



Town of Ossining & Village of Ossining

**Request for Proposal
Evaluation of Potential Government Structures**

March 2011

I. Project Overview

A. Purpose

The Village and Town of Ossining are interested in retaining a consultant to conduct a study designed to examine the best legal municipal structure to provide municipal services for the taxpayers of the municipalities.

B. Project Organization

The respondent organization will provide a consultant team experienced with local government structure, financing, and operations. This team will assume responsibility for all project tasks, activities, outreach and reports.

C. Project Direction

The Consultant will interface with the Town Supervisor in the Town of Ossining and with the Village Manger in the Village of Ossining. The two elected boards of the Village and Town of Ossining will be responsible for the direction, review, and approval of all work. The boards will monitor compliance with the contract and monitor the budget of the project.

D. Project Duration and Scheduling

The project will follow the work plan, annexed hereto. A project schedule will commence upon award of the agreement to the selected consultant. The project should be completed within the timeframe of twelve months from date of contract signing.

II. Scope of Work

Project Description:

The two municipalities, the Town and Village of Ossining, are involved in extensive discussions and studies to determine how services can be delivered to their respective constituencies in the most efficient and cost effective manner through the reduction of duplication and elimination of governmental inefficiencies. The two municipalities were recently awarded a NY Department of State High Priority Planning Grant for \$45,000 with a \$5000 community match to complete this study. The Village of Briarcliff Manor was a co-applicant of the grant, but decided to discontinue participation in Spring 2010.

This complex matter shall require detailed study of the present delivery of services and redundancies that may or may not be readily apparent, the cost of those services, and how proposed changes shall impact on the taxpayer, e.g. the equalization rate on each jurisdiction, elected officials, form and format of government, political identity and a host of other implications including, but not limited to, how to address the significant portion of the Village of Briarcliff Manor which is within the Town of Ossining. Due to previous consultant studies, a good source of data has been collected that may help expedite an additional study.

History:

In 2008, the Town of Ossining and Villages of Ossining and Briarcliff established a joint municipal committee staffed with local officials and citizen members representing each of the communities. The committee has interacted with consultants on two separate studies, firstly police services and secondly, public works/highway. Final reports were received in Summer 2010. the Town and Village have many existing IMA agreements of long-standing.

In addition, the Town and Village of Ossining are working with the New York State Office of Court Administration on a plan to consolidate the local municipal courts into one regional court. The decision to proceed with the necessary enabling legislation and final planning was recently agreed to at a joint meeting of the governments. The cooperative effort of the participating municipalities should bear substantial results in the months and years ahead that shall benefit all taxpayers.

The municipalities now wish to carefully examine their governmental structures by seeking professional assistance in examining alternatives to the present governmental format. The participants have stated their desire to seek out information and analysis regarding the relative advantages of forms of governmental entities such as a co-terminous town-village; a single consolidated town-wide government; the further strengthening of the existing structure through even greater intermunicipal cooperation; or a combination of alternatives.

Geographic Area:

The Town of Ossining, which includes the entirety of the Village of Ossining within its borders, and including or excluding that part of the Town of Ossining which also incorporates part of the Village of Briarcliff Manor

Project Goals and Objectives:

The proposal is to provide funding to hire a consultant at a cost of \$50,000 for the first part of data collection and analysis. Specifically, the consultant will review the legal, financial and operational impact of several possible forms of possible government for the three existing municipalities, including:

- A co-terminus Town & Village of Ossining either by annexation of that part of the Unincorporated area of the Town that is contiguous to the Village of Ossining by the Village of Ossining or by the dissolution of the Village, or otherwise, and the continuation of a separate Village of Briarcliff Manor
- The continuation of the Village of Ossining and Town of Ossining and the consideration of additional municipal cooperation and consolidation of services in order for same to operate even more efficiently and effectively
- Any other possible government structure permissible by law.

This process shall include a focus on public outreach, public input and a legal work plan for execution. An RFP process shall begin shortly to identify the appropriate consultant to oversee this study.

We believe that this project shall help the public and its elected representatives understand the existing relationship of local governments, and how they can intelligently proceed to further improve the delivery of municipal services by reorganizing or otherwise insuring that their local governments operate in the most efficient manner by detailing the legal, financial and political implications of various government structures.

Public Outreach and Input

The public information process in this project is substantial. We foresee numerous public forums both for public input and education that may eventually lead to public votes as needed on various proposed governmental actions.

Studies and Other Resources:

- ICMA reports on Police consolidation and Highway/DPW consolidation
- Office of Court Administration study on court consolidation
- Pace University IMA Study
- Access to relevant financial documentation from the Town and Village
- Access to relevant managers and staff in Town and Village of Ossining, and other resources as designated by the municipalities

The project should comprise the following:

1. Identification of all possible government structures, including new or current structures
2. Identification of current assets, services and how they would be impacted by above government structures
3. Detailed financial analysis of the implications for taxpayers in each segment of the Town of Ossining - Village of Ossining residents, Unincorporated Town residents and residents of the Village of Briarcliff - for each government entity
4. Compliance with the Department of State-approved work plan, attached
5. Coordination and administration of public input, including coordinating public meetings and coordination other public outreach vehicles with the municipalities
6. Assistance with marketing and outreach for public education
7. Coordination with in-house and outside counsel on all legal matters
8. Attendance at board and committee meetings and other public meetings or public hearings as necessary
9. A final study document that encapsulates all possible government structures and the consultant's recommendation of the pros and cons of each.

Recommendations should be in compliance with all Federal, State, and local laws and regulations.

III. General Provisions

A. Statement of Rights

The Municipalities reserve the right, and may, at their discretion, exercise the following rights and options with respect to this Request for Proposals:

1. to reject any and all proposals;
2. to issue additional solicitations for proposals and/or amendments to this Request for Proposals;
3. to waive any irregularities in proposals received after notification to respondents affected;
4. to select any proposal as the basis for negotiations of a contract, and to negotiate with respondents for amendments or other modifications to their proposals;
5. to conduct investigations with respect to the qualifications of each respondent;
6. to exercise at their discretion and apply their judgment with respect to any aspect of this Request for Proposals, the evaluation of proposals, and the negotiation and award of any contract;
7. to enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals;
8. to select the proposal that best satisfied the interests of the Municipalities and not necessarily on the basis of price or any other single factor.

B. Use of Public Documents

During the project, any documents provided to the consultant by the Municipalities, including (but not limited to) drawings, reports and maps, whether in hard copy or in electronic form, shall remain the property of the Municipalities and shall be returned to the Municipalities at such time as they are no longer necessary for the completion of those elements of the scope of work of this contract for which such documents are necessary, but in no case later than the final completion of the scope of work of this contract. The consultant shall use its best efforts to maintain the confidentiality of such documents. The consultant shall only use such documents for the purposes contemplated in the scope of work of this contract and for no other purpose whatsoever. No information shall be provided to any third party without the prior written consent of the Municipalities.

C. Inquiries

All inquiries regarding the Municipalities and the proposal arising during the process of proposal preparation are to be made in writing and submitted via certified, return receipt mail no later than one week prior to the proposal due date specified in Proposal Delivery, Section IV, G. Answers to those inquiries will be made via certified, return receipt mail to all potential respondents. Inquiries are to be directed in writing to:

Mary Ann Roberts, Town/Village Clerk
16 Croton Avenue
Ossining, NY 10562

Any oral explanations or interpretations of instructions shall NOT be binding on the Municipalities.

D. Addenda and Supplements to Request for Proposal

In the event that it becomes necessary to revise any part of this request for proposal, or if additional information is necessary to enable the respondent to make an adequate interpretation of the provisions of this request for proposals, a supplement to the request for proposals will be provided to each respondent via certified, return receipt mail.

E. Cost of Proposal Preparation

No reimbursement will be made for any costs incurred for preparation of proposals and/or interviews.

F. Contract

If the Municipalities select a proposal, a formal written contract shall be entered into between the Municipalities and the successful respondent. The proposal or any part thereof, submitted by the successful respondent, may be attached or become a part of the contract. The contract shall not become binding until signed by both parties and approved by the legal offices of the respective municipalities.

IV. Proposal Requirements

A. Proposal Content and Format

This Request for Proposal is intended to provide interested consultants with an opportunity to demonstrate their ability to perform the required tasks. The content of the proposal should respond to information presented in this Request for Proposal. The proposal submission shall strictly adhere to the following format, and is not intended to be an expensive or elaborate presentation.

Proposal Format:

Part A: A brief understanding of the project objectives and scope of work.

Part B: A listing of recent and relevant experience in similar projects that includes the firm's function during those projects (prime or sub-consultant, project cost, the firm's share of total project costs, etc.). References from the above list, including a contact's phone number and an address at the agency where the work was performed.

Part C: One-page resumes of the key personnel of the consultant (principal, project manager, and project designed only) and all sub-

consultants (project manager only) that will be assigned to this project. The resume shall indicate each employee's status with the firm (full-time, part-time, per diem, etc.) and length(s) of such employment.

Part D: Required Forms

1. Please complete, sign and submit Certification Statement (Attachment A)

In addition, after the proposals have been submitted to the Ossining Municipalities, interviews with the most qualified responsive parties may be scheduled. Each party may be expected to make a formal presentation on the content of its proposal and its ability to undertake the required work.

B. Respondent Qualifications

All responders should show familiarity with New York State village and town government operations and prior work analyzing local New York State governments from an operational and financial perspective. A working knowledge of relevant New York State laws is important.

C. Professional Liability and Other Insurance Coverage

All proposals shall include a statement by the respondent and its sub-consultants, if any, concerning professional liability for negligent acts, errors and omissions and any other insurance coverage that would protect the Municipalities from loss or harm should the proposal be accepted.

D. Proposals to be in Effect

Each proposal shall state that it is valid for a period of one hundred eighty (180) calendar days from the date of submission.

E. Signature Requirements

Proposals must be signed by a duly authorized official(s) of the respondent. Consortia, joint ventures, or teams submitting proposals, although permitted, will not be considered responsive unless it is established that all contractual responsibility rests solely with one firm or one legal entity which shall not be a subsidiary or affiliate with limited resources. Each proposal should indicate the entity responsible for contract execution on behalf of the proposal team.

F. Proposal Submission

All respondents are required to submit one (1) original plus three (3) copies of their proposal.

G. Proposal Delivery

Proposals and all attachments shall be submitted by all respondents in sealed envelopes. All proposals must be received no later than 4:00 p.m. on April 4, 2011, and should be addressed as follows:

Mary Ann Roberts, Town/Village Clerk
 16 Croton Avenue
 Ossining, NY 10562

Any materials received at a later time and/or date will be judged non-responsive. The Town and Village are not responsible for any internal or external delivery delays that may cause any proposal to arrive beyond the stated deadline. To be considered, proposals must arrive at the place specified herein and be time stamped prior to the deadline. An electronic copy may be requested after the formal submittal is received.

H. Freedom of Information Law

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84-90, mandates public access to government records. However, proposals submitted in response to this request for proposals may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the respondent's competitive position or constitute a trade secret.

Respondents who have a good faith belief that the information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law shall

- a) Insert the following notice in the front of its proposal:

NOTICE

The data on pages ____ of this proposal identified by an asterisk (*) contain technical or financial information which are trade secrets or information for which disclosure would result in substantial injury to the respondent's competitive position. The respondent requests that such data be used only for the evaluation of this proposal but understands that the disclosure will be limited to the extent that the Town/Village considers proper under the law. If the Town/Village enters into an agreement with this respondent, the Town/Village shall have the right to use or disclosure such information as provided in the agreement, unless otherwise obligated by law.

- b) Clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page:

The respondent believes that this information is protected from disclosure under the state freedom of information law.

The Municipalities assume no liability for disclosure of information so identified, provided that the Municipalities have made a good faith legal determination that the information is not protected from disclosure under

Applicable law or where disclosure is required to comply with an order of judgment of a court of competent jurisdiction.

The contents of the proposal, except portions “Protected from Disclosure,” which is accepted by the Municipalities may become part of any agreement resulting from this request for proposal.

I. Non-Collusion

The respondent, by signing the proposal, hereby warrants and represents that any ensuing agreement has not been solicited or secured, directly or indirectly, in a manner contrary to the laws of the State of New York and the laws of the Village of Ossining and the Town of Ossining, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any employee, officer or official of the Municipalities.

J. Avoidance of Conflict of Interest

All proposals shall contain an affirmation that the respondent, its employees, and sub-consultants, if any, will not seek to participate in this project, either directly or indirectly, except in accordance with the definitive terms of this Request for Proposal or those which may be sequel to it.

K. Prohibited Interest of Members, Officials, or Employees of the State of New York, the Town of Ossining, and the Village of Ossining and Local Public Bodies.

No official, employee, or member of a governing body of the Municipalities in New York State, or a local public body having jurisdiction with the Municipalities, shall have any interest, direct or indirect, in any resultant contract or the proceeds thereof during his or her tenure or one year thereafter. The award of a contract is subject to provisions of all Federal, State, Town and Village laws. All firms must disclose with their proposals the name of any officer, director or agent who is also an employee of the Municipalities. Further, all firms must disclose the name of any employee of the Municipalities who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

L. Respondent Certification

Proposals shall not be accepted unless the certification annexed thereto as Attachment A is fully executed by the proposing entity.

V. Factors for Selection

A. General

Selection will be based upon the qualification of the respondent, its ability to satisfy the project requirements, project schedule and inter-municipal approach as described in the proposal. The Municipalities reserve the right, at their discretion, to reject any and all proposals and to waive minor irregularities. The Municipalities also reserve the right to select any proposal as the basis for negotiating a contract; to exercise their discretion and apply their judgment with respect to any aspect of this request for proposal; the evaluation of proposals and the negotiation and award of any contract; and to weigh the evaluation criteria in any manner they deem appropriate.

B. Selection Procedures

Proposals will be evaluated by representatives from the Municipalities including members of the elected boards and the municipal administration, in accordance with the criteria detailed in Section IV, A. Respondents may be required to make an oral presentation of their proposal to the elected Boards at a joint meeting, or to a group representing the Boards, or to both.

C. Proposal Evaluation

Proposals will be evaluated using the following criteria:

- Responsiveness to the Request for Proposal.
- Demonstrated understanding of the Project Objectives and Scope of Work.
- Recent and relevant experience in similar projects.
- Demonstrated reliability to perform and manage projects of the nature described herein.
- Qualifications and relevant experience of the consultant team.
- Cost-effectiveness of the proposal / payment schedule / delineation of the projects fees and pass-through costs.
- Staffing
- Schedule
- References

Evaluation criteria are not necessarily listed in order of importance. The Municipalities reserve the right to weigh their evaluation criteria in any matter they deem appropriate.

VI. Attachments

A. Respondent Certification

Attachment A

RESPONDENT CERTIFICATION

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the Town of Ossining and the Village of Ossining and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the Town of Ossining and the Village of Ossining for the required services. The undersigned agrees and understands that the Town of Ossining, and the Village of Ossining is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the Town of Ossining, and the Village of Ossining, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the Town of Ossining and the Village of Ossining and approved by the legal counsel for each municipality.

It is understood and agreed that the Town of Ossining, and the Village of Ossining reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the Town of Ossining and the Village of Ossining reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the Town of Ossining and the Village of Ossining is directly or indirectly a part to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

(Legal Name of Person, Firm or Corporation)

By: _____
(Signature of Authorized Representative)

Title: _____

Dated: _____