

Request for Proposals

Forensic Legal Audit Services

PURPOSE: The City of Bristol, Virginia is accepting proposals from qualified, Virginia licensed firms for Forensic Legal Audit Services related to The Falls development, a capital project, in accordance with the requirements set forth in the request for proposals. The successful firm must be independent of the City of Bristol, Virginia in all respects. The original proposal and five (5) copies must be received by the issuing office by not later than month/day/year at 2:00 p.m. eastern time. Offerors shall provide one (1) additional copy with all information considered proprietary redacted and suitable for public inspection in accordance with Section 2.2-4342 of the Code of Virginia. Proposals must be sealed, addressed and clearly labeled as follows:

Mr. Don Quesenberry, Procurement Manager
City Hall, Room 208
300 Lee Street
Bristol, Virginia 24201

“Proposal for Forensic Legal Audit Services”
Due date and time – September 15, 2017 at 2:00 p.m.

Questions regarding requirements set forth in the request for proposals must be submitted in writing to Mr. Randall Eads, Interim City Manager/City Attorney at CityManager@bristolva.org no later than one (1) week prior to the due date.

PROJECT SCOPE: The legal audit team will identify, review and analyze all contracts associated with all phases of The Falls development, a capital project, going back to 2010 and prior years if necessary. Pertinent contracts will be reviewed in conjunction with the financial audit team. The audit shall include but not be limited to disbursement of funds, development of contracts and incentive agreements. The City desires an opinion on the potential conflicts of all contracts and the entities involved with those contracts and whether or not there would be any civil or criminal liability on any person/entity's part.

TERM: The term of the agreement will be for one (1) year with the option to renew for two (2) additional one (1) year periods, negotiated annually.

COMPETITIVE NEGOTIATION: The successful firm will be selected by Competitive Negotiation pursuant to Section 2.2-4302.2.4 of the Virginia Public Procurement Act for Professional Services – the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the requested services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the

proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with Section 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

INSTRUCTIONS for PREPARING PROPOSALS: Please submit a written proposal addresses the following:

1. Provide information descriptive of firm's qualifications and experience with similar projects.
2. Discuss the qualifications of key staff to be assigned to the project.
3. Provide references of five (5) current or former clients, to include contact person and telephone number.
4. Provide proof of financial stability to perform the requested services.

EVALUATION CRITERIA:

1. Firm's experience with similar projects.
2. Qualifications and expertise of key staff.
3. Availability of firm to meet deadlines and complete the project in a timely manner.
4. Completeness of proposal.
5. Nonbinding cost estimates discussed.

EMPLOYMENT DISCRIMINATION, DRUG FREE WORKPLACE, IMMIGRATION LAWS:

By accepting an award to provide the requested services the firm must acknowledge, in writing, compliance with the following provisions of the Virginia Public Procurement Act:

Section 2.2-4311 – Employment discrimination by contractor prohibited; required contract provisions – All public bodies shall include in every contract of more than \$10,000.00 the following provisions:

1. During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for meeting the requirements of this section.
2. The contractor shall include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

Section 2.2-4312 – Drug-free workplace to be maintained by contractor; required contract provisions – All public bodies shall include in every contract over \$10,000.00 the following provisions:

During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor’s employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor’s workplace and specifying the actions that will be taken against employees for violation of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, “drug-free workplace” means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

Section 2.2-4311.1 Compliance with federal, state and local laws and federal immigration law; required contract provisions.—All public bodies shall provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

INSURANCE REQUIREMENTS:

The successful firm, and any of its subcontractors, shall, at its sole expense, obtain and maintain during the life of the resulting contract the insurance policies and/or bonds required. All such policies and/or bonds shall be effective prior to the beginning of any work under the resultant contract.

Professional Liability: The successful firm is required to carry, at a minimum, a \$1,000,000.00 (one million dollars) professional liability policy and provide additional coverages as may be described in any resulting contract. In any case, the City of Bristol, Virginia shall be listed as an additional insured in the policy.

COOPERATIVE PROCUREMENT:

The City of Bristol, Virginia authorizes other municipalities, whether located in the Commonwealth of Virginia or not, to use the contract resulting from this procurement transaction. Interested agencies shall deal directly with the firm selected to provide the requested services.

PROPRIETARY INFORMATION:

Trade secrets or proprietary information submitted by the offeror shall not be subject to public disclosure under the Freedom of Information Act, unless otherwise required by law or court. However, the offeror must invoke the protection of Section 2.2-4342(F) of the Code of Virginia, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reason why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document, including any proposal prices as proprietary, or trade secrets, is NOT ACCEPTABLE and may result in the REJECTION of the proposal.

Considering this is a Request for Proposals, no information regarding the proposal records or the contents of responses will be released except in accordance with Section 2.2-4342 of the Code of Virginia. Once an award has been made, all proposals will be open to public inspection subject to the provisions set forth above.