

**TOWN OF TIVERTON, RHODE ISLAND
REQUEST FOR PROPOSALS
REAL ESTATE LEGAL SERVICES**

The Town of Tiverton is seeking qualified counsel to assist the Town of Tiverton Open Space and Land Preservation Commission with the acquisition of open space and conservation land.

The scope of services and required qualifications are available on the Town of Tiverton website www.tiverton.ri.gov or by contacting the Town Administrator at 401-625-6710.

Written proposals in hard copy must be received no later than 4:00 PM on Wednesday, November 22, 2017. Proposals must be sealed and clearly marked "Proposal for Real Estate Legal Services" on the exterior of an envelope addressed to:

Nancy Mello, Town Clerk
Tiverton Town Hall
343 Highland Road
Tiverton, RI 02878

REQUEST FOR PROPOSAL (RFP)

REAL ESTATE LEGAL SERVICES

I. Background; Intent.

Town of Tiverton, Rhode Island (the "Town") seeks to establish contracts with attorneys ("Contractor") to assist the Town of Tiverton Open Space and Land Preservation Commission with the acquisition of open space and conservation land.

Such transactions usually involve the acquisition or transfer of property and conservation easements for the preservation of open space within the Town of Tiverton, and will require title reports, basic document preparation, including deeds, lien releases and other documents necessary to clear title.

Prospective Contractors are advised that attorneys must respond to this RFP by Wednesday, November 22, 2017. Care should be taken to describe your transactional experience in detail, but clients do not need to be identified.

II. Work Statement.

The Contractors selected under this Request for Proposal must perform, at a minimum, the following services:

1. Title search:

- a. The Contractor must submit a report that gives the Contractor's opinion as to the title and describes the status of title to the property, including any and all encumbrances, and must include a certification that the title is clear and marketable (i.e. the title is marketable and insurable at regular rates) and, if not, an explanation of the reasons why it is not. The report by the Contractor (not the abstractor's notes) must be received by the Town Attorney within 30 days after the request is made. In the event a quicker turnaround is necessary, the Contractor is not obligated to accept the assignment. Once accepted, however, the shortened deadline must be met. The Contractor is responsible for the timeliness of the abstractor the Contractor has chosen.
- b. The Contractor's report must be accompanied by copies of the deed to the current owner, unreleased mortgages, deeds of trust, liens, and any other recorded documents which indicate a party of interest in the land, unless the Town Attorney advises that it has previously obtained such document(s).

2. Settlement:

- a. Settlement must be completed as set forth in the contract unless title is not clear and marketable (*i.e.* the title is marketable and insurable at regular rates) or the delays are caused by lienholders or other parties of interest in the real estate transaction.
- b. The Contractor is responsible for all aspects of settlement, including title search and title opinion report; preparation of all documents, including documents such as lien releases, UCC financing statements, deeds, escrow agreements, settlement statements and 1099 forms. Documents that must be recorded among the land records must be recorded on the same day as settlement with photocopies of the recorded documents.
- c. The Contractor is required to maintain an escrow account.
- d. The Contractor is required to maintain an affiliation with a title insurance company qualified to do business in Rhode Island and provide title insurance at the Town's request

III. Performance Period/Schedule.

1. Assignment of work to be performed under a contract entered into pursuant to this RFP begins from the date of contract signature by the Contractor and continues for two years. The Town and the Contractor may extend the term of the contract by mutual agreement for up to four (4) additional two-year terms, contingent upon and subject to satisfactory and timely performance by the Contractor, as determined by the Town, and fiscal appropriations.
2. Work may be re-assigned to another Contractor at the Town's discretion, at which time payment will be made for work satisfactorily completed, as determined by the Town, to the date of reassignment.

3. Work will be assigned on a rotating basis among all Contractors providing real estate legal services to the Town, with an effort toward distribution of assignments balanced in volume and complexity. Work assignments, however, are in the sole discretion of the Town, and the Town may take into account factors including, but not limited to, past performance of the Contractor, experience of the Contractor, and responsiveness of the Contractor to Town assignments when making work assignments. The Town does not guarantee any minimal level of work assignments.

IV. Compensation.

1. Professional Services:

In responding to this RFP, each Contractor must propose the manner of compensation and whether the Contractor is seeking an hourly rate or a yearly retainer, including the rate for the work performed by a party in the capacities of paralegal, legal assistant, law clerk, or similar position of assistance to the Contractor.

2. Cost Reimbursement:

No costs will be reimbursed without the prior approval of the Town Administrator.

V. Method of Award.

1. Procedure:

Award of a contract or contracts to a Contractor or Contractors is subjective to the discretion of the Tiverton Town Council in determining qualified responsive bidders. The bids will be evaluated by the Town Council in accordance with the following criteria:

(1) Experience of Contractor. In the event a law firm is responding to this RFP, one specific attorney of the firm must be responsible for performing all work assignments. It is the experience of this attorney, not the firm, that will be rated.

(2) Clarity and completeness of sample work product provided

(3) Claims paid against professional liability or title insurance

Bidders will be selected for interview by the Town Council at the discretion of the Town Council. Interviews will be evaluated on situational questions and responses. The Prospective Contractor will be judged on clarity of communication and the knowledge of real estate legal issues and related subject matters. In the event a law firm is responding to this RFP, the interviewee must be the attorney of the firm who will be the person responsible for performing work assignments.

VI. Mandatory Submissions.

Failure to include the required submissions may disqualify the proposal as determined by the Office of the Town Attorney.

1. Evidence of admittance to the Rhode Island Bar.
2. Evidence of affiliation with a title insurance company authorized to write title insurance in Rhode Island.
3. Evidence of qualification to issue title insurance in Rhode Island.
4. Evidence of professional liability insurance coverage.
5. Number of claims paid against professional liability and/or title insurance, if any, together with an explanation of the reason for the payment.
6. Number of residential and commercial settlements handled in the last three years. In the event a law firm is responding to this RFP, this response must be for the attorney of the firm who will be the person responsible for performing work assignments. Clients do not need to be identified.
7. Business address and phone number.
8. Evidence of Attorney/Client Escrow Account.
9. Sample of title opinion report.