

I-4 Standard Purchasing Resolution 8: Best Value Award - Legal Services - Labor Attorney (*Introduced by: Jeanette Menig, Human Resources Director*)

Resolution #2017-02-023  
Moved by Baker  
Seconded by Henderson

RESOLVED, That Troy City Council hereby **AWARDS** a Contract to provide Legal Services – Labor Attorney to the highest rated proposer, *McGraw Morris, P.C. of Troy, MI*, as a result of a best value process at the hourly rates as detailed in the Bid Summary; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the firm's submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

Yes: All-7  
No: None

**MOTION CARRIED**

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# PUBLIC PURCHASE/HASE/SERVICE CONTRACT

**Ship To**  
 City of Troy  
 Human Resources  
 500 W BIG BEAVER RD  
 TROY, MI 48084

**Bill To**  
 City of Troy  
 Human Resources  
 500 W BIG BEAVER RD  
 TROY, MI 48084

**No:** 2017-90000019  
**Date:** 02/22/2017

**FOB DESTINATION**

**Entered By:** MaryBeth Murz

**Vendor**  
**VENDOR NO.** 171791  
 MCGRAW MORRIS, PC  
 2075 WEST BIG BEAVER RD  
 SUITE 750  
 TROY, MI 48084

**CONTRACT DESCRIPTION**

Commence Date	Expiration Date	Renewal	Resolution #	Contract #	Amount
03/01/2017	02/28/2020	3 Times Annually	2017-02-023	2017-90000019	See Below

**LEGAL SERVICES - LABOR ATTORNEY**

Contract to perform Legal Services - Labor Attorney for the City of Troy as per all bid specifications of RFP-COT 16-40 and as per the hourly rates contained in the proposal; which is attached.

Services shall be provided on as needed basis and as directed by the Human Resources Director, Jeanette Menig. 248 680 7287.

Principal Lead Attorney \$200.00/hour  
 Other Attorneys \$200.00/hour  
 Paralegals \$125.00

**CONTRACT IS ONE 3-YEAR TERM**

3/1/2017-2/28/2018  
 3/1/2018-2/28/2019  
 3/1/2019-2/28/2020

WITH AN OPTION TO RENEW FOR ONE 3-YEAR TERM.

3/1/2020-2/28/2021  
 3/1/2021-2/28/2022  
 3/1/2022-2/28/2023

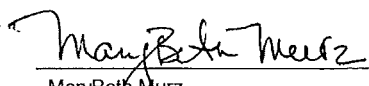
CITY COUNCIL AWARD DATE: 2/20/2017.

**TERMS & CONDITIONS**

1. Purchases of Municipalities are exempt from State Sales and Federal Excise Taxes.
2. Prior to acceptance, vendor agrees to provide City with information under the Right-to-Know Law, P.A. 1986, No. 80, and fully comply with all terms and conditions of the Michigan Occupational Safety and Health Act, MCL 408.1001, et seq. including vendor shall provide City with an "MSDS". Vendor also agrees to be responsible for all required labeling.
3. In cases of emergency/disaster, the City can purchase up to six(6) times the order amount for a period of six(6) months at the price contained in the contract.
4. Purchase Orders are signed electronically based upon computer generated "on-line" authorized approvals. Authentic signatures are on file in the City of Troy Purchasing Department.

NOTICE: The City could put the vendor on notice that vendors will be held financially responsible for any claims or awards made against the City as a result of the vendor's action. If the City has to defend the initial lawsuit, the City will bring in the vendor as a co-defendant or sue the vendor, either as the result of settling a claim or the conclusion of the lawsuit.

I HEREBY CERTIFY THAT THIS ORDER IS PROPERLY AUTHORIZED AND APPROVED.

  
 \_\_\_\_\_  
 MaryBeth Murz  
 Purchasing Manager

FIRM NAME:  
 CITY:

McGraw Morris, P.C.
Troy, MI

**PROPOSAL: Provide Legal Services to serve as labor and employment counsel.**

**GENERAL HOURLY RATE PER CATEGORY**

<u>STAFF CATEGORY</u>	<u>UNIT PRICE/HR.</u>
Principal/Lead Attorney	\$200.00
Other Attorneys	\$200.00
Paralegals	\$125.00
How travel time is handled/invoiced:	Normally charge actual time plus mileage, waiving these charges for this bid.
Reimbursable Expenses	Cost
Overnight Charges:	
Copies:	0.10/page
Contact Information:	Thomas J. McGraw
References:	248 502 4000
Can Meet Insurance:	Yes
Payment Terms:	Yes
Exceptions:	Billed Monthly
Acknowledgement:	No
Questionnaire:	Yes



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: March 1, 2017

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager  
Jeanette Menig, Human Resources Director

Subject: Correction to Resolution #2017-02-023 – Legal Services – Labor Attorney

### **History**

On February 20, 2017 City Council approved a contract to perform Legal Services – Labor Attorney for the City of Troy to the highest rated proposer, *McGraw Morris, P.C. of Troy, MI* as a result of a best value evaluation process at hourly rates contained in the bid tabulation opened January 26, 2017.

The *original* Memo and Resolution did not detail the term of contract. The Contract to provide Legal Services – Labor Attorney is for three (3) years with an option to renew for one additional three (3) year term; contract to expire February 28, 2023.

Attached is the original Memo and Resolution for your reference. Also attached is the Corrected Resolution.

### **Recommendation**

City management recommends approving the *corrected* Resolution awarding a contract to perform Legal Services – Labor Attorney for the City of Troy for three (3) years with an option to renew for one additional three (3) year term to the highest rated proposer, *McGraw Morris, P.C. of Troy, MI* as a result of a best value evaluation process at hourly rates contained in the bid tabulation opened January 26, 2017; contract expiring 2/2/2023. The award is contingent upon the Firm's submission of properly executed bid documents including insurance certificates and all specified requirements.

### **City Attorney's Review as to Form and Legality**

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G:\Bid Award RFP-COT 16-40 Legal Services – Labor Attorney\_Memo

**CORRECTED STANDARD PURCHASING RESOLUTION 8 – BEST VALUE AWARD  
– Legal Services – Labor Attorney**

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year Contract to provide Legal Services – Labor Attorney with an option to renew for one additional three (3) year term to the highest rated proposer, *McGraw Morris, P.C. of Troy, MI* as a result of a best value process at the hourly rates as detailed in the Bid Summary; a copy of which shall be ATTACHED to the original Minutes of this meeting; contract to expire February 28, 2023.

BE IT FURTHER RESOLVED, That the award is CONTINGENT upon the contractor's submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

FIRM NAME:	Giarmarco, Mullins & Horton, P.C.	Howard L. Shifman, P.C.	Keller Thoma, P.C.
CITY:	Troy, Mi	Birmingham, MI	Southfield, MI

**PROPOSAL: Provide Legal Services to serve as labor and employment counsel.**

**GENERAL HOURLY RATE PER CATEGORY**

STAFF CATEGORY	UNIT PRICE/HR.	UNIT PRICE/HR.	UNIT PRICE/HR.
Principal/Lead Attorney:	\$140.00	\$145.00	\$175.00
Other Attorneys:	\$115.00	\$145.00	\$165.00
Paralegals:	\$65.00	N/A	\$110.00
	<i>Min. 0.20 hourly charge</i>		
How travel time is handled/invoiced:	The City will pay for all actual mileage incurred, billed at IRS rate, billed monthly.	Time is billed from Birmingham to location & back at the regular hourly rate.	Charges will be incurred for travel time, if travel occurs before/after normal hours, it is charged at 1/2 rate.
Reimbursable Expenses	Cost	Cost	Cost
Overnight Charges:	as incurred	Will be charged amt. of mail charges	Billed at cost incurred
Copies:	0.20/page	.08/pg. b/w, .13/pg. color	0.20/page
Contact Information:	John C. Clark 248 457 7023	Howard L. Shifman 248 642 2383	Richard W. Fanning, Jr. 313 965 8931
References:	Yes	Yes	Yes
Can Meet Insurance:	Yes	Yes	Yes
Payment Terms:	Billed Monthly	Billed Monthly	Billed Monthly
Exceptions:	No	No	No
Acknowledgement:	Yes	Yes	Yes
Questionnaire:	Yes	Yes	Yes

**ATTEST:**  
 Lori Bluhm  
 Jeanette Menig  
 Susan Risetere

\_\_\_\_\_  
 MaryBeth Murz,  
 Purchasing Manager

FIRM NAME:  
 CITY:

Butzel Long, P.C.	McGraw Morris, P.C.	Kotz Sangster Wysocki P.C.
Bloomfield Hills, Mi	Troy, MI	Southfield, MI

**PROPOSAL: Provide Legal Services to serve as labor and employment counsel.**

**GENERAL HOURLY RATE PER CATEGORY**

STAFF CATEGORY	UNIT PRICE/HR.	UNIT PRICE/HR.	UNIT PRICE/HR.
Principal/Lead Attorney	\$175.00	\$200.00	\$215.00
Other Attorneys	\$175.00	\$200.00	\$215.00
Paralegals	N/A	\$125.00	\$125.00 - \$150.00
How travel time is handled/invoiced:	Travel time is charged only if City is represented outside of Oakland County, such as MERC proceedings in Detroit.	Normally charge actual time plus mileage, waiving these charges for this bid.	Mileage at the current IRS allowable rate plus attorney hourly rate for time travelling.
Reimbursable Expenses	Cost	Cost	Cost
Overnight Charges:	Billed at cost incurred		Billed at cost incurred
Copies:	0.15/page	0.10/page	No response
Contact Information:	Craig S. Schwartz 248 258 2507	Thomas J. McGraw 248 502 4000	Todd R. Wright 313 259 8300
References:	Yes	Yes	Yes
Can Meet Insurance:	Yes	Yes	Yes
Payment Terms:	Billed Monthly	Billed Monthly	Billed Monthly
Exceptions:	No	No	No
Acknowledgement:	Yes	Yes	Yes
Questionnaire:	Yes	Yes	Yes

FIRM NAME:  
 CITY:

Hall, Render, Killian, Heath & Lyman, PLLC	Foster, Swift, Collins & Smith, P.C.	Clark Hill, PLC
Troy, Mi	Southfield, MI	Birmingham, MI

**PROPOSAL: Provide Legal Services to serve as labor and employment counsel.**

**GENERAL HOURLY RATE PER CATEGORY**

STAFF CATEGORY	UNIT PRICE/HR.	UNIT PRICE/HR.	UNIT PRICE/HR.
Principal/Lead Attorney	\$220.00	\$225.00	\$275.00
Other Attorneys	\$220.00	\$200.00 - \$225.00	\$200.00 - \$225.00
Paralegals	\$120.00	\$150.00 - \$185.00	
	<i>Hourly rates with 2% annual increase.</i>		
	Billed at minimum 1/10 hour.		
How travel time is handled/invoiced:	Invoicing incorporates time spent by attorneys & paralegals travelling for City matters. Invoicing will detail travel time. Mileage will be at IRS rate.	Local Travel time will not be charged for client meetings.	Travel time is billed at agreed upon rate & billed electronically. At time of this proposal given proximity COT would not be billed for travel time.
Reimbursable Expenses	Cost	Cost	Cost
Overnight Charges	Billed at cost incurred	Billed at cost incurred	No response
Copies	0.20/page	0.20/pge B/W, \$1.00/pge Color	No response
Contact Information:	Bruce M. Bagdady 248 457 7839	Brian J. Renaud 248 785 4722	Paul W. Coughenour 248 988 5862
References:	Yes	Yes	Yes
Can Meet Insurance:	Yes	Yes	Yes
Payment Terms:	Billed Monthly	Billed Monthly	Billed Monthly
Exceptions:	Yes	No	No
Acknowledgement:	Yes	Yes	Yes
Questionnaire:	Yes	Yes	Yes



**RFP-COT 16-40 LEGAL SERVICES - LABOR ATTORNEY  
PROPOSAL SCORING**

PROPOSAL	Ranking 1-10	KELLER THOMA		MCGRAW MORRIS		GMH		BUTZEL LONG		FOSTER SWIFT		HALL RENDER		HOWARD SHIFMAN		CLARK HILL		KOTZ SANGSTER	
Evaluator1		3	1	2	7	6	4	9	5	8									
Evaluator2		1	4	8	2	5	7	3	9	6									
Evaluator3		3	1	2	7	4	5	8	6	9									
Evaluator4		1	4	3	2	7	8	5	6	9									
<b>Proposal Scores</b>		<b>8</b>	<b>10</b>	<b>15</b>	<b>18</b>	<b>22</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>26</b>									

INTERVIEW	Ranking 1-4	KELLER THOMA		MCGRAW MORRIS		GMH		BUTZEL LONG	
Evaluator1		3	1	2	4				
Evaluator2		2	1	3	4				
Evaluator3		3	1	2	4				
Evaluator4		3	1	2	4				
<b>Interview Scores</b>		<b>11</b>	<b>4</b>	<b>9</b>	<b>16</b>				
<b>Proposal + Interview Scores</b>		<b>19</b>	<b>14</b>	<b>24</b>	<b>34</b>				

Original



Request for Proposal  
Confidential Pricing  
Page 1 of 2

**CONFIDENTIAL PRICING**

Provide a complete Cost Proposal including hourly rates for all personnel. Clearly define all relative direct and indirect costs and hourly minimums. The Cost proposal shall be inclusive of three (3) years, with the option to renew for one (1) additional 3-year period.

Prices quoted shall remain firm for 60 days or bid award whichever comes first except the successful proposer whose prices shall remain firm for the entire contract period. At the time of renewal, the successful Firm will have the option to hold the labor rate constant or to submit new prices based upon verifiable increases predicated upon the Consumer Price Index Inflation (CPI) Calculator or CPI computation for published Urban-CPI for the Detroit/ Ann Arbor/ Flint Area between the base year and the renewal year **whichever is lower – whatever is deemed to be in the City’s best interest.** Confidential pricing to be submitted in a separate envelope.

General Hourly Rate per Category

<u>Staff Category</u>	<u>Unit Price</u>
Principal/Lead Attorney	\$ 200 /hr.
Other Attorneys	\$ _____ /hr.
All Attorneys	\$ 200 /hr.
_____	\$ _____ /hr.
_____	\$ _____ /hr.
_____	\$ _____ /hr.
_____	\$ _____ /hr.
<b>Paralegals</b>	
Erika Abdulnoor	\$ 125 /hr.
Kathie Lane	\$ 125 /hr.
_____	\$ _____ /hr.
_____	\$ _____ /hr.

FIRM NAME: McGraw Morris P.C. \_\_\_\_\_



Request for Proposal  
Confidential Pricing (continued)  
Page 2 of 2

Identify how travel time is handled and invoiced.

McGraw Morris generally charges actual time plus mileage, but we are waiving these charges for purposes of this bid.

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**Reimbursable Expenses**

Overnight mail charges \$ \_\_\_\_\_

Transportation expenses \$ \_\_\_\_\_

Copies \$ \_\_\_\_\_

10¢/copy \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

FIRM NAME: McGraw Morris P.C.

SIGNATURE/DATE:  1-24-17



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/9/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>THE MCLEOD-KOSKI AGENCY INC.</b> 6001 N Adams #201 Bloomfield Hills, MI 48304	CONTACT NAME: <b>JOHN KOSKI</b> PHONE (A/C, No, Ext): <b>(248) 540-1020</b> FAX (A/C, No): <b>(248) 540-7559</b> E-MAIL ADDRESS: <b>JOHN.KOSKI@MCLEODKOSKI.COM</b>														
INSURED <b>MCGRAW MORRIS P.C.</b>  <b>2075 WEST BIG BEAVER RD, STE: 750</b> <b>TROY, MI 48084</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC#</th> </tr> <tr> <td>INSURER A: <b>THE HARTFORD INSURANCE COMPANY</b></td> <td></td> </tr> <tr> <td>INSURER B: <b>ASPEN AMERICAN INSURANCE CO</b></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC#	INSURER A: <b>THE HARTFORD INSURANCE COMPANY</b>		INSURER B: <b>ASPEN AMERICAN INSURANCE CO</b>		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES    CERTIFICATE NUMBER:    REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
<b>A</b>	GENERAL LIABILITY			35 SBA NO5747	10/29/16	10/29/17	EACH OCCURRENCE	\$ 2,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	Y	Y				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 10,000	
							PERSONAL & ADV INJURY	\$ 2,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 4,000,000	
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$ 4,000,000	
								\$	
				\$					
<b>A</b>	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	
	<input type="checkbox"/> ANYAUTO	Y	Y				BODILY INJURY (Per person)	\$	
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$	
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident)	\$	
	<input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS							\$	
				\$					
	UMBRELLA LIAB						EACH OCCURRENCE	\$	
	EXCESS LIAB						AGGREGATE	\$	
	DED	RETENTION \$						\$	
<b>A</b>	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			35 WEC ZM1789	10/29/16	10/29/17	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	\$	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				Y	E.L. EACH ACCIDENT	\$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	<input checked="" type="checkbox"/> N						E.L. DISEASE - EA EMPLOYEE	\$ 500,000
								E.L. DISEASE - POLICY LIMIT	\$ 500,000
<b>B</b>	LAWYERS			LPP001288-02	10/15/16	10/15/17	2,000,000/2,000,000		
	PROFESSIONAL LIABILITY								

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">CITY OF TROY</div>	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
AUTHORIZED REPRESENTATIVE 	