CITY OF OTTUMWA, IOWA

REQUEST FOR PROPOSALS
FOR THE PURPOSE OF:

GENERAL LEGAL SERVICES

Issue Date: August 05, 2020

Submissions due:
Friday September 04, 2020 at 11:00 AM CST

To the following:
City of Ottumwa
Attn: City Clerk
105 East Third Street
Ottumwa, IA 52501
I. STATEMENT OF PURPOSE
The City of Ottumwa (the "City") invites attorneys and/or law firms qualified to practice law in the state of Iowa, to submit a proposal to provide general legal services for the City. Proposals are due to the office of the City Clerk by 11:00 AM CST on Friday, September 04, 2020. The City seeks services encompassing the traditional scope of work including legal counsel, opinions, prosecution, consultation, coordination with special counsel and attendance at a variety of meetings including City Council and other various committees and/or boards as requested.

Minimum Qualifications:

(A) Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
(B) All assigned attorneys must be licensed in good standing to practice law in the state of Iowa;
(C) The successful individual/firm will have a thorough knowledge of modern principles and practices of law; will have the ability to analyze complex issues and present findings in an orderly manner. Must exercise good judgment. Ability to manage/process the City’s business in a timely fashion often with short turnaround times.

II. Introduction and Background
The City of Ottumwa, population 25,023, is a municipal corporation governed by a mayor-council form of government, with a mayor and five city council members. The elected officials employ a City Administrator to carry out their policies and oversee the daily operations of the City. The departments of the City include the following, with employment levels of approximately 170 full-time and 20 part-time employees:

- Administration
- Cemetery
- City Clerk
- Engineering
- Finance
- Health and Inspections
- Human Resources
- Fire
- Police
- Parks and Recreation
- Planning and Development
- Public Works
- Water Pollution Control

The City currently receives legal services from a number of outside firms. Specialized legal work including employment and collective bargaining, economic development and urban renewal, and debt issuance are currently performed by other firms and are not included in the scope of work, but are negotiable as additional services to capable firms. The City’s liability insurance carrier (Iowa Communities Assurance Pool) and Workers’ Compensation insurance provider (Iowa Municipal Workers Compensation Association) assign legal counsel for specific claims.
III. **Scope of Work**
The City is seeking an attorney to perform general legal work for all departments of the City. The quantity of work may vary based upon the time of the month and year due to meeting and project schedules; however, on average the billable hours have been estimated at fifteen hundred (1,500) per year for general legal and prosecution services. With the selection of a qualified firm, we anticipate a reduction in the estimated billable hours. The city administrator manages the legal services for the City; retaining the core responsibility for legal functions, coordination of these services and the legal budget. The areas for which the City seeks possible legal services require the Proposer to have expertise/experience in, but not limited to:

- Broad knowledge of municipal law and government operations.
- Contract negotiations, drafting and/or review.
- Procurement of goods and services.
- Construction contracts and claims.
- Real estate transactions.
- Government grant and contract issues.
- Parliamentary procedure and open meeting laws
- Other legal services, including providing oral and written legal opinions, as needed

The attorney will also be required to attend or be readily accessible during City Council meetings every first and third Tuesday of the month and for special City Council meetings and work sessions as requested by the Mayor or City Administrator. Additionally, the city attorney shall provide the following services¹:

(A) Advise and assist in the preparation of ordinances, orders, resolutions and regulations.
(B) Prepare and pass on the legality and correctness and form of contracts, bonds and other legal instruments and documents.
(C) Advise the city council and all department heads and other administrative officials as to the legality of any proposed action.
(D) Be responsible for all prosecutions under this Code or other ordinances of the city.
(E) Represent the city as attorney in all legal proceedings in which the city is a party before any court or any judicial administrative or other body, including legal proceedings in which the city has retained special counsel to assist in the representation of the city.
(F) Settle or compromise claims for suits at law or in equity in which the city may be a party, either by judgement entry or otherwise, subject to such procedures as the city council may establish.
(G) Preserve in its office copies of all written opinions given by the office.
(H) Perform such other duties as may be required by state law or by the city council.

¹ Section 2-199 Code of Ordinances of the City of Ottumwa, Iowa
(I) Have a member of said office in attendance at all meetings of the city council, except when excused.

(J) Recommend to the city council when it is advisable to hire special counsel to represent or assist in the representation of the city in legal proceedings or in the preparation of legal documents or performing other legal services required of the office.

The above description of legal services to be provided is illustrative and comprehensive, but is not intended to be all-inclusive or to limit the potential extent of services to be provided. The City recognizes that conflicts of interest may occur with existing clients. All conflicts must be disclosed to the City Administrator to allow the City to make the best determination for representation on a specific issue.

Timeliness of response and accessibility to assigned counsel is an important aspect of this service. Accessibility includes the ability to be reached promptly by telephone, cell phone or e-mail and to be available to attend meetings in person on short notice. When the City requests legal services, counsel should be able to provide an estimate of the time to complete the work and keep the City apprised of any delays or special considerations. Conference room space could be available at City Hall as needed for efficiency of meetings between the attorney and staff. Bills are to be submitted monthly and should be in a format which provides sufficient detail about the work being performed. Work on behalf of the City should provide enough detail to allow for City staff to appropriately charge time billed to the appropriate fund.

IV. Timeline and Submittal Information
The City has set the following timeline and process for this Request for Proposal

- Wednesday, Aug. 05, 2020: Issue Request for Proposal
- Monday, Aug. 17, 2020 at 2:00PM: Deadline for Questions
- Friday, Sept. 4, 2020 at 11:00 AM: Proposals Due
- Sept. 4 to Sept. 10, 2020: Evaluation of Proposals
- Tuesday, Sept. 15, 2020: Interviews with Finalists
- Thursday, Oct. 01, 2020: Tentative Start Date

All questions related to this Request For Proposal must be submitted in writing to Philip Rath at rathp@ottumwa.us no later than 2:00 PM on Monday, August 17, 2020. Any questions and associated responses will be provided to those vendors who have expressed an interest in submitting a proposal. Additionally, responses will be placed on the website for the City of Ottumwa.

Prior to the final selection, Vendors may be required to submit additional written or oral information regarding the Vendor’s qualifications and experience that the City may deem necessary to further clarify and evaluate the proposal’s qualifications.
This RFP does not commit the City to award a contract, nor shall the City be responsible for any cost or expense that may be incurred by the Vendor in preparing and submitting the proposal called for in this RFP, or any cost or expense incurred by the Vendor prior to the execution of a contract agreement.

The City reserves the right to accept or reject any or all proposals waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the City. Additionally, the City reserves the right to award a contract to the next most qualified attorney/firm if the successful attorney/firm does not execute a contract within thirty (30) days after award of the proposal. The City reserves the right to negotiate any or all items and terms of the proposal including the segmenting of legal services by general municipal law, labor/personnel law, prosecution, and special legal matters among various legal firms as deemed in the best interest of the City.

A proposal may not be withdrawn before the expiration of sixty (60) days from the proposal due date.

V. Submission Requirements
Submittals must be received at the address below by 11:00 AM CST on September 04, 2020:

City of Ottumwa
Attn: City Clerk
105 East Third Street
Ottumwa, IA 52501

Those interested in responding to the City of Ottumwa Request for Proposal shall provide ten copies of a written proposal, signed by the proposing attorney or a qualified principal of the proposing firm. All submittals shall become the property of the City. No public opening will be held. Proposals must reference “RFP for Legal Services” on the exterior of the sealed proposal and are required to submit the following items in order to be considered:

(A) **Cover Letter** Provide a cover letter from a contact person who has authority to bind the firm contractually, giving his or her title. The letter must certify that all of the information contained in the submission is accurate and complete.

(B) **Firm Experience**
1. Provide a narrative description of the firm.
2. Identify experience of the firm regarding municipal issues including land use, zoning, growth management, environmental law, municipal citation,

---

2 Any proposal received after due date and time will not be considered.
and complicated agreements including intergovernmental agreements, public works, and other municipal specialties.

3. A listing of all current and past municipal government clients including the name and telephone number of the client contact.

(C) **Vendor Business History**

1. Location of the firm’s office and approximate driving distance and time from the office to Ottumwa City Hall.
2. Administrative requirements, if any.
3. Please identify any existing municipal clients that may create a conflict of interest with the services to be rendered to the City of Ottumwa.

(D) **Proposed Attorney, Team**

1. Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the lead City Attorney and any significant assisting attorney(s) specifically as it relates to:
   (a) Municipal law issues.
   (b) Planning, zoning, and subdivision issues.
   (c) Negotiating, drafting, and reviewing subdivision development agreements.
   (d) Economic development and tax incremental financing issues.
   (e) Reviewing municipal infrastructure construction contracts.
2. Prosecuting Attorney (if different): Provide a resume or similar description highlighting the experience and qualification of the attorney or attorneys assigned to the engagement as prosecutors of traffic and municipal ordinance violations.
3. If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please briefly identify such individuals and specialties as well.

(E) **References:** Provide a minimum of two references for the lead City Attorney.

1. The City prefers references that include municipal government experience. References should include: name, title, phone number, email address, and a brief description of the nature of the client relationship and what this reference can speak to of your work.
2. The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the proposal. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.

(F) **Billing:**

1. All fees should be clearly stated in the proposal and must remain in effect for the period of the agreement. Fees for any extensions will be negotiated. List fees per hour for principal attorneys, other firm attorneys, and support personnel assigned to the engagement, specifying if different hourly rates are charged for different activities (e.g. attending Council meetings, travel time, research, etc.). Identify the minimum increment of time billed.
2. Provide a schedule of reimbursable costs such as mileage and travel time. The proposal shall state the cost of mileage reimbursement, if any, as well as any ancillary charges resulting from providing legal services to the City.
(e.g. photocopying, long-distance telephone calls, postage, etc.) listed by item and rate.

3. Would you and/or your firm be interested in working for a flat retainer fee or a combination retainer/hourly arrangement? If so, describe the parameters and charges.

4. Once the desired firm(s) has been identified, the City reserves the right to negotiate additional terms and conditions, including hourly rates, or other method of compensation, with such firm(s).

(G) **Specialized Legal Services** - Firm should include the availability and fee schedule for any additional / specialized legal services (e.g. bond and debt issuance, building code compliance, environmental law, human resource law, etc.). These services should be cross referenced with the attorney identified in Section IV (D) above.

(H) **Conflicts of Interest**: Identify any current or potential conflicts of interest and indicate what procedures your firm would utilize to identify and resolve future conflicts of interest. It is of the utmost importance that no real or apparent conflict of interest exists between Proposer and the City, including its officials and employees. Therefore, Proposer shall disclose in writing in its proposal any real or possible conflicts of interest which exists or may exist. In addition, the firm shall be responsible to promptly disclose to the City any situations which may create possible conflicts of interest during the term of the agreement so that appropriate action can be taken.

(I) **Other Information**: Provide any other information that may be helpful in assessing the firm’s ability to perform the work and in applying the evaluation criteria set out in the Request for Proposal.

### VI. Evaluation Criteria

The City of Ottumwa will evaluate each proposal fairly and impartially utilizing an evaluation committee consisting of elected officials and staff. It is anticipated that interviews of finalists will be conducted by the City Council. Selection of firms for interview will be based on the following standards:

(A) Responsiveness of the written proposal to the purpose and scope of services.

(B) Location and accessibility of individual/firm. The city desires to have its city attorney accessible.

(C) Experience of the individual/firm in general practice/municipal practice. Proven success in managing an array of governmental matters in a thorough and timely manner. Existence and/or proposed remedy related to potential conflicts of interest for the firm.

(D) Reputation and professional qualifications of the specific attorney or attorneys assigned to be the city attorney and prosecuting attorney.

(E) Municipal client references: Experiences of other local governments receiving similar services from the firm based on references of former and/or current clients.

(F) Quantity and Quality of additional legal services in “specialized” areas of law.

(G) Hourly rates for each class of personnel, expected out-of-pocket costs, discounts for multi-year commitments, hourly rates/fees for additional services
and alternative billing measures offered. **Note:** While cost is always important it will not be the most important selection criteria.

### VII. General Terms and Conditions

(A) **Contract:** Any award of a contract resulting from this RFP will be made only by written authorization from City of Ottumwa upon approval by the City of Ottumwa City Council. The contract between City of Ottumwa and the Vendor shall consist of (1) the Request for Proposal (RFP) and any amendments thereto and (2) the proposal submitted by the Vendor in response to the RFP. In the event of a conflict in language between these two documents, the provisions and requirements set forth and/or referenced in the RFP shall govern. The City also reserves the right to clarify any contractual relationship in writing with the concurrence of the Vendor, and such written clarification shall govern in case of conflict with the applicable requirements stated in the RFP or the Vendor’s proposal. In all other matters not affected by the written clarifications, if any, the RFP shall govern.

(B) **Independent Contractor:** Nothing contained in this RFP is intended or should be construed as creating the relationship of co-partners or joint ventures within the City. The Contractor shall remain an independent contractor, and all employees of the Contractor or its subcontractors shall remain the employees of the Contractor or subcontractor and shall not become the employees of the City.

(C) **Nondiscrimination:** All Contractors agree that during the life of the contract, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, marital status, disability, sexual orientation, age, religion, or status with regard to public assistance, and shall intend a similar provision in all subcontracts entered into for the performance thereof.

(D) **Compliance with Laws:** In connection with the furnishing of supplies or performance of work under the contract, the Vendor agrees to comply with the Fair Labor Standard Act, Equal Opportunity Employment Act, and all other applicable Federal and State laws, regulations, and executive orders to the extent that the same may be applicable, and further agrees to insert the foregoing provision in all subcontracts awarded hereunder.

(E) **Insurance:** The successful firm must provide the City a certificate of insurance with the following coverage limits and maintain said coverages at all times during the term of a Contract. The City shall be named as an additional insured under the liability policy required above.

- **Comprehensive General Liability** $1,000,000 / occurrence ($2,000,000 aggregate)
- **Worker’s Compensation** as required by law
- **Professional Liability for Errors and Omissions** $2,000,000

(F) **Acceptance by Firm:** Submission of a proposal indicates acceptance by the firm of the conditions contained in this Request for Proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the firm selected.