



# Northwest Arctic Borough

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## SERVING THE COMMUNITIES OF:

Ambler Buckland Candle Deering Kivalina Kiana  
Kobuk Kotzebue Noatak Noorvik Selawik Shungnak

## REQUEST FOR PROPOSALS RFP NO. FY20-07

### SECTION I – ANNOUNCEMENT

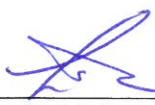
The Northwest Arctic Borough (Borough) requests proposals for the award of a contract for general legal services. This Request for Proposals (RFP) details the overall scope of services desired, identifies specific qualifications, and desired skills. Responses to this RFP will be used to select and negotiate with a qualified contractor to provide the services described in the RFP. The Borough Assembly will approve the award of this contract based on the evaluation criteria identified in Section III of the RFP.

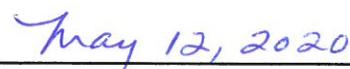
The RFP does not commit the Borough to enter into a contract, nor does it obligate the Borough to pay for any costs incurred in the preparation and submission of responses to this RFP. The Borough reserves the right at its sole discretion: to make selections, to reject any or all submissions, to issue subsequent RFPs, to remedy technical errors in the RFP process, and to enter into a contract for all or some of the services described in the RFP.

Proposals must be received by the Northwest Arctic Borough Clerk by 4:30 p.m., local time on Friday, June 5, 2020. Proposals should be delivered to the Borough as described in “Proposal Submissions” in Section II of the RFP. Proposals will be opened publicly at 10:00 a.m. on Monday, June 8, 2020, or as soon thereafter as practicable. **Proposals received after the deadline will not be considered. FACSIMILE PROPOSALS WILL NOT BE ACCEPTED.**

RFP documents may be obtained from the office of the Borough Clerk by mail, email, at [www.nwabor.org](http://www.nwabor.org), or in person at the Borough offices in Kotzebue, Alaska or by calling (907) 442-2500, ext. 104. Questions about the RFP may be directed to Paula Octuck, Administrator to the Mayor, at [poctuck@nwabor.org](mailto:poctuck@nwabor.org) or (907) 442-8213.

### NORTHWEST ARCTIC BOROUGH

  
\_\_\_\_\_  
Lucy S. Nelson, Mayor

  
\_\_\_\_\_  
Date

## SECTION II - INSTRUCTIONS TO PROPOSERS

### PROPOSAL PREPARATION

Proposal Format: Proposals must be typewritten or prepared in ink and must be attached to the "Proposal Submission Form" provided in Section IV of the RFP. Proposals must also include the completed "Local Bidder Certificate" found in Section V of the RFP. No oral, telephone, or facsimile proposals will be accepted. See Proposal Submission below.

Conformance to Proposal Requirements: Proposals must conform to the requirements of the RFP. All necessary attachments (residency statement, references, descriptive literature, etc.) must be submitted with the proposal. Proposal rates must be stated as indicated in the proposal. Failure to comply with all requirements of the RFP may result in proposal rejection.

Signature on Proposal: An authorized representative of the proposer must sign proposals in ink. The authorized representative, by their signature, affirms that they have the authority to bind the proposer. Signature on a proposal certifies that the proposal is made without collusion with any person, firm, or corporation making a proposal for the same services and is in all respects fair and without collusion or fraud. Signature on a proposal also certifies that the proposer has read and fully understands all proposal specifications, terms, and conditions.

Proposal Modification: Modifications or deletions made before submitting a proposal must be initialed in ink by the person signing the proposal. Proposals, once submitted, may be modified in writing before the time and date set for proposal closing. Any modifications shall be prepared on the proposer's letterhead, signed by an authorized representative, and state that the new document supersedes or modifies the prior proposal. Modifications must be submitted in a sealed envelope clearly marked "Proposal Modification," and identify the proposal number and closing date.

Proposal Withdrawals: Proposals may be withdrawn in writing on proposer's letterhead signed by an authorized representative and received by the Borough Clerk prior to proposal closing time. Proposals may also be withdrawn in person before proposal closing time upon presentation of appropriate identification.

Proposal Submission: Hard copy sealed proposals must be received and time-stamped by the Borough Clerk prior to proposal closing time. No proposal received after proposal closing time will be considered. To ensure proper identification and handling, all proposals must be submitted in a sealed envelope, clearly labeled "NAB Legal Services RFP FY20-07." The Borough Clerk shall not be responsible for the proper identification and handling of any proposal not submitted in an envelope bearing the required proposal label.

Mail to:

Borough Clerk  
Northwest Arctic Borough  
P. O. Box 1110  
Kotzebue, AK 99752

Property of the Borough: All proposals submitted become the property of the Borough. The master copy of each proposal shall be retained for official files and will become public after the award of a contract pursuant to the RFP.

Proposal Opening: Proposals will be opened at 10:00 a.m. on Monday, June 8, 2020, in the Northwest Arctic Borough Assembly Chambers (unless otherwise specified), 163 Lagoon Street, Kotzebue, Alaska 99752. Proposers may be present; however, award decisions will not be made at the opening, and any proprietary information may be withheld from public inspection.

Evaluation Criteria: Proposals will be evaluated based on the evaluation criteria set forth in Section III of this RFP and on the recommendations received from the Evaluation Committee.

Award: The contract will be awarded for legal services based on the evaluation criteria and to the proposer who, in the discretion of the Borough, offers the best combination of experience, performance, expertise, and price, and meets all requirements of the specifications. The Borough is under no obligation to choose the lowest cost proposal, but may make an award in the best interest of the Borough. At its discretion, the Borough may award contracts to more than one proposer. Upon successful completion of the contract, the Borough may consider awarding subsequent projects to the selected contractor(s).

Proposal Rejection: The Borough reserves the right to reject any or all proposals.

Local Bidder Preference: "Local Bidders" are entitled to a 5% bid preference as described in the Northwest Arctic Borough Code ("NABC") § 6.16.470, but a contract under this RFP will not be awarded on the basis of cost alone.

Payment: Monthly invoices shall be submitted along with activity reports and an itemized list of time and expenses. Proposals that require payment in less than 30 days after receipt of invoice or delivery of services, whichever is later, may be rejected.

Proposal Results: Only a proposer who receives an award will be notified of proposal results; unsuccessful proposers will not be notified. After proposals are reviewed and this RFP process has concluded, proposal files are public records and available for review at the Borough Clerk's office between 9:00 a.m. - 11:00 a.m. and 2:00 p.m. - 4:00 p.m. Monday through Friday.

Equal Opportunity: Proposals will receive fair and equitable consideration without regard to race, color, religion, sex, age, national origin, or handicap.

Contact: Direct questions regarding RFP requirements to Paula Octuck, Administrator to the Mayor, in person or by mail at the Borough offices or by phone at [poctuck@nwabor.org](mailto:poctuck@nwabor.org) or (907) 442-8213.

## **SECTION III – EVALUATION CRITERIA**

The Borough's Evaluation Committee will evaluate the RFPs. The Committee will consider how well the proposal meets the Borough's requirements as described in the RFP. It is important that the responses be clear and complete to ensure that the Committee can adequately understand all aspects of the proposal.

### **Primary Evaluation Criteria**

1. Experience providing legal services to municipal governments.
2. Service and support (references, retention).
3. Adherence to requirements for RFP preparation.
4. Demonstrated expertise.
5. Rate proposal.

### **Minimum Criteria (no points)**

1. Primary proposer has at least 5 years of experience as a licensed attorney in Alaska.
2. Proposed attorneys are currently members of the Alaska Bar (active status).
3. At least 2 references from clients in Alaska.
4. Insurance Coverage: Professional Liability - \$2m per occurrence; General Liability Insurance - \$1m per occurrence; and Workers' Compensation insurance as required by law.
5. Demonstrated experience and expertise in municipal law.

### **Criteria to be Scored and Weight**

1. Contractor's experience performing similar work (40 points).
2. Demonstrated expertise (20 points).
3. References (20 points).
4. Cost: Amount of proposed rate structure (20 points).

### **Award:**

Proposals must demonstrate ability to provide services outlined in the "Scope of Services" and include all "Information Required" as described in Section VI of this RFP. If awarded, the contract will be awarded at the discretion of the Borough Assembly to the proposer who is judged to offer the best combination of price and performance, and to have met all specified qualifications. The Borough fully reserves the right to exercise subjective judgment in ranking proposals.

**SECTION IV - PROPOSAL SUBMISSION FORM**

I, the undersigned, submit the following proposal for legal and related services as further described in this Request for Proposals.

Proposer's Signature: \_\_\_\_\_

Proposer's Printed Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Bar Number(s) of Primary Attorney(s): \_\_\_\_\_

Federal Tax ID Number (EIN): \_\_\_\_\_

**SECTION V – LOCAL BIDDER CERTIFICATE**

“Local Bidder” Certification:

Yes, I certify that I am a “local bidder.” The Northwest Arctic Borough Code (“NABC”) § 6.16.470 describes the requirements to be considered a “local bidder.” Local bidders are eligible for a 5% preference in price consideration. Price consideration is not the sole criteria for awarding a contract under this RFP.

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No, I am not a “local bidder” as described in NABC § 6.16.470.

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## SECTION VI - DETAILED SPECIFICATIONS

The scope of services includes the following minimum specifications. The scope of services will be finalized once the contractor(s) for the project is selected.

### 1.0 Scope of Services

The Borough is seeking an independent contractor to provide general legal services. In addition, the Contractor will also perform or assist with the following tasks:

- Represent the Borough in administrative proceedings and litigation as needed.
- Attend, upon request, regular and/or special Assembly meetings, and meetings of various boards and commissions. (Regular Assembly meetings occur on the fourth Tuesday of each month. Teleconference participation is possible.)
- Assist in the preparation, revision, and review of ordinances, resolutions, agreements, grants, and related documents at the direction of the Mayor or Assembly.
- Review and interpret the Borough Charter and Code; perform research and interpret laws, court decisions, and other legal authorities in order to prepare legal opinions and to advise the Mayor and Assembly on legal matters affecting Borough operations.
- Provide general advice and assistance to the Mayor and staff on revenue, tax, personnel, planning, economic development, public services, and public safety issues.
- Monitor pending state and federal legislation, regulations, and case law that may affect Borough operations. Inform the Mayor and Assembly of pending legislation and recommend changes to the Borough Code and policies as needed.
- The Borough Attorney will be responsible for monitoring and identifying conflicts of interest that may arise between the Mayor and the Borough Assembly. It will be the Borough Attorney's duty to advise the Mayor and Assembly of potential conflicts, and to keep both the Assembly and Mayor fully informed of their options for seeking independent advice and to follow the process outlined under NWAB Code Section 2.20.015 (A)(B).
- Other duties may include advising various advisory boards and commissions at the request of the Mayor or Assembly.

This list is not exhaustive and actual duties will differ in the ordinary course of business.

### 2.0 Agreement Period

Work will be performed pursuant to a standard form Borough services contract (sample available from Borough Clerk) and will commence upon execution of the contract and shall terminate no later than June 30, 2021, unless terminated earlier pursuant to the contract's

terms. The Borough may offer the contractor a renewed contract following a performance evaluation.

### **3.0 Payment**

Payment shall be made upon monthly invoices itemizing services rendered and reimbursable expenses. Services should be billed on a prorated-hourly basis by 1/10 hourly units. The Borough will pay invoices submitted by the selected contractor on a monthly basis as stipulated in the professional services agreement. Prior to payment, invoices will be reviewed to determine if billing is reflective of actual agreed-upon project services, performance, and contract billing. Upon acceptance of the billing by the Borough Finance Department, the payment will be processed and remitted to the contractor.

### **4.0 Review and Selection Process**

4.1 The Borough Evaluation Committee consists of the Borough Mayor, Director of Finance, and the Assembly President. The Borough reserves the right to modify the membership of the Evaluation Committee.

4.2 The Evaluation Committee will rank the proposals against the criteria in Section III of this RFP and submit its recommendation to the Assembly for approval and execution of a professional services agreement. The Mayor appoints the Borough Attorney subject to confirmation by the Assembly. The Borough will award the contract in its sole discretion and judgment.

4.3 The Northwest Arctic Borough may reject any proposal not in compliance with all prescribed public bidding procedures and requirements in this RFP, and may reject any proposals upon a finding that it is in the Borough's interest to do so. The Borough also reserves the right to waive any informality in any proposal and to delete matters from proposals if not prohibited by law.

### **5.0 Information Required**

Proposers must submit one (1) clearly marked "Original" and three (3) copies of their proposal. The Borough reserves the right to solicit additional information from applicants if the Borough deems such information is necessary during the evaluation process.

Responses to this RFP shall include the following components:

5.1 Name or business name, mailing address, telephone number, and email address.

5.2 List of proposed attorney(s) to be involved, their education and/or experience related to the scope of services, and the name of the individual who would be the Borough's primary contact.

- 5.3 Number of years providing legal services/practicing law for any attorney who is proposed to work on the contract.
- 5.4 Staff availability, considering the current and planned workload to perform the required services.
- 5.5 Specialized experience performing similar work.
- 5.6 Past record of performance for similar work, including two representative cases/descriptions relevant to the scope of services.
- 5.7 Proposed structure for delivery of services.
- 5.8 A minimum of two (2) references. List contact name, address, phone number, and email address for each reference. *The Borough reserves the right to investigate the references and past performance of any contractor with respect to its successful performance of similar work, compliance with specifications and contractual obligations, and other factors related to the scope of services. The Borough is not limited to the references provided by the proposer.*
- 5.9 Fee schedule.
- 5.10 A copy of Alaska business license.
- 5.11 A copy of certification of good standing in Alaska Bar Association for each attorney proposed.