

**REQUEST FOR PROPOSALS
PROFESSIONAL LEGAL SERVICES CONTRACTS – COURT REPORTING SERVICES**

PURPOSE OF REQUEST

The Town Attorney for the Town of Amherst (Town) is issuing this Request for Proposals (RFP) in search of stenographic firms to provide court reporting services for depositions, hearings under General Municipal Law §50-h, grievance and/or arbitration hearings, and for Public Hearings conducted by the Town Board, the Zoning Board of Appeals (ZBA) and the Planning Board. The Town will accept proposals only for these types of services. Each proposal will be ranked according to the criteria list in Section 5 of this RFP. Top ranking candidates will be awarded a Contract for the scope of services with the Town to provide court reporting services to the Town Attorney on an as-needed basis. The initial term will be two (2) years with one (1) option to extend for two (2) additional years.

The Town Attorney's Office cannot guarantee an amount of work to any selected firm.

PERIOD OF SERVICES

From retention for two years with an option to extend for an additional two (2) years.

SCOPE OF SERVICES

It is the intent of the Town to solicit a statement of qualifications with individuals and firms who have expertise in providing court reporting services. Respondents must demonstrate that they will have the continued capacity to perform those services on an as needed basis.

Deposition Services/50-h Hearings

The Town Attorney's Office employs two litigating attorneys as well as outside counsel. These attorneys work on a variety of different types of lawsuits and are involved in the depositions of participant witnesses, parties and expert witnesses. They are also involved in a significant volume of hearings conducted under General Municipal Law Section 50-h. The Town Attorney is seeking to engage the services of firms for court reporting services for these matters. The main location where the work will be performed is at the Town of Amherst Municipal Building, located at 5583 Main Street, Williamsville, New York 14221. The Town Attorney's Office is located on the second floor.

The following services are required as part of the work being performed and are not to be construed as all-inclusive for the purposes for engaging court reporting services for the Town Attorney's Office.

Generally, the Town Attorney's Office schedules depositions and/or 50-h hearings on an as-needed basis. The selected firm must have the staff to provide the Town Attorney with court reporters with as little as two days' notice. Selected court reporters must be able to

keep pace with the speed of a normal deposition. The selected firm must be on time for all depositions and/or 50-h hearings. In particular, the court reporter must plan to be present in the location of the deposition and/or 50-h hearing and have all necessary equipment set up no less than fifteen (15) minutes before the scheduled start time of the deposition and/or 50-h hearing. Selected firms will be contacted by either e-mail or phone by the Town Attorney's Office the day before each scheduled hearing date to confirm the appointment.

The selected firm must be able to provide court reporting services after normal business hours and on weekends and holidays, if necessary. The assigned court reporter must be able to work through their lunch period or after 5:00 p.m. as requested by the Town Attorney.

The selected court reporting firm must provide a complete certified copy of the transcript for review by the witness no later than twenty (20) calendar days from the date of the request for such transcript. The complete transcript must include the following:

- A.) Certification of original transcript with word index.
- B.) A mini-transcript with word index.
- C.) One complete certified transcript sent via e-mail.

The selected court reporting firm must also be able to provide an expedited and/or rough transcript when requested by the Town Attorney's Office, said request being made a minimum of 24 hours in advance.

Selected firms must prepare an invoice for each deposition and/or 50-h hearing in accordance with the Town's procedure. An invoice for expedited work must state the name of the person who made the request and the date and time of the request. Each deposition and/or 50-h hearing shall be separately invoiced. All invoices must state the date of deposition and/or 50-h hearing, the name of the relevant member of the Town Attorney's Office who was present at the deposition and/or 50-h hearing, the case name and docket number and the name of the deponent.

The selected firm must have the ability to reproduce photos, drawings, charts and graphs used in depositions/50-h hearings and maintain the original exhibits, returning them in their original condition and sequence. All transcripts shall be prepared and submitted to the Town Attorney's Office on twenty-five line numbered paper. The transcript shall be suitably bound. All depositions and/or 50-h hearings shall be proofread and free of spelling errors prior to submission to the Town Attorney's Office. The transcripts must be provided electronically utilizing separate PDFs for all exhibits and the PDF should be in a searchable format. Each exhibit should have a unique and sequential exhibit name/number.

Public Hearings Conducted by the Town Board, Planning Board and ZBA

From time-to-time, public hearings are conducted by the Town Board, the Planning Board and/or the ZBA involving matters of public concern. The Town is seeking to engage the services of firms for court reporting services for these matters. The main location where the work will be performed is at the Town of Amherst Municipal Building, located at 5583 Main Street, Williamsville, New York 14221. Council Chambers is located on the second floor. The following services are required as part of the work to be performed and are not be construed as an all-inclusive list for the purposes of engaging court reporting services for the Town.

Generally, the Town Board, Planning Board or the ZBA schedule public hearings on an as-needed basis at their regularly scheduled meeting dates which are generally the first and third Monday of every month for the Town Board; the third Tuesday of every month for the ZBA; and, the third Thursday of every month for the Planning Board.

The selected firm must have the staff to provide court reporting services with as little as two days' notice. Selected court reporters must be able to keep pace with the speed at which the public hearing is proceeding and be able to accurately identify the people who are speaking.

The selected firm must be on time for all public hearings and must plan to be present in the Council Chambers and have all necessary equipment set up before the scheduled start of the applicable meeting. The Town Board generally meets at 7:00 p.m. except when otherwise noted; the Planning Board meets at 6:30 p.m. unless otherwise noted; and, the ZBA meets at 6:30 p.m. unless otherwise noted). Selected firms will be contacted either by e-mail or telephone by either the Secretary to the Town Board, a representative from the Town's Planning Department and/or the applicable representative of the ZBA at least one (1) day prior to each scheduled date to confirm the appointment.

The selected firm must be able to provide court reporting services after normal business hours and on weekends and holidays, if necessary. The assigned court reporting firm must be able to work through the applicable public hearing until the completion of that public hearing is complete and has been deemed closed by the respective board. While there may be more than one (1) public hearing scheduled at a meeting of the Planning Board, Town Board, and/or ZBA, other scheduled public hearings may not be transcribed at the discretion of a respective board.

The selected court reporting firm must provide a complete certified copy of the transcript for review by the witness no later than twenty (20) calendar days from the date of the request for such transcript. The complete transcript must include the following:

- A.) Certification of original transcript with word index.
- B.) A mini-transcript with word index.
- C.) One complete certified transcript sent via e-mail.

The selected court reporting firm must also be able to provide an expedited and/or rough transcript when requested, said request being made a minimum of 24 hours in advance.

Selected firms must prepare an invoice for each public hearing in accordance with the Town's procedure. An invoice for expedited work must state the name of the person who made the request and the date and time of the request. Each public hearing transcript shall be separately invoiced. All invoices must state the date of public hearing, the name of the office that scheduled the public hearing, and the name of the proceeding.

The selected firm must have the ability to reproduce photos, drawings, charts and graphs used at the public hearings and maintain the original exhibits, returning them in their original condition and sequence.

All transcripts should be prepared and submitted to the Town Board, Planning Board or ZBA representative on twenty-five line numbered paper. The transcript shall be suitably bound. All transcripts shall be proofread and free of spelling errors prior to submission. The transcripts must be provided electronically utilizing separate PDFs for all exhibits and the PDF should be in a searchable format. Each exhibit should have a unique and sequential exhibit name/number.

Grievance/Arbitration Hearings/Disciplinary Hearings (Civil Service Law §75)

From time-to-time, disciplinary proceedings under Civil Service Law §75 and grievance and/or arbitration matters may be litigated. The Town is seeking to engage in court reporting services for such matters. The main location where the work will be performed is at the Town of Amherst Municipal Building. The Human Resources Department is located on the second floor.

The following services are required as part of the work being performed and are not to be construed as all-inclusive for the purposes of engaging court reporting services for the Town's Human Resource Department (HR). Generally, disciplinary hearings and grievance and/or arbitration hearings are scheduled by HR on an as-needed basis.

The selected firm must have the staff to provide HR with court reporters with as little as two days' notice. The selected firm must be on time for all hearings. In particular, the court reporter must plan to be present in the location of the hearing and have all necessary equipment set up no less than fifteen (15) minutes before the scheduled start for the hearing. Selected firms will be contacted by either e-mail or telephone by HR the day before each scheduled hearing date to confirm the appointment.

The selected firm must be able to provide court reporting services after normal business hours and on weekends and holidays, if necessary. The assigned court reporter must be able to work through their lunch period or after 5:00 p.m. as requested by HR.

The selected court reporting firm must provide a complete certified copy of the transcript for review by the witness no later than twenty (20) calendar days from the date of the request for such transcript. The complete transcript must include the following:

- A.) Certification of original transcript with word index.
- B.) A mini -transcript with word index.
- C.) One complete certified transcript sent via e-mail.

The selected court reporting firm must also be able to provide an expedited and/or rough transcript when requested HR, said request being made a minimum of 24 hours in advance.

Selected firms must prepare an invoice for each hearing in accordance with the Town's procedure. An invoice for expedited work must state the name of the person who made the request and the date and time of the request. Each hearing transcript shall be separately invoiced. All invoices must state the date of hearing and the name of the office that scheduled the hearing, as well as the name of the proceeding.

The selected firm must have the ability to reproduce photos, drawings, charts and graphs used at the hearing(s) and maintain the original exhibits, returning them in their original condition and sequence.

All transcripts shall be prepared and submitted to HR on twenty-five line numbered paper. The transcript shall be suitably bound. All hearings shall be proofread and free of spelling errors prior to submission. The transcripts must be provided electronically utilizing separate PDFs for all exhibits and the PDF should be in a searchable format. Each exhibit should have a unique and sequential exhibit name/number.

SUBMISSION REQUIREMENTS

Proposals must be received no later than 4:30 p.m. on May 30th, 2020. Postmarks will not be considered in judging the timeliness of submission. Proposals should be submitted via e-mail to nburroughs@amherst.ny.us with the subject line 'Court Reporting Services' on or before the submission date. Each submission will be acknowledged with a receipt of confirmation.

QUALIFICATIONS STATEMENT

Firms interested in responding to this RFP must submit the following information in the order that it is outlined below:

1.) **Letter of Introduction**

A letter of introduction signed by the person authorized by your firm to obligate your firm to perform the commitments contained in your RFP. Submission of this letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the RFP.

2.) **Description of Firm**

A description of the firm's organizational structure (Corporation, Partnership, Limited Liability Company), the jurisdiction(s) in which the firm is organized and the date of such organization.

3.) **Authorized Representative**

The name, title, address, e-mail address, telephone number and fax number of the person authorized to represent the firm with respect to all discussions or communications relating to this RFP.

4.) **Experience**

A brief, general description of relevant previous and/or current experience pertaining to providing court reporting services to the legal profession during the past two (2) years, particularly for public agency clients, and demonstration of the firm's ability to perform the necessary services for that client.

5.) **Relevant Experience and Work History**

Provide the relevant experience and length of tenure of all stenographers that will be performing work under this RFP, particularly if the experience was related to public agency clients, including the number of court stenographers who are available to perform the work.

6.) **Current Client References**

Provide a list of at least of three (3) current client references that includes the client's name and address, contact person, telephone number, approximate dates of services provided, a brief description of work completed for the client; and a statement of permission for the Town to contact any identified previous candidate and request information on the performance of the candidate.

7.) **The Fee Proposal**

The firm must specify its proposed billing rate structure including, but not limited to, page charges. The Town will not be responsible for appearance fees unless the hearings are cancelled with less than one day's notice. No additional charges shall be incurred for any of the following:

- Handling, processing or administrative fees
- Certification fee
- Parking
- Delivery of certified expedited transcript(s) via e-mail
- Word indexing (including a per page transcript fee)
- Attachment and handling of original exhibits (but not scanning or copying)
- Notary fee
- Wait time of less than thirty (30) minutes
- Overtime
- Weekend or holiday appearance
- Travel time
- Mileage
- Administration of notes (not too sure what this references)
- Telephone reporting
- Cancellation of court reporter or videographer at any time before 4:00 p.m. the day before the scheduled assignment

MINIMUM QUALIFICATIONS

Any proposal that does not demonstrate that the proposal meets minimum requirements by the deadline for submittal will be considered non-responsive and will not be eligible for award of a contract.

The selected firm must primarily be engaged in the business of providing court reporting and support services to the legal profession. It must be capable of providing court stenographers to the Town of Amherst with appropriate equipment, as requested, with as little as 24 hours' notice.

The selected firm must have at least two (2) years of experience providing court reporting services to private, public or governmental law offices that are similar to the Town Attorney's Office.

The selected firm must have management, personnel, sufficient equipment, availability and qualifications to perform the scope of work required.

EVALUATION AND SELECTION PROCESS

Each RFP will be evaluated by the selection committee which will be comprised of parties with expertise in evaluating court reporting services. The Town Attorney intends to evaluate the proposals generally and following the criteria itemized below:

General Qualifications

- Record of past performance of candidates in providing services.
- Relevant public agency experience of the court stenographer.
- Length of tenure of court stenographers who will be performing the work.
- Direct or related experience the court stenographer has that indicates success in performing the required services as described in the RFP.
- Fee Schedule

Proposals will be evaluated and ranked by a selection committee. The Town will then enter into a contract with the top-ranking firms for the scope of work provided. At any time during the evaluation process, the Town may require a candidate to provide all or written clarification of its proposal. The proposals will be evaluated on a 100 point scale with 50 points being awarded on the fee proposal and the other 50 points being awarded based upon the qualifications and experience.

The Town intends to award a contract to the selected firm(s). All prices offered in the proposals must be at or below the price listed as the "not to exceed" price. The Town reserves the right to accept other than the lowest price offered. It is the Town's decision to engage in contract negotiations with the firm that it determines is most qualified to do the work being sought. The selection of a proposal shall not imply an intent by the Town to enter into a contract. The terms and conditions of the RFP may be subject to further negotiations of approvals before the Town and may be legally bound thereby.

CONDITIONS

Upon submission of a Qualifications Statement in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualifications Statement:

- This RFP does not commit the Town to issue a contract.
- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent.
- The Town reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFP, or a Qualifications Statement that is not responsive to the requirements of this RFP.
- The Town reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.

- All responses will be treated as confidential, unless otherwise required by law.
- The Town may request Respondents to send representatives to the Town for interviews.
- Neither the Town, nor its officers, officials or employees shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualifications Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualifications Statement or for participating in this procurement process.

The Town reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualifications Statement received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the Town deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process. If terminated, the Town may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- The Town shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

OTHER REQUIREMENTS

Respondents are responsible for reviewing this RFP. Respondents are to promptly notify the Town Attorney's Office, in writing, if the proposer discovers any ambiguity, discrepancy, omission or other error in the RFP. Any such notification such be directed to the Town Attorney's Office promptly upon discovery, but in no event later than five (5) working days prior to the date of receipt of the RFP.

Questions regarding this RFP and all notifications of an attempt to request written modifications or clarifications of the RFP must be directed via e-mail to ssliwa@amherst.ny.us.

Should a potential Respondent object on any ground to any provisions or legal requirements set forth in this RFP, the potential Respondent must, no more than ten (10)

calendar days after the RFP is issued, provide written notice to the Town Attorney's Office setting forth, with specificity, the grounds for such objection. The failure of a potential Respondent to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

Submission of a proposal signifies that the proposed services and prices are valid for 120 calendar days from the due date of said proposal and that the quoted prices are genuine and not a result of collusion.

As detailed in the Fee Proposal portion of this RFP, the Town accepts no financial responsibility for any costs incurred by the court reporting firm in responding to this RFP. Submissions of the RFP will become property of the Town and may be used by the Town in any way deemed appropriate.