



REQUEST FOR PROPOSALS CITY ATTORNEY SERVICES

The City of Sisters is soliciting Request for Proposals for City Attorney services which will include all legal services needed by the City. On occasion the City may retain special counsel for specific areas such as specialized land use matters, water rights or bond issuances. The City currently has no collective bargaining units therefore labor relations are not anticipated to be needed for the foreseeable future. The City is willing to consider proposals from legal firms or individuals. The current City Attorney firm averages 36 hours per month in service to the City of Sisters in FY 11-12. It is expected that responding firm staff attorneys/individuals will be licensed to practice law in the State of Oregon and are members in good standing of the Oregon State Bar.

BACKGROUND

The City of Sisters, population 2,040, is located in Northern Deschutes County, approximately 20 miles west of Bend. The City Council consists of the Mayor and four council members elected from the city at large. The Mayor is elected by the City Council and is a voting member of the Council. The City operates under a Council-Manager form of government established via Home Rule Charter. The City Manager and City Attorney are appointed by the City Council and serve at the pleasure of the City Council.

The City of Sisters is organized into four departments with a total of 17.5 FTE and an operating budget of \$9.25 million. These include the Council-Manager, Community Development and Planning, Finance and Administration, and Public Works. The City operates its own water, wastewater and streets utilities. Garbage collection services are provided by franchise with High Country Disposal. Police services are provided by contract by the Deschutes County Sheriff's Office. Fire and EMS services are provided by the Sisters-Camp Sherman Rural Fire Protection District.

On January 12, 2012, the City Council adopted Resolution No. 2012-01 adopting a new Professional Services Procurement Policy and authorizing staff to conduct recruitments for various professional services including City Attorney, Insurance Agent of Record, City Engineer, Auditor, etc. The intent of the policy is to keep professional services contracts "current" by instituting automatic contract expirations. The policy requires contracts to be awarded for three years with the possibility of one two-year extension.

The current City Attorney is Steve Bryant with Bryant Emerson and Fitch located in Redmond, Oregon. The firm is eligible to submit a proposal.

PROPOSAL SUBMITTAL and DUE DATE

Respondents shall provide six hard copies of their proposal clearly marked as "CITY OF SISTERS CITY ATTORNEY SERVICES PROPOSAL" by 5:00 p.m. on March 2, 2012, to:

Kathy Nelson, City Recorder
City of Sisters
520 East Cascade Avenue
PO Box 39
Sisters, OR 97759,

Proposals shall be organized as specified in the Proposal Organization section to follow.

ANTICIPATED SELECTION SCHEDULE

The City anticipates the following general timeline for the selection process. The schedule may change if it is the City's interest to do so.

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| • RFP Advertised | January 18, 2012 |
| • Proposal Due Date | March 2, 2012 |
| • Selection Committee Evaluation of Proposals | Week of March 5, 2012 |
| • Interviews (<i>if needed</i>) | Week of March 12, 2012 |
| • Notice of Intent to Award | March 22, 2012 |
| • Contract Approval | April 26, 2012 |
| • Commencement of Contract | July 1, 2012 |

The City Council and City Manager will review the submitted proposals. After review, they may select finalists for interviewing and/or choose a finalist. After completing negotiations the City Council will award the contract.

CONTRACT TERM

It is anticipated that the City of Sisters, will enter into a three year (3-year) agreement which may be extended upon written consent of both parties for an additional two (2) year term; provided, however, that at all times the City Attorney will serve at the pleasure of the Mayor and City Council.

SCOPE OF SERVICES

Typical services to be provided may include, but are not limited to, the following:

- Attend City Council regular meetings held the second and fourth Thursday of each month. The meeting begins at 7:00 p.m. and usually ends before 9:00 p.m. Meetings are held at Sisters City Hall, 520 E. Cascade Avenue, Sisters, OR.
- Attend workshops or executive sessions as needed. Workshop meetings are held the first and third Thursday of the month at 8:00 a.m. and the second and fourth Thursday of the month at 6:00 p.m. Executive sessions are held as needed.

- Consult and provide formal legal advice to city staff on an ongoing basis. This is primarily provided via a weekly meeting with city staff which may range from one to two and one half hours in duration. In addition, the City Attorney will interact with and advise staff via the telephone and e-mail.
- Review City Council meeting packet material and comment as needed and/or requested.
- Prepare and/or review ordinances, resolutions or contracts (new or amendments) and ensure that same are prepared in compliance with the City Charter, Oregon Revised Statutes and Oregon Administrative Rule.
- Provide legal advice on land use applications, requirements and processes as well as other development related legal advice to staff, at Planning Commission, or City Council meetings as needed. The City Attorney is not required to attend Planning Commission meetings. At times, staff will solicit specialized legal services for land use cases.
- Review contracts, intergovernmental agreements, and developer/construction agreements relative to public utilities (water, sewer, and storm sewer), transportation improvements and other general activities.
- Perform legal work pertaining to public meetings and records, property acquisitions, condemnations, forfeiture activities, public improvements and improvement districts, public rights of ways, easements, code enforcement, and matters relating to special assessments and public utilities.
- Provide litigation support, including monitoring all matters involving litigation affecting the City. As needed, represent the City in all actions, suits, or proceedings in which the City is a party or is legally interested.

It is further understood that in addition to the general and recurring activities listed above, ad hoc duties including verbal communications with the Mayor, City Council, City Manager, or authorized department heads and city employees in elements of prudent administration of the legal responsibilities of office and delineation of the statutes of the State of Oregon are also an integral component of the work associated with the duties of the City Attorney.

The City Attorney reports directly to the City Council, but shall work with the City Manager and city staff on a weekly and frequently daily basis. Much of this work occurs in weekly meetings (staff workshops) with the remainder occurring via telephone conferences and e-mail. It is specifically noted that inquiries from the general public and/or the press are outside the purview of the City Attorney and that any and all inquiries for the City Attorney's time shall be channeled through the City Manager who shall discuss such requests with the City Council.

COMPENSATION

The City anticipates payment for services on an hourly basis. However, the City will also consider alternative proposals including lump sum retainer or a combination retainer/hourly, or other alternatives. The City reserves the right to negotiate the compensation package to best meet the

needs of the City. The current firm averages 36 hours per month in service to the City of Sisters in FY 11-12.

INSURANCE

The successful contractor shall be required to carry professional liability insurance of at least \$1,000,000, and upon successful acceptance of the contract, the City of Sisters shall be named as "additional insured." Proposals shall include delineation of the carrier and coverage limits per occurrence. The successful contractor shall indemnify the City of Sisters from all suits, action, claims of any kind resulting or as a consequence of any act or omission by the legal firm or its employee or contractor acting under this contract for legal services.

QUALIFICATIONS OF CITY ATTORNEY

Firms: Responding firms shall provide a clear delineation of the size and experience of the firm including resumes of all staff and associates, including membership status in the Oregon State Bar. In addition, the firm shall provide a representative listing of clients, preferably municipal government clients or clients of public agencies, with contact names and telephone numbers.

The proposal shall identify the primary attorney of the firm to be appointed City Attorney and that individual shall be authorized to represent the firm in all matters between the firm and the City of Sisters. In addition, the proposal shall include a narrative explaining how the firm shall manage fulfillment of the duties and responsibilities of the designated City Attorney in his or her absence or inability to act at any given time.

Individuals: Responding individuals shall provide a representative listing of clients, preferably municipal government clients or clients of public agencies, with contact names and telephone numbers. The proposal shall include a narrative explaining how the firm shall manage fulfillment of the duties and responsibilities of the designated city attorney in his or her absence or inability to act at any given time. Responding individuals shall be members of the Oregon State Bar.

EVALUATION CRITERIA

The following information will be taken into consideration during the evaluation process:

- Qualifications identified in this Request for Proposals.
- Familiarity with laws and regulations governing Oregon local governments and operating procedures relative to conduct of municipal government business.
- Expertise in the following areas:
 - General municipal law, public meetings and records, ethics for public officials
 - Oregon land use law/planning and development related issues and litigation
 - Public improvement contracting and litigation
 - Contract law and intergovernmental agreements
 - Utility franchising, management and billing
 - Criminal law enforcement

- Property acquisition and real estate
- Public finance and infrastructure financing
- Demonstration of workload capacity and a level of experience commensurate with the level of service required by the City.
- Adequate facilities, available support staff, and range of services offered.
- A professional reputation for providing high-quality services, ability to work cooperatively with the City Council, City Manager and community.
- Demonstrates sound judgment, integrity, and reliability as determined by the references provided.
- Proposed compensation as described in the Proposal Organization section below.
- Results of interview (if conducted.)

PROPOSAL ORGANIZATION

Proposals should be prepared in generally the following format for the ease of the selection committee in reviewing multiple proposals:

1. **General Overview.** Provide a general overview of the Firm or Individual, including a discussion relative to the Qualifications of Legal Counsel section of this Request for Proposals. Include relevant contact information for the firm/individual including:
 - Name of Firm/Individual
 - Address
 - Phone/Facsimile/E-Mail
 - Website
2. **Response to Scope of Services.** Discussion of experience and ability to provide City Attorney services as outlined in the Scope of Services section of this Request for Proposals.
3. **Compensation.** Discussion of proposed method of compensation. The City anticipates payment for services on an hourly basis, but is willing to consider alternative proposals including a lump sum retainer for all or certain services, and other alternatives, as mentioned earlier in this RFP.
 - Provide a proposed hourly rate schedule for all positions (i.e., City Attorney, Staff Attorney, Paralegal, Legal Assistants, etc.) Indicate the increment of billing time associated with billing by hourly rate.
 - If a retainer is proposed, indicate the amount and the maximum chargeable hours assumed in the retainer. What is the proposed hourly rate above the maximum?
 - If a combination, indicate what would be covered by a retainer and what would be covered hourly:

	<u>Retainer</u>	<u>Hourly Rate</u>
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- Council meetings

- Staff workshops
 - General legal work/research
 - Litigation
 - Other
- Indicate how/whether travel time and other reimbursable expenses will be billed. What is the rate for travel and reimbursable expenses?
4. **Client References/Background.** Provide a representative listing of clients, preferably municipal government clients or clients of public agencies, with contact names and telephone numbers. The City reserves the right to explore the background, previous experience, training, financial affairs or related matters of any firm or individual under consideration for this contract.
 5. **Insurance/Indemnification.** A discussion of the proposer's ability to provide the required level of insurance coverage and indemnification of the City of Sisters, as per the Insurance section of this Request for Proposals.
 6. **Community Involvement.** A discussion of the proposer's use of local resources and/or their community involvement.

PROPOSAL EVALUATION AND SCORING

Proposals which conform to the proposal instructions will be evaluated. The evaluation process will begin with an analysis of each proposal using the evaluation criteria and weighting identified below.

- Experience and Qualifications – 50%
- Compensation – 30%
- References – 15%
- Community Involvement – 5%

OTHER PROVISIONS AND NOTICES

Rejection of Proposals. The City of Sisters may reject any proposal not in compliance with all the prescribed public proposal procedures and requirements, and may reject for good cause any or all proposals in accordance with ORS 279B.100.

Public Records. All proposals submitted are the property of the City of Sisters and are public records. Except for information marked "Proprietary," all documents received by the City are subject to public disclosure after the City selects a contractor. The City will attempt to maintain the confidentiality of materials marked "Proprietary" to the extent possible under Oregon public records law.