

City of Escanaba

Request for Proposals (RFP)

For City Attorney

Introduction:

The City of Escanaba would like to contract with an Attorney, or law firm, to serve as City Attorney. The City invites interested Attorneys and/or firms with a minimum of three years of municipal law experience, representing municipal or other governmental entities in the State of Michigan, to submit a written proposal to provide City Attorney services.

The City Attorney, or Attorney's firm, will be expected to provide a wide range of legal services to the City. The City Attorney is appointed by and accountable to the City Manager but works closely with the City Council, Mayor, City Manager and City staff. The City Attorney serves as a key member of the Escanaba management team.

Submission Instructions:

Qualified attorneys and/or law firms are hereby invited to submit a proposal in accordance with the requirements and conditions set forth in the RFP. Submissions must be directed to:

Patrick Jordan
City Manager
P.O. Box 948
Escanaba, MI 49829

Submission Deadline:

Eight copies of the proposal are due to the City Manager no later than 4:00 p.m. on **April 1, 2019**.

Inquiries:

Questions concerning the RFP should be directed to Patrick Jordan, City Manager, at pjordan@escanaba.org or by calling 906.786.9402.

Notice to Respondents:

The City of Escanaba reserves the right, without qualification, to:

- Select or reject any or all proposals.

- Exercise discretion and apply its judgment with respect to selection or rejection of any proposals submitted.
- Negotiate specific terms and conditions contained in any proposal, including fees and pricing.

Proposal Content:

Proposals should provide a straightforward and concise summation of qualifications, adequate to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Responsiveness will be a primary consideration throughout the evaluation process. Indirect, imprecise or incomplete responses will only serve to disadvantage a candidate. The City Council requires that all proposals contain the following elements:

Summaries of Experience and Qualifications:

1. Describe the nature of your law firm's practice and your qualifications for providing City Attorney services for the City of Escanaba.
2. Provide a professional employment chronology for each individual who will be designated to serve as City Attorney, as well as any other individuals expected to be involved in providing legal services to the City of Escanaba.
3. Provide the overall capabilities, qualifications, training and areas of expertise for each of the principals, partners and associates of the law firm, including the length of employment for each person and his/her area of specialization for those involved in the assignment.
4. For the person whom you propose to designate as City Attorney, and for each person you propose to designate as a deputy or supporting counsel for special services or backup, please provide the following:
 - a. Legal training and years of practice (including date of admission to the Michigan Bar.)
 - b. Years of municipal or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in the representation of governmental entities.
 - c. Knowledge of, and experience with, Michigan Municipal Law or other public sector experience or redevelopment law, including land sale and purchase transactions.
 - d. Types of clientele represented and years representing each.
 - e. Litigation experience and demonstration of a good court track record. Cite examples of municipal litigation experience.
 - f. Experience with and knowledge and practice of law representing charter law cities relating to land use and planning, environmental law, general plans, real estate, code enforcement, and other related law.

- g. Experience in the area of contracts and franchises.
- h. Experience in the preparation and review of ordinances and resolutions for charter law cities.
- i. Experience in public sector personnel matters and union labor negotiations.
- j. Experience in municipal enterprises, including water, wastewater, electrical and garbage.
- k. Experiences in the area of the Michigan Open Meeting Law and Public Records requests.
- l. Intended office location and accessibility to the City of Escanaba.
- m. Scholastic honors and professional affiliations.
- n. If the responding firm, or any of its attorneys, have ever been sued for malpractice, or have ever been the subject of a complaint filed with the State Bar, or have ever been disciplined by the State Bar, please provide information on the nature any such incidents, including dates and final disposition.

Summary of Method of Performance:

1. Describe how you would establish, develop, and maintain an effective working relationship with the City Council, Mayor, Department Heads, and City Staff.
2. Define the standard time frames for response by the City Attorney to requests or inquiries from the Mayor, Council or staff.
3. Describe the staffing of your office, and include any staffing changes you would propose for your firm, should you be awarded the contract to provide legal services to the City.
4. Describe proposed systems for monthly reporting of the status of pending matters. The City of Escanaba will require a billing methodology that identifies the specific task, the attorney completing the task, and the time billed toward the task.

Identification of Conflict of Interest:

1. Please list all current or former clients, having an interest in a business located within the Escanaba City limits.
2. Please list all cities, and other public clients, for which you or your firm currently provides, or previously provided, services under a fee or retainer agreement.
3. Please identify any conflicts of interest, or potential conflicts of interest, which might arise by virtue of serving as City Attorney. In the event said conflicts or potential conflicts exist, please describe the manner in which you would propose to resolve such conflicts.

Proposed Compensation:

The City Attorney will be expected to provide legal services pursuant to a fixed monthly retainer fee, with special services provided at an agreed upon hourly rate. Currently, Revolving Loan Fund Work and Union Labor Negotiations are considered to be special services and are billed at an hourly rate, outside of the retainer agreement. All other work is performed under the retainer agreement.

Respondents should propose a monthly retainer fee, and specify which services shall be covered under such fee. Respondents should further identify any services which will not be covered under the retainer, and specify the hourly rate for such work, along with any other applicable fees or charges.

Duties:

The City Attorney will be required to attend all regular City Council meetings. There are typically two (2) City Council meetings each month, held on the first and third Thursday at 7:00 p.m. Attendance at special meetings will be at the discretion of the Mayor.

The Attorney is occasionally expected to attend board, commission, staff and committee meetings, and is expected to meet with staff and department heads as needed.

The Attorney is required to provide written opinions concerning legal matters that affect the City.

The Attorney reviews, prepares and negotiates a variety of contracts and agreements on behalf of the City.

The Attorney performs legal work, including document preparation, relating to property acquisitions, property disposals, public improvements, easements, right-of-way abandonment and related matters.

Provide legal advice relating to enforcement of City codes, zoning regulations and building standards through administrative and judicial actions.

The monitoring of pending and current state and federal legislation and court decisions as appropriate.

The Attorney represents the City in litigation and defends the City against all legal claims or challenges.

The Attorney represents the City's Revolving Loan Fund in all legal matters, including preparation of loan documents and collection of past due amounts. Attendance at quarterly Loan Administration Board meetings is a requirement. This work is currently performed outside of the retainer agreement.

The attorney represents the City in all bankruptcy matters for which the City has monetary claims.

The Attorney represents the City during labor negotiations with the City's five bargaining units. This work is currently performed outside of the retainer agreement.

Please identify any work you would propose to bill on an hourly basis, outside of the retainer agreement.

Evaluation and Selection:

Proposals will be screened, and finalists will be selected by the Mayor and/or the Mayor's appointed Subcommittee. In reviewing the proposals, the City will carefully consider the following:

- a. Depth and breadth of experience and expertise in the practice of law, specifically in those areas most often encountered in municipal government operations;
- b. Capability to perform legal services promptly and in a manner that permits the City Council and staff to meet established deadlines and to operate in an effective and efficient manner;
- c. Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems;
- d. Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field;
- e. Communication skills;
- f. Cost of services; and
- g. Other qualifications/criteria as deemed appropriate by the City Council.

The Mayor and/or Mayor's subcommittee will interview candidates, negotiate terms and recommend a final selection to the City Council.

The City Council will make the final appointment in conjunction with approval of an agreement for legal services. Services to the City of Escanaba are expected to commence on or about July 1, 2019.