



REQUEST FOR PROPOSAL

FOR

CITY ATTORNEY SERVICES

CITY OF WINONA, MN

AUGUST 2010

INTRODUCTION

The Winona City Council invites interested law firms to submit written proposals to provide City Attorney services to the City of Winona effective January 1, 2011. As City Attorney, the selected law firm and individuals representing the firm will be expected to provide a wide range of legal services. The City Attorney will be selected by the City Council and will work closely with the City Manager and other City staff.

The City Attorney is expected to establish, develop and maintain a close and trusted relationship with the City Council and City Manager. The City Council believes this is critical to the success of the City. The City Council typically meets on the first and third Mondays at 6:30 pm of each month in the City Council Chambers at City Hall, 207 Lafayette. Due to holidays and other such occurrences, the Council meetings are occasionally changed to different days. Periodically there may also be special Council meetings.

The City Council has budgeted \$265,000 for legal services in 2011. This amount does not include legal services for the Port Authority.

BACKGROUND

The City of Winona is located in Winona County, Minnesota, and was incorporated in 1857. The City provides a wide array of services including police, fire, public works, parks, community development, community services, finance, and the office of the city clerk. The City has a current annual budget of approximately \$30 million with 175 full time equivalent (fte) employees. The City belongs to an insurance pool comprised of numerous cities and is operated by the League of Minnesota Cities Insurance Trust. The City also comprises the Port Authority of Winona with Port Authority services being billed separately from the City at the same hourly rate as proposed for the City. Therefore, attorney services are being solicited to serve both bodies.

BASIC SERVICES REQUESTED

Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of "general counsel" work, and shall include, but not necessarily limited to, the following:

- 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
- Ordinance and resolution development and interpretation
- Government Data Practices
- City Charter and City Code issues
- Contract law
- Environmental law
- Franchise law

- Municipal leases
- Eminent Domain
- Trial activity
- Criminal Prosecution

REQUIRED PROPOSAL ELEMENTS

The proposal must provide specific and succinct answers to all questions and requests for information. Direct, precise and complete responses will serve as an advantage to the applicant.

Describe the nature of your practice or your law firm's practice and your qualifications for providing City Attorney services. Include a professional chronology for the individual(s) who will be designated to serve as lead City Attorney as well as for others whom you anticipate being involved with providing legal services to the City.

Include the following in your designation:

- Professional affiliations
- Knowledge of, and experience with, Minnesota Municipal Law or other public sector experience.
- Litigation experience.
- Knowledge and practice of law relating to land use and planning, environmental law, risk management, general plans, real estate and other related law.
- Experience in the area of contracts.
- Experience in the preparation and review of ordinances and resolutions.
- Experience in public employment law
- Types of clientele represented and years representing each.
- Office location(s) and accessibility to the City.
- Paralegal Services

The current paralegal has approximately 30 years experience in the City Attorney's Office. The City desires, but does not require, to retain those services to be included in proposals, cost estimated to be approximately \$50,000. Such expenses currently are included in the City Attorney \$265,000 budget allocation. Please specify within your proposal if the current city paralegal services are included.

CITY/CITY ATTORNEY RELATIONSHIP

Describe how you would structure the working relationship between the City Attorney and the City Council, Port Authority, City Manager, Department Heads and other staff members.

Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council, City Manager, and Port Authority.

Describe the system that would be established for monthly reporting on the status of projects, requests, and litigation.

Describe your computer resources. The City will require compatibility with Microsoft Office, as well as the maintenance of Internet service, such that email and files can be transmitted between City staff, City Council, and the City Attorney.

CLIENTS/CONFLICT OF INTEREST

List all public clients for whom you or your firm currently provides services under a fee for services basis or on a retainer basis. Identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.

COMPENSATION City of Winona

City Attorney-firms desiring to be considered for City Attorney services may indicate a monthly retainer amount and describe any services that would be outside the retainer. For services outside the retainer, indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business. Alternatively, firms may propose hourly rates for **all** services.

- Please describe how the firm intends to provide legal services, either on a retainer or hourly rate basis. For retainer purposes, duties of the City Attorney are defined in Chapter 22.03 of the Winona City Code. The following general legal matters are considered under the retainer:
 - attendance at City Council and various City commission meetings (as needed) including special meetings as needed;
 - meetings and/or telephone conversations with and advising Mayor, Council Members, City Manager, Department Heads and other staff on general legal matters;
 - prepare, review and/or provide advice on ordinances, resolutions, and correspondence;
 - review City Council agendas, Council packets, and minutes as needed;
 - review and comment on municipal contracts such as contracts for public improvements, joint powers, construction, purchase of equipment, etc.;
 - provide legal opinions on open meeting law and data practice issues, parliamentary procedure, new legislation affecting municipal operations,
 - assist the city with code enforcement including litigation;
 - review certificates of insurance, performance bonds, and other legal documents related to contracting;
 - prepare, review and comment on permits and documents for easements, ROW vacation or acquisition, development agreements, subdivision or zoning code violations, and conditional use permits or violations;
 - prosecute all suits for the city and defend all suits brought against the City,

prosecute all persons accused of any violation of the City's ordinances or State Statutes;

- provide high level of customer service by responding in a prompt manner.

All other legal services, not covered by the retainer amount, are proposed to be done on an hourly basis and hourly rates for these services should be provided.

- If the hourly rate billing is preferred over the monthly retainer, then state the hourly rates for the designated City Attorney and associates for general work and for special services such as litigation.
- Define the type and unit rates for reimbursement for expense such as mileage, reproduction of documents, faxed documents, and word processing charges.
- Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence, and personal conferences.
- The City requires monthly billing statements which:
 - Itemize the date of services
 - Identify the personnel providing the services
 - List the time spent
 - Provide a detailed description of the services performed
 - State the fees for those services
 - Organize billing on the basis of activity and City contact
 - For activities that span multiple billing periods, a project-to-date summary is requested
 - Summarize monthly and annual costs by type of activity

COMPENSATION Port Authority of Winona

All legal services provided to the Port Authority, similar to those outlined in Compensation for the City of Winona, are to be billed separately from the City of Winona and are proposed to be done on an hourly basis and hourly rates for these services should be at the same hourly rate as proposed for the City.

EVALUATION AND SELECTION PROCESS

Proposals will be screened and the top candidates will be selected by a subcommittee appointed by the City Council. The City Council will interview the candidates recommended by the subcommittee.

The law firm selected will be required to maintain general liability, automobile, workers' compensation, and errors and omissions insurance. Additionally, the selected law firm shall provide proof of indemnification to the City of Winona and Winona Port Authority for services provided. The City Attorney shall be an independent contractor serving at the will of the City Council and Port Authority. Other required provisions will include the City Council and/or the Port Authority's right to terminate the agreement, at its sole discretion, upon the provision of notice.

GENERAL INSTRUCTIONS

Law firms or individuals interested in submitting proposals for City Attorney shall submit eight (8) complete copies of the proposal along with a proposed contractual agreement, in a sealed envelope bearing the caption, "City Attorney Proposal" by 2:00 pm on Thursday, September 16, 2010. The envelope shall be delivered to:

Eric Sorensen, City Manager
City of Winona
207 Lafayette
PO Box 378
Winona, MN 55987

Timeline for this request for proposal process is:

Request for Proposals Advertised	August 3-6, 2010
Proposals Due Date (Opening)	September 16, 2010; 2:00 P.M.
Review of Proposals	September 20 to October 1, 2010
City Council Interviews	October 11, 2010
City Council Makes Appointment	November 15, 2010

The City will not reimburse any expenses incurred by the firm submitting a response including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

The City Council reserves the right to reject all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City as determined by the City Council.

CONTACT INFORMATION

Written questions about this RFP may be sent by e-mail to esorensen@ci.Winona.mn.us prior to the submission deadline. Responses will be shared with all interested responders to the RFP.