



Request for Proposals
General Counsel
Legal Services

REQUEST FOR PROPOSALS
for
General Counsel Legal Services
City of Homer, Alaska

Proposals to provide general counsel legal services for the City of Homer will be received at the Office of the City Clerk, City Hall, City of Homer, 491 E. Pioneer Avenue, Homer, Alaska until Thursday, August 22, 2019 at 4:00 p.m. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

It is the intention of the City of Homer to enter into a contract with a general counsel that will serve the Homer City Council, the City Manager and City Commissions as appropriate. The City Attorney is hired by and serves at the pleasure of the City Council. Proposals are invited from any qualified State of Alaska licensed attorney at law or law firm. Attorney/Firms (proposers) must be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

Please direct all questions regarding this project in writing to:

Melissa Jacobsen, MMC, City Clerk
mjacobsen@ci.homer.ak.us
491 E. Pioneer Avenue
Homer, Alaska 99603
907-235-3130

An electronic copy of the Request for Proposals is available on the City's website <http://www.cityofhomer-ak.gov/rfps>. Paper copies of the Proposal Documents may be purchased at the Office of the City Clerk upon payment of \$10 per set (\$15 for priority mail delivery). All fees are non-refundable.

The City of Homer reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award the contract to the respondent that best meets the selection criteria and the City of Homer's needs.

Dated this 12th day of July, 2019

CITY OF HOMER


Katie Koester, City Manager

Advertise:	Anchorage Daily News	July 21 and 28, 2019
	Homer News	July 18 and 25, 2019

**Request for Proposals
General Counsel
City of Homer, Alaska**

Note: the terms “General Counsel”, “Municipal Attorney”, “City Attorney”, and “Legal Service” are used interchangeably within the solicitation for professional services.

I. OVERVIEW OF REQUESTED SERVICES

The City of Homer is a first class municipality located within the Kenai Peninsula Borough with a population of approximately 5,500. The greater Homer area contains approximately 10,000 residents. It's bounded by Lower Cook Inlet to the south and west, Kachemak City (a second class city), to its east, and lands governed by the Kenai Peninsula Borough to its north.

The City is soliciting proposals for a General Counsel. The duties of the General Counsel are generally described in AS 29.20.370 and Homer City Code (HCC) 2.16.010 and more specifically delineated within this solicitation.

While AS 29.20.360 generally assigns the responsibility of hiring a municipal attorney to the chief administrator, which in Homer's case is the City Manager, the Homer City Council has reserved that duty for itself. [See HCC 2.04.020(g).]

The City reserves the right to enter into contracts with attorneys other than the general counsel for specialized legal services should the Council so choose. Proposals are invited from any qualified State of Alaska licensed attorney at law or law firm. Attorney/Firms must be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

II. SCOPE OF SERVICES, TERM, AND QUALIFICATIONS

The City prefers to enter into an agreement for an equally fixed monthly fee, though the City is open to other terms that may be proposed if they are deemed beneficial to the City. The fixed fee shall include all general counsel work and attending at minimum one (1) Council meeting per month. The anticipated workload (excluding Council meetings) is approximately 65 hours per month, with an annual aggregate of 780 hours. Court cases and legal proceedings shall be billed at an hourly rate(s) as described in your proposal and are separate from the monthly fixed fee.

- A. SCOPE OF SERVICES. The Proposer is expected to provide the City with general counsel legal services, which may include any of the following:
 - 1. Serve as the legal advisor of and be responsible to the City Council and City Manager; advise the City Manager and City Clerk concerning matters affecting

the City Administration and perform other legal duties prescribed by the City Council and City Manager.

2. Prepare or review legal documents including but not limited to ordinances, resolutions, contracts, conveyances, leases, easements, and legal opinions as needed.
 3. Be readily available for consultation by the City Council, City Manager, or City Clerk.
 4. Provide representation to the Courts of jurisdiction and/or manage the activities of other attorneys who may represent the City in those Courts.
 5. Assist the City Manager in negotiations on the City's behalf.
 6. At the request of the City Manager, or by action of the City Council, draft opinion letters regarding, among other things, the interpretation of the City's Code and policies, state and federal laws, and case law.
 7. Perform other such duties as may be prescribed for the City Attorney by ordinance or by direction of the City Council and/or City Manager.
 8. Work effectively with the City Council, City Manager, City Clerk and with all other public agencies and other entities with which the City has a legal relationship.
 9. Attend at minimum one (1) Council meeting per month and be available telephonically, as requested.
- B. TERM. The General Counsel is hired directly by the Homer City Council. The agreement may be terminated at the convenience of the City at any time with or without cause. The term of the professional services agreement shall initially be one year. A longer term may be negotiated by the parties prior to the first anniversary of the agreement.
- C. QUALIFICATIONS.
1. The proposer (or primary/lead attorney for the City in a firm) must be a member in good standing of the State of Alaska Bar Association and be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.
 2. The proposer (or primary attorney) should be experienced and proficient in legal matters affecting the City, to include without limitation, Alaska municipal law including Title 29, the Homer City Code, the Kenai Peninsula Borough Code, and other applicable State of Alaska and Federal laws.
- D. SKILLS AND COMPETENCIES.
1. The proposer (or firm) must be able to give advice on a wide range of topics and include in their proposal how they would address specialized fields outside the area of expertise of the primary or lead attorney.
 2. Research skills. The proposer (or primary/lead attorney) must be skilled in legal research.

3. Communication skills. The proposer must be able to clearly present and explain complex information both verbally and in writing.
4. Problem-solving skills. The proposer (or primary/lead attorney) will need complex problem solving skills to help resolve issues that impact the municipality.

III. RESPONSE TO RFP

To achieve a uniform review process and obtain a reasonable degree of comparability, a proposer should submit a response to the request for proposals that is consistent with and follows the format presented below. The proposal should not exceed fifteen (15) pages in length, type size not less than 10 point font, including page 1 of this Request for Proposals (RFP), and the Letter of Transmittal. In page 1 of this RFP, provide the name, address, phone number, fax, email address, together with the name of the person who the City Manager may contact in regard to the proposal. Provide detail in the proposal for each of the following points:

- A. Letter of Transmittal (limited to one page)
 1. Briefly state the proposer's understanding of the services to be performed and make a positive commitment to provide the services as specified.
 2. State the long term availability of the proposer to the City of Homer.
 3. Give the name(s) of the person(s) who are authorized to make representations for the proposer, their titles, and telephone numbers.
 4. The letter must be signed by an individual who has the authority to bind the proposer.

- B. Statement of Qualifications
 1. Provide a statement of qualifications of the attorney who will be the primary or lead attorney providing general counsel and who will attend Council meetings.
 2. Provide a statement of qualifications of other attorneys, if any, who will support the primary attorney. These attorneys may be in the same firm or available under some other arrangement approved by the City Council.
 3. Provide a statement of qualifications of other attorneys (if any) in the firm who may have specialized experience and expertise that may be of value to the City.
 4. Describe the municipal experience, other applicable legal experience, and education of the attorney's listed in B1 through B3 above.
 5. List municipal or other relevant cases handled by the primary attorney and supporting attorneys, whether the attorney's clients are prevailing or not.
 6. Identify and describe the experience over the past five years and level of expertise in the following areas:
 - a. Attendance at Council/Assembly meetings
 - b. Ordinance and resolution drafting

- c. Ordinance enforcement
 - d. Zoning and land use regulation
 - e. Public employee labor law
 - f. Municipal sales and property tax law
 - g. Municipal procurement and contract law
 - h. Laws related to Police, Fire, Emergency Medical operations
 - i. Acquisition and disposition of public property
 - j. Land management
 - k. Other municipal issues
- C. Municipal Experience. List any municipalities for which the proposer has performed legal services in the past five years. Provide a short description of the services, the date performed, and a person employed by the municipality or government organization that is familiar with the work.
- D. Conflicts. List all matters and/or cases where the proposer currently represents an individual or entity with interests potentially adverse to the City. Describe the scope of the representation and the nature of the conflict.
- E. Availability. Specify how available the primary attorney will be to the City. State whether the City will be the primary attorney's main client or one of several or many. State the current workload of the primary attorney and how that attorney intends to accommodate the City's legal work requirements. State the location of the office from which the primary attorney will serve the City.
- F. Disclosure. Disclose any alleged significant prior ongoing contract failures, contract breaches, any civil or criminal litigation or Bar Association investigation which involve the proposer as a party or in which the proposer has been judged guilty or liable or sanctioned. This is a mandatory disclosure.
- G. Cost. The proposal must state the following cost information:
1. A fixed monthly fee to provide 65 hours of general counsel per month plus travel to Homer for 12 Council meetings per year.
 2. The hourly rate for the lead attorney, supporting attorneys, and other attorneys for hours worked above and beyond 65 hours per month or for specialized services (i.e. litigation) outside the contract for general services.
 3. Cost per hour of travel (above the 12 trips).
 4. Optional: Provide a detailed cost for services other than a fixed monthly fee approach.

- H. References. Provide a minimum of five (5) references from clients and members of the Alaska Bar. The City may contact any and all references for validation of information submitted and other information relative to the proposal.
- I. A suggested Legal Services Agreement between the City of Homer and the proposer, attached as an Appendix and not subject to the 15 page limit.

Please direct all questions regarding this project in writing to:

Melissa Jacobsen, MMC, City Clerk
[mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us)
491 E. Pioneer Avenue
Homer, Alaska 99603
907-235-3130

IV. PROPOSAL EVALUATION AND AWARD PROCESS

- A. Proposals will be evaluated and scored by the Homer City Council on a 100/125 point scale based on the following criteria:

Statement of Qualifications	35 points
Municipal Experience	10 points
Conflicts (may exclude proposer)	10 points
Availability	10 points
Disclosure (may exclude proposer)	10 points
Cost/Proposed Contract	25 points
Subtotal	100 points
Council Interview	25 points
Total	125 points

Proposals will be kept confidential until contract is awarded, subject to law.

- B. The City may contact references provided by the proposer; contact any proposer to clarify a response; contact current and/or prior clients; solicit information from any available source concerning any aspect of a pre-proposal; and see and review any other information deemed pertinent to the evaluation process.
- C. After the proposals are received, the full City Council will evaluate and score the proposals. The Council may ask the City Manager, current Attorney, and City Clerk to

participate and/or provide support as needed. The Council will, after initial scoring, invite selected attorney's/firms to interview in person and/or telephonically at the sole expense of the proposing firm.

- D. At the conclusion of the interview process, the City Council will determine its choice of the highest rated proposer. Any award is contingent upon the successful negotiation of final contract terms and upon approval of the contract by the Council. Negotiations shall be confidential and not subject to disclosure to competing proposer unless and until an agreement is reached. If contract negotiations cannot be concluded successfully, the City, upon written notice to all selected proposers, may negotiate a contract with the next highest scoring proposer or proposers, or withdraw the RFP.

V. SUBMITTAL INSTRUCTIONS

A. PROJECTED RFP TIMELINE.

<u>TASK</u>	<u>DATE/TIME</u>
Deadline for submission of proposals	August 22, 2019 at 4:00 p.m.
Initial evaluation period	August 23 – August 30, 2019
Selection/Invitation for interviews	August 30, 2019
Selection of highest scoring attorney (by Resolution)	September 9, 2019
Contract Approval by Council	Next available meeting

NOTE: These dates represent a tentative schedule of events. The City reserves the right to modify these dates at any time, with appropriate notice to applicable proposers on the Plan Holders List.

- B. All interested proposers who obtain a copy of the RFP must be listed on the Plan Holder's List maintained by the Homer City Clerk's Office.
- C. Proposers shall submit one (1) original proposal marked "MASTER" and ten (10) identical copies to:

City Clerk's Office
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603

- D. Proposals shall be submitted in a sealed envelope or box and be clearly labeled as Request for Proposals: Legal Counsel Services and include the name of the firm or proposer.
- E. Proposals must be received by the City Clerk's Office at the above referenced address no later than 4:00 p.m. on August 9, 2019. Proposals received after 4:00 p.m. on August 9, 2019 will not be accepted. Proposers may submit their proposals at any time prior to the above stated deadline. Facsimile, email, or telephone proposals will not be accepted.
- F. For ease of evaluation, the proposal should be presented in a format that corresponds to and references sections outlined in this RFP, and should be presented in the same order. Responses to each section and subsection should be labeled so as to indicate such term is being addressed.
- G. Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc. are not necessary or desired. Emphasis should concentrate on conformance to the RFP instructions, responsiveness to the RFP requirements, and on complete and clear content.
- H. The proposal must be signed by the individual legally authorized to bind the proposer.

VII. GENERAL TERMS, CONDITIONS AND EXCEPTIONS

- A. The City reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is in the best interest of the City to do so.
- B. The City reserves the right to waive informalities and minor irregularities in proposals received.
- C. The City reserves the right to reject any or all proposals received prior to contract award.
- D. The City shall not be obligated to accept the lowest priced proposal, but may make an award in the overall best interest of the City after all factors have been evaluated.
- E. Alterations, modifications or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.

- F. Proposals may be withdrawn by written, email, or facsimile notice received prior to the deadline for proposal submittal. Withdrawals received after the proposal submittal deadline will not be considered. Proposers who transmit withdrawals by email or fax do so at their own risk. The City will not be responsible for any error or failure in email or fax transmission or receipt.
- G. Prices offered by proposers in their proposals are an irrevocable offer for the term of the contract. The awarded proposer agrees to provide the services at the costs, rates, and fees as set forth in the proposal. No other costs, rates, or fees shall be payable to the awarded proposer for the implementation of their proposal.
- H. The City will not be liable for any costs incurred by a proposer to prepare its proposal. Costs to develop the proposals and any other such expenses incurred by the proposer in responding to the RFP are entirely the responsibility of the proposer and shall not be reimbursed in any manner by the City.
- I. All proposals submitted become the property of the City and will be returned only at the City's option and at the proposer's request and expense. The master copy of each proposal shall be retained for official files and will become public record after the award of the contract.
- J. The City will not be liable for federal, state, or local excise taxes.
- K. Proposer's response to the RFP shall constitute an agreement to all terms and conditions specified in the RFP, including, without limitation, except such terms and conditions that the proposer expressly excludes, which must be written in bold, italicized and underscored font. Exceptions will be taken into consideration as part of the evaluation process.
- L. The City reserves the right to negotiate final contract terms with the proposer selected. The RFP and the awarded proposer's proposal shall be incorporated therein.
- M. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the proposal. Any proposer misrepresentation may be treated as fraudulent concealment from the City of the true facts relating to the proposal.
- N. The City reserves the right to conduct a background inquiry of each proposer that may include collection of appropriate criminal history information, contractual and business associations and practices, Bar sanctions and reprimands, employment histories, and reputation in the legal and business communities. By submitting a proposal to the City, the proposer consents to such an inquiry.

- O. The City is an equal opportunity employer and complies with Title I of the American with Disabilities Act. Proposers who need accommodation to respond to the RFP may call the City Clerk at 907-235-8121.

END OF RFP