

**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 Friday, June 20, 2008 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.

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.

**For proposal specifications and evaluation criteria contact:**

City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
907-235-3130

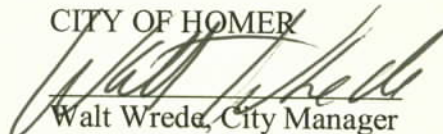
Please direct all questions regarding this project to:

Walt Wrede, City Manager  
City of Homer  
907-235-8121, extension 2222

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. All firms submitting proposals must be listed on the "**Plan Holder's List**" kept by the City Clerk. Respondents not on the plan holder's list shall be deemed unresponsive and shall not be considered. The City shall not accept faxed proposals.

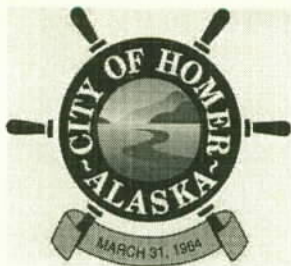
Dated this 28<sup>th</sup> day of May, 2008.

CITY OF HOMER



Walt Wrede, City Manager

Advertise:	Anchorage Daily News	June 1 and 8, 2008
	Homer News	June 5 and 12, 2008



**City of Homer**

*City Manager*

491 East Pioneer Avenue

Homer, Alaska 99603

907-235-8121, X-2222

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Fax: (907) 235-3148 E-mail: [wwrede@ci.homer.ak.us](mailto:wwrede@ci.homer.ak.us) Web Site: [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

**CITY OF HOMER**

**REQUEST FOR PROPOSALS**

**The City of Homer is soliciting proposals  
For  
General Counsel Legal Services**

Release Date

May 27, 2008

**DEADLINE FOR SUBMISSION**

**June 20, 4 PM**

**Use this page as the first page of the proposal**

**Response By:**

Attorney/Firm Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Address \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

E-mail Address \_\_\_\_\_

**I have read, understand, and agree to all terms and conditions herein:**

Signed \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name and Title \_\_\_\_\_

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I. <u>OVERVIEW OF REQUESTED SERVICES</u>	

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. The City is soliciting proposals for general counsel legal services. It is the intention of the City through this solicitation 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. 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 (**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.

### II. SCOPE OF SERVICES, TERM, AND QUALIFICATIONS

The City prefers to enter into an agreement under which a qualified proposer will provide general counsel legal services on behalf of the City on a flat, fixed monthly fee basis. The fixed fee shall include all general counsel work and attendance at one Council meeting per month. The anticipated workload (excluding Council meetings) is approximately 50 hours per month. Court cases and legal proceedings shall be billed at an hourly rate and separate from the monthly fee for general counsel services. Other proposed agreements that address the scope of services outlined below will be considered.

- A. **SCOPE OF SERVICES.** The Proposer is expected to provide the City with general counsel legal services, to include the following:
1. Serve as the legal advisor of and be responsible to the City Council; advise the City Manager and City Clerk concerning matters affecting the City Administration and perform other duties prescribed by the City Council.
  2. Prepare 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, and City Clerk
  4. Provide limited representation in court and manage the activities of other attorneys who may represent the City in Court.
  5. Assist the City Manager in negotiations on the City's behalf and handle other legal matters as they may arise.
  6. Draft opinion letters regarding, among other things, the interpretation of the City Code, state and federal laws, and policies.
  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 least one meeting per month in person and others telephonically as requested.
- B. TERM. The term of the professional services agreement shall be one year initially. A longer term may be negotiated by the parties after the initial year. The agreement may be terminated at the convenience of the City at any time with or without cause.
- 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 on all State of Alaska Courts and the U.S. District Court for the District of Alaska.
  2. The proposer (or primary/lead attorney) should have at least five years of professional experience as legal counsel for an entity such as an Alaska city, municipality, or borough.
  3. 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 Municipal Code, the Kenai Peninsula Borough Code, and other applicable State of Alaska and Federal laws.

### 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, double spaced, including page 1 of this RFP and the Letter of Transmittal. In page 1 of this RFP, provide the name, address, phone number, fax number, e-mail 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 law cases handled by the primary attorney and supporting attorneys whether the attorney's clients were the prevailing party or not.
  6. Identify and describe the experience over the past five years and the 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, land management
    - j. Other municipal issues.
- C. 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.
- D. 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.
- E. Disclosure. Disclose any alleged significant prior or 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.
- F. Cost. Proposals must state the following cost information:
  1. A monthly fixed fee to provide 50 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 50 hours per month or for specialized services (ie. litigation) outside the contract for general services.
  3. Cost per hour of travel (above the contracted 12 trips)
- G. Municipal Experience. List all 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 the municipal contact person.
- H. References. Provide a minimum of five (5) references from similar clients, to include local government, state, and/or private clients, for whom the proposer has performed legal services within the last three years. 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

#### 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 upon the following criteria.

B.

Qualifications of primary attorney	35, Criteria III B, better qualifications-higher score
Qualifications of other attorneys	10, Criteria III B, better qualifications-higher score
Conflicts (may exclude proposer)	10, Criteria III C, greater conflicts – lower score
Availability	10, Criteria III D, more available- higher score
Disclosure (may exclude proposer)	10, Criteria III E, negative disclosures- lower score
Cost / Proposed contract	25 Criteria III F, I., lower cost, higher score
<b>Subtotal for initial selection</b>	<b>100</b>
Council Interview	25 In person presentation of qualification and services
<b>Total</b>	<b>125</b>

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

- C. The City may contact the 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 proposal; and see and review any other information deemed pertinent to the evaluation process.
- D. After the proposals are received, the full City Council will evaluate and score the proposals. The Council may ask the City Manager, current City Attorney, and City Clerk to participate and/or provide support as needed. The Council will, after initial scoring, invite the three highest scoring attorney's/firms to interview.
- E. 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 proposers 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>
<b>Deadline for submission of proposals</b>	<b>6/20/08 4PM</b>
Initial evaluation period	6/20/08 to 6/27/08
Selection / invitation for interviews	6/27/08

Interviews	6/27 to 7/11
Selection of Highest Scoring Attorney ( by resolution)	7/14/08
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 interest proposers who obtain a copy of the RFP must be listed on the Plan Holders 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: Jo Johnson, City Clerk, City of Homer, 491 E. Pioneer Ave., Homer Alaska, 99603.
- D. Proposals shall be clearly labeled in a sealed envelope or box as follows:  
  
REQUEST FOR PROPOSALS: Legal Counsel Services
- E. Proposals must be received at the above referenced address no later than 4 PM on June 20, 2008. Proposals that do not arrive by that time and date **WILL NOT BE ACCEPTED**. Proposers may submit their proposal at any time prior to the above stated deadline. Facsimile, e-mail, 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 which 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. Performance of the proposer may be rated by the City Council semi-annually for the first year following contract award and then annually for the term of the contract.
- B. 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.
- C. The City reserves the right to waive informalities and minor irregularities in proposals received.
- D. The City reserves the right to reject any or all proposals received prior to contract award.

- E. 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.
- F. Alterations, modification or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.
- G. Proposals may be withdrawn by written 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 fax do so at their own risk. The City will not be responsible for any error or failure in fax transmission or receipt.
- H. 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.
- I. 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.
- J. 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.
- K. The City will not be liable for federal, state, or local excise taxes.
- L. 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.
- M. 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.
- N. 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.
- O. 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.
- P. 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**