



Florida's Dynamic
Waterfront Community

RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY

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MEMORANDUM

TO: HONORABLE CHAIR AND MEMBERS
RIVIERA BEACH CRA BOARD OF COMMISSIONERS

FROM: JONATHAN EVANS, MBA, MPA, ICMA-CM
EXECUTIVE DIRECTOR, CRA

DATE: JUNE 9, 2021

SUBJECT: RFQ 1024-21-2 (REQUEST FOR QUALIFICATIONS FOR LEGAL SERVICES).

SUMMARY

Pursuant to direction provided by the Community Redevelopment Agency (CRA) Board of Commissioners, staff provided the CRA attorney's existing letter of engagement for the purposes of discussion at the January 13, 2021, CRA Board meeting. At that meeting the Board directed staff to develop a solicitation for CRA attorney's to be considered at the February CRA Board meeting. On January 26, 2021, the Executive Director circulated by email the draft RFQ for Legal Services to the CRA Board for review. At the February 24, 2021 of the Board of Commissioners (CRA Board), a competitive solicitation was issued on March 3, 2021, seeking proposals from attorneys/law firms to provide legal services, and serve as General Counsel, to the CRA Board and Community Redevelopment Agency. The solicitation was advertised in the Legal Section of the *Palm Beach Post* on March 3, 2021, advertised on the CRA and City websites, and posted on DemandStar.

On May 3, 2021, the submittal deadline, four (4) proposals were received in response to the solicitation. Proposals were received from the Pittman Law Group, Fox Rothschild LLC, J. Michael Haygood, and the Center for Professional Legal Services. The proposals were reviewed by the City's Procurement Department, and on May 14, 2021, a staff evaluation committee reviewed the proposals in accordance with the evaluation criteria outlined in the RFQ. The evaluation committee selected as the three (3) top ranked firms: J. Michael Haygood, Fox Rothschild, and Pittman Law. All of the parties have been invited to make oral presentations before the CRA Board at the June 9, 2021, Meeting. Presentations are for thirty minutes with questions and answers to follow.

Guideline for Interview Questions for CRA General Counsel

In RFQ 10-27-21-2, several sections of the solicitation provide parameters or guidance to the CRA Board as to questions they may pose to the attorneys seeking to become their General Counsel. Specially, the sections of the RFQ are as follows:

- Section 2 – Scope of Services (page 3).
- Section 3 – Content and Format of Submittal, specifically subsection:
 - 3.1.3 Qualifications
 - 3.1.4 Fee Structure
 - 3.1.5 References
 - 3.1.6 Required Disclosures
- Section 5 – Evaluation Criteria
 - B – Qualifications
 - C – Firm’s or attorney’s ability to provide the services; expertise; past performance
 - D - Price/Fee Structure (Please note Section 4.1, 2nd sentence stating, “[p]rice will not be the controlling factor in selecting firms from the list, but price will be a factor in making work assignments.”
 - E – References

NOTE: The above sections are attached for your convenience.

Important in the competitive solicitation process is to ensure the CRA Board’s decision is not viewed as arbitrary and capricious, based upon personal preference, resulting from improper influence, or due to a lack of inquiry. Thus, a use of the information related to the job related activities as provided in the above sections of the RFQ should ensure the competitive process is not viewed as being subverted and the CRA Board’s scoring of candidates after the interview is not arbitrary or capricious.

Finally, an attorney or law firm selected to represent the Community Redevelopment Agency is an independent contractor. Generally, anti-discrimination laws do not apply to independent contractors, as they would if the CRA Board was hiring an employee.

RECOMMENDATIONS

It is recommended the CRA Board:

1. Allow oral presentations from the attorneys/law firms of Fox Rothschild LLC, J. Michael Haygood, P.A., and Pittman Law Group, PL.
2. Evaluate and rank the attorneys/firms in accordance with the instructions outlined on the Board Member Scoring Sheet.
3. Authorize the Executive Director to commence negotiations with the top ranked firm for the CRA Legal Services, and bring an agreement for consideration and final approval.

ATTACHMENTS

Sections 2, 3, 4 and 5 of RFQ 1024-21-2 (Request for Qualifications for Legal Services).

Board Member Ranking and Scoring Sheet

Summary Sheet Tabulating Board Members Scoring

Proposals:

Fox Rothschild Proposal

J. Michael Haygood Proposal

Pittman Law Group Proposal