



**PUBLIC NOTICE
REQUEST FOR PROPOSALS
LEGAL SERVICES**

The City of Madras is currently in the process of accepting "Requests for Proposals" for legal services.

Proposals must be received by the office of the City Administrator of the City of Madras by no later than 2:00 p.m. on Tuesday, October 3, 2017. Respondents must provide (9) hard copies of their submittals clearly marked as "CITY OF MADRAS LEGAL SERVICES PROPOSAL" to the City of Madras, 125 S.W. "E" Street, Madras, Oregon 97741-1346.

A copy of the RFP information packet outlining the services being sought by the City of Madras can be obtained at the Madras City Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, can be found on the City's website, or will be placed in the mail by the City Recorder, upon request. The City Recorder can be contacted by calling (541) 475-2344 or by sending an e-mail to kcoleman@ci.madras.or.us.

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Posted: Jefferson County Clerk's Office
 Madras City Hall
 U.S. Post Office
 City of Madras Website

CITY OF MADRAS REQUEST FOR PROPOSALS LEGAL SERVICES

BACKGROUND

The City of Madras is located in Jefferson County and contains a population of approximately 6,275. The City Council consists of a Mayor and six City Council members elected from the City at large. The Mayor is a non-voting member of the City Council other than to break a tie. The City Administrator and City Attorney are appointed by the City Council and serve at the pleasure of the City Council consistent with the City Charter (1989). The City of Madras operates under the council-administrator form of government. The City currently manages and maintains a North Wastewater Treatment Plant, South Wastewater Treatment Plant, City Water System, and City Street System, the Madras Municipal Airport, and provides administrative and legal services to the Madras Urban Renewal District.

PURPOSE

The City of Madras is soliciting proposals for the performance of a variety of legal services. Currently, the City Attorney provides legal services needed by the City except for some labor relations services and bond counsel services. On occasion, the City may retain special counsel for specific areas.

Proposals must be received by the office of the City Administrator of the City of Madras by no later than 2:00 p.m. on October 3, 2017. Respondents must provide (9) nine hard copies of their submittals clearly marked as "CITY OF MADRAS LEGAL SERVICES PROPOSAL" to City of Madras, Attn: City Recorder, 125 S.W. "E" Street, Madras, Oregon 97741-1346.

SERVICES

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

- Attend City Council meetings and executive sessions, which are typically held on the second and fourth Tuesday of each month, or work-sessions at the request of the City Administrator or City Council.
- Review the City Council meeting packet material and comment as needed.

- Provide legal advice on land use development codes, requirements, and processes, as well as other legal advice as needed at Planning Commission meetings and City Council meetings, executive sessions, and/or work-sessions.
- Provide legal advice and contract review for employment issues when requested.
- Review contracts, intergovernmental agreements, lease agreements, and developer/construction agreements relative to public utilities (e.g. water, sewer, and storm sewer), transportation improvements, and other general activities.
- Prepare and/or review new or amended contracts, ordinances, and resolutions.
- Ensure that current and future City ordinances comply with applicable laws.
- Provide litigation support, including monitoring all matters involving litigation affecting the City. Represent the City in all actions, suits or proceedings in which the City is a party or is legally interested upon request by the City Administrator.
- Perform legal work pertaining to property acquisitions, condemnations, forfeiture activities, public improvements, public right-of-ways, easements, code enforcement, and matters relating to special assessments and public utilities.
- Consult and provide formal legal advice to staff upon request by the City Administrator.

It is further understood that, in addition to the general and recurring activities listed above, ad hoc duties include verbal communications with the Mayor, City Council, City Administrator, or authorized department heads and City employees. This is an integral component of the work associated with the duties of the City Attorney.

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 will be referred to the City Administrator. Further, the City Attorney reports directly to the Mayor, City Council, and City Administrator. Therefore, City committees (other than as authorized by the City Council or City Administrator) have no authority to incur expenses on behalf of the City of Madras. The City Attorney is not authorized to provide legal services to them.

CONTRACT TERM

It is anticipated that the City of Madras will enter into a three-year agreement with the individual or firm for legal services. This agreement will be renewable upon express written consent of both parties for up to two additional three-year terms; provided,

however, that at all times the individual or firm will serve at the pleasure of the Mayor and City Council. If selected, the proposer and the City of Madras will enter into a professional services agreement concerning the selected proposer's provision of legal services to the City of Madras.

COMPENSATION

The City anticipates payment for services on an hourly basis. However, alternative proposals including lump sum retainer, lump sum /not to exceed, hourly payment basis with a limit, or combination of these and others providing attractive alternatives will also be considered.

- Provide a proposed hourly rate schedule for all positions (i.e., City Attorney, Staff Attorney, and Paralegal) and the fee for attending City Council meetings; including travel time, per meeting. If the hourly rate is charged for attending City Council meetings, please indicate that the regular hourly rate is charged for City Council meetings.
- What out-of pocket costs are billed separately? What is the rate for those out-of-pocket costs?
- Do you charge a monthly retainer fee? If yes, what is that fee? The City prefers not to have a retainer fee.

INSURANCE

The individual or firm will be required to carry professional liability insurance of at least \$3,000,000, and upon successful acceptance of the contract, the City of Madras will be named as an "additional insured." The City of Madras will be provided with a Certificate of Insurance each time the policy is renewed or amended in any way. Proposals will include delineation of the carrier and coverage limits per occurrence. The individual or firm will defend and indemnify the City of Madras from all suits, actions, and claims resulting from or arising out of the negligent acts, errors, or omissions of the individual or law firm.

QUALIFICATIONS OF LEGAL COUNSEL

The individual or firm will provide with the proposal clear delineation of the size and experience of the individual or firm. In addition, the individual or firm will provide a

representative listing of clients. The individual or firm will select from among the client base no less than three references with contact names and telephone numbers.

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

EVALUATION CRITERIA

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

- Whether the individual or firm meets the qualifications identified in this Request for Proposals.
- The individual or firm's familiarity with laws and regulations governing Oregon municipalities and operating procedures relative to conduct of the City's business.
- Understanding of and experience with assisting small municipalities. The proposer must have a minimum of ten (10) years of experience in serving a municipality.
- The individual or firm's demonstrated expertise in the following areas of the law as it relates to Oregon municipalities:
 - Land Use and Development
 - Property Acquisition and Real Estate Transactions
 - Contracts and Public Purchasing
 - Employment Law
 - Litigation and Administrative Law
 - Public Finance and Infrastructure Financing
 - Telecommunications and Utility Franchising
 - Municipal Law and Governance
- How the firm is proposing to provide the needed legal services listed above should their firm not have experience in one or more of these fields, and can demonstrate to the Council exactly how that would be fee structured to the City when additional consultant assistance is required.

- The individual or firm's 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.
- The individual or firm's professional reputation for providing high-quality legal services, ability to work cooperatively with a City Council, City Administrator and community, and geographic proximity to the City of Madras.
- Demonstration of sound judgment, integrity, and reliability (as determined by the references provided or otherwise).
- Cost of providing basic and hourly services as per the submitted hourly rate schedule. Please note that the proposed fees are one factor in determining the successful proposer; however, it is balanced against the other criteria.
- How the firm handles conflicts of interest and how customer services is handled for the client.
- Results of interview, if applicable.

SELECTION

The City Council and City Administrator will review the submitted proposals. After review, they may select finalists for interviewing and choose a finalist. After completing negotiations and the contract process, the City Administrator will make recommendation to the City Council to appoint a City Attorney and award a contract. The City Attorney serves at the pleasure of the City Council and may be removed at any time by a majority vote of the Council.