

**COMMONWEALTH OF MASSACHUSETTS
BELMONT RETIREMENT BOARD**

**REQUEST FOR PROPOSALS TO PROVIDE
LEGAL SERVICES**

Submission Deadline Date: Friday, March 29, 2024

The Belmont Retirement Board (hereinafter, “the Board”) is seeking an attorney or multi-service law firm with experience representing public agencies in a broad spectrum of matters, including Massachusetts Public Employment Law, Massachusetts Public Records Law, Massachusetts Open Meeting Law, Massachusetts State Ethics Law, and Massachusetts Data Protection and Cybersecurity Law. Legal Services will include supplementing, when necessary, the Board’s existing external counsel in matters pertaining to Massachusetts Public Pension Law.

The Belmont Retirement System (hereinafter, “the System”) is a public employee retirement system created and operated pursuant to Massachusetts General Laws, Chapter 32, § 20(4), with an address of 90 Concord Avenue, Level 3, Belmont, Massachusetts 02148. The Board oversees the operations of the System and administers the public pensions of over 800 active and retired members and beneficiaries of the Town of Belmont and the Belmont Housing Authority.

To be considered for selection, the attorney or law entity should possess knowledge and proficiency primarily in public sector/government services and public employment law and be practiced in data security/cyber law and public pension law.

This request for proposals is subject to and will be conducted in compliance with G.L. c. 32, §23B. Proposals may contain any information deemed responsive and relevant and should address actual or potential conflicts of interest with the Board, its staff, and the System’s members or member units.

SCOPE OF SERVICES

Under the direction of the Board, the successful candidate will be expected to keep abreast of and provide ongoing advice and counsel with respect to matters bearing upon the areas for which the firm or attorney has been retained.

Set forth below is the summary description of the legal services to be provided by outside counsel to the Board. This description is not intended to be comprehensive but is intended to provide general guidance as to the scope of services that outside counsel will be expected to provide. Respondents are advised that the scope of services will be considered to include, in addition to the services described below, all those services understood by knowledgeable counsel to be reasonably necessary to satisfy the duties of such counsel.

Successful candidates will:

- concentrate in, advise and represent the Board in all matters concerning public employment law;
- concentrate in, advise and represent the Board in all matters concerning Public Records Law, Open Meeting law and State Ethics Law;
- advise and represent the Board in IT incident responses and in all matters concerning breach of data security and cyber law;
- be available to provide supplementary advise and representation in matters pertaining to public pension law where the Board's existing public pension counsel may have a conflict of interest or otherwise be unable to provide advise and representation.

PROPOSALS

Responses must include the following information:

- I. A detailed description of the attorney or law firm's relevant and related legal experience, including a representative list of Massachusetts clients and the period during which legal services were rendered. Clients may be contacted by the Board for references.
- II. The name, background and qualifications of the attorney(s) who will be primarily responsible for providing legal services to the Board, including details of any disciplinary findings, judgments, criminal convictions, investigations, or litigation pending against the attorney or law firm.
- III. A description of hourly fees charged for such matters as appearances, telephone calls, file review, legal research, copying, etc., including a description of expenses for which the attorney or law firm will expect reimbursement, including, but not limited to, travel related costs, and a description of the attorney or law firm's billing procedures, i.e., monthly, quarterly, etc.
- IV. Certification of professional liability insurance.
- V. Pursuant to G.L. c. 32, § 23B(k)(3), an attorney or law firm submitting a proposal to the Board shall certify as follows:

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean a natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

(Signature of individual submitting bid or proposal)

(Name of business)

EVALUATION CRITERIA AND RATING

Criteria to be evaluated by the Board shall include experience and qualifications, resources and staffing, fee structure and whether conflicts of interest exist. Proposals will be rated by the Board as being Highly Advantageous, Advantageous, Not Advantageous, or Unacceptable, and the Board shall consider in its evaluations: (1) the possession and demonstration of the necessary skills and abilities to perform legal services requested; (2) an acceptable level of client satisfaction; (3) strength, stability, and longevity; and (4) competitive fee structure.

The Board will designate its choice following review and rating of proposals and may conduct interviews. Upon selection of an attorney or law firm, the Board will negotiate a contract for legal services which cannot exceed a term of seven (7) years.

The Board reserves the right to amend or cancel this procurement at any time for any reason and to reject proposals or parts thereof. Each proposal shall be considered in effect for a period of ninety (90) days following the submission date. The Board also reserves the right to waive any irregularities, inconsistencies, and bidding provisions, or to take whatever other action that is deemed to be in the best interests of the System's members and beneficiaries. The Board reserves the right to request clarification of information from any entity responding. All responses and their contents will become the sole property of the Board upon receipt.

RATING

Each proposal will be rated in the following manner and on the following criteria:

1. Experience and Qualifications

Highly Advantageous: Experience representing Massachusetts public agencies in matters pertaining primarily to public employment law, open meeting law, state ethics law, public records law, with proficiency in cyberlaw.

Advantageous: Experience representing Massachusetts public agencies in three (3) of the following categories: public employment law, open meeting law, state ethics law, public records law, and cyberlaw.

Less Advantageous: Experience representing Massachusetts public agencies in two (2) of the following categories: public employment law, open meeting law, state ethics laws, public records law, and cyberlaw.

Unacceptable: No experience representing Massachusetts public agencies in matters pertaining to public employment law, open meeting law, state ethics law, public records laws, cyberlaw or construction law.

2. Resources and Staffing

Highly Advantageous: Primary attorney has fifteen or more years' experience in matters pertaining to public employment law and public records laws, with additional experience in cyberlaw, state ethics law, public records law, and a strong support staff.

Advantageous: Primary attorney has between ten- and fifteen-years' experience in such matters, and a strong support staff.

Less Advantageous: Primary attorney has between five- and ten-years' experience in such matters, and a strong support staff.

Unacceptable: Primary attorney has less than five years' experience in such matters.

Fees

Highly Advantageous: Hourly fees are inclusive of all charges, including but not limited to phone calls, file review, copying, messenger service. Only travel is billed separately.

Advantageous: Hourly fees, list of charges, and travel reimbursement policy are reasonable.

Less Advantageous: Hourly fees and list of charges are higher than expected, but not excessive.

Unacceptable: Hourly fees and list of charges are excessive.

3. Conflict of Interest

Highly Advantageous: No actual or potential conflicts of interest with the Belmont Retirement Board or its member units.

Advantageous: No actual or potential conflicts of interest with the Belmont Retirement Board or its member units, but the appearance of one exists.

Less Advantageous: No actual conflict of interest with the Belmont Retirement Board or its member units, but potential conflict exists and will require mitigation.

Unacceptable: Actual conflict of interest with the Belmont Retirement Board or its member units exists and cannot be mitigated.

The most advantageous proposal may not be the lowest cost proposal and it may not have the highest composite ranking. The selected proposal will be based on the Board's evaluation of the costs and benefits associated with each proposal. The proposal selected will be that which provides the best combination of quality and price for the System.

TIME FOR SUBMISSION

An electronic submission of the bidder's responses should be delivered to the System's Executive Director, Ryan Horan at rhoran@belmontretirement.org on or before **12:00 p.m. EDT, on Friday, March 29, 2024**. The Subject of the electronic mail communicating the proposal should state: "Legal Services RFP." Responses received after said date and time will be accepted only upon showing of extraordinary reason.

TIME FOR ACCEPTANCE

Proposals will be opened at 9:00 A.M, on Monday, April 1, 2024. The Board intends to evaluate responses and to select an attorney or law entity at its meeting of April 29, 2024. The Board shall award a contract for legal services to the most advantageous proposal from a responsible and responsive offeror taking into consideration fees, the evaluated criteria, and the terms of the negotiated contract.

CONTRACT TERM AND FEES

The execution of a written contract will be required which is subject to approval of the Belmont Retirement Board. Failure of the parties to agree on mutually acceptable contract language will void the award of the proposed engagement of the selected respondent. The Belmont Retirement Board shall have sole discretion in determining whether the parties are unable to reach agreement on the language of the written contract. The contract shall begin upon regulatory acknowledgement from PERAC that the proper filings have been received and shall continue until the termination of services.

Technical questions regarding the submission of responses should be directed to Ryan Horan, Executive Director, via email only, at rhoran@belmontretirement.org.

Thank you for your consideration of this request for proposals.