

CITY OF PACIFIC

REQUEST FOR PROPOSALS

CITY ATTORNEY GENERAL LEGAL SERVICES

City of Pacific is accepting proposals from qualified professional law firms to provide City Attorney General Legal Services on a contractual basis from upon Council confirmation through December 31, 2018.

A summary of the scope of services, minimum qualifications, and proposal requirements are available from the City Clerk's Office, 100 3rd Avenue SE, Pacific, WA 98047, on the city's website at www.pacificwa.gov, or by calling (253) 929-1105.

One original and ten (10) copies of sealed proposals are to be submitted to the City Clerk by 5:00 p.m., PST, Tuesday, September 5, 2017, at the address stated above. All proposals must be sealed and marked "City Attorney-Legal Services Proposal."

The City reserves the right to reject any and all proposals, to waive informalities and irregularities in the proposal submitting process, to negotiate further with all proposers within the competitive range, and to accept a proposal which is considered to be in the best interest of the City.

Amy Stevenson-Ness
City Clerk

I. INTRODUCTION

City of Pacific (City) is soliciting proposals from qualified firms to provide legal services for City for a one-year period commencing upon Council confirmation through December 31, 2015.

This document outlines the requirements, selection process, and the documentation necessary to submit a responsive proposal for this service. Sealed proposals (one original and ten copies) shall be submitted by 5:00 p.m., PST, Tuesday, September 5, 2017, to:

Amy Stevenson-Ness, City Clerk
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

Envelopes containing the proposals are to be sealed and clearly marked: "City Attorney-Legal Services Proposal."

All proposals shall be considered valid for a period of ninety (90) days from the proposal closing date and shall contain a statement to that effect. Accepted proposals shall be subject to applicable laws and regulations governing public disclosure. Any information received within the proposal will be considered part of the public record of this procurement.

The City reserves the right to reject any and all proposals, to waive informalities and irregularities in the proposal submitting process, to negotiate further with all proposers within the competitive range, and to accept a proposal which is considered to be in the best interest of City.

Requests for additional information or questions should be addressed to Amy Stevenson-Ness, City Clerk, at the above address, or by calling (253) 929-1105; or via email at astevenson-ness@ci.pacific.wa.us.

II. AGENCY BACKGROUND

The City of Pacific is a municipal corporation operating under laws applicable to non-charter code cities. The City has a population of approximately 6,620, its own police department, municipal court, public works department; water utility, engineer/planning/building department, finance department, and administrative services department. The City has approximately 34 employees.

III. CONTRACT PERIOD

It is anticipated that the period of contract will be an annual renewal. The City retains the right to solicit other proposals for city attorney – legal services every 12 months after the initial contract, or if the City's needs for general legal services change substantially.

IV. SCOPE OF SERVICES

A. Description

- 1) Act as general legal counsel to the City elected officials and City Staff. Legal counsel will provide representation, advice, and interpretation of municipal corporation law as it applies to the City, except for legal services provided by Bond Counsel, legal services provided by the City Prosecutor, and those legal services needed on matters prohibited as a matter of law, or under the Washington State Supreme Court Code of Professional Responsibility. Such information will involve federal and state laws as well as local statutes and ordinances. (estimated average of 40 hours per month)

B. Typical Duties (not exhaustive)

- 1) Provide general legal advice to the Mayor, Department Directors, City Council, and all City Boards and Commissions regarding all legal matters relating to the performance of their duties.
- 2) Maintain knowledge of issues facing the City and be prepared to offer timely legal opinions within a pre-established response process.
- 3) Attend City Council meetings and other City Council, board(s) or commission meetings as requested by the Mayor.
- 4) Legal actions or administrative proceedings that may be initiated by the City, except on matters for which the City Prosecutor or the City's insurance carrier is providing representation, including appeals or as needed to assist Insurance Carrier appointed attorney(s) during litigation. Association of Washington Cities, Risk Management Services Association (AWC RMSA) provides the City's general liability and property insurance coverages.
- 5) Land use proceedings that may be initiated by the City, except on matters for which the City's insurance carrier is providing representation, including appeals.
- 6) Appearance and/or initiation or other involvement, on behalf of the City, in other dispute resolution proceedings, including, but not necessarily limited to judicial, arbitration or mediation, and appeals thereof.
- 7) Represent and advise in matters relating to Federal Highway Administration and Washington Department of Transportation funded projects.
- 8) Represent and advise in matters relating to Stormwater/NPDES permitting.
- 9) Respond in a timely manner to inquiries from authorized City departments and/or elected officials through the City routing system and provide regular status reports on active issues through present routing system.
- 10) Assist the Police Department on matters relating to Police Liability issues and/or changes in policy.
- 11) Assist the Police Department with Forfeiture/Seizure hearings, as requested.
- 12) Review and/or draft contracts, in whole or in part, and activities incidental or related thereto, including, but not necessarily limited to, real-estate transactions, interlocal agreements, labor agreements, professional services, purchasing, service or product contracts, as requested. May assist in negotiation of such contracts and/or agreements as requested.
- 13) Review legislation, including ordinances, resolutions, contracts, and agenda bills, drafted by staff as to form and content, together with applicable comments/questions/suggestions.
- 14) Prepare and/or review ordinances, resolutions, contracts, and other documents as necessary to represent and protect the City's interest, and advise the City with regards thereto.
- 15) Represent the City in litigation, (or as needed to assist Insurance Company appointed attorney(s) during litigation.)

- 16) Provide research, recommendation, written legal opinions, preparation and review of issues relating to land use/public property acquisitions/growth management. Law enforcement, finance, personnel law, private/public partnerships and public record requests as requested by the Mayor, Council, or Department Directors.

V. DESIRED QUALIFICATIONS

- A. Minimum five (5) years experience within or with municipal government in providing general municipal legal services is desirable.
- B. Extensive knowledge of federal, state, and municipal status, case law, regulations and policies relevant to city government in areas of civil, land use, and administrative law; of legal procedures; and of courtroom procedures.
- C. Substantial experience in working with agencies and public boards with substantial (\$1 to \$40 million) annual budgets.
- D. Experience in all aspects of municipal law. The City will give preference to individuals or firms with experience in municipal issues, such as zoning, environmental questions, land use permits, annexation and growth boundary review board, building code, personnel issues, public utilities, contract development and interpretation, public records act, forfeiture/seizure hearings, code enforcement/abatement, and police liability, including changes to police policy matters.
- E. Member of the Washington State Bar. The selected firm will be required to declare that it will represent the City to the exclusion of all other clients having potential conflicts with the interests of the City.
- F. Firm preferably to be located within or have satellite offices within the limits of King or Pierce County for the purpose of timely interactions between City elected officials, departmental staff, and legal counsel.

VI. PROPOSAL REQUIREMENTS

- A. Firm/practice name, address, phone and fax number.
- B. A summary of firm's qualifications as they relate to the duties and desired qualifications described above, as well as demonstrated knowledge relating to municipal corporations and non-charter code cities under RCW 35A.
- C. A list of references knowledgeable about your firm's municipal and public sector related work. Include contact names, telephone numbers and addresses.
- D. A description of how your firm would propose to provide the required legal services. This should include an understanding of the City's service requirements, the firm's ongoing service commitment, responsiveness, office location, etc. Include information of availability and back-up city attorney services, if absent for illness, vacation, trials, etc.
- E. A discussion of the qualifications and experience of each attorney who would provide legal services, along with detailed resumes. This discussion will clearly identify the person to serve as primary city attorney and will differentiate this person from other supporting key personnel and their particular area(s) of expertise. For each attorney, please include the following:
 - 1) A description of related municipal experience with agencies similar in size to City.

- 2) Describe philosophy of “due process.”
 - 3) Describe any conflicts of interest (real or perceived) that may be incurred with this appointment, and how you propose to address or mitigate them.
 - 4) Describe working relationships with local, state and county elected officials, unions and police guilds, City staff, and other legal and business representatives.
 - 5) Describe experience in negotiating contracts with unions and police guilds.
 - 6) Describe experience in working with forfeiture/seizure hearing; code enforcement and abatement; police liability issues; and change in police policy.
 - 7) Discuss experience in providing solutions to municipal government issues and how you keep abreast of changes in the law affecting municipalities; and your experience in overcoming these challenges to comply and resolve conflicts and gain cooperation among groups with divergent interests.
 - 8) Discuss experience in working with public record requests.
 - 9) Discuss experience in working with Human Resource, Employment law, and employee grievance, as well as employee and supervisor education and training.
 - 10) Discuss experience in working with the City on reducing liability/exposure to the City.
 - 11) Discuss experience in working on land use permitting matters.
 - 12) Discuss experience in working on public property acquisitions and public/private partnerships.
 - 13) Discuss experience in working on Federal Highway Administration and Washington Department of Transportation funded projects.
 - 14) Discuss experience in working on Stormwater/NPDES permitting and administration matters.
 - 15) Discuss experience in working on urban growth boundary matters.
 - 16) Discuss experience in working on annexations and street vacations.
 - 17) List three (3) local professional references, addresses, phone numbers, and your relationship with them. Provide the same information on three personal references.
 - 18) Provide each attorney’s Washington State Bar Admittance Number.
- F. A Statement of Contract Compliance: Upon execution of a Professional Services Agreement, the person/firm selected will be required to provide proof of comprehensive insurance, general liability or other financial security in a manner satisfactory to the City and sufficient to provide a minimum of \$2,000,000 per occurrence or claim in liability and lawyers’ professional policy(s).
- G. The City is seeking yearly fixed-price representation. Propose the fee you/your firm is seeking for compensation. Include areas or issues that would require special counsel and a list of items for which you will seek reimbursement costs. (Final agreement will be negotiated under a professional services agreement.)

VII. EVALUATION OF PROPOSALS

All proposals will be reviewed and screened based upon the qualifications and requirements outlined in this request by a committee comprised of the Mayor, Council members and City administrative staff. Those individual and/or firms deemed most qualified will be screened further based upon reference checks. The finalists will be invited for interviews. The appointment is subject to the approval of a professional services contract by the City Council.

The criteria to be used in the evaluation of proposals, along with respective weighted importance, are as follows:

CRITERIA	POINTS
1. Qualifications and experience of firm	20
2. Qualifications and experience of key personnel	25
3. Understanding and quality of proposed services	25
4. Cost	25
5. References	5
Total	100

VIII. TERMS AND CONDITIONS

Not all proposers may be interviewed. The proposer shall be responsible for the accuracy of the information supplied. The City of Pacific reserves the right to reject any and all proposals, to issue one or more agreement(s) for the intended scope of services, to waive minor irregularities, to issue additional RFPs, and to either substantially modify or abandon the selection process prior to any award of a contract. The City reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. Nothing contained herein shall require the City of Pacific to award a contract, and the City of Pacific reserves the right to determine its own selection criteria in the award of the final agreement. The contract resulting from acceptance of a proposal by the City shall be in a form supplied or approved by the City and shall at a minimum reflect the specifications in the RFP. The City reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP and which is not approved by the City Council. The City shall not be responsible for any costs incurred by the firm in preparing, submitting, or presenting its response to this RFP.