



# Town of Wayland Massachusetts

Members: Christine DiBona                      Rebecca Stanizzi  
 Anthony Boschetto                      William Steinberg  
 Jerome Heller                              William Sterling  
 Daniel Hill                                 Michael Wegerbauer  
 Robert Morrison

## River’s Edge Advisory Committee (“REAC”) Meeting Minutes for Executive Session, October 21, 2014

In attendance: Jerome Heller, Anthony Boschetto, Daniel Hill, Robert Morrison, Rebecca Stanizzi, William Steinberg, William Sterling, Christine DiBona. Absent: Michael Wegerbauer

Mr. Heller made a motion to enter into Executive Session pursuant to MGL Chapter 30A, Section 21(a), to review River’s Edge Legal Services RFP Responses: First to complete the qualitative Committee Recommendation, and thereafter with Town Administrator joining Executive Session, to review Bid Proposals. *[Executive Session is required for compliance with MGL Chapter 30B, Section 6, for the purpose of keeping the contents of proposals confidential until the completion of the evaluations.]* Mr. Steinberg seconded, and roll call vote was as follows:

Mr. Heller: Yes	Mr. Boschetto: Yes	Mr. Hill: Yes
Mr. Morrison: Yes	Ms. Stanizzi: Yes	Mr. Steinberg: Yes
Mr. Sterling: Yes	Ms. DiBona: Yes	Total: 8 Yes / 0 No

Ms. Stanizzi explained that Assistant Town Procurement Officer, Elizabeth Doucette, has asked for “more color” in the ranking of top three legal services providers. Members discussed firm strengths and weaknesses and determined one-line summaries to explain order of top choices.

**#1 Anderson & Kreiger:** Ranked highest for quality of their proposal, relevant experience with 30B and both public and private work, and general strengths across all criteria.

**#2 Kopelman & Paige:** Highly ranked for relevant experience, but committee has some concern about lack of private work done by this firm. Experience of K&P is almost entirely public representation.

**#3 Nixon Peabody:** Quality of proposal not as thoughtful as previous two, and firm lacks balance of municipal experience considered desirable by committee.

Members discussed concerns about potential fees for Nixon Peabody being significantly higher than other firms and debated merits of selecting a fourth or back-up choice of firm. Based on evaluation grid compiled in 9.30.14 meeting, fourth choice would be Bowditch & Dewey. General consensus was that this firm does not have the optimal balance between public and private experience, the proposal was not as thoughtful as three higher-ranked firms, but B&D does have a mix of project experience and has worked with the Town of Wayland in the past.

Ms. Stanizzi motioned to accept the summaries as attached to minutes and Mr. Boschetto seconded. Roll call vote was as follows:

Mr. Heller: Yes	Mr. Boschetto: Yes	Mr. Hill: Yes
Mr. Morrison: Yes	Ms. Stanizzi: Yes	Mr. Steinberg: Yes
Mr. Sterling: Yes	Ms. DiBona: Yes	Total: 8 Yes / 0 No

Nan Balmer, Town Administrator, joined the meeting and brought forth all nine sealed pricing bids from legal services providers. Bids were opened in order of ranking by the committee. Top three ranked firms came in with bids as follows, with Section 1 relating to preparation of RFP and Section 2 covering costs of property conveyance:

**#1 Anderson & Kreiger:** Section 1: \$85,747.50 / Section 2: \$9,785. No estimate of total hours, but hourly rate quoted \$270-320/hour.

**#2 Kopelman & Paige:** Section 1: \$180 per hour "blended rate" for lead attorneys, \$90/hour paralegal services. Section 2: \$18,000-\$27,000 based on estimate of 100-150 hours.

**#3 Nixon Peabody:** hourly rate varies from \$335-690 depending on personnel used. Quote broken into three sections: preparation of RFP \$55,210 (84 hours), Bidder Selection \$88,110 (2140 hours) and Conveyance \$30,355 (63 hours).

**#4 Bowditch & Dewey:** Section 1: \$28,664.50 / Section 2 \$15,000. Based on hourly rate quote of \$220-\$395, total prices seem to assume far fewer hours allotted than previous three firms.

Ms. Stanizzi referred back to original budget of \$360,000 and said approximately \$160,000 has been spent thus far, leaving roughly \$200,000 for costs incurred now through conveyance.

Remaining sealed bids were opened and reviewed for informational purposes only since none of the firms had technical proposals which ranked in the top of our evaluation grid.

Discussion of bids followed. All committee members agreed that the **NP** bid was inordinately high and could not be seriously considered within the means of our budget. Mr. Hill observed that **K&P** bid was approximately 60% lower than **A&K** when calculating similar number of hours. The **A&K** bid gave elaborate breakdowns of tasks with hourly estimates, and Mr. Hill stated his belief that costs with **A&K** could possibly be whittled down by eliminating potentially unnecessary steps in the proposal. Ms. Balmer expressed her immediate preference for **K&P** based upon significantly lower pricing coupled with committee's high ranking of this firm's technical proposal. Mr. Boschetto expressed concern that **K&P's** low bid could mean that the quality of services provided by this firm would be compromised. Members discussed possibilities for price negotiation with higher-priced firms, but Ms. Balmer feels this is unlikely given that many firms stated in their bids that pricing had already been discounted from usual rates due to the nature of the River's Edge project.

After thorough discussion and review of price bids, all members remained in agreement that original two top-ranked firms still held the same positions.

Mr. Boschetto made a motion to end the Executive Session at 8:17 PM, and Mr. Hill seconded. Roll call vote was as follows:

Mr. Heller: Yes	Mr. Boschetto: Yes	Mr. Hill: Yes
Mr. Morrison: Yes	Ms. Stanizzi: Yes	Mr. Steinberg: Yes
Mr. Sterling: Yes	Ms. DiBona: Yes	Total: 8 Yes / 0 No