

LACKAWANNA COUNTY BOARD OF COMMISSIONERS

**REQUEST FOR PROPOSAL
FOR LEGAL SERVICES
WITH RESPECT TO
REPRESENTATION IN INSURANCE COVERAGE AND
INSURANCE BAD FAITH**

MAY 21, 2010

NOTICE IS HEREBY GIVEN that pursuant to a fair and open process, sealed proposals will be received and reviewed by the County of Lackawanna (the "County") Board of Commissioners ("Board of Commissioners") for the performance of legal services on behalf of the County in connection with representation of the County in one or more litigation matters involving insurance coverage and insurance bad faith.

Respondents must submit their written proposal by **5:00 p.m.** prevailing time on **Friday, June 18, 2010.**

County management personnel will be available by telephone (on an appointment basis) to answer the questions of potential respondents. Respondents desiring to schedule a telephone conference should contact Maria Elkins, Lackawanna County Chief of Staff at 570-963-6800.

Proposals received will be reviewed and evaluated by the Board, based upon such criteria as the Board, in its sole discretion, deems appropriate. The Board reserves the right to request clarification or additional information from any respondent. The Board, in its sole discretion, may accept the proposal of a respondent, may choose a respondent with which the Board will enter into negotiations, or may reject all proposals.

The Board reserves the opportunity to modify this Request for Proposal at its own discretion and without prior notice, and to waive any immaterial defect or informality in any proposal as may be permitted by law.

PURPOSE:

The purpose of this Request for Proposal is to solicit proposals from qualified practitioners or law firms to provide professional services on behalf of the County in connection with one or more litigation matters involving insurance coverage and insurance bad faith. Such services would include representation of the County in Pennsylvania state and/or federal courts. Lackawanna County is looking for a practitioner or law firm with demonstrated expertise and success at trial and appellate levels in litigating claims for insurance bad faith, insurance contractual and extra-contractual claims, as well as in declaratory judgment actions pertaining to issues of

insurance coverage. Any applicant should be prepared to provide services on a contingency fee arrangement.

PROCEDURES FOR RESPONDING TO REQUEST FOR PROPOSAL:

1. Four (4) copies of the proposal must be provided. Qualifications must be submitted to the Board of Commissioners, c/o Maria Elkins, Chief of Staff, 200 Adams Avenue, 6th Floor, Scranton, Pennsylvania 18503. Proposals must be submitted in a sealed envelope with the name of the firm submitting the proposal clearly marked on the outside of the envelope. The County assumes no responsibility for delays in any form of carrier, mail, or delivery service causing the submission to be received after the above-referenced due date and time. Submissions by fax, telephone, or email is not permitted. The final selection will be made in the sole discretion of the Board.
2. All questions regarding this Request for Proposal should be made in writing to the Board of Commissioners, c/o Maria Elkins, Chief of Staff, 200 Adams Avenue, 6th Floor, Scranton, Pennsylvania 18503.

CRITERIA FOR EVALUATION OF PROPOSAL:

The Board will independently evaluate each submission and selection will be made upon the following criteria:

1. Experience and reputation;
2. Experience and reputation with respect to representation of governmental entities;
3. Knowledge of the subject matter of the services to be provided to the County;
4. Ability to meet timelines and schedules for completion on an expedited basis as set forth by the Board;
5. Availability to accommodate any required meetings of the Board; and
6. Other factors determined to be in best interest of the County in the Board's sole discretion.

PROPOSAL

Each proposal must be in sufficient detail to permit evaluation, at a minimum, with respect to the following issues. Proposals must include the information that is specifically requested herein as well as such additional information as a respondent deems relevant to the process. Each respondent agrees that the proposal submitted

constitutes a firm offer to the County that cannot be withdrawn for ninety (90) days from the proposal due date.

1. **Scope of Services/Prior Experience** - All submittals must detail the services proposed to be provided and the firm's experience in providing such services.
2. **Personnel** – All proposals submitted to the County must include the following:
 - a. Name, address, and brief description of your firm;
 - b. The names, experience, and qualifications of the individual(s) who would be primarily responsible for performing services on behalf of the County;
 - c. A statement of assurance that your firm is not currently in violation of any regulatory rules and regulations that may have any impact on your firm's operations; and
 - d. A statement that your firm is not involved in any current litigation with the County.
3. **Conflict of Interest** - All submittals must state that there are no conflicts of interest to which the firm would be subject if it were to provide the requested legal services on behalf of the County.

CONFIDENTIALITY:

This Request for Proposal, and all proposals received in response, will remain confidential (with the exception of information that was previously public information), and will not be used for any purpose other than the evaluation of the proposals received by the Board. Each respondent, by responding to this Request, acknowledges the terms expressed above and agrees to safeguard the details of this process and the contents of this document. If your organization does not agree to these conditions concerning confidentiality, or if you elect not to respond to this Request for Proposal, please return this Request to the Board and retain no copies thereof.

Lackawanna County
Qualification Base Selection Process

The statement of qualifications will be evaluated in accordance with the County's Qualifications Base Selection Process. Anyone submitting a statement of qualifications is advised to review that process, which is set forth on the County's website.