



**REQUEST FOR PROPOSALS FOR  
CIVIL ATTORNEY LEGAL SERVICES**

**FOR**

**THE CITY OF LITTLE FALLS, MN**

**June 2018**

**Submission Deadline: July 19, 2018 – 3:00 PM**

**REQUEST FOR PROPOSALS  
FOR  
CIVIL ATTORNEY LEGAL SERVICES**

**June 2018**

The City of Little Falls is soliciting proposals for civil attorney services from qualified law firms. Preference will be given to those submittals demonstrating experience in this area of municipal law. The successful applicant(s) shall possess sufficient resources to ensure that the demands for the City's legal needs will be met on a timely basis. The relationship would be on a consulting or contractual basis, as opposed to a staff position. The City will be awarding a remainder of 2018 and one-year contract for 2019, with two one-year renewal options in 2020 and 2021 for these services.

Included in this RFP are a more detailed description of the services to be provided, an outline of the proposal requirements, a description of the proposal review process, and a description of required contract ethics.

In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts with City staff or City Council regarding these proposals. Failure to comply with this request may result in disqualification of the proposal. If there are questions regarding this process, they should be directed to: Jon Radermacher, City Administrator, 100 7<sup>th</sup> Ave NE Little Falls, MN 56345, (320) 616-5500 or [jonr@cityoflittlefalls.com](mailto:jonr@cityoflittlefalls.com). Written questions regarding this RFP may be sent via e-mail to [jonr@cityoflittlefalls.com](mailto:jonr@cityoflittlefalls.com) prior to the submission deadline. Responses to the questions will be shared with all interested responders who have requested an RFP.

Proposals received after the deadline will not be accepted. It is neither the City of Little Falls' responsibility nor practice to acknowledge receipt of any proposal. It is the responder's responsibility to assure that a proposal is received in a timely manner.

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

The City of Little Falls reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interests of the City.

**Public Records and Proprietary Material**

Respondents are required to complete the attached Form of Consent for Release of Response Data (Exhibit "A"). Respondents should be aware that any records they submit to the City, or that are used by the City even if the respondents possess the records may be public records. The City will promptly disclose public records upon request unless a statute exempts them from disclosure. Proponents should also be aware that if even a portion of a record is exempt from disclosure, generally, the rest of the record must be disclosed. *Exemptions, including those for trade secrets and "valuable formula," are narrow and specific. Proponents should clearly mark any record they believe is exempt from disclosure.*

Upon receipt of a request for public disclosure, the City will notify the proponent of any public disclosure request for the proponent's submittal. If the proponent believes its records are exempt from disclosure, it is the proponent's sole responsibility to pursue a lawsuit to enjoin disclosure. It is the proponent's discretionary decision whether to file such a lawsuit. However, if the proponent does not timely obtain and serve an injunction, the City will disclose the records, in accordance with applicable law.

## **COMMUNITY/POSITION HISTORY**

Little Falls is a historic, welcoming, full service city of approximately 8,500 people located on the Mississippi River within 40 miles of St. Cloud and Brainerd. Little Falls is a Charter City under Minnesota State Law. The City Council, which governs the city, is made up of a Mayor elected at large and seven Council Members elected by three wards, and one at-large serving four-year terms; each has one vote on the City Council and elected from the Council Members is a Council President to preside over the meetings. The City Administrator reports to the City Council and is responsible for managing the operations of the city. City Council meetings are the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month, except during federal holidays, they will move to the following Tuesday.

The city employs approximately 45 full time/part time benefited employees and approximately 50 part time/seasonal non-benefited employees. Police protection is provided by 12 licensed peace officers and fire protection is provided by 1 full-time fire chief and 33 paid on-call firefighters. Unionized employees are represented by four (4) separate bargaining units. The City also has a prosecution services agreement with the Morrison County Attorney's Office. The City also uses legal services with other firms in relation to personnel matters, bond counsel, development agreements and cable television franchise.

The total 2018 budget for the City is \$11,424,525 with the General fund budget at \$5,494,910.

The City has 7 boards/commissions/committee including a Joint Powers Airport Commission, Economic Development Authority, Housing and Redevelopment Authority, Heritage Preservation Commission, Planning Commission, Park, Recreation and Tree Board, Library Board.

### **SECTION ONE: SCOPE OF GENERAL LEGAL SERVICES**

The law firm/attorney(s) are required to be knowledgeable in a variety of legal areas, including but not limited to:

- General municipal laws
- 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
- Municipal leases
- Eminent Domain
- Trial activity

### **CIVIL SERVICES COVERED BY RETAINER**

Except as specifically limited below, the services and qualifications that are required by the City for civil law services covered by a fixed retainer fee include, but are not limited to, the following areas:

## **General**

### **Meetings:**

1. Attend regular City Council meetings and advise the Mayor, Council Members and City Administrator on matters of parliamentary law and procedures of a general matter.
2. Attend such special City Council meetings as the Council or the City Administrator directs.
3. Attend such meetings of boards or commissions as the City Administrator directs.
4. Attend such other meetings, planning sessions, conferences and/or departmental meetings as requested by the City Administrator.
5. Attendance at any 30 meetings during a calendar year, as described under items #1-3 above, shall be included in the retainer fee. Meetings attended in excess of 30 in any calendar year, shall be billed and paid at the previously agreed to hourly contract rate.
6. Limited consultation with Charter Commission.

### **CIVIL SERVICES COVERED BY HOURLY RATE**

The following are services that are not covered by the fixed retainer, if that option is proposed, and may be charged at an hourly rate:

#### **Legal Documents**

7. Meetings and/or telephone conversations with and advising Mayor, Council Members, City Administrator, Department Managers and other staff on general legal matters.
8. Research and submission of legal opinions on municipal or other legal matters requested by City staff or City Administrator; availability to answer staff questions by telephone.
9. Legal consultation and general support for Mayor, Council Members, City Administrator, Department Managers and other staff on general legal matters.
10. Provide high level of customer service by responding in a prompt manner.
11. Provide annual training for Council, Boards and Commissions and staff on matters related to open meeting law, MN Data Practices Act, conflict of interest/ethics for government officials, and provide specific training for the Council and Planning Commission on land use and zoning law issues.
12. Review such resolutions as the City Administrator or the City Council shall direct, except resolutions relating to the responsibility of the fiscal consultant or bond approving attorney.
13. Review of municipal contracts, including contracts for public improvements, developments, subdivisions, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality and execution as requested.
14. Examine and advise regarding the legality of all proceedings and actions of the City Council and other boards or commissions.
15. Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.
16. Review of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements and correspondence as requested.
17. Review ordinances as requested.
18. Review bonds, deeds, securities and insurance requirements required by or for City contracts or activities.
19. Prepare small business assistance loan documents and related materials.
20. Review data requests and related documents and advise staff regarding release and redactions.

## **Public Improvements**

21. Assist staff with special assessment processes and procedures.
22. Prepare or review such routine legal notices for posting, publishing or mailing as required by the statutory assessment process.
23. Represent the City in the acquisition of properties for public improvements, easements, parks and the like as needed.
24. Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.
25. Handle all legal matters under construction contracts and any resulting litigation.

## **Zoning**

26. Provide legal advice to staff, City Administrator, Zoning Administrator, Planning Commission and City Council regarding zoning code matters.
27. Represent the City in matters related to the enforcement of city building, subdivision, maintenance and zoning codes.
28. Represent the City in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.

## **Land Acquisition and Sale**

29. Represent the City in condemnation proceedings for public improvement projects, etc.
30. Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates and obtain or develop proper legal descriptions.
31. Examine title to each parcel as requested by the City Administrator.
32. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the Attorney contacts the City in advance and obtains the City's approval that the transaction contemplated is non-routine. Any such non-routine transactions shall be billed at the previously agreed to hourly contract rate.

## **Claims Against the City**

33. Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the City Council.
34. Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) condemnation; (2) zoning and land use regulation matters; (3) permits and administrative actions; (4) administrative citations; (5) code enforcement issues; and
35. Assist in resolving claims not resulting in litigation.

## **Claims By the City**

36. Investigate and evaluate all claims by the City against others and recommend appropriate course of action, including, but not limited to: code enforcement issues and administrative citations.
37. Attempt collection of all proper claims including litigation where necessary and authorized by the City.

## **Intergovernmental Relations and Disputes**

38. Provide such services as requested by the City regarding contractual dealings with Federal, State, County, Township, Municipal, and Special Districts by the City, including Joint Powers Act Public Improvements.
39. Handle disputes between the City and other governmental units, including litigation.

## **SECTION TWO: INSTRUCTIONS TO PROPOSERS**

1. Proposals should be submitted to Wendy Zylka, City Clerk, City of Little Falls, 100 7<sup>th</sup> Ave NE Little Falls, MN 56345. Proposals must be received no later than 3:00 p.m. on Thursday, July 12, 2018.
2. One (1) electronic copy (pdf) of entire proposal and two (2) paper copies of each proposal should be submitted.
3. All proposals submitted must provide complete information as indicated in this request. Any other information that the respondent wishes to include for evaluation and consideration by the City as part of the proposal may also be included.
4. Questions regarding this request should be directed to City Administrator Jon Radermacher, City of Little Falls, 100 7<sup>th</sup> Ave NE Little Falls, MN 56345, 320-616-5500, or [jonr@cityoflittlefalls.com](mailto:jonr@cityoflittlefalls.com). In order to ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with City staff or City Council regarding their proposals.

## **SECTION THREE: REQUIRED CONTENTS FOR PROPOSALS**

1. **Title Page** - Show the RFP subject: Provision of Civil Attorney Legal Services, the name of the respondent's firm, address, telephone number, e-mail, name of contact person, and the date.
2. **General Information**
  - Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
  - Designate the primary contact and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.
  - Describe how the firm would structure the working relationship between the City Attorney and the City Council, City Administrator and other staff members.
  - Describe the standard time frames for response by the City Attorney to direction and/or inquiry from City Council or City Administrator.
  - Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.
  - Include a current resume for each attorney who will be primarily assigned to City of Little Falls. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating your proposal.
  - Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
  - Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail address, and FAX number(s) of the firm.
  - Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of Little Falls.

- Provide an assessment of the availability of the attorney and other professional staff to be assigned to a contract with the City of Little Falls. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
  - Provide a statement of how the workload of the City of Little Falls would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of services section. The proposal should expand upon each item and set forth the firm's approach/ability to carry out each activity. Include a description of the proposed allocation of work between the attorney(s) and support personnel identified (i.e. who will be the lead attorney and what work will be handled by junior partners, associates, or paralegals).
  - Describe your legal library and research capabilities, with specific emphasis on municipal law publications, computer links, and the firm's capability to maintain a proposed response time for legal reports and memorandums.
  - If the firm or any of the attorneys employed by the firm have ever been sued by cities or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information about the nature of the incident, the dates of when the matter began and was concluded, and the results of the situation.
  - Describe malpractice insurance coverage: carrier, limits, and exemptions and provide a copy of Malpractice/Liability Insurance Certificate in a minimum amount of \$2,000,000.
  - Provide a recent audit or financial report of the firm.
3. **Knowledge and Experience** - Provide information demonstrating the knowledge and experience of the primary attorney that will be assigned to the City of Little Falls in the following areas:
- a. General state and federal laws relating to municipal government
  - b. Development Issues
    - i. Zoning, housing, annexation, subdivision and land use law
    - ii. Platting and Land Development Issues
    - iii. Eminent Domain
    - iv. MSA 429 Projects (Procedures and Appeals)
  - c. Economic development activities including development, redevelopment, enforcement, and property/real estate law
  - d. Ordinance and resolution development and interpretation
  - e. Government Data Practices
  - f. City Charter and City Code issues
  - g. Contract law
  - h. Environmental law
  - i. Municipal leases
  - j. Trial activity
  - k. Municipal Litigation - Describe any municipal litigation handled in the last five years. Indicate the types of cases tried.
4. **Specialized Issues** - Any areas of specialty that may relate to municipal law may be outlined in this section.
5. **References** - Provide a reference list of three (3) recent (within five years) municipal clients. If municipal clients are not available, other major clients may be submitted. Particular attention will be given to municipal client references. Please provide contact information including, address, phone number and e-mail address.
6. **FEES** - Identify in your proposal the amount your firm proposes to charge for the following: Please provide billing information for a period through 2019 on the attached form. Fees for the remainder

the two one-year extensions will be negotiated.

### **RETAINER + HOURLY FEES:**

**RETAINER** – Please quote a retainer fee to be charged for civil attorney services and the items noted herein that are to be covered by the retainer. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.). Clearly note any “retainer” items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

**HOURLY BILLING** – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Little Falls covered by your proposal that fall outside the duties covered by the Retainer. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

## **7. CONFLICT OF INTEREST STATEMENT**

- Indicate whether your firm currently represents or has represented any client where representation may conflict with your ability to serve as City Attorney for the City of Little Falls.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Little Falls.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Little Falls.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

## **8. AFFIRMATIVE ACTION**

The City of Little Falls requires affirmative action and therefore, the firm selected shall not discriminate under the contract against any person in accordance with federal, state and local regulations. *The City of Little Falls does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual preference, disability or any other basis protected by law in the admission or access to, or treatment or employment in, its programs, activities or services.*

## **SECTION FOUR: SELECTION PROCESS/PROPOSAL EVALUATION AND CONTRACT AWARD**

The City intends to award a contract to the respondent evaluated to be best qualified to perform the work in Section One for the City, based on the extent and quality of the firm’s resources, cost, communication and presentation skills, compatibility and quality and extent of municipal representation experience. Other performance factors may also be considered. Based upon review of the submitted proposals a number of selected firms will be asked to interview with a Selection Committee. The Selection Committee will recommend to the City Council a firm to be retained.

The City of Little Falls reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interest of the City.

The approval of the firm selected and the contract award will be made by the City Council.

The City reserves the right to negotiate the final terms and conditions of the contract to be executed. Should the City and a consultant be unable to mutually agree upon the entire contract, the City reserves

the right to discontinue negotiations, select another consultant or reject all of the statements of proposal. Upon completion of negotiations agreeable to the City and the consultant, a contract shall be executed.

Once a contract is awarded, the term of contract duration shall be subject to ongoing review and evaluation by the City Council and City Administrator.

**Timeline**

Action	Date
City Council Approval of RFP	June 18, 2018
Advertisement of RFP begins	June 19, 2018
Deadline for RFP	July 19, 2018 – 3:00 p.m.
Interviews by Selection Committee	Week of July 30, 2018*
Update to City Council at Work Session	August 6, 2018 *
Consideration of approval of selected firm and award of contract by the City Council	August 6, 2018 *
New contract begins	To Be Determined

\* Tentative dates

**SECTION FIVE: CONTRACT ETHICS**

1. No elected official or employee of the City who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.
2. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or council member, or for any City employee or council member to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
3. The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
4. The firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Little Falls. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.

**Exhibit A**  
**REQUEST FOR PROPOSAL (RFP)**  
**FORM OF CONSENT FOR RELEASE OF RESPONSE DATA**

\_\_\_\_\_, 2018

City of Little Falls City Clerk  
100 7<sup>th</sup> Ave NE  
Little Falls, MN 56345

Re: Request for Proposal: Attorney Services

Consent for Release of Response of Data

\_\_\_\_\_, on behalf of \_\_\_\_\_,  
hereby consents to the release of its proposal in response to the Request for Proposals for Attorney Services and waives any claims it may have under Minnesota Statutes Section 13.08 against the City of Little Falls for making such information public. The foregoing consent and waiver does not extend to financial statements, if any, submitted under separate confidential cover. Such information provided under separate cover may be public data, but will be treated by the City consistent with Minnesota Statutes Chapter 13.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## Exhibit B

### REQUEST FOR PROPOSAL (RFP) PROPOSED FEES

**RETAINER + HOURLY FEES:**

**RETAINER** – Please quote a retainer fee to be charged for legal services and the items noted herein that are to be covered by the retainer. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.). Clearly note any “retainer” items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

**HOURLY BILLING** – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Little Falls covered by your proposal that fall outside the duties covered by the Retainer. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

	2018	2019	2020
Retainer fee (monthly amount)			
Hourly Rate for Primary Attorney			
Hourly Rate for Other Attorneys (Please name):			
Hourly Rate for Support Personnel (Name or title):			
Itemized fees (please describe):			
Minimum increments of time billed for each service (list):			

Feel free to attach additional sheets to note:

- Any “retainer” items that will not be provided as part of the retainer fee but rather billed on an hourly basis
- Description of other costs items, if needed
- Any other items related to fees that you feel are pertinent in the consideration of your proposal