

**CITY OF PROCTOR, MINNESOTA
REQUEST FOR PROPOSALS
GENERAL AND PROSECUTION LEGAL SERVICES
NOVEMBER 2021**

The City of Proctor is accepting proposals for contracted legal services from firms or individuals experienced in municipal law. Proposals are sought for legal services (City Attorney) in connection with its regular governing and operating activities.

To ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with city staff or Council members regarding their proposals.

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.

Submission Procedures

Three (3) printed copies of the proposal plus one (1) complete electronic copy of the bid package in PDF format are to be submitted in a sealed envelope to:

**Jess Rich, City Administrator
City of Proctor
100 Pionk Dr
Proctor, MN 55810
jrich@proctormn.gov**

To prevent opening by unauthorized individuals, your proposal should be identified as follows: CITY OF PROCTOR - RFP: LEGAL SERVICES. Proposals should be received no later than 2:00 p.m. Tuesday November 30, 2021. No modification or addenda will be accepted after the closing date stated above unless, in the opinion of the City Council, it is in the best interest of the City of Proctor to do so.

Questions regarding this request should be directed to Jess Rich, City Administrator, City of Proctor, 100 Pionk Dr, Proctor, MN 55810, email at jrich@proctormn.gov or 218-624-3641.

The City reserves the right to change these specifications.

SECTION 1. Scope of Work

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 municipal laws
- Labor law
- General state and federal laws relating to municipal government
- Zoning, housing, annexation, subdivision, and land use law
- Economic development activities including development, redevelopment, enforcement, and property/real estate law
- Legal activity relating to general obligation bonds, revenue bonds, tax increment bonds, tax exempt bonds, and other bonding and financial processes (even though we already use another firm bond attorney)
- Ordinance and resolution development and interpretation
- Contract law
- Environmental law
- Eminent Domain and other Land Acquisition

CIVIL SERVICES COVERED BY RETAINER

Except as specifically limited below, the services and qualifications that are required by the City for civil law services covered by a fixed retainer fee include, but are not limited to, the following areas:

General

1. Meetings and/or telephone conversations with and advising Mayor, Council Members, City Administrator, Department Heads, and other staff on general legal matters.
2. Research and submission of legal opinions on municipal or other legal matters requested by City staff or City Administrator; availability to answer staff questions by telephone.

Meetings:

1. Attend all city council meetings and advise the mayor, council members and city administrator on matters of parliamentary law and procedures of a general matter (first and third Mondays)
2. Attend such special city council meetings as the council or the city administrator directs.
3. Attend such meetings of boards or commissions as the city administrator directs.
4. Attend such other meetings, planning sessions, conferences and/or departmental meetings as requested by the city administrator.
5. Attendance at all regular Council meetings during a calendar year, as described under items #1- 4 above, shall be included in the retainer fee. *Special Council Meetings attended in any calendar year, shall be billed, and paid at the previously agreed hourly contract rate.*
6. Review of City of Proctor council, commissions and committee agenda packets and minutes as requested.

Legal Documents

1. Assist City Staff in preparation of resolutions as the city administrator or the city council shall direct, except resolutions relating to the responsibility of the fiscal consultant or bond approving attorney.
2. 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.
3. Examine and advise regarding the legality of all proceedings and actions of the city council and other boards or commissions.
4. Render written opinions on law when requested, including interpretation of statutes, ordinances, rules, and regulations.
5. Drafting or review of staff drafted ordinances, ordinance amendments, resolutions, developer agreements, and correspondence as requested, including assistance in the maintenance of master city code book as the city administrator shall direct.
6. Review bonds, deeds, securities, and insurance requirements required by or for City contracts or activities.

Public Improvements

1. Examine all petitions for improvements for validity.
2. Assist the Engineering Department in preparing preliminary report as to legal costs, easement costs, assessment methods, and assessment area.
3. Prepare or review such routine legal notices for posting, publishing, or mailing as required by the statutory assessment process.

Real Estate Sale and Acquisition

1. Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates, and obtain or develop proper legal descriptions.
2. Examine title to each parcel as requested by the city administrator.
3. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the Attorney contacts the City in advance and obtains the City's approval that the transaction contemplated is non-routine. Any such non-routine transactions shall be billed at the previously agreed hourly contract rate.

Zoning

1. Provide legal advice to Code Official, City Administrator, Planning Commission, Engineering firm and City Council regarding zoning code matters.
2. Represent the City in matters related to the enforcement of city building, subdivision, maintenance, and zoning codes.

Labor Relations

1. Review and interpret collective bargaining agreements between the City and its employees.
2. Provide legal advice for City's negotiator and/or personnel officer.

Public Improvements

1. Represent the City in the acquisition of properties for public improvements, easements, parks, and the like as needed.
2. Perform all legal work in connection with financing, not usually performed by the fiscal consultant or bond counsel.
3. Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.

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

Land Acquisition and Sale

1. Represent the City in condemnation proceedings for public improvement projects, etc.
2. Initiate annexation proceedings at the direction of the City and follow through with all necessary documentation and presentation to the State Boundary Adjustments Division.

Economic Development

1. Representation of the City on Economic Development related issues, including developer agreements and tax increment and tax abatement document review as needed.

Claims Against the City

1. Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the council.
2. Coordination of outside legal counsel, as needed and as directed by the City Council or City Administrator
3. Assist in resolving claims not resulting in litigation.

Claims By the City

1. Investigate and evaluate all claims by the City against others and recommend appropriate course of action.
2. Attempt collection of all proper claims including coordination of outside legal counsel for litigation where necessary and authorized by the City

Intergovernmental Relations and Disputes

1. 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.
2. Handle disputes between the City and other governmental units, including litigation.

Zoning

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

Data

1. Act as the designated data practices compliance official who is the responsible authority for the use and dissemination of data and receives questions or concerns regarding access to data within the City.

CRIMINAL PROSECUTION SERVICES COVERED BY RETAINER

The services and qualifications that are required by the City for criminal prosecution services covered by a fixed retainer fee include, but are not limited to, the following areas:

1. 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 law enforcement agency and citizen complaints including but not limited to traffic violations, DWI cases, theft, and City code violations.
2. Provide advice, consultation and training where required to the City's Police Department and to all other departments of the City in the interpretation and enforcement of statutes, ordinances, and investigations of violations in connection with the prosecution of criminal cases.

3. Prepare criminal complaints where facts warrant.
4. Evaluate all cases where a plea of not guilty is entered and prosecute where warranted.
5. Prepare appropriate pre-trial notices as required.
6. Seek such additional investigation as required.
7. Negotiate and enter plea bargains where deemed advisable.
8. Represent the City at all pre-trial motions.
9. Perform all legal research and prepare briefs when required.
10. Try all jury and court cases.
11. Examine, evaluate, and provide representation for all appeals to Appellate Courts.

SECTION 2. Instructions to Proposers

Firms may submit proposals for all or one of the general, civil and/or criminal services. Proposals should be submitted to Jess Rich City Administrator, City of Proctor, 100 Pionk Dr Proctor, MN 55810. Proposals should be received no later than Tuesday November 30, 2021, at 2:00 P.M.

1. Three (3) printed copies of each proposal should be submitted.
2. 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.
3. Questions regarding this request should be directed to Jess Rich, City Administrator, City of Proctor, 100 Pionk Dr, Proctor, MN 55810 or email at jrich@proctormn.gov. In order to ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with the City staff or Council members regarding their proposals.

SECTION 3. Required Contents for Proposals

1. **Title Page** - Show the RFP subject: Provision of Legal Services, 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 principal responsibilities for the individual designated as lead attorney.
 - Include a current resume for each attorney who will be primarily assigned to City of Proctor. 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), cell-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 Proctor.
 - Provide an assessment of the availability of the City attorney and other professional staff to be assigned to a contract with the City of Proctor. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
3. **Municipal Litigation** - Describe any municipal litigation handled in the last five years. Indicate the types of cases tried.
 4. **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) – for work not usually performed by the fiscal consultant or bond counsel.
 5. **Municipal Financing** - Specify whether the firm is a recognized bond counsel and plans to service in that capacity in the proposed representation
 6. **Franchise Law** - Specify whether the firm has general knowledge/experience in interpretation of cable television franchise authority
 7. **Police Issues** - Demonstrate knowledge of police authority issues.
 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 will be given to municipal client references.
 10. **Fees & Charges** - Identify in your proposal the amount your firm proposes to charge for the following: Please provide that billing information for a period of three years.
 - a. **Retainer** – Please quote a retainer fee to be charged for general governmental services and the items noted herein that are to be covered by the retainer. 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.). Clearly note any “retainer” items listed above that your firm will not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.
 - b. **Hourly Billing** – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing the legal services to the City of Proctor covered by your proposal that falls outside the duties covered by the Retainer. For the hourly fees portion of your proposal, 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.
 - c. **Monthly Billing Requirements** - The City requires detailed monthly billing statements that shall include but are not limited to the following items:
 - i. Itemize the date of services
 - ii. Identify the attorney and/or support personnel providing the services.
 - iii. List the time spent for each service or activity by tenths of an hour.
 - iv. Provide a detailed description of the services performed.
 - v. State the fees for those services.
 - vi. Organize billing for general corporate work by department, type of services, and/or project.

vii. Itemize all associated costs and expenses related to the services performed.

SECTION 4. Conflict of Interest Statement

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

SECTION 5. 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. We anticipate that the initial proposals received will be reduced to a 'short list' of two or three firms who will be interviewed by the city.

The actual selection of the firm and contract award will be made by the City Council. The City of Proctor 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 and City Administrator.

REQUESTS FOR PROPOSALS LISTED IN THE FOLLOWING LOCATIONS:

City of Proctor Website
Proctor Journal, Proctor MN
Duluth News Tribune, Duluth MN
International Municipal Lawyers Association (IMLA)
Minnesota Association of City Attorneys (MACA)
MN State Bar Association
League of MN Cities Job Postings