

The City of Vergas is requesting proposals from experienced law firms for general municipal legal services rendered to the City. Experience in municipal law preferred. The applicant shall have sufficient resources to ensure that all the demands of the City's legal needs will be met on a timely basis.

The City Council will review all applicants, with work to begin as soon as possible. The term of appointment will be subject to ongoing review and evaluation by the City Council.

#### INSTRUCTIONS TO PROPOSERS

- A. All proposals must be sent as a PDF document via email to:  
Julie Lammers, Clerk/Treasurer, [jlammers@cityofvergas.com](mailto:jlammers@cityofvergas.com)

The City is requesting all proposals be submitted via e-mail; thus, no paper copies of the proposal(s) need to be printed or mailed to the City. The City requests that proposals are limited to 25 pages.

- B. All proposals must be received no later than 3:00 p.m. on June 30, 2021.

- C. In order to ensure a fair review and selection process, firms submitting proposals should contact only Julie Lammers, Clerk/Treasurer and are specifically requested not to make other contacts to City staff or councilmembers. Phone 218-342-2091

#### REQUIRED CONTENTS FOR PROPOSALS

- A. Firm background
1. Brief history
    - a. Areas of expertise and general services available.
    - b. The general qualifications of the firm to perform municipal legal services.
    - c. Knowledge of the following:
      1. Zoning Laws
      2. Platting, Land Development, Annexation
      3. Economic Development
      4. General Municipal Financing
      5. Structuring Special Assessments/Public Improvements
    - d. Employment Law – dealing with public sector employment practices.
  2. Office location(s)
  3. Statement of any malpractice claims and/or ethics complaints against your firm or the firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.
- B. Attorney Qualifications
1. Identify each attorney and support personnel who will be supplying services for which the City will be billed.
    - a. The name, experience, and qualifications of the person who will be responsible for fulfilling the obligations as City Attorney.
    - b. The qualifications and resumes of other professional staff that will be responsible for providing legal services.
  2. For each person identified, please state:

- a. Relevant academic training and degrees
  - b. A description of their prior municipal experience in the areas covered by your proposal.
  - c. Other background or experience that might be helpful in evaluating your proposal. Land use regulations, planning/zoning, general and public contracting, eminent domain, annexation, TIF and finance will be of special interest in evaluating proposals.
  - d. The availability of the City Attorney and professional staff.
- C. Firm Qualifications
  - 1. The names and telephone numbers of three client references that the City may contact. Municipal references are preferred.
  - 2. List and describe any previous or current experience in municipal legal services, specify activities performed, and the name of the person who may be contacted at the municipality.
  - 3. Describe your legal library and research capabilities with specific emphasis on municipal law publications, computer links, and the firm's capability to maintain a proper response time for legal reports and memos.
- D. Fees
  - 1. Provide a detailed description and explanation of all fees and/or charges that may arise for legal services.
  - 2. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference. Also state separately the rate for any firm cost items to be billed such as photocopying, researching the law, etc....
  - 3. Please state the rate for Council Meeting attendance, whether hourly or otherwise.
  - 4. The City requests monthly billing statements which:
    - a. Itemize the date of services.
    - b. Identify the attorney and/or support personnel providing the services.
    - c. List time spent.
    - d. Provides a detail description of the services performed.
    - e. States the fees for those services.
    - f. Billing must list separately any fees which the City shall recoup from other sources. It is expected that the City Attorney will build in reimbursements whenever possible so the City may recoup Attorney fees, especially for projects such as TIF or development projects.

SCOPE of WORK: GENERAL MUNICIPAL LEGAL SERVICES DESCRIPTION

- A. Attendance at City Council meetings and other meetings as requested by the City Council or City Clerk/Treasurer.
- B. Drafting of ordinances, resolutions, and correspondence as requested.
- C. Review of agenda items and minutes for City Council, Planning Commission, etc....
- D. Interpret and advise on City Code of Ordinances.
- E. Meetings and/or telephone conversations with City Clerk/Treasurer, Mayor, and Council members on general legal matters.
- F. Prepare of review municipal contracts, including contracts for public improvements, joint powers agreements, construction, purchase of equipment, and the like.

- G. Representation of the City in the acquisition of properties for development, public improvements, easements, parks, etc. Including condemnation proceedings for public improvement project.
- H. Representation of the City in matters related to the enforcement of all city codes: city building, housing, zoning codes, etc.
- I. Representation of the City in employment related issues, arbitration, administrative hearings, and in litigation involving the same.
- J. Representation and advice with respect to municipal employment matters including, but not limited to: PERA, labor agreements, personnel policy, FLSA, veteran's preference, workers compensation, and unemployment compensation.
- K. Review of documents submitted by bond counsel involving the issuance of debt related instruments and provide opinions as required.
- L. Research and submission of legal opinions on municipal or other legal matters requested by City Council.
- M. Provide, on a periodic basis, a legal briefing as requested to the City staff and Council regarding new or proposed legislation affecting municipal operations and activities.
- N. Interpret and advise on new state or federal legislation or judicial holding impacting upon the City, and suggested action or changes in operations or procedures to assure compliance.
- O. Defend the City in all litigation, except in those cases where insurance companies are required to exclusively provide defense.
- P. Review bonds and insurance requirements required by or for City contracts or activities.
- Q. Initial response to City staff inquiries and return telephone calls within the same day of inquiry.
- R. Provide advice on open meeting law, data practices, records retention, and Council powers.
- S. Provide prosecution of petty misdemeanors, misdemeanors, and gross misdemeanors as well as providing related legal advice. This includes the ability to cite codes as necessary and assist in development of City policies and guidelines for managing different existing and potential future situations.

#### PROPOSAL EVALUATION AND APPOINTMENTS

- A. The City intends to retain the legal services of the proposer evaluated to be the best qualified to perform the work for the City, cost and other factors considered.
- B. Based upon the evaluation, the City Council will review and pick three finalists who are judged to be the most responsive and responsible proposer for each service requested. Oral interviews will be conducted by the Council. The top firm will be chosen by the City Council for final approval.
- C. The City will not reimburse the proposer for any expenses incurred by the proposer including, but not limited to, expenses associated with the preparation and submission of the proposal, and attendance at interviews.
- D. The City reserves the right to reject any and all proposals or to request additional information from any and all proposers.
- E. Notwithstanding a contract award, the City reserves the right to negotiate the final terms and conditions of the contract to be executed. Should the City and the proposer(s), to whom the contract(s) is recommended to be awarded, be unable to mutually agree upon the entire contract, the City reserves the right to discontinue negotiations, select another proposer or reject all the proposals. Upon completion of negotiations agreeable to the City and proposer, a contract shall be executed.

### CONFLICT OF INTEREST

- A. Indicate whether you or your law firm represent or have represented any client which representation may conflict with your ability to service as City Attorney.
- B. Do you currently represent any real estate developers?
- C. What procedures does your firm utilize to identify and resolve conflicts of interest?
- D. The firm shall not approach Council members or staff on an individual basis regarding this proposal. Any contact shall be officially made through the City Clerk who will in turn make all information available to all Council members for their final selection session.
- E. The City requires affirmative action, and therefore, the firm selected shall not discriminate under the contract against any person in accordance with federal, state, or local regulation, and shall certify such in their proposal.
- F. If appointed, the Attorney shall not accept any client or project which would knowingly place it in a conflict of interest with the services to be provided to the City. If a conflict of interest should develop, the Attorney shall be responsible for taking the necessary steps to comport its representation of the City with the Lawyers Code of Professional Responsibility.

### RIGHT TO REJECT PROPOSALS

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the CITY OF VERGAS and the firm selected.

The CITY OF VERGAS reserves the right without prejudice to reject any and all proposals.