



## **Request for Qualifications & Proposals – Civil Legal Services**

August 2014

### **I. INTRODUCTION**

This request for proposals (RFP) is intended to provide the background and format for use by a law firm or individual desiring to provide civil legal services for the City of Moorhead, Minnesota. The City invites interested law firms and individuals with a minimum of five (5) years of municipal law experience to submit written proposals to provide City Attorney services to the City. Municipal experience is defined as representing and/or advising cities on a wide variety of issues that are regularly encountered in the course of municipal activities.

As City Attorney, the selected law firm or individual will be expected to provide a wide range of municipal legal services. The City Attorney will be selected by the Mayor and City Council and work closely with the City Council, City Manager, and other City staff.

#### **Community Data**

The City of Moorhead, Minnesota is situated on the western border of Minnesota in the Red River Valley and has a population of 39,398 residents (2013 U.S. Census estimate). A hub for regional economic activity and higher education, Fargo-Moorhead is the largest Metropolitan Statistical Area in North Dakota and the second largest in Minnesota. The Fargo-Moorhead area is home to approximately 223,490 residents.

The City of Moorhead provides a full range of services. The general governmental functions include police and fire protection, street maintenance, engineering, planning and zoning, transit, parks and recreation, economic and community development, and general administrative services. The City also operates as enterprise funds the following services: electric, water, wastewater and storm water collection and treatment, sanitation, sports center, golf courses, pest control, forestry and airport. Vehicles and equipment, radio, and information technology services are provided through internal service funds. Moorhead Public Service, the City's electric and water utility, is independently governed and operated. The 5-member Public Service Commission is appointed by the Mayor and City Council. Private utility companies provide natural gas and telecommunications services in the City.

The City has 250 full-time employees and a total City budget of \$67.9M in 2014. The City belongs to an insurance pool comprised of numerous cities which is operated by the League of Minnesota Cities Insurance Trust (LMCIT).

## **City Government**

The City of Moorhead was incorporated in 1881 as a home rule charter city. In 1984, voters approved the implementation of a council-manager form of government. Daily management and administration of the City is under the direction of the City Manager, who is appointed by the City Council. The Mayor and eight (8) Council Members comprise the City Council, which formulates City policy. The City Council meets formally on the second and fourth Monday of each month. In addition, the City Council may also hold informal meetings on the third Monday of each month.

## **Current Civil Legal Services Agreement (City Attorney)**

The City of Moorhead is currently provided civil legal services by a contracted law firm. The City's 2014 budget for legal services is \$429,535, of which \$108,000 is budgeted for City Attorney services. Any law firm/individual responding to this solicitation is requested to carefully review this Request for Proposals & Qualifications and provide a complete and detailed summary of the method by which they propose to provide legal services to the City of Moorhead with the associated rates, fees, and charges.

## **II. CITY ATTORNEY - SCOPE OF SERVICE**

### **Background**

Please describe the nature of your practice or your law firm's practice and your qualifications for providing City Attorney services. Include a professional chronology for the individual who will be designated to serve as the City Attorney, as well as for others whom you anticipate being involved with providing legal services to the City.

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.

Provide the following for the person whom you propose to designate as City Attorney and for each person you propose to designate as a deputy or backup:

- Legal training and number of years of practice, including date of admission to the Minnesota Bar Association, number of 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 local government.
- Professional affiliations.
- Knowledge of, and experience with, Minnesota Municipal Law or other public sector experience.

- Knowledge and practice of law relating to land use and planning, environmental law, risk management, redevelopment, general plans, real estate, and other related law.
- Experience in the area of contracts, franchises, and joint powers (inter-jurisdictional) agreements.
- Experience in the area of personnel, disability law rights and obligations, workers' compensation, employee relations and negotiations, and employee discrimination claims.
- Experience in the preparation and review of ordinances and resolutions.
- Types of clientele represented and years representing each.
- Office location and accessibility to the City. Describe your office staffing, including all permanent and temporary employees, their general duties, and work schedules. Include any staffing changes you would propose if awarded the City Attorney contract.

If the firm/individual, or any of the attorneys employed by the firm, have ever been sued by cities or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information about the nature of the incident, the dates of when the matter began and was concluded, and the results of the incident. Respondents are expected to comply with all aspects of the Minnesota Rules of Professional Conduct.

Link to the Lawyers Professional Responsibility Board, Rules of Professional Conduct:

<http://lprb.mncourts.gov/rules/Pages/MRPC.aspx>

### **Basic Services Requested**

Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of "general counsel" work, and shall include, but not necessarily be limited to, the following:

- In person attendance at two regular City Council meetings per month, one Committee of the Whole meeting per month (non-voting study session), as well as other regular meetings and special meetings of the Council as requested.
- Attendance at other board, commission, and committee meetings, upon request.
- Attendance at staff meetings and other meetings with City staff, upon request.
- General knowledge of Minnesota State Statutes and specifically those laws pertaining to special assessment authority (M.S.A. 429). Must exhibit thorough understanding of M.S.A. 429 mechanics and public improvement financing.

- Assistance in the preparation and review of ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds, and other documents required by the City.
- Enforcement of City codes, zoning regulations, and building standards through administrative and judicial actions.
- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, right-of-way vacations/agreements, and franchise agreements.
- Knowledge pertaining to Economic Development Authority and Public Housing Authority law.
- Monitoring of pending and current state and federal court decisions, as appropriate.
- Legal advice, telephone and personal consultations with the Mayor, City Council, City Manager, and City staff or authorized representatives.
- General legal advice and opinions concerning matters that affect the City.

### **Litigation Services Requested**

The City Attorney is involved in civil actions brought against the City which are not covered by the League of Minnesota Cities Insurance Trust (LMCIT). Other legal actions involving the City Attorney include:

- Condemnation issues.
- Nuisance abatement.
- Assessment appeals.
- Contract and bidding disputes.
- Real estate transactions.

### **Advisor to Mayor, City Council, City Manager, City Staff and Commissions**

The City Attorney serves as the principal legal advisor to the Mayor, City Council, City Manager, City staff, and various commissions and committees of the City. These activities include:

- Attendance at all meetings of the City Council and other boards, committees, and commissions as requested.
- Preparation of written legal opinions on a variety of subjects, including zoning, platting, contract bidding, licenses, and permits.

- Preparation of written findings, when required, in support of actions of the City Council and providing information involving important developments in statutory or judicial law.

### **Additional Duties**

Additional duties of the City Attorney include drafting ordinances and ordinance amendments, resolutions, preparation of documents utilized by the City in connection with subdivisions and zonings, and preparation of documents necessary for the sale or purchase of property involving the City. The City Attorney shall also act as bond counsel in the issuance of debt, including preparation of all documents.

## **III. THE PROPOSAL**

### **General Instructions**

- A. Responses must provide complete information as described in this request. Ten (10) copies shall be submitted by **4:30pm on September 26, 2014**. The proposals shall be marked: "City of Moorhead Legal Services RFP" and sent to:

City of Moorhead  
ATTN: Michael Redlinger, City Manager  
P.O. Box 779  
Moorhead, MN 56561-0779

- B. To ensure fairness and uniformity, firms and individuals submitting responses are requested to not contact the Mayor, City Council, or City staff. Questions regarding this RFP should only be directed to:

Michael Redlinger, City Manager  
Phone: (218) 299-5305  
Email: michael.redlinger@cityofmoorhead.com

- C. The City will not reimburse any expenses incurred by the firm or individual 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 any and all proposals, to request additional information from any or all Proposers, and to suggest modifications to the terms and conditions or a retainer agreement from that offered by a Proposer.

## Proposal Content

Proposals must contain the following elements:

- A. **Title Page** which contains the name of the proposing law firm/individual, its address, telephone number, name of the contact person, and the date of submittal.
- B. **Table of Contents** containing an identification of material by section and page number.
- C. **A Firm/Contractor's Profile** that contains the following information:
  1. Firm or individual history.
  2. Number of attorneys.
  3. Number of clerical/support staff.
  4. A description of the firm's/individual's library and research capabilities.
  5. A single individual submitting a proposal must provide detailed information concerning backup services.
- D. **Scope of Work**

With respect to each of the topics described above, please indicate:

1. The general qualifications of the firm/individual to provide the described services. The firm/individual should expand on each item and describe why the firm/individual is qualified and capable of providing such services. **Please note that the firm/individual must possess relevant municipal law experience.**
  2. The individual proposed as the primary responsible person to provide the services, together with a description of their background and experience demonstrating the ability to provide such services.
  3. The individuals proposed to assist the primary responsible person together with a description of such person's background and experience demonstrating their ability to assist in providing such services.
- E. **Rates, Fees and Charges**

Proposals must provide a complete description of the rate, fee, and charge structure proposed for the services. Proposers should also indicate whether, and to what extent, they are willing to consider the use of a retainer. Such retainer would be a fixed annual fee covering all services rendered under one or more of the categories

described above.

**F. Conflicts as defined by the Minnesota Rules of Professional Conduct**

1. Indicate whether Proposer (firm or individual) represents or has represented any client whose representation may conflict with the Proposer's ability to serve as a City Attorney.
2. Does the Proposer currently represent any other local units of government having jurisdiction contiguous to the City of Moorhead?
3. What procedures does your firm utilize to identify and resolve conflicts of interest and comply with the Minnesota Rules of Professional Conduct?

**IV. EVALUATION AND SELECTION PROCESS**

Proposals will be screened and the top candidates selected by the City Council. Interviews may or may not be held at the discretion of the City Council. The qualifications for the top candidates will be verified and professional references will be checked.

In reviewing proposals, the City will carefully weigh the following:

- Depth and breadth of experience and expertise in the practice of municipal law, specifically in those areas most often encountered in municipal government operations.
- 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.
- Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems.
- Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field.
- Communication skills.
- Cost of services.
- Other qualifications/criteria, as deemed appropriate by the City Council.

The civil legal services contract will require that the firm or individual selected as City Attorney maintain general liability, automobile, workers' compensation, and errors and omissions insurance. The contract will also contain provisions requiring the selected firm or individual to indemnify the City 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 provision of notice.

In the event the City elects to engage a firm or individual to provide civil legal services, the City intends to enter into a contract with the selected firm/individual. Based upon a review of the proposals and such other evaluation as may be necessary, the City Manager will request that the City Council approve the appointment of the firm/individual(s) judged to be the most responsive and responsible. Approval of the recommendation and authorization of the execution of the contract for legal services lies within the sole discretion of the City Council. Should the City and the selected Proposer be unable to mutually agree on the entire contract, the City reserves the right to discontinue negotiations, select another Proposer, or reject all proposals received.

## V. SCHEDULE

Mayor & City Council Approval of RFP	August 11, 2014
Distribute/Advertise RFP	Completed by August 15, 2014
RFP Submittals	<b>DUE September 26, 2014 by 4:30 p.m.*</b>
Interviews ( <i>to be scheduled</i> )	Completed by October 20, 2014
Mayor & City Council Appointment & Approval of Contract	October 27, 2014

*\*Proposals received after September 26, 2014 at 4:30 p.m. will be considered non-responsive and rejected.*



## NOTICE

### ADVERTISEMENT FOR CIVIL LEGAL SERVICES (CITY ATTORNEY)

The City of Moorhead is seeking a law firm or individual to provide City Attorney services.

#### *LAW FIRM*

Proposals must conform to the format contained in the City's Request for Proposals & Qualifications. Request for Proposal packets are available at [www.cityofmoorhead.com](http://www.cityofmoorhead.com) or upon request at the City Manager's Office, 3<sup>rd</sup> Floor, City Hall.

#### *INDIVIDUAL*

Proposals from individuals must provide for fully qualified, guaranteed backup services. Proposals must conform to the format contained in the City's Request for Proposals & Qualifications. Request for Proposal packets are available at [www.cityofmoorhead.com](http://www.cityofmoorhead.com) or upon request at the City Manager's Office, 3<sup>rd</sup> Floor, City Hall.

Requirements for this position include graduation from an accredited law school, admittance to the practice of law in the State of Minnesota or eligible for admission upon motion, and relevant municipal law experience. Employment shall be subject to an agreement between the firm/individual and the City of Moorhead and be for a negotiable term of service.

Any firm or individual responding to this solicitation should submit a proposal no later than **4:30 P.M. on September 26, 2014** to:

City of Moorhead  
ATTN: Michael Redlinger, City Manager  
P.O. Box 779  
500 Center Avenue  
Moorhead, MN 56561-0779  
(218) 299-5305

## EVALUATION METHOD – City Attorney

All proposals by selected City Attorney finalists will be evaluated based upon the following factors:

	<b><u>Point Range</u></b>
1. Prior City Attorney or closely related/equivalent local government legal experience.	(0 - 25)
2. Qualifications of law firm selected to provide full-time City Attorney services. <i>or</i> Qualifications of individual and backup selected to provide Full-time City Attorney services.	(0 - 25)
3. Costs for City Attorney proposal.	(0 - 25)
4. Organization and structure of firm or methodology of individual proposed for delivery of full-time City Attorney services.	(0 - 15)
5. Firm's or individual's understanding of City Attorney services to be provided.	(0 - 10)
<b>Total maximum points</b>	<b>100</b>