



HISTORIC
FRANKLIN
TENNESSEE

ITEM #13
WRKS
06/10/14

MEMORANDUM

May 28, 2014

TO: Board of Mayor and Aldermen
Employee Pension Committee

FROM: Eric S. Stuckey, City Administrator
Shauna Billingsley, City Attorney
Shirley Harmon, Human Resources Director
Russell Truell, Assistant City Administrator / CFO
Brian Wilcox, Purchasing Manager

SUBJECT: Consideration of contract award to Evans Petree PC of Memphis, TN for employee pension plan legal counsel for the Law Department (Purchasing Office Procurement Solicitation No. 2014-017; Contract No. 2014-0129)

Purpose

The purpose of this procurement is to purchase legal counsel services for the City's employee pension plan for a term of award of three (3) years, with two options to extend the term of award, each time for up to one (1) additional year, for a maximum possible term of award of five (5) years total.

Background

The City published on January 16, 2014 a Notice to Service Providers in the *Williamson Herald* announcing the issuance by the City of a request for qualifications for employee pension plan legal counsel. In addition, solicitation documents were sent on or about the same date directly to seven (7) potential respondents known or thought to be interested in this solicitation. Submittals from seven (7) vendors were publicly opened at the submittal opening held on February 18, 2014. A tabulation of the submittals received for this solicitation is attached. Of the seven (7) submittals received, the three (3) submittals ranked highest by the submittal evaluation team, utilizing the evaluation criteria listed in the request for qualifications, were invited for interview. Of the three (3) finalists interviewed, the finalist ranked highest by the interview panel, utilizing the same evaluation criteria, is Evans Petree PC of Memphis, TN. The City checked four (4) of the references for Evans Petree PC and found all to be favorable.

Financial Impact

In accordance with the request for qualifications, the separately sealed fee proposal for only the City's top choice following the evaluation process has been opened by the City. The finalist ranked highest by the interview panel, Evans Petree PC of Memphis, TN, has quoted a billing rate for any senior partner, partner or associate of the standard rate for that senior partner, partner or associate up to \$265 per hour, plus expenses. The proposed billing rate compares with the billing rate of the current service provider of \$285 per hour. Fees for employee pension plan legal counsel are borne directly by the plan.

Options

In accordance with the solicitation documents, the City reserves the right to reject any and all submittals.

Recommendation

Staff recommends that the City accept, contingent upon Law Department and City Administrator approval of City Contract No. 2014-0129, the firm ranked highest by the interview panel, Evans Petree PC of Memphis, TN for employee pension plan legal counsel services for the Law Department. Purchasing Manager Brian Wilcox is of the opinion that the prepared solicitation documents as distributed allowed for competition among multiple service providers, and that the staff recommendation appears to be made in a fair and impartial manner based upon the submittals received.

City of Franklin, Tennessee
Tabulation of Submittals*

Purchasing Office Solicitation No.:		2014-017 (Employee pension plan legal counsel)				
Notice to service providers published in the <i>Williamson Herald</i> on:		1/16/14				
Number of potential service providers that were notified of / that submitted a response to this request for qualifications:		7 / 7				
Date and time submittals due and publicly opened:		2/18/14 2:00 PM				
Present at opening of submittals		Dee Settle and Brian Wilcox of the City of Franklin Purchasing Office				
Target meeting of BOMA at which recommendation will be considered:		6/10/14				
Submittals received from:	Is the submittal complete?	Does the submittal take any exceptions to the City's procurement solicitation? / If so, how many?	Average points allocated by submittal evaluation team (out of a possible 100, utilizing evaluation criteria as listed in RFQ):	Average points allocated by interview panel (out of a possible 100, utilizing evaluation criteria as listed in RFQ):	Payment terms:	Submittal is valid and may be accepted through:
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC Baker Donelson Center, Suite 800 211 Commerce St. Nashville, TN 37201 Matt Sweeney, Shareholder 615/726-5774 msweeney@bakerdonelson.com	Yes	Yes / 1 (para. 3 of CoF Indemnification Agreement)	85.67	90.25	net 30 days	5/31/2014
Bass, Berry & Sims PLC 150 Third Ave. South, Suite 2800 Nashville, TN 37201 Fritz Richter, III, Employee Benefits Partner 615/742-6256 frichter@bassberry.com	Yes	Respondent takes no exceptions	75.67	not interviewed	net 30 days	12/31/2014
Bradley Arant Boult Cummings LLP 1600 Division St., Suite 700 Nashville, TN 37203 Andrew Elbon, Partner 615/252-2378 aelbon@babbc.com	Yes	Yes / 1 (Indemnification provisions of CoF Ts&Cs)	82.33	86.25	net 30 days	5/31/2014
Evans Petree PC 1000 Ridgeway Loop Rd., Suite 200 Memphis, TN 38120 Frank N. Stockdale Carney, Shareholder 901/521-4595 fcarney@evanspetree.com	Yes	Respondent takes no exceptions	82.33	93.50	net 30 days	8/31/2014
Holifield & Associates, PLLC 11907 Kingston Pike, Suite 201 Knoxville, TN 37934 Al Holifield, Member 865/566-0115 aholifield@hacpc-law.com	Yes	Respondent takes no exceptions	78.00	not interviewed	net 30 days	8/1/2014

*Shaded submittal is the submittal scored highest by the interview team

City of Franklin, Tennessee
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Kutak Rock LLP 1650 Farnam St. Omaha, NE 68102 John E. Schembari, Partner 402/346-6000 john.schembari@kutakrock.com	Yes	Yes / 2 (notice of material modification or cancellation of insurance; Indemnification provisions of CoF Ts&Cs)	58.33	not interviewed	net 30 days	6/30/2014
Waller 511 Union St., Suite 2700 Nashville, TN 37219 M. Sean Sullivan 615/850-8584 sean.sullivan@wallerlaw.com	Yes	Respondent takes no exceptions	80.33	not interviewed	net 30 days	6/1/2014

*Shaded submittal is the submittal scored highest by the interview team