

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

PUBLIC HASE/SERVICE CONTRACT

PAGE: 1 of 1

Ship ToCity 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

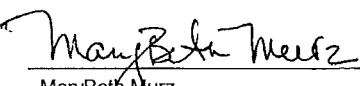
3/1/2021-2/28/2022

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

STAFF CATEGORY

UNIT PRICE/HR.

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

248 502 4000

References:

Yes

Can Meet Insurance:

Yes

Payment Terms:

Billed Monthly

Exceptions:

No

Acknowledgement:

Yes

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

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:
CITY:

Giarmarco, Mullins & Horton, P.C.	Howard L. Shifman, P.C.	Keller Thoma, P.C.
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/pge. b/w, .13/pge. 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 Riseterer

MaryBeth Murz,
Purchasing Manager

CITY OF TROY
 TABULATION
 LEGAL SERVICES - LABOR ATTORNEY

RFP-COT 16-40
 Pg. 2 of 3

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	Thomas J. McGraw	Todd R. Wright
	248 258 2507	248 502 4000	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

CITY OF TROY
 TABULATION
 LEGAL SERVICES - LABOR ATTORNEY

RFP-COT 16-40
 Pg. 3 of 3

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 mininum 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
Proposal Scores										
		8	10	15	18	22	24	25	26	27

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
Interview Scores		11	4	9	16
Proposal + Interview Scores		19	14	24	34

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.
	\$ /hr.
Paralegals	
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.

Reimbursable Expenses

Overnight mail charges \$ _____

Transportation expenses \$ _____

Copies \$ _____

10¢/copy \$ _____

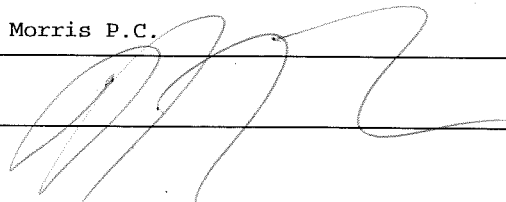
\$ _____

\$ _____

\$ _____

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 THE MCLEOD-KOSKI AGENCY INC. 6001 N Adams #201 Bloomfield Hills, MI 48304		CONTACT NAME: JOHN KOSKI PHONE (A/C, No, Ext): (248) 540-1020 E-MAIL ADDRESS: JOHN.KOSKI@MCLEODKOSKI.COM FAX (A/C, No): (248) 540-7559															
INSURED MCGRAW MORRIS P.C. 2075 WEST BIG BEAVER RD, STE: 750 TROY, MI 48084		<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC#</th></tr></thead><tbody><tr><td>INSURER A: THE HARTFORD INSURANCE COMPANY</td><td></td></tr><tr><td>INSURER B: ASPEN AMERICAN INSURANCE CO</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></tbody></table>		INSURER(S) AFFORDING COVERAGE	NAIC#	INSURER A: THE HARTFORD INSURANCE COMPANY		INSURER B: ASPEN AMERICAN INSURANCE CO		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER C:																	
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	
A	GENERAL LIABILITY	Y	Y	35 SBA NO5747	10/29/16	10/29/17	EACH OCCURRENCE \$ 2,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						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	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY \$ 2,000,000	
A	AUTOMOBILE LIABILITY						GENERAL AGGREGATE \$ 4,000,000	
	ANYAUTO						PRODUCTS - COMP/OP AGG \$ 4,000,000	
	ALL OWNED AUTOS							
	HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS							
	UMBRELLA LIAB						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000	
	EXCESS LIAB						BODILY INJURY (Per person) \$	
	DED						RETENTION \$	BODILY INJURY (Per accident) \$
								PROPERTY DAMAGE (Per accident) \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A	Y	35 WEC ZM1789	10/29/16	10/29/17	EACH OCCURRENCE \$	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						AGGREGATE \$	
	If yes, describe under DESCRIPTION OF OPERATIONS below							
B	LAWYERS			LPP001288-02	10/15/16	10/15/17	WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER	
	PROFESSIONAL LIABILITY						E.L. EACH ACCIDENT \$ 500,000	
							E.L. DISEASE - EA EMPLOYEE \$ 500,000	
							E.L. DISEASE - POLICY LIMIT \$ 500,000	
							2,000,000/2,000,000	

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

CERTIFICATE HOLDER

CANCELLATION

CITY OF TROY

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

John W. Koski

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