



Connecticut Port Authority

Request for Proposals

Legal Services

RFP No. CPA0023-LS

Key Dates:

Questions Due: 4:00 PM, Thursday, November 9, 2023

RFP Submission Deadline: 4:00 PM, Friday, November 17, 2023

I. INTRODUCTION

Created in 2014, the Connecticut Port Authority (“Authority”) is a quasi-public agency of the State of Connecticut (“State”) whose primary responsibility is to market and coordinate the development of the State’s ports and maritime economy.

The Authority is specifically responsible for (i) coordinating port development, focusing on private and public investments; (ii) pursuing State and federal funds for dredging and other infrastructure improvements and maintain navigability of all ports and harbors; (iii) working with the Department of Economic and Community Development and State, local, and private entities to maximize the ports’ and harbors’ economic potential; (iv) supporting and enhancing the overall development of maritime commerce and industries; and (v) coordinating the State’s maritime policy and serve as the Governor’s principal maritime policy advisor.

Through this solicitation, the Authority is requesting proposals from qualified law firms in accordance with the provisions of the Connecticut General Statutes to provide legal services to the Authority in the capacity of its Legal Counsel. Following the notification of the selected firm, it is expected an engagement letter will be executed between both parties.

II. SCOPE OF SERVICES

The Authority's Legal Counsel is required to provide legal advice, counsel, services, training, consultation and opinions to the Authority management, staff and its Board of Directors. Legal services required of the Legal Counsel include but are not limited to:

1. Prepares and reviews contracts and other documents for legal acceptability and approval as to form;
2. Interprets State, federal and local laws statutes and regulations;
3. Assists Authority staff and Board members to maintain awareness of ethical standards, avoid potential conflicts of interest prohibited transactions;
4. Review FOIA requests, directs appropriate response;
5. Assists Authority in understanding and enforcing terms of contracts;
6. Updates the Authority Board and staff on the impact of changes in federal or state laws or judicial decisions;
7. Oversees outside attorneys engaged by the CPA to handle litigation in all courts and administrative agencies, including insurance carrier claims;
8. Provides guidance in regard to employment and labor matters or oversees outside counsel engaged by the CPA for more complex matters;
9. Manages Authority's use of outside legal services required for various matters; and
10. Other legal work that may be required by the Authority.

For legal matters involving more complex or specialized matters that may arise, the Authority reserves the right to undertake a separate procurement process to procure such services. The firm selected through this RFP process would not be precluded from submitting a proposal related to such procurement process presuming that no particular conflict of interest exists. The firm selected through this RFP would have to recuse itself from any discussions or activities related to any such future legal services procurement processes.

III. CONTRACT PERIOD

The Authority anticipates that the successful proposer will commence work on or about December 20, 2023 and may be contracted to work for three years.

IV. CONTRACTOR QUALIFICATIONS

The Authority seeks Proposals from law firms with demonstrable expertise in matters outlined in the Scope of Services of this RFP. The law firm should have extensive knowledge working with governmental agencies or entities with a preference for firms with experience or significant knowledge of Connecticut quasi-public entities (or other reasonably comparable experience).

License to Practice

An affirmative statement should be included indicating that the firm and all assigned key professional staff are qualified and properly licensed/registered to practice in the state of Connecticut.

V. PROPOSAL CONTENT

Responses should be clear and thorough, but concise, and include any information and materials requested in this RFP. Proposals must, at a minimum, include the following information in the order in which it is requested in this section:

A. Firm Profile

1. The proposal must contain the official name, address and phone number of the proposer, the principal contact person for the proposal, and the name and signature of the person (or persons) authorized to execute contracts.
2. Provide a general overview of your firm, including history, areas of practice, office locations, and total number of attorneys and non-attorney support staff.
3. Overall capabilities, qualifications, academic training and degrees, areas of expertise and governmental experience of each of the principals, partners and associates of the law firm who may work on Authority business, including the length of employment and area of specialization.
4. Indicate the attorney(s) whom your firm proposes to assign to serve as the Authority's Legal Counsel and describe their particular skills and experiences related to this RFP's scope of services.
5. Describe any material assignments or relationships (including employment relationships) that the firm or any employee has with any entity, state or local government, or other person or entity that may constitute or create the appearance of a conflict of interest in serving as outside counsel to the Authority. Include assignments or relationships that could in the future be adverse to the Authority in any dispute (e.g., litigation) or non-disputed matter (including commercial transactions). Discuss any measures your firm has taken or would take to resolve any possible conflicts of interest.
6. Describe fully any lawsuits, complaints or grievances, including status and outcome, brought against the firm or its individual attorneys within the last seven (7) years.
7. Similar Engagements with Other Quasi-Public Agencies: List the most significant engagements (maximum of five) performed in the last five years that are similar to the engagement described in this request for proposals.

B. Service Proposal

1. Describe the firm's understanding of the Authority's desired services and experiences with respect to the services outlined in the Scope of Services.
2. Firms should describe any specific experience representing governmental/quasi-public agencies, or other similar entities, with particular emphasis on the attorney(s) proposed to be assigned to serve as the Authority's Legal Counsel.
3. Provide a detailed description of Proposer's approach to performing the services, including Proposer's approach to ensuring legal services are managed properly and delivered in a high-quality manner.

C. Fee Proposal

For these services, the Authority is requesting a flat rate monthly retainer for the services, excluding reimbursables or legal representation. Please provide separate monthly retainer amounts based on average monthly hours of 20 hours, 40 hours and 60 hours in the format provided below.

Monthly Hours	Year 1 Monthly retainer from December 2023 to November 2024	Year 2 Monthly retainer from December 2024 to November 2025	Year 3 Monthly retainer from December 2025 to November 2026
20 hours			
40 hours			
60 hours			

Responders shall also describe costs, in addition to the retainer, for which reimbursement would be sought.

D. Declarations and Required Forms

1. Identify any circumstance involving the firm that could materially affect the viability of its Proposal, its ability to perform the services, its operations, or its financial stability, or that could harm or subject the Authority to public scrutiny if the Authority contracts with the firm.
2. Complete and submit the following forms
 - **OPM Ethics Form 1 – Gift and Campaign Contribution Certification**, available at: <https://portal.ct.gov/-/media/OPM/Fin-General/OPM-Form1-CampaignContributionCertification-8-18-Final.pdf>
 - **Agency Vendor Form (SP-26NB) and W-9 Form**, available at: [https://biznet.ct.gov/purchase/Info/Vendor_Profile_Form_\(SP-26NB\).pdf](https://biznet.ct.gov/purchase/Info/Vendor_Profile_Form_(SP-26NB).pdf)
 - **CHRO Employment Information Form**, available at: <https://portal.ct.gov/-/media/CHRO/CC-Documents/NotificationtoBidderspdf.pdf>
 - The appropriate **Nondiscrimination Certification** from those available at: <https://portal.ct.gov/OPM/Fin-PSA/Forms/Nondiscrimination-Certification>

VI. RFP PROCEDURES

A. Inquiries

Official Authority Contact: The Authority’s contact person for the purpose of this RFP is:

Jill Dowling-Moreno
Office Manager
Connecticut Port Authority
455 Boston Post Road, Suite 204
Old Saybrook, CT 06475
860-577-5174
jill@ctportauthority.com

Any and all communications or contacts with the Authority regarding this RFP must be limited to and directed in writing to the Official Authority Contact via email. Any violation of this requirement by proposers or their representatives will result in disqualification.

Inquiry Procedures: All questions regarding this RFP and submission requirements must be directed by e-mail to the Official Authority Contact by 4:00 PM (EST) on Thursday, November 9, 2023. Proposers are required to limit their contact regarding this RFP to the person named herein. Please include this reference in the Subject line of the email “RFP No. CPA0023-LS-Questions”.

Written responses to all questions received will be posted to the Authority website www.ctportauthority.com by Tuesday, November 14, 2023.

B. Submission of Proposals

Proposers shall submit one (1) original hard copy and (1) electronic copy of their Proposal by 4:00 PM (EST) on Friday, November 17, 2023. The Proposal must be clearly labeled as the "Original" and must contain the original signature forms and other original documents. Late submissions or proposals transmitted by facsimile will not be accepted.

The hard copy of the original Proposal shall be addressed to:

Ulysses B. Hammond
Executive Director
Connecticut Port Authority
455 Boston Post Road, Suite 204
Old Saybrook, CT 06475

The electronic copy of the Proposal shall be submitted to:

Ulysses B. Hammond
Executive Director
Connecticut Port Authority
info@ctportauthority.com

Please include this reference in the Subject line of the email "RFP No. CPA0023-LS-Proposal".

Packaging and Labeling Requirements: All proposals must be submitted in sealed envelopes or packages. All proposals must be addressed to Ulysses B. Hammond, Connecticut Port Authority, 455 Boston Post Road, Suite 204, Old Saybrook, CT 06475. The name and address of the proposer must appear in the upper left-hand corner of the envelope or package.

The following material is required for a firm to be considered:

1. A Title Page that must show the request for proposal's subject; the firm's name; the name, address, and telephone number of a contact person; and the date of the proposal.
2. Table of Contents
3. A signed Letter of Transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer for the period covered.
4. Service Proposal
5. Fee Proposal
The Authority will not be responsible for expenses incurred in preparing and submitting the proposal.
6. Declarations and Required Forms

Minimum Submission Requirements: At a minimum, proposals must: (1) be submitted before the deadline; (2) satisfy the packaging and labeling requirements; (3) follow the required format; (4) be complete; (5) include all required forms; and (6) be signed by an authorized person. The Authority, at its sole discretion, may disqualify any proposal that fails to meet the minimum submission requirements.

Scope and Price Negotiable with Selected Proposer: The Authority shall negotiate the final scope and cost of this work with the selected proposer.

Revisions to the RFP: Only written modifications to this RFP issued in the form of one or more addenda will be considered to be alterations to this RFP. Oral comments are not binding. An Addendum may be issued by Authority for any revisions, modifications, clarifications or alterations to the RFP. Any such Addendums shall be posted to the Authority’s website. It is the responsibility of potential proposers to keep track of postings on the Authority’s website regarding this solicitation.

Technicalities: The Authority may waive any technicalities or non-material deficiencies in a proposal and seek clarification from any or all proposers for the purpose of clarifying proposals.

VII. SELECTION COMMITTEE

A Selection Committee comprised of Authority Board Members or other designees as deemed appropriate will evaluate qualified proposals submitted in response to this RFP and recommend finalists for consideration. The Selection Committee shall evaluate all proposals that meet the Minimum Submission Requirements. Proposals not meeting the minimum submission requirements will not be reviewed. As part of its selection process, the Selection Committee, at its discretion, will invite one or more proposes to make oral presentations.

VIII. TIMELINE

The following timeline, up to and including the deadline for submitting proposals, shall be changed only by an amendment to this RFP.

- | | |
|---|------------------------|
| • Thursday, November 2, 2023 | RFP Released |
| • 4:00 P.M. EST, Thursday, November 9, 2023 | Deadline for Questions |
| • 4:00 P.M. EST, Tuesday, November 14, 2023 | Responses to Questions |
| • 4:00 P.M. EST, Friday, November 17, 2023 | Proposals Due |

IX. EVALUATION CRITERIA

Proposals will not be opened publicly. Firms will be evaluated on the basis of their written responses to this RFP, additional written information requested by the Authority and interviews, if any. All proposals will be evaluated using the following criteria:

1. Depth of experience and knowledge of the firm in providing legal services to governmental entities and the firm’s continuing commitment to serving the public sector.
2. The cost of performing the proposed scope of work (fee proposal). Cost will be an important, but not the primary, factor in the selection of the legal services firm.
3. Overall quality of the written proposal, and oral presentation, if any.
4. Organization of the legal services team including the availability of the primary contact, appropriate staffing levels for the assignments including the firm’s presence in Connecticut.
5. Technical expertise, quantitative skill and experience of the firm and the staff responsible for this work. Quality and capacity of the firm’s systems, technology infrastructure and equipment to be used in the delivery of services.
6. Equal employment opportunity record as evidenced by the composition of firm personnel and the firm’s affirmative action and equal employment opportunity policies and practices.

Proposals submitted in response to this RFP will be evaluated based on the quality and the reasonableness of the responses for each item above. Amongst substantially equally qualified proposers, rates and efficiency will be heavily weighted in making a selection.

X. CONDITIONS

Any proposer must be willing to adhere to the following conditions and must positively certify to adhere to them in its proposal:

1. **Acceptances or Rejection by the Authority:** The Authority reserves the right to accept or reject any or all proposals submitted for consideration under this RFP and to amend or cancel this RFP at any time.
2. **Ownership of Proposals:** All materials are considered public information with the exception of personal and financial information. Following the execution of one or more contracts in connection with this RFP, proposals will be available for review upon request. All proposals in response to this RFP will be the sole property of the State and subject to the provisions of Connecticut's Freedom of Information Act, CGS §1-200 et seq.
3. **Ownership of Subsequent Products:** Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP will be sole property of the State unless stated otherwise in the contract.
4. **Stability of Proposed Prices:** Any price offerings must be valid for a period of 120 days from the due date of the proposals.
5. **Oral Agreements:** No contract, unless it shall be in writing, executed by an authorized representative of the Authority following the obtaining of all necessary approvals and in accordance with all applicable law, shall be binding on the Authority. No oral agreement or arrangement made with the Authority or any Authority member shall be binding on the Authority.
6. **Rejection for Default or Misrepresentation:** The Authority reserves the right to reject any proposal if any proposed subcontractor is in the default of any prior contract with the state or for any misrepresentation.
7. **State's Clerical Errors in Awards:** The Authority reserves the right to correct inaccurate awards resulting from its clerical errors.
8. **Presentation of Supporting Evidence:** Any respondent, if requested, must be prepared to present evidence of experience, ability, service capacity, and financial standing.
9. **Changes to Proposal:** Except as otherwise permitted by the Authority, no additions or changes to a proposal will be allowed after submittal.
10. **Collusion:** By responding, the respondent implicitly states that its proposal is not made in connection with any competing respondent submitting a separate response to this RFP, and is in all respects fair and without collusion or fraud. It is further implied that the respondent did not participate in the RFP development process, had no knowledge of the specific contents of the RFP prior to its issuance, and that no member of the Authority participated directly or indirectly in the respondent's proposal preparation.
11. **EEO-4 Form:** The proposal shall include a copy of the company's latest EEO-4 report as well as a copy the respondent's equal employment policy statement.