

## REQUEST FOR PROPOSAL PROFESSIONAL SERVICES

### I. INTRODUCTION:

The Livingston Parish Council (the "Council") serves as the legislative branch of the government of Livingston Parish, Louisiana (the "Parish"). Livingston Parish is governed by the Home Rule Charter of Livingston Parish (the "Charter"), adopted by the voters of Livingston Parish under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974. Pursuant to the Charter, the Parish is governed by the "President-Council" form of government, consisting of an elected President and an elected Council composed of nine persons elected from geographic districts within the Parish. The Charter designates the Council as the Livingston Parish Council and constitutes the legislative branch of the Parish government. As such, the Council has, and is granted the right and authority to determine by resolution its own rules and order of business. The Council is granted the right to adopt an Administrative Code, levy penalties and fines and levy taxes, assessments and charges. The Council has such other authority as is typical of the legislative branch of government and as such as is set forth in the Charter and under the laws of the State of Louisiana. It is for the purpose of performing its duties and responsibilities as set forth in the Charter and under the laws of this State that the Council solicits this request for proposals.<sup>1</sup>

### II. INTENT:

The Parish Council is granted the authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the Parish, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper. Because of the broad authority granted to the Council and due to the significant duties and obligations imposed upon the Council, the Council has determined that it would be a vain and useless gesture for it to attempt to perform the duties, responsibilities and obligations upon it, particularly those addressed to highly technical subject matters, or dealing with areas of professional expertise without the assistance of persons having the requisite training, skills, abilities, background and expertise to provide it with the quality advice and assistance needed to permit the Council to act in a manner which is in the best interest of the people of Livingston Parish. In order to aid the Council in this regard, and assist it in fulfilling its mandates as set forth in the Charter, and under the law, the Council has the authority to retain professional and expert services, consultants and advisors specializing in numerous disciplines and areas of expertise, including, but not limited to the fields of governmental planning; the retention, production, electronic reproduction, storage, filing and indexing of Council records; addressing legal issues and providing legal advice for and on behalf of the Council; assist the Council in the recruiting, solicitation and selection of appropriate personnel; prepare or assist in the preparation of budgets, and the analyzing and evaluation of performance under adopted budgets, including the reconciliation of revenues and expenditures against budgeted amounts and/or projections, preparation of periodic reports to the Council concerning such budgeting and financial matters and the recommended and preparation of

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<sup>1</sup> This Request for Proposals is addressed to the provision of professional services and is not subject to Louisiana's Public Bid Laws.

suggested budget amendments and required budget adjustments; assist the council in the evaluation of employee salaries, wages and benefits; assist the Council in the development of criteria and guidelines with respect to the use, solicitation and selection of outside, third party contractors retained to provide services for the Parish and the evaluation of outside, third party contractor agreements with respect to the provision of goods and services, including, but not limited to whether such agreements meet the criteria which may be established by the Council, and examination of the solicitation and selection process and the projected costs of such services; risk assessments; evaluation of insurance coverage (types and amounts) and the creation, administration or assistance in the administration of risk management programs; monitoring, evaluation, assessment and/or adjustment of liability insurance claims (general and automobile); perform, oversee and/or evaluate accounting services and auditing services rendered to the Parish; provide civil and mechanical engineering expertise, in order to assist in the evaluation of proposed capital improvement, public works or other such contract, including but not limited to bid evaluations, compliance of the contract with Council standards and such other matters as the Council may reasonably be requested.

Professionals, experts, consultants and advisors specializing in numerous disciplines and areas of expertise shall consult with, and make recommendations to the Council regarding issues to be brought before, or which are presently under consideration by the United States Congress, the Louisiana Legislature or any other local, state or federal departments, divisions, bureaus, agencies, offices and commissions; to provide lobbying services at local, state and federal levels, establish and/or maintain cooperative, beneficial working relationship with all local, state and federal governmental divisions, bureaus, agencies, departments, commissions, offices and other functionally equivalent entities with jurisdiction or authority over one or more functions of the Parish or which could assist the Council in the performance of its responsibilities; Advise the Council with respect to issues requiring local, state or federal governmental compliance and monitor such compliance on behalf of the Council; assist the Council in conducting investigations as provided under the Charter; Prepare, assist in the preparation of, or advise the Council of the need to prepare ordinances and resolutions on all matters, including but not limited to the adoption of new ordinances, the evaluation of existing ordinances, amendments to, or revisions of existing ordinances, the repeal of existing ordinances, the numbering and structure of the Livingston Parish Code of Ordinances, the proper publication of such ordinances; Advise the Council with respect to services offered by the Parish to its citizens, including, without limitation, liquid and solid waste disposal services, water services, drainage, gas and electrical services, wired and wireless telecommunication services (including telephone, cellular, cable and broadband access) and franchises related to the provision of such services; advise the Council with respect to the cost of service of Parish provided services and the rates charged and structure of such rates for such services; advise the Council concerning matters related to law enforcement, fire protection and homeland security services and disaster planning and coordination with local, state and federal authorities related to such matters; acquisition, maintenance, management and disposal of Parish owned property; advise and assist the Council with Parish issues related to strategic planning, growth modeling, infrastructure analysis, road improvements and the development of a Parish-wide Master Plan and related matters; advise the Council regarding efficiencies in government; monitoring and reporting on state and federal legislation related to environmental issues; advise the Council with respect to state and federal grants, private resource grants, low interest and or government guaranteed loans, bond issuances

and other financing options; through the use of its DUNS, NAICS and CCR Numbers, apply for grants on behalf of the Council, if and when requested and provide grant information to the Executive Branch as directed; advise and assist the Council with matters related to inter-governmental relations, cooperative endeavor agreements and local, state and federal coordination of efforts, grant funding and other matters; advise and work with the Council on matters related to community awareness and relations, in an effort to enhance the transparency of governmental operations, promote ease of public access and provide the public with up-to-date information ranging from economic development to employment opportunities to matters related to public safety; and to advise and/or assist the Council and/or perform such other functions as the Council may direct .

The Council's exercise of authority in this respect is not designed to permit the Council, either directly or indirectly, to undertake those duties which are under the authority of the Executive Branch or otherwise infringe upon, or usurp the authority of the Executive Branch. Instead, the Council's authority as described is for the purpose of enhancing and improving the Council's ability to perform the duties and responsibilities imposed upon it by the Charter. By retaining a multi-disciplined consulting group to perform, or arrange for the performance of the functions set forth hereinabove and those related thereto which are not specifically set forth, the Council eliminates a reliance on the same consultants, experts and professionals used by the Executive Branch, thereby improving objectivity and the balance of power between the Legislative and Executive Branches of Parish Government.

The Council recognizes the separation of powers concept of the Charter, and by this action, does not seek to usurp the authority of the Executive branch. However, and notwithstanding the authority of the Executive Branch, it is the Council which bears the burden of passing the ordinances requisite to projects proposed by the Executive Branch necessary to promote, protect and preserve the general welfare and good order of the Parish, it is the Council which must receive, review and approve the Parish Budget which is an ordinance that allocates Parish funds and grants to the Executive Branch the right to spend those funds as allocated , and it is the Council which must analyze the costs of such projects when compared to the benefits expected to flow from the projects and ultimately determine whether or not a project should be funded. It is the Council that has the responsibility to offer, deliberate and pass the ordinances and resolutions required to undertake actions which involve the expenditure of Parish funds required to permit the Parish Government to undertake various projects. Accordingly, the purpose of this RFP is not to expand the authority of the Council, nor is it to restrict the authority of the Executive Branch. The purpose of this RFP is to enhance and improve the Council's authority granted under the Charter, in order that the Council may better promote, protect and preserve the general welfare, safety, health, peace and good order of the Parish.

### **III. PROPOSAL:**

As times have changed, the rules of lawmaking have become more complex. As the Parish has grown, it has become more and more difficult for the Council to exercise its obligations to the citizens of the Parish as set forth in the Charter in a prudent and well informed and timely manner. It is the view of the Council that it can no longer be effective using only experience, education and the ability to attend several meetings a month as qualifications. The size, growth,

diversity and economics of Livingston Parish now impose upon the Parish Council a higher standard, much as our auditors, our lenders and the state and federal government hold the Parish Government to a greater standard of accountability. Clearly, a higher standard of proficiency is needed if the Council is to do the best job possible. Yet serving on the Parish Council is not a full time job. There is little time, and precious few opportunities for Council members to improve their knowledge, skills and abilities so as to improve the overall performance level of the Council. In addition, and given the scope and diversity of issues which face the Council on a regular basis, it is unrealistic to believe that the members of the Council could become proficient over a reasonable period of time in the numerous disciplines to which the Council is exposed.

The tremendous growth of Livingston Parish alone has demonstrated that our Parish Government must be modernized. The Executive Branch has well prepared itself for the new challenges that our Parish faces. The Council recognizes that it, too, must gather the resources it needs to effectively perform its duties and responsibilities. The consequences of delay not only cause the public to suffer, but can cause the Executive Branch to slow to a crawl while awaiting action from the Council. Recognizing the need to find an answer; a means by which to accomplish what appears impossible, the Council after due deliberations, has determined that the retention of a multi-disciplined consulting association provides the best solution to this difficult problem. Establishing a relationship with a multi-disciplined consulting company will provided the Council with the knowledgeable human resources needed to permit the Council to pick up the pace and stay on track with the Executive Branch, and do so without attempting to find and hire qualified individuals who could provide the kind of assistance that the Council needs and without incurring the significant costs associated with new employees. The use of a multi-disciplined consulting firm also provides the council with greater flexibility than hiring individuals. The Council might need the services of an engineer for 5 hours a month, the services of a CPA for 3 hours a month, legal services for 7 hours a month and a governmental affairs consultant for 12 hours a month. Rather than hire 4 people, the Council can retain a multi-disciplined organization that can provide all these services. The Council receives one invoice and has the expertise it needs, at its fingertips. The Council believes too, that it is desirable to establish a business relationship with a single company, as it is important to become familiar with the personalities providing the Council with services, just as it is important that representatives of the company form relationships with the Council. Thus, in addition to the benefits identified, the Council is confident that this proposal will also provide a significant benefit to the Executive Branch.

The Council began the process with the goal of retaining a single, multi-disciplined company to capable of handling all of the Council's needs. However, after considering the vast array of disciplines implicated by the complex issues presented to the Council on a regular basis, the Council determined that it would be difficult, if not impossible to find a single company which employed one or two of each of the types of experts that would be needed from time to time. The Council then determined that the more prudent course of action would be to hire a single general governmental consulting group with access to a wide range of professionals, experts and consultants in other necessary disciplines through appropriate business arrangements. This singular group (the "Consultants"), in contract with various other experts, consultants and professions (the "Contractors"), could provide exactly what the Council desires. Under the Council's concept, the Consultants will contract with the Parish. The Consultants will be responsible to the Parish for the Consultants' performance, as well as for the performance of all

Contractors. The Consultants will be obligated to verify the credentials of all Contractors and will serve as the Council's agent to the Contractors, except as the Council may otherwise direct. The Consultants will invoice the Council monthly for its fees and expenses, which shall include all charges from all Contractors. The Consultants shall provide detailed documentation supporting any expenses for which reimbursement is sought. The Consultants shall have the sole obligation to pay each Contractor. Consultant shall enter into a contractual agreement with every Contractor. Each such contract shall contain a provision pursuant to which Contractor waives any recourse against the Council and the Parish for non-payment and which provides that the Contractor shall have no lien rights against any project on which Contractor is by the Consultant. Monthly invoices shall be submitted in a single, uniform package which shall include the fees and expenses assessed by all Contractors and verified by the Consultants. The Parish Council shall pay each of Consultant's invoices with a single check, issued within twenty (20) days of receipt of Consultant's invoice. It shall be the Consultant's obligation to pay each Contractor the entirety of Contractor's invoice which was submitted to the Consultant and paid by the Council.

The Council believes that there are numerous advantages to this approach. First and foremost, it gives the Council a single "point of contact" to deal with on a regular basis. That contact will have a history with the Council, a relationship with the Council and will be someone with whom the Council will communicate on a regular basis. As another benefit, the Council believes that by retaining the Consultant who engages third party, experts, consultants and other professionals to perform the services required by the Council, the Consultant will have a significantly reduced over-head cost, translating to lower overhead costs charged to the Council. Another benefit flows from the repeated use of the Consultant and certain Contractors on recurring projects and the trusts and relationships that develop as a result. In addition, the Council, shall be afforded significant input as to the identity of Contractors used for various projects

The Council believes that efficiencies exist when known experts and professionals are used repetitively. The Council believes that it would be inefficient to conduct a search for specific professionals and experts to provide the Council with particular services specific to a unique problem or set of problems each time such services are required. The Council believes, and history has shown, that such a process is time consuming and costly, in that, in addition to the cost of conducting a search for a professional or experts to advise the Council with respect to a particular issue and the delays incurred while such a search is underway, there are the costs and delays resulting from the "learning curve" that occurs when and while the needed experts, consultants and professions "get up to speed." The Council also believes that although issues presented for its consideration may be facially unrelated; in reality, such issues may be steeped in the history of the Parish or otherwise connected, directly or indirectly, with prior issues that the Parish Government has encountered. Uniformity of professionals, consultants and experts and their familiarity with the Council, the Parish and the dynamics of the particular issue or issues for which the expert, consultant or professional is engaged will enhance a project and help keep costs down, while unfamiliarity could unnecessarily increase costs and cause unnecessary and sometimes unaffordable delays while the experts or professionals "get up to speed." Finally, a consulting group will likely know where to look for the best available Contractor, based on past experiences and industry knowledge, while the Parish could waste valuable time trying to find the right person, only to ultimately sign up the wrong type.

The Council believes that the most prudent course of action in this endeavor is to retain the services of a single consulting company which has persons on staff with the skills to provide a range of professional and expert services to the Council and which has, or is able to quickly establish contractual relationships with other professionals, consultants and experts needed, but not maintained on staff. The Council believes that this single consulting group concept will insure stability and promote the kind of familiarity with the Parish, members of the Parish Government and the issues facing the Parish that will enable the Council to utilize such a consulting company as a sole source for professional and expert services. The Council is aware of a national trend toward the selection and use of a sole source consulting group which has the ability to provide professional services ranging from lobbying to legal representation to accounting and auditing and engineering. In this respect, it is important to keep in mind that the Council does not seek to usurp the authority of the Executive Branch of the Parish Government or to undermine the authority of the Parish President. The Council seeks only to retain a consulting group to provide it with expert advice and opinion to guide the Council in its decision making process. With the interworking of government becoming more and more complex, with the passage of new state and federal legislation which effects the Parish Government in every facet of operations, the Council believes that it would be imprudent to exercise its authority without the competent, informed and objective advice of professionals, consultants and experts having the ability to readily obtain input from every discipline and area of expertise needed for the Council to make a fully informed decision.

#### **VI. SCOPE OF WORK:**

It is not the purpose or intent of the Council to interfere with, replace, or otherwise diminish in importance any present or future Parish employee, or to interfere with the Executive Branch of Parish Government. As stated above, this Request for Proposals (the "RFP"), has as its sole purpose, the solicitation of proposals from multi-disciplined consulting entities which either employ or contract with qualified professionals and experts in the wide variety of specializations and disciplines required by the Parish Council. In this way, no matter what the project or issue presented involves, the Consultants selected will be responsible for making sure that the Council receives the benefit of qualified, objective and unbiased reviews, evaluations, opinions and recommendations.

In areas in which the Council has primary authority, such as the preparation, introduction, evaluation and deliberation of ordinances and resolutions, the Consultants will assist the Council as requested, in order to insure that an ordinance is properly worded, serves an important public purpose and does not conflict with existing ordinances or other local, state or federal rules, regulations or statutes. The Consultants shall also assist the Council in keeping the Parish Code of Ordinances current, up-to-date, and in compliance with state and federal mandates. The Consultants shall be vigilant with respect to all matters which affect the Parish Code of Ordinances, either directly or indirectly. The Consultants shall promptly advise the Council when circumstances suggest that an ordinance be enacted or that an existing ordinance be amended or repealed.

As provided by the Charter, following official publication of the federal census by the United States Bureau of the Census, the Council is required to follow a reapportionment process. The

Consultants shall assist the Council with the performance of this responsibility so as to provide for Council district population equality as nearly as possible. In this respect, the Consultants shall undertake the duties assigned to them, including such actions as obtaining official Census Bureau documentation, prepare a district mapping process based on present district boundaries, assist with the preparation of re-drawn boundaries (if necessary) and assist the Council in obtaining consent from the United States Department of Justice with respect to the Council's plan of action.

As provided by the Charter, the Consultants shall assist the Council, as requested, with any forfeiture of office, vacancy in office, and the filling of any vacancy in the Office of Parish Council. In this respect, and as may be requested, the Consultants shall assist the Council in meeting all deadlines required by ordinance or by state law. The Consultants shall assist the Council with the development of a process or protocol for filling vacancies in the Office of Parish Council, whether through death, resignation or removal. In the event that a vacancy in office occurs such that a special election will be required, the Consultants shall assist the Council, as necessary and as may be requested, with the preparation and holding of such an election.

When requested, one or more members of the Consultants shall act as a liaison between the Council and one or more employees of the Executive Branch of Parish Government.

The Consultants shall advise the Council with respect to the operations of meetings of the Council, including, as may be necessary, matters related to notice and publication of notice of regular and special meetings of the Council, preparation of the agenda for any regular or special meeting of the Council and assist with the preparation and review of the official minutes of Council meetings, ordinances and resolutions. In addition, the Consultants shall advise and assist the Council with respect to the preparation and adoption of rules of Council meetings and order of business and with respect to the periodic review and revision of such rules.

The Consultants shall assist the Council, as requested, with the identification and location of Opinions of the Office of Attorney General of the State of Louisiana regarding any issue of interest to the Council. In addition, the Consultants shall, if requested, prepare Requests for Attorney General Opinions.

The Consultants shall assist the Council in conducting any investigations which the Council may initiate into the affairs of the parish government and the related conduct of any parish official, officer, employee, department office or agency as specified in the Charter. In this respect the Consultants shall assist the Council with the preparation of subpoenas, with the retention of court reporters and shall assist the Council in conducting hearings, as may be requested. The Consultants may, as requested, assist the Council in the gathering of evidence, the interviewing of witness, the review of documents and all other such investigatorial services attendant to such an investigation.

In order to assure that the balance of power concept incorporated into the Charter is effectively and efficiently exercised for the benefit of the citizens of the Parish, the Council has the obligation to independently consider, investigate and deliberate the proposals of the Executive

Branch so as to be able to act as the independent body intended by the drafters of the Charter, and not simply as a rubber stamp for the Executive Branch. It is the opinion of the Council that use by the Council of the same professional and expert services used by the Executive Branch to assist the Council with its consideration, investigation and deliberation of the proposals of the Executive Branch is incongruous with the notion of a separation of powers, creates the appearance of impropriety, and an actual or potential conflict of interest. Clearly, such professionals and experts cannot serve two masters. The Council's reliance upon the Consultants eliminates such a concern.

The Council is required by the Charter to provide for an annual independent post fiscal year audit of the financial condition of the Parish and to perform such additional audits as the Council deems necessary, related to all accounts and other financial transactions of the parish government, including those of all parish government departments, offices or agencies. The Consultants shall assist the Council in the performance of this duty, including, as requested, assisting with the accumulation of material and information requested by the auditors. In addition, the Consultants may be asked, from time to time, to conduct department specific and/or account specific audits for internal use. The Consultants shall not be eligible to conduct the annual independent post fiscal year audit.

The Consultants shall stay abreast of the latest developments related to government accountability, the Louisiana Election Code and the State Code of Ethics and advise and work with the Council on issues related to transparency in government, concerning the observance of, and compliance with the Louisiana Code of Ethics, the Louisiana Election Code and the Charter. In this respect, the Consultants will plan and present to the Council for approval methods by which to keep the citizens of Livingston Parish better informed and provide greater and more diverse opportunities for citizen involvement in Parish Government.

The Consultants shall undertake such other tasks and functions, retaining such contractors, experts, and other professionals in such disciplines as may be needed, and as the Council may, from time to time, assign to the consulting group.

## V. INVOICING

The Council and the Consultants shall negotiate an invoicing mechanism based up the provisions set forth above, the nature of their discussions and the needs of the parties. Applicants shall propose their preference with respect to compensation, including, but not limited to, time between payments, payment by the hour vs. payment by the job and provide a description of all other billing requirements that the applicant may employ. Applicant should include its policy for invoice due dates, late fees, interest, means of payment (i.e. wire, check) and any such other related matters. With respect to Contractors, the Consultant shall negotiate a payment arrangement with such Contractors as may be acceptable between parties, subject to the provisions set forth herein above.

Applicant acknowledges that, notwithstanding the provisions which may be agreed upon herein, certain projects may require the use of specific contracts or which may require specific invoicing, pricing, and billing mechanisms and other deviations from the standard means of operation between the Council and the Consultants. In such event, the parties will revise their



billing agreement to achieve the results which would have resulted had the parties' typical contractual methodology been employed.

**VI. CONCLUSION:**

Applicants are required to submit their responses to this RPF March 15<sup>th</sup> 2010 at 2:00pm. Any responses received after that date shall be rejected. Responses which are incomplete or non-responsive shall be rejected. Responses should be sent to Mary Kistler, Council Clerk, P.O. Box 335, Livingston, LA 70754.

The Livingston Parish Council is seeking proposals from single, multi-disciplined professional services companies able to provide the Council with all of its professional services needs in numerous fields and/or areas of expertise, including accounting, engineering, legal, utilities, governmental relations, financing, records administration and storage, budgeting and other disciplines addressed to the vast array of issues presented to the Council for consideration. Compensation is negotiable. To obtain a copy of the Request for Proposals, contact Mary Kistler, Council Clerk, at [mkistler@livingstonparishcouncil.com](mailto:mkistler@livingstonparishcouncil.com) or at (225)686-3027. Responses must be returned to Mary Kistler no later than March 15, 2010 at 2:00 p.m.