

ST. LOUIS COUNTY PORT AUTHORITY

REQUEST FOR PROPOSALS

FOR

LEGAL SERVICES

Proposals Due By:

Thursday, October 26, 2023 by 3:00 PM

**St. Louis County Port Authority
c/o St. Louis Economic Development Partnership
Attn: Erika Castillo
120 S. Central Ave., Suite 200
St. Louis, Missouri 63105
ecastillo@stlpartnership.com**

Introduction

The St. Louis County Port Authority (the “Port”), a political subdivision established under Chapter 68 RSMO, is seeking proposals for qualified legal-services firms to provide outside counsel services, including legal advice, representation, and expertise on various projects and areas of operations on an as needed basis. The Port’s operations focus on promoting economic development in St. Louis County and include real estate redevelopment, community development, and the administration of the Port’s grant program. The St. Louis Economic Development Partnership (the “Partnership”) currently is under contract, to provide full accounting support and day-to-day legal support for the Port.

To further its organizational purposes, the Port requires legal advice, representation, and expertise on various projects and areas of operations (the “Services”). The Port issues this Request for Proposals (the “RFP”) for qualified legal-services firms to provide the Services on an as needed basis during fiscal year 2024 (ending September 30, 2024), 2025 (ending September 30, 2025), and 2026 (ending September 30, 2026). The contract issued pursuant to this RFP may include a period of up to three (3) years.

Scope of Services

The selected individuals and/or firms should also have the capacity to provide all necessary legal support services to facilitate the effective and efficient operation of the Port. Preference will be given to firms with experience working with community groups, knowledge and experience with the Port’s historic and existing programs, or experience with the development of real estate investments and assets.

Outside Counsel Services. The Port seeks a qualified attorney or law firm to provide comprehensive outside counsel services to support the legal functions of the Port. The successful attorney or law firm must carry professional malpractice insurance coverage. Any attorney designated to provide any portion of the Services must be a member in good standing of the Missouri Bar. The outside counsel services shall include, but are not limited to:

- Negotiation and preparation of contracts;
- Providing legal counsel to the Port, its Board, and staff across a wide range of legal issues as requested;
- Preparation for and attendance at regularly scheduled board meetings;
- Supporting the development and management of the Port’s real estate assets and investments; and
- Assisting Partnership staff to:
 - Review and analyze discrete questions of law involving administrative law, securities law, grant administration, and ethics/governmental conflicts of interest;
 - Manage the Port’s public procurement process and contracting procedures;
 - Comply with Missouri’s Open Records Laws (Chapter 610, RSMo.); and
 - Ensure compliance with all applicable statutory and administrative requirements.

The selected individuals and/or firms will report to and be managed by the Chair of the Port's Board of Commissioners. **PLEASE NOTE: The Port will consider proposals from firms able to provide expertise in some or all of the service areas identified above, and the Port reserves the right to select multiple firms. As a result, all interested firms are encouraged to submit proposals, even if a particular firm is not able or interested to provide the entire scope of services.**

Proposal Format

Materials submitted should generally outline the respondent's qualifications with respect to the applicable Scope of Services and specifically respond to the following factors:

1. **Identify Services Provided.** Identify with particularity the components of the Services that the firm is qualified and interested to provide.
2. **Experience of Firm.** Provide a detailed description to demonstrate the experience of the individual or firm with the applicable Scope of Services or projects of a similar nature. Include the type and number of clients served, as well as the size, scope, and nature of the projects involved. Identify any prior experience working with the Port or similar governmental or quasi-governmental organizations. Specifically identify any projects or conflicts that may impact the Services.
3. **Experience/Qualifications of Assigned Professional(s).** Provide the qualifications of the key personnel proposed for the engagement. Designate the individual who would have primary responsibility for oversight of the Services. Provide the qualifications of all sub-consultants that would provide any portion of the Services.
4. **Availability and Approach.** Provide a statement of the firm's availability to provide the Services and a description of the firm's approach to provide the Services. Indicate the firm's ability to begin performance of services quickly upon engagement and authorization to proceed with limited start-up costs or delay.
5. **Approach to Diversity, Equity, and Inclusion.** Provide a description of the firm's approach to diversity, equity, and inclusion in providing the Services.
6. **Work Authorization Affidavit.** Complete the Work Authorization Affidavit, attached hereto as **Attachment 1**, and provide all required supporting documentation identified in **Attachment 1**.
7. **Proposed Fees/Expenses.** Proposals shall clearly state all fees and expenses to be charged for the performance of the Services:
 - a. If based on an hourly rate, provide the hourly rates (with any applicable nonprofit discounted rate) to be charged for each individual who would be assigned to this engagement and a general description of how billable hours will be allocated among key personnel. **Pricing should be provided for a period of three (3) years, including fiscal year 2024 (ending September 30, 2024), 2025 (ending**

September 30, 2025), and 2026 (ending September 30, 2026).

- b. Provide an explanation if fees will be calculated on any other basis. Itemize the type of expenses (other than fees) for which your firm would seek reimbursement.

Selection Criteria

Proposals submitted will be reviewed for completeness and qualifications. Selection of a firm will be made on the basis of the following criteria:

1. Qualifications of the firm;
2. Qualifications of the individuals assigned from the firm and of any sub-consultants;
3. Availability and approach to provide the Services;
4. Approach to diversity, equity, and inclusion;
5. Submission of a completed Work Authorization Affidavit and all associated documentation identified in **Attachment 1**;
6. Cost, as described above; and
7. Responsiveness of the firm to the RFP categories.

The St. Louis County Port Authority actively encourages submission of proposals from disadvantaged business enterprises and companies owned by minorities, women, immigrants, and veterans. The Port does not discriminate on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, age, ancestry, national origin, disability, or veteran status in consideration of this award. Equal Opportunity Employer.

Terms and Conditions

The following terms and conditions apply to all proposals:

1. The Port reserves the right to reject any and all proposals submitted; to select one or more responding parties; to void this RFP and the review process and/or terminate negotiations at any time; to select separate responding parties for various components of the scope of services; and to select a final party/parties from among the proposals received in response to this RFP. Additionally, any and all RFP project elements, requirements and schedules are subject to change and modification. The Port also reserves the unqualified right to modify, suspend, or terminate at its sole discretion any and all aspects of this RFP process, to obtain further information from any and all responding parties, and to waive any defects as to form or content of the RFP or any responses by any party.

2. This RFP does not commit the Port to award a contract, defray any costs incurred in the preparation of a response to this RFP, or contract for any services. All submitted responses to this RFP become the property of the Port as public records. All proposals may be subject to public review, on request, unless exempted as discussed elsewhere in this RFP.
3. By accepting this RFP and/or submitting a proposal in response thereto, each responding party agrees for itself, its successors and assigns, to hold the Port, the Partnership and its affiliated entities, St. Louis County, the City of St. Louis, and all of their various agents, commissioners, directors, consultants, attorneys, officers and employees harmless from and against any and all claims and demands of whatever nature or type, which any such responding company, its representatives, agents, contractors, successors or assigns may have against any of them as a result of issuing this RFP, revising this RFP, conducting the selection process and subsequent negotiations, making a final recommendation, selecting a responding party/parties or negotiating or executing an agreement incorporating the commitments of the selected responding party.
4. By submitting responses, each responding party acknowledges having read this RFP in its entirety and agrees to all terms and conditions set out in this RFP.
5. Responses shall be open and valid for a period of ninety (90) days from the due date of this RFP.

Submission of Proposals

To be considered, proposals must be received no later than **Thursday, October 26, 2023, at 3 PM CST. Proposals received after the deadline identified above will not be considered.**

Questions and electronic proposals should be sent by email to ecastillo@stlpartnership.com.

St. Louis County Port Authority
c/o St. Louis Economic Development Partnership
Attn: Erika Castillo
7733 Forsyth Blvd., Suite 2200
St. Louis, Missouri 63105
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ATTACHMENT 1

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 285.530 RSMo.

Missouri Revised Statutes Section 285.530(2) requires recipients of contracts with political subdivisions of the State of Missouri, such as the St. Louis County Port Authority, in excess of \$5,000 to provide an affidavit and documentation showing that the contracting party participates in a federal work authorization program with respect to employees working on the contracted services. Please consult the directions below and the form attached hereto regarding this requirement.

Business Entities, Individuals, or Sole Proprietorships

Pursuant to 285.530(2) RSMo., provided above, business entities, including self-employed individuals, awarded contracts with the St. Louis County Port Authority in excess of \$5,000 must affirm their enrollment and participation in a federal work authorization program with respect to the employees working on the contracted services by:

1. Submitting a completed, notarized copy of the “Work Authorization Affidavit for Business Entities” form, attached hereto; and
2. Providing documentation affirming the business entity’s enrollment and participation in a “federal work authorization program” (see definition below) with respect to the employees that are working in connection with the contracted services.

As used herein, the term “federal work authorization program” means an electronic verification of work authorization program or any equivalent federal work authorization program operated by the United States Department of Homeland Security. For example, the E-Verify program is a widely-used, internet-based worker verification program operated by the Department of Homeland Security.

Information on the E-Verify program may be found at www.uscis.gov/e-verify or at www.uscis.gov/portal/site/uscis by clicking on the E-Verify icon near the bottom of the page. The memorandum of understanding associated with the E-Verify program may be used to demonstrate enrollment and participation and must include, at a minimum, the following: 1) a valid, completed copy of the first page identifying the employer, and (2) a valid, completed copy of the signature page signed by the employer and the Department of Homeland Security.

Failure to Comply

Compliance with Section 285.530(2) RSMo. is required for all contracts with the St. Louis County Port Authority in excess of \$5,000. If a business entity that is awarded a contract does not complete and return the required documents and/or affidavits to the St. Louis County Port Authority as part of the contract, this failure will be deemed a breach of the terms of such contract. The St. Louis County Port Authority has the right to refuse to honor any contracts, both present and future, with any business entity that does not provide the affidavits or documents

required by 285.530(2) RSMo. to the St. Louis County Port Authority. Pursuant to Section 208.009 R.S.Mo., no contract for any amount shall be awarded to any individual by St. Louis County without documents showing proof of that person's citizenship or lawful presence, or by individual affidavit averring to the individual's citizenship or lawful presence in the United States.

