

March 7, 2012

**REQUEST FOR QUALIFICATION  
LEGAL REPRESENTATION RFQ#12227**

To Whom It May Concern:

The City of Little Rock, Arkansas, is seeking services of a legal firm to be contracted for the purpose of representing City Management before the Civil Service Commission in hearings of disciplinary action appeals. The initial contract period will be July 1, 2012, through June 30, 2013.

In order to be considered for this service, all requested information as stated in the attached Request for Qualification must be submitted in the format noted by the specified deadline of **2 p.m., Thursday, March 29<sup>th</sup>, 2012**. The deadline for questions or clarification regarding this request is Friday, March 23<sup>rd</sup>, 2012. Note: Addendums will be posted on our website [www.littlerock.org](http://www.littlerock.org) refer to online bids.

Should you need further information, you may call me at 371-4549.

Sincerely,

Stacey Witherell  
Labor and Employee Relations Manager

RFQ/Legal Services for Representation

Attachment

**If you are obtaining this bid from our website, please be reminded that addendums may occur. It is therefore advisable that you review our listings for attachments including any changes to the bid.**

**NOTICE**

**The City of Little Rock selects its board and commission members through a process that utilizes an executive session. Under Arkansas law, this fact deems a volunteer an employee for a limited purpose. The City cannot contract with an employee, and cannot contract with a corporation with an employee in an executive or managerial position who also serves as a volunteer on a City board or commission unless it first passes an ordinance to approve the contract. Is any person involved with this Bid an employee of the City, or a volunteer board or commission member who also holds an executive or managerial position with the Bidder? If the answer is "yes," please identify the person(s) and the nature of the relationship. THIS DOES NOT MEAN that the Bidder is disqualified; but, the apparent successful Bidder will not be selected if the Board of Directors fails to pass an ordinance to authorize the contract, regardless of the amount.**

# **REQUEST FOR QUALIFICATION**

## **LEGAL SERVICES FOR REPRESENTATION OF MANAGEMENT IN CIVIL SERVICE COMMISSION APPEAL HEARINGS**

### **BACKGROUND INFORMATION**

The Civil Service Commission consists of seven members appointed by the City Board of Directors. This Commission is established by Arkansas State Law and must approve hiring and promotional procedures for covered positions. Positions covered by Civil Service Rules and Regulations include all uniform employees of the Little Rock Police and Fire Departments. The Commission Chair is selected by the membership.

Employees working in covered positions have the option of appealing certain disciplinary actions to the Commission. Actions which may be appealed are suspension, demotion or termination of employment. To determine the outcome of an appeal hearing, each member of the Commission may cast one vote.

The City's Director of Human Resources serves as Secretary to the Commission. In that capacity, the Director is responsible for maintaining all records of Commission activities, scheduling Commission meetings and preparing correspondence.

The Commission is scheduled to meet the second and fourth Thursday of each month; additional meeting dates are scheduled as necessary.

### **SERVICE REQUIREMENTS**

The selected respondent will be expected to provide representation and advice to City management regarding hearings of disciplinary action appeals. The number of hearings varies but averages one per month. The time required for a hearing may vary significantly, from one hour to a whole day. On rare occasions, the meetings have lasted more than two days. Preparation for the cases should not be time consuming; however, it will require familiarity with and understanding of Civil Service Rules and Regulations, labor and employment regulations and relevant legal issues. Specific cases may necessitate knowledge of the application of a particular rule, review of past practice and testimony of witnesses. In the event the selected respondent receives a request for information under the Arkansas Freedom of Information Act, such requests should be immediately forwarded to the Human Resources Department and the Little Rock City Attorney's Office to handle.

### **QUALIFICATION REQUIREMENTS (Selection Criteria)**

The City will consider any attorney licensed to practice in the State of Arkansas with a minimum of two years of related legal experience. Specific selection criteria will be:

- 1) Related legal experience emphasizing labor and employment issues;
- 2) Related legal experience involving similar administrative boards and commissions;
- 3) Related legal experience involving interpretation and application of Policy and Procedure Manuals, negotiated statements, and administrative guidelines (such as those published by a similar body); and

- 4) Resources available to meet City requirements (such as backup to the primary attorney, research capabilities, and clerical assistance).

### **SERVICE AVAILABILITY**

The selected provider must be available to attend any and all disciplinary action appeal hearings whether on regularly scheduled or special meeting dates. The selected provider must also be available to provide information to Management and to the Director of Human Resources outside of regular meeting sessions.

### **CURRENT REPRESENTATION**

Currently, the City Attorney represents and advises the Civil Service Commission and a contracted provider represents City Management in disciplinary action hearings.

### **FEE SCHEDULE**

The fee for performing the services will be subject to negotiation between the City and the selected provider. No mention of fees is to be included with your response. To do so will disqualify your proposal.

Billings are to be on a per occurrence basis with detailed documentation provided regarding time spent on each case and any disbursements related to it.

In no event will the total annual expenditure for this contract exceed \$40,000 without prior approval of the City Manager.

### **SELECTION PROCEDURE**

Selection of a provider of professional services is regulated by Little Rock, Ark., Rev. Code §2-243 (1988). Under this ordinance, a selection committee will be appointed by the City Manager to review all proposals. This committee will rank all proposals based on qualifications of the provider. The committee will also establish a maximum reasonable fee. The rate to be billed will be negotiated first with the respondent judged to be most qualified. If the most qualified provider agrees to a fee which does not exceed the maximum allowed fee established by the Committee, that provider will be awarded the contract. If no agreement is reached with that respondent, the next most qualified respondent will be contacted. This process will continue until the contract is awarded.

### **CONTRACT TERM AND RENEWAL**

The contract for these services shall be in force for a period of 12 months. The initial contract period will be July 1, 2012, through June 30, 2013. This contract may be renewed on an annual basis at the option of the City Human Resources Department with City Manager approval for a total contract period not to exceed the maximum period established by Arkansas state law for public agency purchasing.

The decision to renew the contract will be based on service received and proposed price terms for the renewal period and City budget constraints.

## **RESPONSE FORMAT**

To be considered for award of this contract, the proposal must include the following information in the order requested:

1. A listing of all persons who will provide services to the City of Little Rock Civil Service Commission.
2. A detailed resume showing relevant training and work experience of each person listed.
3. A brief history of the firm represented by the individuals listed above, including date established and total number of attorneys on staff.
4. Other resources available to the firm, including backup attorneys to those listed previously, clerical support available and any special qualifications of the firm.
5. A listing of similar clients or similar boards and commissions the above listed attorneys have represented or practiced before, including names and telephone numbers of contact persons.
6. Detailed fee schedule being proposed, including any differentiation between charges for hours billed for partner, senior attorney, junior attorney, or other such designation in your firm. This information must be submitted in a separate sealed envelope and will be subject to agreement between the City of Little Rock and the provider deemed most qualified.

## **ADDITIONAL INFORMATION**

The City of Little Rock reserves the right to reject any and all proposals and waive technicalities if it is deemed in the best interest of the City for any reason whatsoever. Facsimile transmissions of responses cannot be accepted.

## **SUBMISSION OF PROPOSAL AND DEADLINE**

To be considered for award of this contract, a minimum of five copies of your proposal must be received **no later than 2 p.m., March 29<sup>th</sup>, 2012**. Proposals must be delivered in a sealed envelope clearly marked "Response to Request for Proposal for Legal Representation of City Management before the Civil Service Commission." The deadline for responses will be extended for the convenience of the City. Requests from individual respondents may not be accepted.

Direct all proposals to:

**Jerry Paul, Purchasing Agent  
City of Little Rock  
500 West Markham - Suite 300  
Little Rock, AR 72201**