



HISTORIC
FRANKLIN
TENNESSEE

ITEM #22
BOMA
08/09/2011

MEMORANDUM

July 15, 2011

TO: Board of Mayor and Aldermen

FROM: City Administrator Eric S. Stuckey
Assistant City Administrator Russell Truell
City Attorney Shauna Billingsley
Purchasing Manager Brian Wilcox

SUBJECT: Consideration of multiple awards for legal counsel and professional services pertaining to real estate closings for the City's voluntary purchase and sale of real estate or its acquisition by eminent domain for City public works projects and other public purposes, through June 30, 2013 (Purchasing Office Procurement Solicitation No. 2012-008; fees to be allocated to the projects to which the services pertain)

Purpose

The purpose of this procurement is to purchase, on an as-needed basis, for legal counsel and professional services pertaining to real estate closings for the City's voluntary purchase and sale of real estate or its acquisition by eminent domain for City public works projects and other public purposes.

Background

The Law Department, in conjunction with the Engineering Department, has need from time to time to engage outside counsel qualified to provide legal counsel and professional services pertaining to real estate closings for the City's voluntary purchase and sale of real estate or its acquisition by eminent domain for City public works projects and other public purposes, in exchange for fees based on rates quoted in the service provider's submittal. The Law Department has requested that this arrangement be effective through June 30, 2013. The purpose of this procurement is to allow the City to request services from all qualified vendors in rotation for professional real estate closing legal counsel, as a rule on a project-by-project basis, with the same firm doing all closings with respect to the same public works project. The City may alter this practice at its sole discretion in cases where a particular project involves a large number of closings or for any other reason. The order of priority on the list shall be established by the City's Law Department by some random selection method. The City will use best efforts to see that closing work is equitably allocated among firms on the qualified list, but does not guarantee any vendor any particular number of assignments per year or that the assignments will in fact be evenly divided. A vendor may decline a particular assignment or withdraw from the list during the year without penalty.

The City published on June 30, 2011 a Notice to Vendors in the *Williamson Herald* for professional services pertaining to legal counsel and professional services pertaining to real estate closings for the City's voluntary purchase and sale of real estate or its acquisition by eminent domain for City public works projects and other public purposes. In addition, solicitation documents were sent on or about the same date directly to eleven (11) potential vendors known or thought to be interested in this solicitation. Submittals from seven (7) vendors were publicly opened at the submittal opening held on July 14, 2011. A tabulation of the submittals received for this solicitation is attached. None of the submittals indicate the need for any of the service providers to take any exceptions to the City's solicitation.

Financial Impact

Fees for closing services rendered, at the rates quoted in the service provider's submittal, will be allocated to the projects to which the services pertain.



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Options

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

Recommendation

Staff recommends that the City accepts and declares responsive and responsible the seven (7) submittals received in response to the City's solicitation for closing services. Purchasing Manager Brian Wilcox is of the opinion that the prepared solicitation documents as distributed allowed for competition among multiple vendors, and that the recommendation appears to be made in a fair and impartial manner based upon the submittals received.

City of Franklin, Tennessee
Tabulation of Proposals

| | | | | | |
|---|---|--|---|--------------------------|--|
| Purchasing Office Solicitation No.: | | 2012-008 (legal counsel for real estate closings) | | | |
| Notice to Service Providers published in the <i>Williamson Herald</i> on: | | 6/30/11 | | | |
| Number of vendors that were notified of / that responded to this solicitation: | | 11 / 7 | | | |
| Date and time submittals due and publicly opened: | | 7/14/11 2:00 PM | | | |
| Present at opening of submittals: | | Tiffany Wilkins and Brian Wilcox of the City of Franklin Purchasing Office | | | |
| Target meeting of BOMA at which recommendation will be considered: | | 8/9/11 | | | |
| | | | | | |
| Submittals received from: | Description of offered services: | Does the service provider take any exceptions to the City's procurement solicitation? | Total quoted rates for services, per unit: | Payment terms: | Submittal is valid and may be accepted through: |
| Amy Cross Nance, Attorney at Law 111 Southeast Parkway Court Franklin, TN 37064 Amy Cross Nance, Owner - Attorney 615/794-5644 | Legal counsel for real estate closings | Service provider takes no exceptions | Atty: \$200/hr Assoc: n/a Paralegal: \$65/hr Copies: \$0.05/copy | net 30 days from invoice | 08/31/11 |
| Dougall Law Offices, PLLC 256 Seaboard Lane, Suite F-103 Franklin, TN 37067 R. Mark Dougall, CEO 615/369-8181 | Legal counsel for real estate closings | Service provider takes no exceptions | Atty: \$200/hr Assoc: \$175/hr Paralegal: \$65/hr Copies: \$0.25/copy \$250 closing fee \$300 title search fee \$200 closing processing fee | net 30 days from invoice | 08/31/11 |
| Hale and Hale, PLC, Attorneys at Law 231 Public Square, Suite 312 Franklin, TN 37064 Brenda Franks Hale & Douglas S. Hale, Attys 615/794-1312 | Legal counsel for real estate closings | Service provider takes no exceptions | Atty: \$275/hr Assoc: \$175/hr Paralegal: \$75/hr Copies: \$0.25/copy \$300/opinion letter | net 30 days from invoice | 08/31/13 |
| Kay B. Housch, P.C. 222 2nd Ave. N., Suite 310 Nashville, TN 37201 Marjorie Haines, Esq., Attorney at Law 615/259-3313 | Legal counsel for real estate closings | Service provider takes no exceptions | Atty: \$200/hr Assoc: \$175/hr Paralegal: n/a Copies: n/a | net 30 days from invoice | 08/31/11 |
| Puryear Newman & Morton, PLLC 130 4th Ave. South P.O. Box 40 Franklin, TN 37065 Charles E. Morton, IV, Member 615/790-2444 | Legal counsel for real estate closings | Service provider takes no exceptions | Atty: \$200/hr Assoc: \$175/hr Paralegal: \$65/hr Copies: n/a Closing coordinator: \$65/hr | net 30 days from invoice | 09/01/11 |
| Thomas N. Jones & Associates, Attys at Law 339 Main St. Franklin, TN 37064 Thomas N. Jones, Attorney 615/794-0807 | Legal counsel for real estate closings | Service provider takes no exceptions | Atty: \$200/hr Assoc: \$150/hr Paralegal: \$65/hr Copies: \$0.10/page | net 30 days from invoice | 08/31/11 |
| Yost Robertson Nowak, PLLC 133 Holiday Court, Suite 208 Franklin, TN 37067 William J. Yost, Chief Manager 615/790-9678 | Legal counsel for real estate closings | Service provider takes no exceptions | Member: \$175-\$225/hr Assoc: \$150-\$175/hr Paralegal: \$75/hr Copies: n/a \$350-\$500/closing & settlement statement | net 30 days from invoice | 09/01/11 |