

**CENTRAL OHIO RISK
MANAGEMENT ASSOCIATION
(CORMA)**

**LEGAL SERVICES AND DEFENSE COUNSEL
REQUEST FOR PROPOSALS**

JUNE 30, 2017

The Central Ohio Risk Management Association (CORMA), invites proposals from qualified attorneys and/or firms to serve as insurance defense counsel for CORMA.

**Proposals Due:
Adam Maxwell, CORMA Board Member
21 S. State Street
Westerville, Ohio 43081**

Via Email at:

Adam.maxwell@westerville.org

**No Later Than:
July 31, 2017 at 3:00 p.m.**

1. Overview

The Central Ohio Risk Management Association (CORMA) is a risk sharing pool. CORMA is a municipal joint self-insurance pool formed pursuant to Ohio Revised Code 2744.081. CORMA provides for the purchasing of property and casualty insurance, pool administration and brokerage services, claims administration, loss control training opportunities, and the sharing of best practices. CORMA is comprised of the communities of Dublin, Upper Arlington, Westerville, Pickerington, Powell, Grove City, Groveport, Canal Winchester, and Grandview Heights. CORMA issues this Request for Proposals (RFP) seeking proposals from qualified, independent Ohio attorneys and/or law firms to serve as insurance defense counsel (“counsel”) to all municipal members.

The term of the contract will coincide with the insurance coverage provided by CORMA, October 1, 2017-September 30, 2020. The option to renew for two subsequent annual terms of October 1, 2020-September 30, 2021 and for October 1, 2021 through September 30, 2022 exists.

Under this RFP, CORMA shall select one or more qualified attorneys and/or law firms to provide representation of all claims and litigation falling within the scope of coverage.

2. Inquiries

Offerors may submit inquiries regarding this RFP to CORMA Board Member Adam Maxwell at adam.maxwell@westerville.org. **All inquiries should be submitted a minimum of five (5) working days prior to the proposal opening date.**

CORMA will try to respond to all inquiries within 48 hours of receipt, excluding weekends and holidays. Offerors are to base their RFP responses, and the details and costs of their proposals, on the requirements and performance expectations established in this RFP for the future contract, not on details of any other potentially related contract or project. If offerors ask questions about existing or past contracts, CORMA will use its discretion in deciding whether to provide answers as part of this RFP process.

3. Scope of Work or Deliverables

Counsel will primarily provide litigation defense of CORMA members. Counsel shall have extensive and relevant experience in representing political/subdivisions in the various state and federal courts having jurisdiction over actions involving CORMA members.

Upon request, counsel will assist the program administrators in the setting of reserves and the settlement and negotiation of claims involving monetary damages. Counsel will work in tandem with the program administrators. Counsel shall be in attendance at CORMA’s Board meetings (4-6 held throughout the program year) and provide a litigation report.

Counsel will provide pre-litigation advice to CORMA members. It is the intent of these specifications to describe the general expectations of counsel providing representation to CORMA.

4. Minimum Requirements

CORMA has established minimum qualifications any counsel must meet in order to qualify for an award of contract under this Request for Proposals. Any counsel that does not sufficiently demonstrate the minimum qualifications in its response will not be considered.

The minimum qualifications for counsel submitting proposals are provided below:

- All attorneys, including those assigned by the firm, who represent CORMA must be in good standing in all jurisdictions that they maintain an active license;
- All attorneys who will provide services must be licensed in the State of Ohio, and the the U.S. District Court for the Southern District of Ohio and the U.S. Court of Appeals for the Sixth Circuit;
- All attorneys must have extensive trial experience in the defense of public officials sued in both official and personal capacities;
- Attorney must have five (5) or more years of first chair experience representing political subdivisions or public officials named as defendants in lawsuits; if submitting a proposal as a firm, two (2) or more of the firm's attorneys must have five (5) or more years of first chair experience representing public officials named as defendants in lawsuits;
- All attorneys must have demonstrated ability and resources to handle complex litigation through trial and appeals;
- All attorneys must have demonstrated ability and resources to provide adequate and competent statewide counsel and courtroom attendance in Franklin, Delaware, Union and Fairfield Counties;
- All attorneys must have demonstrated experience in working as assigned counsel for professional liability insurance programs;
- All attorneys must maintain professional malpractice insurance (Errors & Omissions) with a minimum limit of liability of \$1,000,000 each occurrence and \$2,000,000 in the aggregate.

5. Contract

Selected counsel and CORMA will execute a contract for services. CORMA reserves the right, in its sole discretion, to recommend an award of the contract with or without negotiation.

CORMA, as a non-profit agency and is exempt from taxation. Federal transportation and excise taxes, as well as state excise taxes shall not be included in the proposal prices. Excise tax exception certificates will be furnished upon request. The tax exempt number: 31-1573479.

CORMA represents that it will have adequate funds to meet the obligations that will be incurred by contract. However, at its option, CORMA shall have the right to terminate any resulting contract should its appropriations, spending authority, or other revenues be reduced.

The successful counsel will warrant that they are not subject to an unresolved finding for recovery under R. C. Section 9.24. If the warranty is false on the date the parties sign the contract awarding a firm's proposal, the contract is void *ab initio*, and counsel must immediately repay to CORMA any funds paid under the contract.

All proposals offered are firm. Check your proposal carefully because errors cannot be corrected after the proposals are opened. It is a condition of any award under this proposal that counsel shall deliver at prices quoted, even if in error.

Any contract resulting from this request for proposals is binding on the successful counsel. Failure of the counsel to meet or perform any of the contract terms or conditions shall permit CORMA to rescind or cancel the contract and purchase comparable replacement services in the open market. Counsel shall reimburse costs and expenses in excess of the contract price necessitated by such replacement services to CORMA.

6. Notice Regarding Disclosure of Confidential and Proprietary Business Information and Trade Secrets.

CORMA hereby advises counsel that all documents submitted in response to this Request for Proposals, including those documents that purportedly contain confidential and proprietary business information or trade secrets, may be considered public records. CORMA may allow the public, including other counsel, to inspect and obtain copies of these documents.

7. Format and Content of Counsel's Proposal

Submitted proposals should provide a description of counsel's capabilities to perform the services requested (Attachment B). The proposal submitted must provide the requested information in sufficient detail to enable CORMA to evaluate counsel pursuant to the specifications and other requirements.

Counsel responding to the Request for Proposals should satisfy all the requirements specified in the Request for Proposals to quality.

All proposals shall contain:

1. Name, address, telephone number, and legal business status of counsel.
2. Name, title, address and telephone number of the person or persons authorized to represent the firm in negotiations with CORMA with respect to CORMA and any subsequently awarded contract.
3. Original signature of attorney or representative or officer of the firm on the cover letter. If the respondent is a partnership, the response must be signed by a general partner of the partnership.
4. Physical address of counsel's Ohio offices.
5. Information on whether counsel represents any interests that may constitute a conflict of interest with CORMA municipal members.
6. A statement that details the names, bar number, resumes, and relevant expertise of the attorneys to be assigned to the work required under this RFP.
7. A statement listing the proposed hourly rates for each attorney (partner or associate), paralegal and general support staff to be assigned to the work required under this RFP.
8. At least two (2) references, including one (1) governmental entity reference. Include the name, agency, address and phone number for each reference.

8. Evaluation Criteria

Proposals will generally be evaluated based on the following criteria:

1. Overall counsel's experience and knowledge representing public officers in litigation in both official and personal capacities;
2. Overall counsel's experience and knowledge representing public officials;
3. Experience in working for insurance liability programs for professional coverage;
4. Cost, including proposals that demonstrate creative or alternative billing arrangements (fee caps, fixed fee, blended rates, not-to-exceed) that include cost-containment methods and reduce the overall expenses to CORMA.

In addition, proposals will be evaluated on the basis of counsel's understanding of CORMA, the quality of the services offered, and personnel recommended for the program. With this information, CORMA will select one or more attorneys and/or firms whose proposals is determined to be the most advantageous to CORMA. CORMA reserves the right to accept more than one proposal.

9. Submission of Proposal and Contact Information

Proposals are to be received no later than July 31, 2017 at 3:00 p.m. Proposals received after this date and time will not be considered. **Completed proposals must be submitted to CORMA in via e-mail to adam.maxwell@westerville.org.**

CORMA estimates it will evaluate Counsel and announce a contract award or awards no later than August 31, 2017 or as soon as thereafter as practicable.

EXHIBIT I

SCOPE OF WORK

A. CORMA PROGRAM

Counsel will provide legal defense to members of CORMA. The legal services provided will include defense related to formal complaints filed in local, state, and federal courts covered by the Program.

Counsel shall coordinate its tasks and work with CORMA's third party claims administrator (TPA). Counsel shall transmit all claims information (pleadings and filings) to the CORMA TPA.

At the commencement of a claim, counsel shall provide an estimate of anticipated defense costs to the CORMA TPA. As the claim progresses, Counsel shall be responsible for promptly notifying the CORMA TPA of any required increases in the anticipated defense costs, Counsel shall timely communicate such requirements to the CORMA TPA prior to any expenditures.

Counsel shall be compensated for legal services at the rates listed in Attachment "A" or subsequently negotiated between the parties. Counsel will charge in increments of one tenth of an hour, rounded off for each particular activity to the nearest of one tenth of an hour. The minimum time charged for any particular activity will be one tenth of an hour.

CORMA shall not permit payment on behalf of counsel to any fringe benefit program or retirement program, or for any federal, state, or local tax, or for any other reason.

Counsel shall submit a fees and expense report on a monthly basis. Counsel shall provide CORMA with sufficient detail in each invoice to determine the nature of the legal services performed, but shall not provide privileged information arising from the representation of any member in a disciplinary matter, including the name of a member insured by the Program.

Attachment “A”

CORMA is requesting that offerors provide the hourly rate for partners and associates that would be working on this account, if selected. As not to influence offerors, but to provide a point of reference in this insurance funded arrangement, the current hourly rate for partners is \$200 and for associates is \$180. Offerors should provide the hourly rates that they believe are necessary to successfully service this account.

HOURLY RATES FOR COUNSEL, DEFENSE, LITIGATION

**For Base Term of
October 1, 2017 – September 30, 2020:**

**For Renewal Option Term of
October 1, 2020-September 30, 2021:**

**For Renewal Option Term of
October 1, 2021-September 30, 2022:**

Attachment “B”

Please provide the information requested in Section 7: