



Allegheny County Council

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Legislation Text

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Motion of the Council of Allegheny County amending the Rules of Council, Article VII, entitled “Solicitor Contract Term,” in order to provide for periodic requests and review of proposals for the position of County Council Solicitor.

Whereas, since shortly after its inception, Allegheny County Council has executed contracts with attorneys and/or law firms to provide legal advice and counsel as the solicitor to County Council; and

Whereas, when requests for proposals for the solicitor position were most recently published in 2022, it marked the first time that such proposals were requested by County Council in two decades; and

Whereas, while the contract term for the Council’s solicitor has typically lasted for approximately one year, Council’s history of simply renewing the same firm’s contract each year effectively eliminated any formalized opportunity for other lawyers and/or firms to make Council aware of their qualifications, staff members, and abilities; and

Whereas, it is the judgment of Council that a lack of competitive bidding for the Council’s solicitor position has the potential to lead to inefficient use of revenues derived from the County’s taxpayers, by reducing (or eliminating) competition among qualified applicants; and

Whereas, as the demographics of the legal profession continue to change (for example, according to the American Bar Association, only 31% of practicing attorneys were women in 2010, but that number has increased to 38% in 2022), simply renewing the contract of a single solicitor may also prevent County Council from accounting for these types of changes in its selection of a solicitor; and

Whereas, it is accordingly the desire of Council to establish a regular timeline for requesting competitive bids for the Council solicitor position;

The Council of the County of Allegheny therefore hereby moves as follows:

For the reasons delineated herein, the Rules of Council, Article I, Rule E.1.i., is hereby amended as follows:

ARTICLE VII. **SOLICITOR CONTRACT TERM.**

- A.** Beginning in 2021, the contract for the solicitor will be for twelve months, unless the contract identifies a different length, beginning on February 1st of each year and ending on January 31st of each following year.
- B.** Beginning in 2025 and every four (4) years thereafter, Council shall draft and publish requests for proposals from attorneys and/or law firms desiring to function as Council’s solicitor. Such requests for proposals shall be drafted by and approved via motion of the Council’s Executive Committee, and shall establish a deadline for submission of proposals no later than six (6) months prior to the expiration of

the incumbent solicitor's current contract term. The incumbent solicitor may submit a proposal in response to any request published in accordance with the terms of this Subsection. Proposals submitted shall be reviewed by the Council's Executive Committee, which will then submit a recommendation to the full Council for a final vote no later than 30 days prior to the expiration of the incumbent solicitor's current contract term.

C. In the event that Council or an incumbent solicitor opts to exercise the termination clause of any in-force contract for legal services or should such contract be invalidated for any other reason(s), the receipt of notice as required under such termination clause or the contract invalidation shall immediately trigger a request for proposal process. Requests for proposals under this Subsection shall be drafted by and approved via motion of the Council's Executive Committee within 30 days of notice of the incumbent solicitor's contract termination or of such contract's invalidation, and shall establish a deadline for submission of proposals no later than 30 days after publication of the request. A solicitor whose contract is terminated - whether by Council or by such solicitor - may not submit a proposal in response to any request published in accordance with the terms of this Subsection. Proposals submitted shall be reviewed by the Council's Executive Committee, which will then submit a recommendation to the full Council for a final vote no later than 30 days after the proposal submission deadline. The full Council may, at its discretion, opt to engage the services of an interim solicitor on an emergency basis and without undertaking any request for proposal process under the terms of this Subsection, provided that such emergency interim solicitor is engaged for a term of no longer than 90 days.

D. Any request for proposals created pursuant to the terms of Subsections B or C of this Article shall, at a minimum, be:

1. Published at least twice in a newspaper of general circulation within Allegheny County. For the purposes of this Article, the date of publication of any request for proposals shall be deemed to be the first date on which the request is published in such newspaper;
2. Posted in a conspicuous location on the Council's portion of the County website;
3. Promulgated according to the current practice of the County's Division of Purchasing and Supplies (or equivalent successor division, office, or department);
4. Forwarded to the School and Municipal Law Section (or equivalent successor section) of the Allegheny County Bar Association for distribution to its members; and
5. Made available within the Office of County Council upon request and free of charge to any individual or entity.

E. To the greatest extent possible consistent with the principles of competitive bidding, the Council's selection of a solicitor shall take into consideration and reflect the diversity of the County and changing demographic trends within the legal profession.

F. Nothing contained within this Article shall be deemed to apply to contracts for legal services from co-counsel, special counsel, or any other legal advisor(s) apart from County Council's solicitor.