

CITY OF GAYLORD

332 Main Ave., P.O. Box 987
Gaylord, Minnesota 55334



Administrator's Office

Phone (507) 237-2338
Fax (507) 237-5121

October 8th, 2020

Subject: City of Gaylord Legal Services Request for Proposals

To All Interested Parties:

The City Council of the City of Gaylord offers the enclosed Request for Proposal (RFP) for City Attorney and City Prosecuting Services for your consideration.

I encourage you to submit a proposal per the enclosed guidelines should you be interested in serving the City of Gaylord in the areas of general civil and criminal legal services. Please note that we are looking for separate bids for both City Attorney and City Prosecuting services. You may respond to either or both services. If you have any questions regarding the RFP process or the RFP itself, please contact City Administrator, Lory Young at (507) 237-2338, or lyoung@exploregaylord.org.

Thank you for your consideration of the City's Legal Services RFP.

Sincerely,

A handwritten signature in blue ink that reads "Lory Young".

Lory Young
City Administrator

**CITY OF GAYLORD
REQUEST FOR QUALIFICATIONS AND PROPOSALS
FOR LEGAL SERVICES
FOR 2021**

Introduction

The City of Gaylord is requesting qualifications and proposals for Legal Services from firms experienced in municipal law. Firms may choose to be considered for either or both of the following services:

- City Attorney
- Prosecuting Attorney

Background

The City of Gaylord is a home rule charter city and operates under a weak Mayor/Council form of government with a full-time City Administrator. The Mayor is elected to a two-year term and the five Council members are elected to four-year terms.

The City has the following commissions and boards as follows: Planning Commission, Charter Commission and Economic Development Authority.

The City has also utilized additional firms to provide bond counsel service and to work with TIF-related development issues.

General Instructions

- A. Responses must provide complete information as described in this request. Proposals must be received by 5 o'clock pm on Wednesday, October 28, 2020. The proposals shall be marked: City of Gaylord Legal Services RFP and sent to:

City of Gaylord
Attn: Lory Young, City Administrator
322 Main Ave.
P.O. Box 987
Gaylord, MN 55334

- B. Questions about this RFP may be made to Lory Young, City Administrator at lyoung@exploregaylord.org prior to the submission deadline.
- C. The City will not reimburse any expenses incurred by the firm submitting responses including but not limited to, expenses associated with the preparation and submission of the response and attendance at interviews.

- D. The City reserves the right to reject or accept any and all proposals, to request additional information from any or all Proposers, and to suggest modifications to the terms and conditions of a retainer agreement from that offered by a Proposer.

Process

The City will use the following process for selecting Legal Service Providers.

1. The City of Gaylord reserves the right to reject any or all proposals and is not bound to accept the lowest cost proposal if that proposal is contrary to the best interests of the City.
2. The City Council will conduct interviews and, by resolution, appoint the firm or firms selected to provide the services indicate. It is the intent of the City Council to award a contract for legal services for an initial term of one year, with an option to extend an additional up to two years. Annually the City Council will review and assess the firm's performance. The Council may take action to either extend or terminate the contract, as it deems appropriate.
3. Selection of the firms to be interviewed shall be based upon, but not limited, to the following criteria:
 - The firm's approach to and understanding of the Legal Services Requirements starting on page 4 of this RFP.
 - The firm's experience with similar contracts and clients.
 - The experience and qualifications of the proposed staff in providing similar services.
 - The firms' demonstrated ability to deliver work on time and within budget.
 - The extent to which previous clients have found the firm's services acceptable.
 - Acceptability of the firm's retainer proposal.
4. The City of Gaylord reserves the right to cancel or amend the request for proposals at any time. The City of Gaylord reserves the right to determine the successful respondent. The City of Gaylord reserves the right to reject any or all proposals.
5. The City of Gaylord will not be liable for any costs incurred by the firm responding to this request.
6. The firm shall not assign any interest in this proposal and shall not transfer any interest in the same without the prior written consent of the City of Gaylord.
7. For the purposes of this agreement, the consultant shall be deemed to be an independent contractor, and not an employee of the organization. Any and all agents, servants, or employees of the firm or other persons, while engaged in the performance of any work or services required to be performed by the City of

Gaylord under this agreement, shall not be considered employees of the City of Gaylord and any and all actions which arise as a consequence of any act or omission on the part of the firm, its agents, servants, employees or other persons shall in no way be the obligation or responsibility of the City of Gaylord. The consultant, its agents, servants, or employees shall be entitled to none of the rights, privileges, or benefits of organization employees except as otherwise may be stated herein.

8. No official or employee of the City of Gaylord who exercises any responsibilities in the review, approval or carrying out of the proposal shall participate in any decision which affects his or her direct or indirect personal or financial interest.

Legal Services Requirements

Following are the desired responsibilities for each of the two legal service areas:

City Attorney

- As needed, attend City Council meetings and other City Board, Commission, Authority, or Committee meetings as requested by the City Council or City Administrator.
- Draft and/or review ordinances, resolutions, and correspondence, as requested. Review City Council agendas and meeting minutes as requested.
- Advise the Mayor, Council Members, City Administrator, Department Heads and other staff on city legal matters.
- Prepare and/or review municipal contracts, such contracts for public improvements, joint powers agreements, construction, and purchase of equipment.
- Codification of City ordinances on an ongoing basis.
- Represent City in matters related to the enforcement of City building and zoning codes.
- Research and submit legal opinions on municipal or other legal matters, as requested by City Council or City Administrator.
- Meet with the City Council, City Administrator, Department Heads, and City Staff as needed to review Council agenda items, and the status of all legal matters before the City.
- Provide legal briefings regarding new or proposed legislation affecting municipal operations and activities.

- Provide advice and training on open meeting law, data practice, parliamentary procedure, records retention and privacy issues, including HIPPA.
- Represent, as needed, the City in employment related issues, labor negotiations, arbitration, administrative hearings and in litigation involving the same.
- Interpret and advise with respect to municipal employment matters including but not limited to PERA, labor agreements, personnel policy, FMLA, Veterans' Preference.
- Defend City in litigation (except in those cases, where insurance companies are required to provide defense) including, but not limited to, 1) human rights claims; 2) condemnation; 3) permits and administrative actions; and 4) labor and employment matters.
- Defend City in uninsured claims and other insurance matters.
- In coordination with Bond Counsel, review of financing, special assessments, bonds and insurance requirements required by or for City contracts or activities.
- Represent City in the acquisition of properties for public improvements, easements, and parks.
- Represent City in condemnation proceedings for public improvement projects.
- Represent City in workers' compensation matters.
- Initiate litigation on behalf of City as requested by City Council.
- Interpret and advise regarding zoning and/or land use questions.
- Interpret and advise regarding impact fees and legal uses.
- Advise and represent the City on environmental matters.
- Prepare and/or review the following:
 - Conditional Use Permits and Documentation
 - Vacation and Rights-of-way
 - Special Assessments
 - Planned Unit Development
 - Development Agreements
 - Subdivision and Zoning Requests

- The firm shall not subcontract out or assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the City.

Prosecuting Attorney

Represent and prosecute all criminal law matters within the City's jurisdiction, included but not limited to scheduling, and attending all necessary hearings, trial, arraignments, and post-conviction and hearing as required, coordinating officer and witness appearances, reviewing all criminal cases presented for purposes of prosecution, determine technical compliance with criminal code and other state statutes, writing complaints, making recommendations to the Court for alternatives to prosecution where appropriate, act as a resource to the Police Department in the development of criminal cases, and provide training sessions for Police staff as needed.

Provide timely pursuit of disposition of criminal cases in advance of actual Court cases to avoid unnecessary officer court time.

Process and present forfeiture cases on behalf of Police Department.

Required Contents of Response

Firms shall indicate which of the two legal services (City Attorney and/or Prosecuting Attorney) for which they wish to be considered.

Firm Background:

1. Brief history of firm
2. Number of attorneys, including number of partners and associates and areas of specialty
3. Support personnel: number and expertise
4. Office organization and support capabilities
5. Office location(s)
6. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically
7. Statement of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcome of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board
8. Describe malpractice insurance coverage: carrier, limits, and exemptions
9. Statement of compliance with federal and state laws respecting civil rights

Attorney Qualifications:

1. Identify the specific attorney who will serve as the lead attorney for each of the legal services you have expressed interest in providing, and indicate the following:

- Academic training and degrees
 - Description of background and experience
 - Description of prior municipal experience including cities served in a similar capacity
2. Identify attorney who will serve in the lead attorney's absence and provide information as requested in No. 1 above.
 3. Identify other attorneys and support staff who will supply services for which the City will be charged.
 4. Indicate current responsibilities of person designated to serve as lead attorney
 - List of cities you currently represent and for what type of service
 - List of cities you began representing in the last three years and cities you stopped representing in the last three years.
 - Names, telephone numbers, and contact person of at least three (3) client references, at least two (2) of which should be cities.
 - Description of the firm's view of their responsibilities to the City in the provision of legal services.
 - Description of current insurance coverage and limits, including professional liability insurance.

Conflict of Interest

1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.
2. Indicate whether designated lead attorneys or the law firm currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Gaylord.

City/City Attorney relationship

- Define the standard time frames for response to the City Attorney to direction and/or inquiry from the City.
- Describe the systems or mechanisms that would be established for monthly reporting of the status of projects requests, and litigation.

Fees:

City Attorney—firms desiring to be considered for City Attorney services shall indicate a monthly retainer amount and describe specific services to be included within the retainer and any services that would be outside the retainer. For services outside the retainer,

indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business.

City Prosecutor—firms interested in providing City Prosecutor services shall indicate a monthly retainer amount and describe specific services to be included within the retainer and provide an hourly rate for the lead attorney and hourly rates for other attorneys and staff that may be working on non-retainer City business.

As noted in the cover letter the city is requesting that firms wishing to respond to both attorney and prosecution services separate their bid as such. In addition, the city is requesting different billing scenarios in the responses received. These scenarios at the very least should include:

- A. Bid based on a straight hourly rate for each service.
- B. Maximum cost annually.
- C. Other scenarios would be reviewed as well.

Firms shall indicate all other costs and reimbursable expenses including travel (per mile), telephone, printing, photocopying, etc.

Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence and personal conferences.

The contract will require that the law firm selected maintain general liability, automobile, workers' compensation, and errors and omissions insurance. The contract will also contain provisions requiring the selected law firm to indemnify the City for malpractice and provide that the City Attorney is an independent contractor serving at the will of the City Council. Other required provisions will include the City Council's right to terminate the agreement, at its sole discretion, upon the provisions of notice.

Please include the primary attorney's registration number and signature.

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| Advertise and Distribute RFP: | By: 10/07/2020 |
| RFP Submittal Deadline: | By: 10/21/2020 |
| Selection Committee Review and Interviews: | By: 10/28/2020 |
| City Council Appointment of City Attorney: | By: 11/04/2020 |