  
 Special Assignments-Problem Solving

**ASSISTANT TO THE CITY MANAGER**  
**SUPPORT SERVICES**  
 Deric C. Faessler  
 Courier / Mail Services  
 Communications-Marketing  
 Public Information  
 Fleet-Facility Maintenance  
 Board/Agency/Community Liaison

**COMMUNITY SERVICES**  
 T. Michael Stavros, Dir.  
 Administration / Fiscal Coordination

**Leisure Services**  
 Travis Edwards, Div. Dir.  
 Recreation/Culture  
 Landscape Maintenance  
 Willowbrook Golf Course

**Natural Resources**  
 Mike Brit, Div. Dir.  
 Stormwater  
 Lakes Management  
 NPDES

**Library Services**  
 Jennifer Beard, Div. Dir.  
 Adult Svcs.  
 Children Svcs.  
 Reference Svcs.

**Public Services**  
 Terrence Neely, Div. Dir.  
 Streets  
 Cemeteries  
 Solid Waste

**TECHNOLOGY SERVICES**  
 Hiep Nguyen, Dir.  
 GIS  
 Records Management  
 Information Technology  
 Internal/External Website Development

**FINANCIAL SERVICES**  
 Calvin T. Bowen, Dir.  
 Accounting - Payroll  
 Procurement Services  
 Risk Contract Management  
 Utility Account/Field Services  
 Internal Audit

**FIRE SERVICES**  
 Tony Jackson, Chief  
 Administration  
 Emergency Services  
 Prevention, Education &  
 Emergency Management

**POLICE SERVICES**  
 Buddy Waters, Chief  
 Administration  
 Support Services  
 Community Services  
 Law Enforcement Ops.

**UTILITY SERVICES**  
 Vacant  
 Administration  
 Asset Management  
 Water Production & Distrib.  
 Wastewater Ops. & Maint.