

CITY OF GRANT

REQUEST FOR PROPOSALS

FOR

ATTORNEY SERVICES

(civil and criminal prosecution)

111 Wildwood Road
P.O. Box 577
Willernie, MN 55090

www.cityofgrant.us

**CITY OF GRANT
REQUEST FOR PROPOSALS
ATTORNEY SERVICES**

The City of Grant is soliciting proposals from qualified law firm(s) to represent the City. The City will consider proposals for providing legal services for civil and/or criminal prosecution services, or both. The successful applicant(s) shall possess sufficient resources to ensure that the demands for the City's legal needs will be met on a timely basis. A firm may choose to bid to provide either the civil or criminal prosecution, or both. The relationship would be on a consulting or contractual basis, as opposed to a staff position.

Included in this Request for Proposals ("RFP") are a more detailed description of the services to be provided, an outline of the proposal requirements, a description of the proposal review process, and a description of required contract ethics.

If there are questions regarding this process, they should be directed to: City of Grant Administrator/Clerk, P.O. Box 577, Willernie, MN 55090 or clerk@cityofgrant.us.

The City of Grant, is located approximately 15 miles east of the Twin Cities. The City is located in Washington County.

SECTION ONE: SCOPE OF GENERAL LEGAL SERVICES

The law firm/attorney(s) are required to be knowledgeable in a variety of legal areas, including but not limited to:

- General state and federal laws relating to municipal government.
- Zoning, housing, annexation, subdivision and land use law.
- Development, enforcement, and property/real estate law.
- Ordinance and resolution development and interpretation.
- Contract law.
- Election law.
- Trial activity.
- Criminal prosecution.

CIVIL SERVICES – Except as specifically limited below, the services and qualifications that are required by the City for civil law services include, but are not limited to, the following areas:

Building Code and Enforcement

Provide advice to the City Building Inspector/official and enforcement of building code violations.

Claims Against the City

Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the Council.

Where insurance coverage exists, work cooperatively with the League of Minnesota Cities Defense Counsel.

Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) human rights claims; (2) condemnation; (3) zoning and land use regulation matters; (4) permits and administrative actions; and (5) employment matters.

Assist in resolving claims not resulting in litigation.

Claims By the City

Investigate and evaluate all claims by the City against others and recommend appropriate course of action.

Attempt collection of all proper claims including litigation where necessary and authorized by the City.

Handle disputes between the City and other governmental units, including litigation.

Election Law

Advise the City Council and City Clerk regarding election law. Handle or advise the City in election recounts.

General

Meetings and/or telephone conversations with the City and advising the City, Clerk, Treasurer and Planning Commission on general legal matters.

Research and submission of legal opinions on municipal or other legal matters requested by the City; availability to answer questions by telephone.

Provide such services as requested by the City regarding contractual dealings with Federal, State, County, Township, Municipal, and Special Districts by the City, including Joint Powers Act Public Improvements.

Meetings

Attend, as requested, regular City Council meetings and advise the Mayor, Councilmembers, City Clerk, and Treasurer on matters of parliamentary law and procedures of a general matter.

Attend such other special meetings, planning sessions, conferences and/or meetings as requested by the City Council.

Review of City Council and Planning Commission agenda packets and minutes as requested.

Legal Documents

Prepare such resolutions as the City Council shall direct.

Review of municipal contracts, including contracts for public improvements, developments, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality, and execution as requested.

Examine and advise regarding the legality of all proceedings and actions of the City Council and other boards or commissions.

Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.

Drafting of ordinances, ordinance amendments, resolutions, developer agreements, and correspondence as requested.

Review bonds, deeds, securities and insurance requirements required by or for City contracts or activities.

Public Improvements

Examine all petitions for improvements for validity.

Assist the City Engineer in preparing preliminary report as to legal costs, easement costs, assessment methods, and assessment areas.

Prepare or review such routine legal notices for posting, publishing, or mailing as required by the statutory assessment process.

Represent the City in the acquisition of properties for public improvements, easements, parks and the like as needed.

Perform all legal work in connection with financing, not usually performed by the fiscal consultant or bond counsel.

Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.

Handle all legal matters under construction contracts and any resulting litigation.

Zoning

Provide legal advice to Zoning Administrator, Planning Commission and City Council regarding zoning code matters.

Represent the City in matters related to the enforcement of city building, subdivision, maintenance and zoning codes.

Represent the City in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.

CRIMINAL PROSECUTION SERVICES – The services and qualifications that are required by the City for criminal prosecution services include, but are not limited to, the following areas:

Prosecution of all petty misdemeanor, misdemeanor and statutorily delegated gross misdemeanor offenses committed within the corporate limits of the City. This includes all such cases initiated by any enforcement agency and citizen complaints including but not limited to traffic violations, DWI cases, theft, forfeiture and may include City code violations.

Provide advice, consultation and training where required to the officers assigned by the Washington County Sheriff's Department in the interpretation and enforcement of statutes, ordinances, and investigations of violations in connection with the prosecution of criminal cases and civil forfeitures.

Prepare criminal complaints where facts warrant.

Evaluate all cases where a plea of not guilty is entered and prosecute where warranted.

Prepare appropriate pretrial notices as required.

Seek such additional investigation as required.

Negotiate and enter plea bargains where deemed advisable.

Represent the City at all arraignment, omnibus, and pretrial motions.

Perform all legal research and prepare briefs when required.

Try all jury and court cases.

Examine, evaluate and provide representation for all criminal appeals to Appellate Courts.

includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.

3. **Criminal Prosecution and Police Authority Issues** – Describe your ability to provide criminal prosecution services as defined above. Demonstrate knowledge of Police Authority Issues. Describe how you handle conflict of interest cases.
4. **Municipal Litigation** – Describe any municipal litigation handled in the last five years. Indicate the types of cases tried.
5. **Development Issues** – Demonstrate knowledge of the following:
 - Zoning and Land Use Laws
 - Platting and Land Development Issues
 - Condemnation Law
 - MSA 429 Projects (Procedures and Appeals)
 - Open Space Zoning Projects
6. **Municipal Financing** – Demonstrate knowledge and experience in equipment certificates, letters of credit, tri-party agreements; general experience in municipal bonds helpful. Demonstrate knowledge of collection law and municipal finance and purchasing. Specify whether the firm is a recognized bond counsel and plans to service in that capacity in the proposed representation.
7. **Franchise Law** – Demonstrate general knowledge/experience in utility franchise agreements.
8. **Specialized Issues** – Any areas of specialty that may relate to municipal law may be outlined in this section.
9. **References** – Provide a reference list of three (3) recent (within five years) municipal clients. If municipal clients are not available, other major clients may be submitted. Particular attention to be given to municipal client references.
10. Disclose any professional responsibility complaints submitted against your firm in connection with any municipal law matter within the last five (5) years.

All proposals shall include the following information:

BILLING FEES AND COSTS – Identify in your proposal the amount your firm proposes to charge for criminal and/or civil services and regular and special meeting fees. For hourly fees, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

Please provide billing information for a period of three years.

SECTION TWO: INSTRUCTIONS TO PROPOSERS

Proposals should be submitted to City Clerk, City of Grant, P.O. Box 577, Willernie, MN 55090 or delivered to 111 Wildwood Road, Willemie, MN 55090. Proposal should be received no later than 12:00 noon on Monday, November 27, 2017.

One (1) hard copy of each proposal should be submitted to the City and one (1) electronic. All proposals submitted must provide complete information as indicated in this request. Any other information that the proposer wishes to include for evaluation and consideration by the City as part of the proposal may also be included.

Questions regarding this request should be directed to: City Clerk, City of Grant, 651-426-3383.

SECTION THREE: REQUIRED CONTENTS FOR PROPOSALS

1. **Title Page** — show the RFP subject: Provision of Civil and/or Criminal Legal Services, or both; the name of the proposer's firm, local address, telephone number, name of contact person, and the date.
2. **General Information.**
 - Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
 - Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.
 - Include a current resume for each attorney who will be primarily assigned to the City of Grant. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating your proposal.
 - Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
 - Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail address, and fax number(s) of the firm.
 - Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of Grant.
 - Provide an assessment of the availability of the City Attorney and other professional staff to be assigned to a contract with the City of Grant. This

Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

The City requires detailed monthly billing/update statements that shall include but are not limited to the following items:

- a. Itemize the date of services.
- b. Identify the attorney and/or support personnel providing the services.
- c. List the time spent for each service or activity.
- d. Provide a detailed description of the services performed.
- e. State the fees for those services.
- f. Organize billing for general corporate work by department, type of services, and/or project.
- g. Itemize all associated costs and expenses related to the services performed.
- h. Itemize all prosecutorial services provided each month.

CONFLICT OF INTEREST STATEMENT

- Indicate whether you or your law firm currently represents, or has represented any client where representation may conflict with your ability to serve as City Attorney for the City of Grant.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Grant.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Grant.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

SECTION FOUR: SELECTION PROCESS/PROPOSAL EVALUATION AND CONTRACT AWARD

The City intends to award a contract to the proposer(s) best qualified to perform the work for the City, cost and other factors considered.

The actual selection of the firm and contract award will be made by the City Council. The City of Grant reserves the right to reject any and all proposals or to request additional information from all proposers. Once a contract is awarded, the term of contract duration shall be subject to ongoing review and evaluation by the City Council.

SECTION FIVE: CONTRACT ETHICS

- No elected official or employee of the City who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.

- It is a breach of ethical standards for any person to offer, give or agree to give any City employee or Councilmember, or for any City employee or Councilmember to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
- The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
- The firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Grant. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.

The City of Grant is soliciting a Request for Proposals ("**RFP**") for civil and criminal prosecution services for the City of Grant. The RFP can *be* found at www.cityofgrant.us or by emailing: clerk@cityofgrant.us.

The RFP describes and outlines the scope of work requested. One **(1)** hard copy, via US Postal Service and an electronic copy of the **RFP** must be submitted by Monday, November 27, 2017, by 12:00 pm (noon) to:

City of Grant Administrator/Clerk
City of Grant
111 Wildwood Road
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Council will review the proposals and schedule up to five (5) candidates to interview with the City Council on Tuesday, December 5, 2017, at 9:30 am to 10:45 am, at 8380 Kimbro Avenue North in Grant. Firms scheduled for an interview will be notified by Thursday, November 30, 2017. Any questions, please feel free to call: 651-426-3383 or clerk@cityofgrant.us