City of Benson
City Council Communication

Regular Meeting **July 22, 2013**

To: Mayor and Council Agenda Item # 8

From: Jim Cox, Interim City Manager

Subject:

Discussion and possible action to direct Staff regarding issuing a Request for Proposal (RFP) for Municipal Legal (City Attorney) Services

Discussion:

At the July 8, 2013 Council meetings, Council voted to terminate Mr. Massee's contract for Legal Services per the contract provisions. This item has been placed on the agenda for Council direction to Staff regarding the RFP process.

Staff Recommendation:

Council pleasure

CITY OF BENSON

Request For Proposals
Municipal Legal Services

Submission Deadline
3:00 P.M. Local Time
Monday, April 16, 2012

Proposal Must be Submitted To
City Clerk's Office
City of Benson
120 W. 6th Street
Benson, Arizona 85602
Phone No. (520) 720-6324
Fax (520) 586-3375
mquiroz@cityofbenson.com

PUBLIC NOTICE

Notice is hereby given that the City of Benson, Arizona will receive sealed proposals for Municipal Legal Services until 3:00 P.M., local time, Monday, April 16, 2012, when they will be opened by the City Manager's office and City Clerk's office.

All proposals must be directed to the following address: City Clerk, City of Benson, 120 W. 6th Street, Benson, Arizona 85602, or hand delivered to the City Clerk's Office at the same address. All proposals shall be clearly marked "SEALED PROPOSAL FOR MUNICIPAL LEGAL SERVICES" on the lower left hand of the sealed envelope.

The City is not responsible for the pre-opening of, post opening of or the failure to open a proposal not properly addressed, submitted or identified.

Scope of work may be obtained from the City Manager's Office, at the address named above, Monday through Friday, 8:00 A.M. through 4:30 P.M.; phone # (520) 720-6324, fax # (520) 586-3375 or email mquiroz@cityofbenson.com.

The City Manager of the City of Benson reserves the right to reject any and/or all proposals or accept the proposals which they deem are in the best interests of the City. Proposals received after the time specified shall be returned unopened.

CITY OF BENSON
REQUEST FOR PROPOSALS (RFP)
MUNICIPAL LEGAL SERVICES

1. INTRODUCTION

The City of Benson is seeking a qualified, experienced law firm to provide municipal legal services and serve as the City Attorney. Only those proposals submitted by firms that are members in good standing with the Arizona State Bar Association will be considered.

Benson operates under the Council/Manager form of government. The City Attorney is directly appointed by the Mayor and Council and is responsible to the City Manager. Proposals will be received by the City Clerk's Office until 3:00 P.M., local time on Monday, April 16, 2012. Proposals must be directed to the City Clerk at 120 W. 6th Street, Benson, Arizona 85602. Proposals which are incomplete or submitted after the deadline will not be accepted.

Questions concerning this proposal must be submitted in writing to the City Clerk at the above address. Written response(s) will be provided to all firms or individuals who have been provided copies of this RFP.

2. SCOPE OF WORK

The firm selected shall provide the following services:

A. Shall serve as and perform all functions of the City Attorney for the City of Benson.

B. Shall serve as General Counsel for the City and provide advice to the Mayor, City Council and, with direction from the City Manager, all the various departments of the City as requested by or required for the efficient day-to-day operation of the City. Areas in which legal advice may be required include, but are not limited to, the open meeting law, litigation, equal access laws & regulations; vendor actions; elections; contract & procurement law; City policies, procedures, codes and ordinances; intergovernmental agreements; real estate purchases/sales & contracts; zoning and land use; development agreements; cable and franchise issues; federal and constitutional issues; personnel matters; employee benefits; collective bargaining & labor disputes; equal employment laws; civil rights litigation; voting rights law; construction, local, state & federal relations; federal & state grants; and public/private & public/public partnerships.

C. Shall attend all regularly scheduled meetings of the City Council and other such meetings as requested or required. Examples of such meetings would include: Regular and special meetings of the Council; Planning and Zoning Commission and land development meetings as necessary or appropriate.

D. Shall perform legal research and prepare legal memoranda and briefs.

E. Shall prepare ordinances, resolutions, contracts and agreements on behalf of the City.

F. Shall provide legal advice and representation to the City on any matter that may require legal representation or interpretation.

G. Shall provide services as Special Counsel as may be required by the City in areas such as planning, zoning and land use; human resources & equal opportunity laws; elections, insurance & liability, litigation, environmental law; finance, and municipal risk pool. The City reserves the right to contract with additional firms or individuals as may be necessary or recommended in dealing with specialized circumstances or issues.

H. Shall provide all necessary clerical assistance, printing and duplicating as may be required to comply with this scope of work. City personnel will be made available to provide necessary research assistance to legal counsel as may be required to allow the firm to perform services for the City.

I. Shall serve as parliamentarian for the Council.

3. SUBMITTAL REQUIREMENTS

Respondent's proposal shall contain the following information. For convenience and clarity of evaluation please organize your response in accordance with the following outline:

A. Submit six (6) copies of the proposal text

B. The proposal must contain a cover sheet with the following information

1)	Name of Proposal	City of Benson Legal Services
2)	Prepared for	City Clerk's Office
3)	Submittal Date	(date actually submitted to City Clerk)
4)	Submitted by:	Firm Name Address Contact Person

Proposed City Attorney
Proposed Acting City Attorney
Phone Number
Fax Number
E-mail Address

C. Cover Letter

D. Qualifications and background experience in Arizona municipal law.

E. Qualifications and background experience in serving as legal counsel or in providing consulting services to municipalities or governmental agencies.

F. Qualification and background experience in planning, zoning & land use development.

G. General qualifications & background experience of the firm/individual including current major clients, especially municipalities, and/or counties or other government agencies. Areas of specialization should be listed and areas in which the firm/individual COULD NOT represent the City clearly indicated.

H. Previous experience serving municipal governments.

I. The principal attorney who will be assigned to the City must be clearly identified including the proposed City Attorney and Acting City Attorney. The acting City Attorney will serve as the City Attorney in the absence of the City Attorney.

J. Applicable team member profiles. Resumes will suffice.

K. References – contact names & numbers for at least five (5) current clients must be provided. Preference will be given to current municipal client references.

L. Respond to the following in sufficient detail to allow appropriate evaluation, with respect to potential conflicts. The City will determine if the nature of the conflict is of a critical or minor nature and whether the conflict should disqualify the proposal from further review.

    1) Has your firm ever served as a defense attorney in the municipal court of the City of Benson?

    2) Has your firm ever represented a client in a legal action against the City of Benson?

3) Is there any other conflict, or potential conflict, involving your firm of which the City should be aware?

M. Proposed price breakdown. The proposed price breakdown sheet included with this packet must be used. The cost proposed shall be a combination "retainer" and an hourly rate. These fees shall include support services and overhead. Incidental billables, such as filing fees, should not be included in these rates. The retainer shall cover a service & support base for the primary attorney consisting of forty (40) hours per month. The hourly rate shall be for those hours in excess of 40 hours per month.

N. Listing of additional expenses or services with associated costs, for which the City could reasonably expect to be billed.

O. Supplementary data that will enable the City to more adequately evaluate the firm or individual qualifications.

P. Sample contract.

It is understood that any firm or individual responding to this RFP shall have sufficient staff to be able to serve the City without any delays whenever legal services are required.

It is further understood that the successful firm shall not assign, transfer, convey, sublet, or otherwise dispose of the contract to any other person(s), company or other entity without prior written consent of the City.

Invoices will be submitted monthly and must be detailed in nature including prices & extensions. Payment of any invoice shall not preclude the City from making claim for adjustment of services found not to have been in accordance with general conditions and specifications of the product of work.

Either party, upon a sixty (60) day written notice, may terminate the services of the successful firm/individual. In the event of such action the firm/individual will comply immediately and provide the necessary best effort to transfer records and historical data to the City and/or succeeding counsel.

4. PROPOSAL EVALUATION CRITERIA

Proposals will be evaluated solely on the written response to this request for proposals. References will be contacted by the selection committee in order to provide additional background information.

A.	Specific experience in municipal environment	25%
B.	General qualifications & experience of legal team	20%
C.	General quality & responsiveness of proposal	05%
D.	Proposed City Attorney qualifications	15%
E.	Proposed Acting City Attorney qualifications	10%
F.	Office within approximately one hour of Benson	05%
G.	Cost	20%
	Total	100%

5. SELECTION PROCESS

A. Proposals which are incomplete or submitted after the deadline will not be considered. Proposals must be original documents: facsimile, diskette or modem copies will not be accepted.

B. The City Manager's selection committee will review and evaluate each submitted proposal. The top proposals will be selected and, at the City's option, will be scheduled for an oral interview/presentation.

C. Once the top firm is selected, a professional services contract will be negotiated with the selected firm/individual.

D. The final negotiated contract will then be submitted to the City Council for review and approval.

E. The City reserves the right to reject any and/or all proposals and to re-advertise for any reason the City determines.

F. The City Council reserves the right to waive any informalities in the proposals and shall select the proposal that most adequately meets the needs of the City. The City may not base its determination solely on the lowest cost.

G. Proposals will be reviewed solely on the information received in the written response. The decision of the City Council shall be final and conclusive.

6. SUBMITTAL TIME AND PLACE

A. Proposals (6 copies) will be received by the City Clerk until 3:00 P.M., local time, on Monday, April 16, 2012. Proposals shall be directed to:

City Clerk
City of Benson
120 W. 6th Street
Benson, Arizona 85602

B. All proposals shall be clearly marked "SEALED – RFP FOR MUNICIPAL LEGAL SERVICES" on the lower left corner of the sealed, mailing envelope. The City is not responsible for pre-opening or post opening of or the failure to open a proposal not properly addressed, identified or delivered.

C. Only those proposals submitted by legal firms that are members in good standing of the Arizona State Bar Association shall be considered.

D. The proposal must be signed by an individual authorized to bind the respondent and shall be a firm offer for a minimum of 90 days following submittal deadline. The submission of a proposal will indicated that the firm understands all the requirements set forth in this request for proposals.

E. The City of Benson reserves the right to accept or reject any and/or all proposals received and to negotiate with qualified respondents. The recommended respondent may be required to participate in negotiations concerning the nature and extent of services to be provided. The results of such negotiations shall be incorporated into the final agreement between and the City and the respondent(s).

F. The City reserves the right to add or delete Scope of Work items as it deems necessary and appropriate to comply with all legal regulations and requirements, adjusting professional fees accordingly. Additions or deletions shall be done in whole or proportionally and negotiated between the respondent and the City.

PROPOSAL PRICE BREAKDOWN SHEET

City of Benson
RFP

MUNICIPAL LEGAL SERVICES

The undersigned authorized representative agrees to provide the services as requested based on the following schedule of fees:

A. Retainer (40 hours per month) $_____per month

B. Hourly billing rate (in excess of 40/month) $_____per hour

Firm Name _____

Address _____

_____

Business Telephone _____
Business Fax _____
E-mail Address _____

Type of Organization

_____ A corporation, organized and existing under Arizona law.

_____ A partnership (please list partners)

_____ A limited liability company (LLC)
(please list principals)

_____

_____

_____ _____
Signature of authorized representative Date

_____ _____
Printed or typed name Date