

REQUEST FOR PROPOSALS (RFP)

HEARING OFFICERS –POLICE RETIREMENT SYSTEM OF ST. LOUIS

1. PURPOSE AND INTENT

This Request for Proposals (RFP) for Hearing Officers is issued by and through the Police Retirement System of St. Louis (“PRS-STL”).

The purpose of this RFP is to solicit sealed proposals for the purpose of hiring individuals and/or law firms to provide services as hearing officers for the PRS-STL.

The PRS-STL reserves the right to award the contract(s) resulting from this RFP to one or more respondents, as required and deemed appropriate to meet the needs of the PRS-STL.

2. SCOPE OF SERVICES

The PRS-STL retains hearing officers on behalf of the System to perform the following services:

A. Conduct hearings before the Board of Trustees of the System relative to appeals filed with the System by police officers in regard to their pension or disability benefit awards, or for such other hearings as may be required from time-to-time. Said hearings shall be conducted in accordance with any and all applicable state constitutional provisions and statutes and any and all administrative rules, procedures, regulations or other governing practices promulgated by the PRS-STL.

B. Ensure that a record of proceedings of said hearings is prepared.

C. Provide to the Board of Trustees a recommendation regarding adjudication of the appeal including suggested findings of fact and conclusions of law relative to the hearings conducted, which may be based on proposed submissions from the litigants, in the hearing officer’s discretion;

D. Review motions and/or memorandums of law filed in connection with appeals pending before the Board of Trustees.

E. Supply to the Executive Director of PRS-STL billings for hours worked, documenting time spent per appeal detailing the specific work performed (*i.e.*, conducting hearing; preparing suggested findings of fact and conclusions of law; ruling on pending motions).

3. FEES

Hearing officers will be compensated at a rate of between \$110 and \$150 per hour of

work, depending on qualifications. Hours billed for the services described in Section 2 may be limited by PRS-STL to a set number of billable hours per appeal, and/or per some component part(s) of the appeal. A provision allowing for additional fees for periods of time in excess of said billable time limits to be requested in advance by the hearing officer and approved in advance, in writing, by the Executive Director and PRS-STL Disability Committee Chair, may be added to the contract. Administrative support for scheduling appeals, notifying the parties of appeal hearing dates and subpoenaing witnesses will be provided.

4. MINIMUM QUALIFICATIONS

Hearing officers must be attorneys licensed by the State of Missouri, in good standing with the Missouri Bar and have experience in the area of administrative law and/or pension law. Hearing officers must not be delinquent in taxes owed to the City of St. Louis. Hearing officers must not be engaged in any litigation (including, but not limited to, administrative matters) in which the PRS-STL, the City of St. Louis and/or any of its officers or employees are a party in their official capacity.

5. SELECTION CRITERIA

The following criteria, at a minimum, shall be considered in making the selection of Hearing officers:

- Specialized experience, qualifications and technical competence of the Respondent including experience in the areas of administrative law and/or employment law, pension law, workers compensation law and/or as a hearing officer.
- Ability of the attorney and/or firm to provide innovative solutions.
- Capacity and capability to perform the work required within time limitations set by the PRS-STL.
- Past record and performance of the Respondent with respect to schedule compliance, cost control and quality of work.
- Proximity of the Respondent to the PRS-STL offices.
- M/WBE and/or DBE participation.
- Ability of the Respondent to meet statutory or ordinance requirements.
- Approach to the project and any unusual problems anticipated.
- Availability of financial and operating resources as required to complete the work.
- Other relevant criteria that may be developed by the PRS-STL or any committee of the PRS-STL which may be part of this process.

6. PROPOSAL

All materials submitted in accordance with this RFP will become and will remain the property of the PRS-STL and will not be returned.

All Proposals shall be considered public records, but may be deemed and treated as “closed” or “exempt” by the PRS-STL, at the sole discretion of the PRS-STL, pursuant to its understanding and interpretation of the laws of the State of Missouri. All Proposal materials may be treated as open records. If a Respondent believes some aspect of the Proposal contains Attorney Work Product, it should clearly delineate when submitting the Proposal any such portion by clearly labeling such portion “Attorney Work Product.” The PRS-STL cannot guarantee the confidentiality of any materials during the evaluation process or at any other time. Thus, Proposals and communications exchanged in response to this RFP should be assumed to be subject to public disclosure.

7. TERMINATION

This RFP may be canceled at any time if the PRS-STL determines it is in the best interest of the System.

8. SUBMISSION OF PROPOSAL

In order to be considered by the Board of Trustees, a Respondent’s proposal must be received by the Police Retirement System at 2020 Market Street, St. Louis, MO 63103 no later than **4:00 P.M. (CDT) on Friday, August 14, 2020**. Proposals received after this deadline will not be considered.

Proposals must be labeled on the outside of the package to clearly indicate that they are in response to the RFP FOR PRS-STL HEARING OFFICERS. Proposals submitted via e-mail or facsimile will not be considered.

Each Respondent must submit one (1) sealed, complete, original proposal. Each Respondent must also submit four (4) sealed, complete and exact copies of the original proposal. Each Respondent must also submit a complete and exact electronic copy of the original proposal in portable document format (PDF), placed on a “flash drive” or “thumb drive” which must be accessible through a standard size USB port.

The PRS-STL and/or its Trustees and/or Executive Director, and such others as they may identify, will evaluate the proposals and determine if interviews are necessary or desirable. The PRS-STL may reject any and all proposals.

9. QUESTIONS

Any questions regarding this RFP must be submitted in writing via U.S. mail to the attention of the following individual: Mark Lawson, Executive Director -- Police Retirement System of St. Louis, 2020 Market Street, St. Louis, Missouri 63103.

Questions must be submitted no later than **4:00 P.M. (CDT) on Friday, August 7, 2020**. The PRS-STL will ensure that any and all questions and responses thereto shall be placed on its website, www.stlouisprs.org. No other form of publication/communication will be used, so potential Respondents must check the website periodically for such information.

Each question shall begin by referencing the RFP page number and section number to which it relates.

After the submission of proposals, unless requested by the PRS-STL, contact with the PRS-STL is limited to status inquiries only and such inquiries shall be directed to the above named individual. Any further contact or attempted contact or request for information with PRS-STL, any of its Trustees or staff about the RFP will be considered an impermissible supplementation of the Respondent's proposal and will result in disqualification.

10. CONTENTS OF PROPOSAL

Each proposal must contain, at the minimum, the following information:

- A. A description of whether the Respondent is an individual or a law firm and if it is a law firm it must include information as to the type of organization it is (*i.e.*, professional corporation, limited liability corporation, partnership).
- B. The identity of the attorney(s) who will perform the services in connection with this contract. For each said individual identified include a description of their educational background, date licensed as an attorney and relevant experience in administrative and/or employment law. Also include if the attorney has been subject to discipline by the Missouri Supreme Court and, if so, the discipline imposed and the reason for the discipline.
- C. The address of the Respondent.
- D. All information pertinent to the selection criteria identified in Section 5 above.
- E. The name, address and telephone number of three references. If the reference is a business, corporation or other organization, please identify the contact person.
- F. A description of any litigation in which the Respondent is representing a party in which the Police Retirement System of St. Louis or any of its Trustees or staff or City of St. Louis or any of its officers or employees is a party. For purposes of this RFP, "litigation" shall be deemed to mean any legal action, whether maintained in a court, administrative agency, or other forum where legal and/or factual issues must be determined.
- G. A sample of Findings of Fact and Conclusions of Law prepared by the Respondent.

11. SELECTION PROCESS

Responses will be evaluated by PRS-STL, its Trustees, staff and/or legal advisors, or representatives thereof.

The PRS-STL reserves the right to:

- A. Reject any and all proposals with or without cause.
- B. Request additional information as the PRS-STL may deem necessary.
- C. Waive any and all nonmaterial irregularities pertaining to proposals.
- D. Disqualify any and/or all firms and reject any and/or all Proposals for failure to comply with this RFP or to promptly provide additional requested materials or information.
- E. Supplement, amend, substitute or otherwise modify this RFP.
- F. Cancel this RFP.
- G. Interview or call upon for a presentation from one or more of the Respondents.
- H. Negotiate final contract terms with any Respondent.
- I. Discuss the proposals submitted with any or all of the Respondents.
- J. To enter into any agreement deemed by the PRS-STL to be in the best interests of the PRS-STL with one or more respondents.

Respondents will be notified if they have been selected for further consideration. Nothing in this RFP is intended to be, nor should anything herein be construed as an offer of engagement. A selection or designation of a successful respondent shall not be construed as an offer of engagement until and unless a contract is fully negotiated. For the contract to take effect, all applicable parties with the authority to bind the respective entity must sign the agreement. Any contract must include a provision that the contract is terminable by PRS-STL on no greater than thirty (30) days' advance written notice to the contractor.

12. INDEMNIFICATION

Each Respondent in seeking, receiving or possessing this RFP and/or in submitting a response does release, indemnify and hold the PRS-STL and its various trustees, employees, representatives and agents harmless from and against all claims and demands of any and all loss, cost, damage, or liability of whatever nature, which may be asserted against or imposed against the PRS-STL as a result of issuing this RFP, making any

revisions thereto and conducting this selection process and subsequent negotiations, and making a final recommendation and/or entering into a contract.

13. COST LIABILITY

Any cost incurred by the Respondent in preparation, transmittal or presentation of any proposal or material submitted in response to this RFP, including oral interview if required, shall be borne solely by the Respondent.

14. GOVERNING LAW

This RFP and any agreement with Respondent(s) that may result, shall be governed by the laws of the State of Missouri.