

**LOWER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**



**REQUEST FOR PROPOSALS
FOR
ZONING HEARING BOARD SOLICITOR**

1. GENERAL INFORMATION

Lower Gwynedd Township (“Township”) invites proposals for the position of Solicitor of the Zoning Hearing Board (“ZHB”). The Township is seeking proposals from attorneys licensed in Pennsylvania with experience in zoning and municipal law. Although each firm’s experience and qualifications are relevant, the primary focus in the selection process will be on the individual proposed for the appointment (“Attorney”). The Township intends to select the Attorney who is most qualified and best meets the interests of the Township.

As described in more detail below, the proposal is to include evidence of the Attorney’s experience and qualifications to serve as ZHB Solicitor. Submit proposals and questions to Mimi Gleason, Township Manager, at mgleason@lowergwynedd.org.

The submittal deadline is Tuesday, November 12, 2024 at 4:00 pm.

2. BACKGROUND

Lower Gwynedd Township’s 9.4 square miles in central Montgomery County, Pennsylvania include the areas of Gwynedd, Gwynedd Valley, Penllyn and Spring House, and are home to just over 12,000 residents. The Township is a second-class township, governed by a five-member Board of Supervisors which appoints the three members of the ZHB.

A zoning hearing board is a quasi-judicial body that helps assure fair and equitable application and administration of the zoning ordinance. The zoning hearing board hears appeals from the zoning officer’s determinations and grants relief from the literal enforcement of the zoning ordinance in certain hardship situations by means of a variance. The right to appeal for relief is an important step in ensuring that due process is followed when restricting use of private property for a pre-determined public good. The zoning hearing board also hears applications for special exceptions, challenges to the substantive validity of ordinances, and appeals from certain determinations of the zoning officer.

In Lower Gwynedd, the ZHB usually meets on the 2nd Thursday of the month in person in the Township Building. In 2023, the ZHB held hearings for 18 applications; through October 2024, there have been 30 applications. Jamie Worman is the Zoning Officer (and Assistant Township Manager/Director of Building & Zoning). The members of the ZHB are:

- Hank Stoebenau (serving since 2017)
- Robert Rosenthal (serving since 2019)
- Lynn Bush (serving since 2024)

3. SCOPE OF SERVICES

The duties of the ZHB Solicitor include:

- attending and providing legal advice at all ZHB meetings;
- preparing legal notices for hearings;
- writing decisions with findings of facts, the conclusions based on those facts, and the reasons the conclusions were reached for all applications heard by the ZHB, regardless of whether the application is contested or denied;
- responding to appeals of ZHB decisions, including the return of record, in cooperation with the Township Solicitor; and
- assisting the ZHB in any other manner where legal services may be necessary.

4. QUALIFICATIONS

Qualifications of the ZHB Solicitor must include:

- being licensed to practice law in the Commonwealth of Pennsylvania and a member of the Bar in good standing;
- having a high degree of knowledge, experience, and ability in municipal and zoning law;
- performing and managing all work in a high quality, timely, and to the extent possible, cost-effective manner; and
- maintaining a high degree of professionalism and courtesy, particularly in interactions with applicants and members of the public.

4. PROPOSAL SUBMISSIONS

Proposals shall include:

- a description of the experience and qualifications of the primary Attorney who would serve as the ZHB Solicitor if appointed to fulfill the scope of services described above, as well as any other key staff who may do work for the ZHB;
- a list of the Attorney's similar or related appointments with other PA municipalities;

- a list of references with contact information and a description of the services provided by the Attorney;
- a rate proposal for 2025 detailing all rates per hour and any additional expenses that would be billed;
- disclosure of actual or potential conflicts of interest with the ZHB and/or Township, and the manner in which such conflicts would be addressed;
- a description of any litigation and/or disciplinary action the Attorney, the Attorney's firm, or any principal or employee included as key staff in response to the first bullet in this section, has been engaged in as a defendant involving their provision of professional services in the past ten years;
- a description of any ongoing investigations and/or litigation matters involving the Attorney or the Attorney's firm, its partners, shareholders, principals, officers, and any individuals employed by the firm, which relate to the performance of the Attorney or firm for the scope of services above; and
- other information deemed relevant by the Attorney.

5. SELECTION PROCESS

The ZHB, assisted by Township staff, will evaluate the submitted proposals, and, at their discretion, conduct interviews with some or all the submitting Attorneys. If interviews are conducted, they will take place on the **morning of Wednesday, December 4, 2024** at the Lower Gwynedd Township Building.

The ZHB's intention is to select a Solicitor by mid-December 2024 to ensure the appointment can be made at the Board of Supervisors' organization meeting on January 6, 2025. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected Attorney's proposal, and any changes agreed to by the ZHB and Attorney. The Township and the ZHB reserve the right to request clarifying information subsequent to submission of any proposal.

6. INSURANCE

The appointed ZHB Solicitor shall procure and maintain, in full force and effect, covering the performance of the services described in this RFP, insurance in the types and minimum amounts specified below. In addition to the insurance coverage and limits listed herein, the selected candidate shall obtain any other insurance coverage as may be required by law or as necessary to fully protect the Township's interests.

- General Liability Insurance - minimum \$1,000,000 in the aggregate and per occurrence
- Workers' Compensation and Employers' Liability Insurance
- Automobile Liability
- Professional Liability Insurance - minimum \$1,000,000 by claim and \$2,000,000 in the aggregate

Coverage for occurrences happening during the performance of services required under this RFP shall be maintained in full force and effect at all times under the applicable policies. Applicable policies shall also include "tail coverage" after the termination of representation for all work performed on behalf of the Township during the representation.

All insurance provided for in this section shall be obtained under valid and enforceable policies issued by qualified insurers which are licensed to do business in the Commonwealth of Pennsylvania. The Township requires that Certificates of Insurance evidencing the existence of such insurance be submitted to the Township at least ten (10) calendar days before work is begun and, if requested by the Township, annually during the term of representation. If the term of the selected firm's insurance coverage coincides with the calendar year, a Certificate from the expiring policy will be accepted, but a certificate evidencing renewed coverage of a new policy must be presented to the Township no later than ten (10) days after the effective date of the new policy.

The Township reserves the right to review categories and levels of insurance coverage held by the selected firm in an ongoing program of risk management. The selected firm will be notified of coverage requirements as determined by such review and the respondent agrees to secure any such requested coverage.

7. FINANCIAL DISCLOSURE

The Attorney, as required by law, shall annually file with the Township a Statement of Financial Interest on the form provided by the Pennsylvania State Ethics Commission.

8. FILES

At the termination of the engagement as ZHB Solicitor, the Attorney shall promptly return to the Township all files, in paper or electronic format, complete with all documents, memos, legal research notes, correspondence and all other material contained therein, at no cost to the Township. The selected Attorney/firm shall not destroy or purge any Township files during or after the engagement as ZHB Solicitor without written authorization from the Township.