

LAND BANK BOARD AGENDA

September 27, 2021, 4:30 P.M.

COUNCIL MEETING ROOM & ZOOM

1. Land Bank Board - Go-to Meeting Link

Zoom link is:

Join Zoom Meeting

[https://us02web.zoom.us/j/87293117210?
pwd=R3k3bkJlZlVvS24xVXJtb3VlK202dz09](https://us02web.zoom.us/j/87293117210?pwd=R3k3bkJlZlVvS24xVXJtb3VlK202dz09)

Meeting ID: 872 9311 7210

Passcode: 109496

Dial by your location

+1 646 558 8656 US (New York)

Find your local number: <https://us02web.zoom.us/j/87293117210?pwd=R3k3bkJlZlVvS24xVXJtb3VlK202dz09>

2. Public Comment

3. Roll Call

4. Approval of Minutes August 23, 2021

Documents:

[2021-08-23.pdf](#)

5. Review of Bank Statement

\$100,100.32 in Account

6. Bills and Communications

7. Report from Administrator and Consultant

a. Property Inquiries

b. RFP - Solicitor

Documents:

[Land Bank RFP for Solicitor.pdf](#)

8. Land Bank Pre-Screening Applications

9. Unfinished Business

a. Biannual Review of Policies and Procedures

Public Comment

b. Blighted Property List

c. Sheriff, Upset and Judicial Sales

Results of September 23rd Upset Sale

d. Letter to donate blighted property to Land Bank

e. Guests to invite on a regular basis

10. New Business

a. SB 811 - Information

11. Adjournment

Pottstown Borough Land Bank Board Meeting

August 23, 2021

Meeting Minutes

Meeting was called to order at 4:39 p.m. by Deb Penrod.

1. Public Comment: None
2. Roll Call:
Board Members: Deb Penrod, Carol Kulp, Jamie Sanchez, Twila Fisher
Support Personnel: Winnie Branton, Justin Keller, Peggy Lee Clark, Alex Thigpen
Guests: Lamarr Robins (in person); Howard Brown (on Zoom)
3. Approval of meeting minutes for June 28, 2021 and July 23, 2021
 - a. Twila made a motion to approve the minutes, Lisa seconded. Motion passed.
4. Review of Bank Statement: There is \$100,100.32 in account; no activity at this point.
5. Bills and Communications: Justin said that Winnie's time is being covered by Blight TA grant. There are no bills at this time.
6. Report from Administrator and Consultant
 - a. Property Inquiries – the only one we had is again the property that the Bickelman's have been interested in. But as we discussed last month, 122 E 3rd St is a complicated property. We are not thinking we want to take this on first thing. It was released from original bankruptcy, but Peggy stated that she does not feel it meets the requirements we are looking for.
 - b. RFP – Solicitor – DRAFT: Winnie send Philadelphia and Harrisburg Land Bank legal RFP's. Peggy came up with a draft but would like board input on several items, including:
 - Responses for the solicitor RFP would go to Peggy Lee Clark as the administrator and sent to PAID's mailing address.
 - Where should responses come from for a solicitor? Do we go out into other counties? How far?
 - Deb said she prefers the tri-county area. Twila agreed – up to about 30 miles. Winnie's suggested that we could state the preference would be in this geographic area (whatever we decide on), but others will be considered.
 - The draft would include guidance timelines so that deadlines are clear. This would allow six weeks for responses. Should we allow for questions in writing? Yes, that makes sense. When do we need a solicitor by? If we are looking to have filled by the end of the year, we should shorten the time frame. Suggested time frame:
 - Bid goes out Oct. 1
 - Closes three weeks later, on Oct. 15
 - Scoring happens between Oct. 15-Oct 24

- Applicant interviews at Oct 25 meeting
- In Harrisburg RFP, there are multiple required insurances for the person applying. Do we want to require all of them as well? We will check with the Borough's legal counsel and see what is required of him and do the same.
- We will require the applicant to sign an affidavit stating that he/she is current on property taxes.

There were a few other items discussed that Peggy will put into the new draft.

7. Land Bank Pre-Screening Applications

We all should have received these applications prior to the meeting. We agreed that we are fine with all the applicants as of now, and we will keep them all on file. We agreed that we would want to see a bit more information if they were actually applying for a property.

8. Unfinished Business: Biannual Review of Policies and Procedures

- Proposed changes: Winnie reminded Ginny that the changes would need to be on the website. Ask PHC folks to submit comments after they see the changes.

9. Blighted Property List: We should all have the most current version. Next meeting is September 15 (third Wednesday).

10. Sheriff, Upset & Judicial Sales

- a. Results of Aug. 12, 2021 judicial sale: Most of the properties were continued. 57 Beech, 529 Beech, 439 Chestnut, 208 Gable.
- b. 421 Hale was not on the list of the judicial sale. They sold: 779 Lincoln Ave; 429 May. We don't know who purchased them yet, but Justin is working on getting that information.
- c. 22 S. Franklin was exposed but not sold. It is one of four units (end) and sits next to the railroad tracks.

Act 33 of 2021 becomes effective on August 21, so we should already know who won the bids.

We should keep communicating with the county commissioners and county treasurer so they can let us know what properties didn't sell at the upset sale (and will go onto next year's judicial sale) so that we can work on any we are interested in.

Upset sale is on Sept. 23, so we should watch what happens. Register on gov.deals (it's free)

- d. Letter to donate blighted property to Land Bank (to be continued).

Peggy will take suggestions of people we could invite to the land bank meetings via Zoom.

Jamie made a motion to adjourn, Twila seconded. Meeting adjourned at 5:36 p.m.

Next meeting is on September 27 at 4:30 p.m. at Borough Hall.

Respectfully submitted by: Twila Fisher, Interim Secretary

**REQUEST FOR PROPOSALS
FOR
LEGAL SERVICES**

October 2021

Proposal Deadline: 4:30 p.m., Wednesday, November 17, 2021

Pottstown Land Bank
Peggy Lee-Clark,
Administrator
152 East High Street, Suite
200
Pottstown, PA 19464

Telephone: 610-326-2900

Email:
landbank@pottstown.org

SECTION I SUMMARY OF LEGAL SERVICES REQUIRED

Overview

As a public body separate from the Borough of Pottstown, the Pottstown Land Bank must retain its own Solicitor. As such The Pottstown Land Bank invites competitive proposals from qualified, licensed, and experienced attorneys and law firms to provide legal services. The Pottstown Land Bank's solicitor attends the regular monthly (and any special) meetings of the Pottstown Land Bank. The solicitor is expected to advise the Pottstown Land Bank (Land Bank) regarding events or rulings related to the general administration of the Land Bank or the administration of the Land Bank's programs, both existing and new.

The Administrator of the Land Bank will frequently discuss matters of legal significance or consequence with the solicitor. The solicitor will be frequently requested to review and draft contracts and agreements pertaining to the establishment of the Policies, Procedures, and Activities related to carrying out the Land Bank's mission. The solicitor is expected to handle the Land Bank's legal matters in the courts and before public agencies.

Threshold Criteria - It is preferred that respondents have an office located within the Tri-County area (Montgomery, Chester, and Berks). Other applicants from outside this region will be considered. They must also be licensed and admitted to the bar in Pennsylvania.

General Legal Services – The respondent shall perform the general legal services listed below. Compensation for such General Legal Service shall be included in the respondent's monthly retainer fee.

Preliminary meeting with Solicitors of both the Borough of Pottstown and Pottstown Area Industrial Development, to discuss procedures, communication, and other relevant matters;

Attendance at all regular and special meetings of the Land Bank, and public hearings;

Continued study of Federal, State and local legislation and judicial decisions pertaining to the Land Bank's various programs in order to evaluate the impact upon the Land Bank;

Special Legal Services – In addition to the general services outlined above, the respondent shall provide the following services as directed by the Land Bank. Such additional services shall be provided:

Engage in general correspondence not related to a specific project; Provide legal advice not related to a specific project.

Generally advise in connection with public and private borrowing of funds, procuring of grants, and payment of bills when their validity is in issue;

Attend any other necessary meetings or conferences;

Creation of corporate entities and review of corporate documents for special projects; Preparation of loan documents;

Appearance for and representation of Land Bank in court in all matters involving litigation;

Representation of Land Bank, as required, in legal matters - or matters in dispute before other federal, state and local agencies;

Rendering of all necessary legal opinions; Preparation of necessary resolutions, as required;

Acquisition/condemnation of real estate including, but not limited to reviewing and preparing real estate agreements, title examinations and insuring title;

Conferring with and advising officers, members, and employees of the Land Bank on legal matters, when requested; and

Advising and assisting in the preparation of all legal documents such as: contracts, specifications, bonds, waivers, certificates of title, condemnations and other such legal drafting as may be necessary.

Insurance – The respondent will be obliged to produce proof of adequate bonding and insurance, sufficient to satisfy the Land Bank.

Schedule – The timeline for this RFP is indicated by the table below. *The date indicated below are estimates only and the Land Bank reserves the right, in its sole and absolute discretion, to alter this schedule as it deems necessary or appropriate.*

Activity	Target Date
Post RFP	October 1st, 2021
Questions Due	October 8th, 2021
Responses to Questions Posted on Website	Continuous As The Questions Are Asked.
Proposals Due	October 15th, 2021 at 4:30pm
Applicant Interviews, if needed	October 25 th , 2021
Selection	Not later than October 28 th , 2021

SECTION II SELECTION CRITERIA

All respondents are required to submit an original and two (2) copies of their Proposal Narrative, Fee Proposal, and Self Certifications (see Section IV for Fee Proposal & Self Certifications) not later than **Friday, October 15th, 2021 at 4:30 p.m.** eastern prevailing time to Peggy Lee-Clark, 152 East High Street, Suite 200, Pottstown, PA 19464. All Proposals must be double-spaced with font size no smaller than 12 and not to exceed 10 pages, excluding attachments.

Proposals are to include the following:

Cover Sheet indicating (i) applicant's name and firm name (ii) address (iii) contact person (iv) phone number (v) website (vi) email address

Proposal Narrative shall contain responses to at least the following:

- 1) Respondent's method for providing the requested services:
 - a) Your understanding of the Pottstown Land Bank legal service needs.
- 2) Respondent's Qualifications and Experience:
 - a) The previous experience of the attorney;
 - b) Three examples, and references, where you provided legal services to Pennsylvania public bodies similar to a Land Bank;
 - c) Knowledge of or experience with legal matters related to corporate matters, acquisition/condemnation of real estate, loan documents;
 - d) Familiarity with the Pottstown Borough's Land Bank's operational jurisdiction.
- 3) Management and work plans:
 - a) The ability of the attorney to perform all required professional services on a timely basis;
 - b) The technical resources of the attorney that will be made available to complete the assignments;
- 4) Basis for Compensation (refer to Section IV – Fee Proposal):
 - a) The monthly retainer fee to cover all General Legal Services as outlined in Section I of this request;
 - b) Hourly rates for professional services to cover all other services, including but not

limited to those outlined under Special Legal Services in Section I of this request.

5) Other considerations:

- a) Professional licensure in PA and preferably in the United States District Court for the Eastern District of Pennsylvania;
- b) Professional liability insurance at a minimum level of at least \$250,000 per occurrence and \$500,000 aggregate.

Section III FACTORS FOR AWARD

The Land Bank will evaluate each written proposal and determine whether oral discussions of the respondents' proposals are necessary. The Land Bank will assign points for each segment of the proposals based on the content of the written proposals and any oral discussions. Points will be assigned based on the criteria set forth in this offering document.

The respondent with the highest total points will be selected for purposes of awarding the Pottstown Land Bank legal services contract. The Land Bank reserves the right to include within the usual discussions, adjustments to the respondent's proposal, including but not limited to, fee schedules. The points to be awarded are set forth for each major segment and sub-segment below:

- 1) Respondent's method for providing the requested services (up to 30 points)
 - a) Understanding of the Land Bank's mission of urban redevelopment, acquisition/disposition of blighted property, and related legal service needs (0-15 points)
 - b) Adequacy of the Scope of Services (0-15 points)
- 2) Respondent's qualifications and experience (up to 30 points)
 - a) The previous experience of the attorney (0-10 points)
 - b) Knowledge of or experience with legal matters related to likely Land Bank programs, and experience in providing legal services to similar Pennsylvania public bodies (0-10 points)
 - c) Familiarity with the Land Bank's operational jurisdiction (0-10 points)
- 3) Management and work plans (up to 15 points)
 - a) The ability to perform all required professional services on a timely basis (0-10 points)
 - b) The technical resources of the attorney (0-5 points)
- 4) Participation by Small, Minority, Women and Labor Surplus Area Firms (0-25 points). Any respondent who meets any one of the following factors shall receive five points:
 - a) Small business firm
 - b) Minority owned business firm
 - c) Women owned business firm
 - d) Labor surplus area business firm
 - e) Section 3 Business Concern
- 5) Basis for Compensation (25 points)
 - a) General Legal Services (10 points) - Ten points will be awarded to the respondent with the lowest annual proposed retainer. Remaining respondents will be scored on a scale relative to the lowest and highest responses.
 - b) Special Legal Services (15 points) – Fifteen points will be awarded to the respondent with the lowest hourly rate for the primary individual. Point awards to the remaining respondents will be in proportion to their relationship with the lowest respondent.

Section IV NOTICE TO PREPARERS

The issuance of this Request for Proposals ("RFP") constitutes only an invitation to submit proposals to the Pottstown Land Bank and is not to be construed as an official and customary request for bids. Any proposal submitted as provided herein constitutes an intention to supply information for consideration and is NOT A BID. Prospective Proposer(s) shall carefully review this RFP for defects.

The Land Bank reserves the right, in its sole and absolute discretion, to (a) determine whether any aspect of the proposal satisfactorily meets the criteria established in this RFP, (b) seek clarification from any Proposer(s), (c) negotiate with any Proposer(s) or other vendors/firms whether or not they submitted a proposal, (d) state terms and conditions that are substantially different from the terms and conditions set forth in this RFP in any RFP for similar products and/or services that may be issued subsequent to this RFP, (e) reject, in whole or in part, any or all proposals with or without cause, (f) cancel, amend or re-issue, in part or entirely, this RFP, (g) require Proposer(s) to appear for interviews and/or presentations of their proposals at City offices, (h) require references from Proposer(s)' previous clients on projects similar in type and scope to the services/work sought in this RFP.

The RFP does not commit the Land Bank to award a contract and the Land Bank shall not be liable for any cost incurred by Proposers in the preparation and presentation of submittals nor in any costs related to any element of the selection and negotiation process. Submission of a proposal as provided herein shall neither obligate nor entitle a prospective Proposer to enter into an Agreement with the Land Bank.

All submitted proposals become a matter of public record and are subject to Pennsylvania's Right-to-Know Law (65 P.S. § 67.101) and other applicable law. Proposals will become the property of the Land Bank and will not be returned.

The Land Bank reserves the right to negotiate pertinent contract terms concurrently with any number of vendors/firms as it deems in its best interest, whether or not such firm has submitted a proposal. In submitting this proposal, it is understood by the Proposer that the Land Bank reserves the right to waive any defects, irregularities or informalities in the Proposal in the Land Bank's sole judgment.

Evaluation of proposals by staff or by any other group are advisory only and the Land Bank may consider or reject such evaluation(s) for any or all proposals. Such evaluations are for the sole benefit of the Land Bank.

The Land Bank is the sole authority to provide the RFP package to interested parties. Proposers who are working from an RFP package obtained from any other source may be working from an incomplete set of documents. The Land Bank assumes no responsibility for errors, omissions or misinterpretations in a proposal resulting from a Proposer's use of an incomplete RFP package from any source other than the Land Bank.

The Land Bank may ultimately decide to enter into a contract with that vendor/firm with which the Land Bank can make the most satisfactory arrangement for meeting its needs. The Land Bank is not obligated to award any contract or respond to proposals submitted, nor is it legally bound in any manner whatsoever by the submission of a proposal. Land Bank will provide a proposed Representation/Fee Agreement to the selected Attorney.

SELF CERTIFICATION FOR A SMALL, MINORITY, WOMEN-OWNED BUSINESS CONCERN

The applicant represents and certifies as part of its offer that it

(a) is, is not a small business concern. "Small Business Concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b) is, is not a women-owned business enterprise. "Women-Owned Business Enterprise," as used in this provision, means a business which is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c) is, is not a minority business enterprise. "Minority-Owned Business Enterprise," as used in this provision means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

Black Americans

Hispanic Americans

Native Americans

Asian Pacific Americans

Asian Indian Americans

Hasidic Jewish Americans

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Commonwealth of Pennsylvania)
) SS:
County of Montgomery)

Before me, the undersigned notary public, this day, personally, appeared _____, who being duly sworn according to law, deposes and says that he/she is _____ of _____, and that the foregoing is true and correct.

Notary Public

SUBSCRIBED AND SWORN TO BEFORE ME

This _____ day of _____ AD: 20 _____

CONFLICT OF INTEREST

All applicants are required to comply with federal, state, and local regulations prohibiting conflicts of interest. The regulations concern the following people:

- A. Employees, consultants, officers, or elected or appointed officials of the Borough of Pottstown or the Pottstown Land Bank
- B. Employees, consultants, or officers of any organization or business receiving federal, state or local funds or participating in a government housing program.

1. Are you now, or have you been in the preceding year, in one of the categories (A or B) described above?

Yes No

2. Is any member of your family or your spouse's family now or have they been during the preceding year, in one of the categories (A or B) described above?

Yes No

3. Is any person with whom you have a business relationship, or with whom you have had a business relationship during the preceding year, in one of the categories (A or B) described above? (A person with whom you have a business relationship includes your employees, partners, shareholders, officers or directors)

Yes No

4. Does or will any person in one of the categories (A or B) described above have any interest in and contract for services related to Land Bank business or property?

Yes No

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Commonwealth of Pennsylvania)
) SS:
County of Montgomery)

Before me, the undersigned notary public, this day, personally, appeared _____, who being duly sworn according to law, deposes and says that he/she is _____ of _____, and that the foregoing is true and correct.

Notary Public

SUBSCRIBED AND SWORN TO BEFORE ME

This _____ day of _____ AD: 20_____

**Land Bank
Request for Proposals
Legal Services
Checklist**

Please include the following attachments as part of your proposal. Submissions with missing or incomplete documents may be rejected. Use this form as a checklist to aid in the assembly of your proposal. This form does **NOT** need to be returned.

These are to be completed/provided by all applicants:

- | | |
|---|------------------------------|
| 1. Cover Sheet | (<input type="checkbox"/>) |
| 2. Proposal Narrative (No more than 10 pages) | (<input type="checkbox"/>) |
| 3. Completed Fee Proposal | (<input type="checkbox"/>) |
| 4. Self-Certification For A Small, Minority, Women-Owned Business Concern | (<input type="checkbox"/>) |
| 5. Certificate of Non-Indebtedness | (<input type="checkbox"/>) |
| 6. Conflict of Interest | (<input type="checkbox"/>) |