

REQUEST FOR PROPOSAL: LEGAL SERVICES

CITY OF FRASER

Issue Date: 06/22/2022

Response Deadline:

07/15/2022, 1 P.M. EST.

Submit proposals to:

City of Fraser

Attn: Cynthia Greenia, City Clerk

33000 Garfield

Fraser, MI 48026



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INVITATION

The City Council has determined that it wishes to seek a Request for Proposal for Legal Services- General and/or Labor Counsel. **Interested parties may submit proposals for one or both areas of service.** Proposals for Legal Services consistent with the outline and request for information contained herein.

**Proposals must be submitted to:
Cynthia Greenia, City Clerk
on or before 1:00 P.M. EST on the 15th day of July, 2022.**

The City Council will be provided copies of all submittals. A committee consisting of the City Manager, Assistant City Manager, and two Council Members. The committee will review all submittals in response to the Request for Proposals for Legal Services. The committee shall meet to review and/or discuss said submittals. They will select a minimum of three (3) firms to present to the City Council for their consideration. The City Council will receive public presentations from qualified firms after the committee has completed initial evaluations. Within 21 days of completing the evaluation, the City Council will select the most qualified and appropriate firm to provide legal services.

The City shall not be obligated to accept the lowest price proposal but will make an award to the firm it believes is in the best interest of the City after all factors have been evaluated. Selection of the City's Counsel will be made by a majority vote of the Council. The City of Fraser reserves the right to reject any or all proposals, waive technicalities, and make the award which is in the best interest of the City.

BACKGROUND

Population (2020 Census): 14,726

Area: 11.2 Square Miles

No. of Households: 6,105

The Village of Fraser was incorporated by an act of the state legislature in 1894. The city was named for a lawyer from Detroit named Alexander J. Frazer. The City of Fraser was established by home rule charter November 7, 1956, and adopted by the electors on December 26, 1956.

Fraser is a historic community. The City provides a large range of municipal services, including administration and finance, public safety, parks and recreation, public works and maintenance, planning and community development.

The City has a seven (7) member council including the Mayor, as well as a City Manager who is responsible for day-to-day functions.

EVALUATION AND SELECTION

Evaluation Process

The City reserves the right to award the contract to the proposal that best meets the needs and interest of the City. The following steps are anticipated:

- 1.) Receipt of all proposals. Review of all proposals and confirmation of minimum qualifications.
- 2.) City Committee scoring of written proposals. The committee shall consist of the City Manager, Assistant City Manager, and two Council Members
- 3.) Initial reference and information checks
- 4.) Presentation to the City Council by finalists
- 5.) Notify firm(s) of selection

Scoring and Evaluation of Written Proposal

Written proposals will be scored as follows. Those respondents that receive the highest scores and also achieve successful reference and information checks will be invited to interview: **Points will be awarded per year of experience up to 10 years.**

Municipal law experience of proposed designated attorney that will service the City.

City Government Legal Experience- 20 points per year (max 200 pts)
Municipal Government Legal Experience- 15 points per year (max 150 pts)

Depth and stability of firm or practice.

City Government Legal Experience- 10 points per year (max 100 pts)
Municipal Government Legal Experience- 8 points per year (max 80 pts)

Attorney(s) knowledge of special municipal legal issues

Specific experience in City government legal issues – 10 points per year (max 100 pts)

Specific experience in Municipal legal issues – 5 points per year (max 50 pts)

Other considerations will be cost, accessibility, and responsiveness of both City Attorney and assisting attorney(s) and overall presentation.

Minimum Qualifications for City Attorney

Successful candidates for City General and/or Labor Counsel shall, at a minimum, possess the following qualifications:

- 1.) Possess a Juris Doctorate degree from an American Bar Association accredited college or university.
- 2.) Possess a valid license to practice law within the State of Michigan.
- 3.) Possess considerable knowledge and experience in municipal law and municipal legal issues.
- 4.) Possess considerable knowledge and experience in City governance.
- 5.) Possess considerable knowledge and experience in contract law.
- 6.) Possess considerable litigation and jury trial experience.
- 7.) Must disclose any conflicts of interest to their accepting an award of the contract and if a conflict of interest exists the manner in which said conflict of interest would be rectified, if said contract is awarded to the law firm.
- 8.) All members of the firm(s) must be in good standing with the State Bar of Michigan and free of complaints with the Attorney Disciplinary Board.

SCOPE OF SERVICES

The City of Fraser is seeking a qualified, experienced law firm(s) to provide legal services in the following area of both General and/or Labor Counsel. **REMINDER Interested parties may submit proposals for one or both areas of service:**

General Counsel

- General Government business consultation with any member of the City Council, City Manager, Department Directors, City Consultants;
- At the direction of any member of the City Council or the City Manager, attend regular and/or special City meetings, study sessions, and various boards, departments, and commissions.
- Interpretation of the Home Rule City Act, preparation, revision, and/or review of resolutions and ordinances. Said duties include review, prepare, and/or revise ordinances; review, arrange, or prepare required notices; review and prepare all documents for the purchase and sale of real and personal property. Interpret related public acts, tax assessing, and/or tax implications of the same;
- Prepare and/or review contracts for professional service agreements and any other contracts entered into on behalf of the City as requested;
- Represent the City in all matters to environmental regulation, intergovernmental relationships, zoning and development issues, and all other matters related to proposed developments before the City Council and/or any other Board, Committee, and/or Commission of the City;
- Prepare, review, and otherwise consult the City regarding all issues regarding bonds, annuities, election law, and financial matters of the Township;
- Other duties include: review and prepare resolutions for special assessments; advise in matters of the various Boards, Committees, and Commissions

The firm contracted to act as City Attorney will attend Council meetings as requested. Must be readily available by phone, fax, and email. Timeliness of response and accessibility to the City Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of greatest importance, although these elements will also be considered in relation to assistant attorney(s) as well. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone.

In your proposal identify the accessibility of the proposed designated City General Counsel and the response time that the individual offers to the City. Specifically identify the lead-time required for attending scheduled or ad hoc meetings. Identify how quickly the City General Counsel can arrive in person to attend an unscheduled, urgent meeting. Identify the same for any assisting attorneys.

The City does not offer space for office in a City location. Assistance may be provided in certain ways to promote efficient coordination among offices such as mail delivery services or copy services, although this will be considered following award.

Labor Counsel

The successful firm will be responsible for providing advice and counsel, and where necessary, representation in matters involving labor and employment law and issues.

Such representation will include, but may not be limited to:

- a) Advise and provide counsel to the City, through the Corporation Counsel, in legal matters pertaining to labor and employment law.
- b) Provide labor contract interpretation and guidance.
- c) Provide legal guidance and interpretation of State and Federal legislation impacting the areas of labor, employment, and/or benefits law (i.e. Affordable Care Act, etc.).
- d) Assist the City with and provide representation to City of Fraser in labor mediations and arbitration, including Act 312 arbitration, as requested.
- e) Assist the City in prosecuting or defending unfair labor practice charges.
- f) Represent the City in any labor or employment related litigation, as requested, and conduct trials, appeals and other proceedings affecting the interest of the City.

Services may include:

1. Provide labor contract interpretation and guidance.
2. Assist with arbitration proceedings, including research, advice, and representation at hearings.
3. Provide counsel and representation for labor and employment related matters up to and including appearances before the Michigan Employment Relations Commission, the Michigan Department of Civil Rights, State and Federal courts or other administrative agencies.
4. As necessary, attend City Council meetings and departmental staff meetings to confer and provide legal advice on labor matters as it relates to negotiation of the collective bargaining agreements.
5. As necessary, provide routine labor and employment legal advice and counsel
6. Advice and counsel may be provided by way of telephone, electronic documents, email, facsimile, and U.S. mail, provided the response is acceptable and timely using one of these methods.
7. The proposal shall identify a lead attorney with whom the Corporation Counsel will have primary contact. Timeliness of response and accessibility is an important aspect of the service.

PROPOSAL SPECIFICATIONS

Requirements

The proposal should demonstrate that the firm can furnish the services in a manner that will be cost-effective for the City of Fraser. Those proposals which do not contain all information required by this RFP or are otherwise nonresponsive may be rejected immediately; however, the City has discretion to accept a proposal that does not conform with all RFP requirements if the City determines that the noncompliance is not substantial or material. If a proposal is unclear or appears inadequate the City may, at its discretion, give the firm an opportunity to explain how the proposal complies with the RFP.

Please present your proposal in the following format:

1. Background and Qualifications

- a.) Name(s) and title(s) of the person(s) authorized to submit the proposal and execute the personal services agreement.
- b.) A history of the firm as a business or entity including information that demonstrates the firm's financial stability and entity stability.
- c.) Background of the law firm including areas of specialty, number of years in business, and other relevant information.
- d.) Clearly identify the lead City Attorney and name assisting attorney(s). Please specify the number of qualified lawyers who may be performing services on behalf of the City and attach resumes for same. Include complete professional resume and work-related references (preferably municipal references) for the individual(s) being proposed to serve as the lead City Attorney(s).
- e.) Confirm all members of the firm are in good standing with the State Bar of Michigan.
- f.) List any complaints filed against any members of the firm with the Attorney Disciplinary Board.

2. Mandatory Requirements

A letter submitted on the firm's letterhead and signed by the corporate agent, owner, or principal describing how the firm satisfies the mandatory requirements noted above and the firm's experience in performing municipal legal service in the State of Michigan.

3. References

a.) A list of at least five (5) clients who can be contacted, complete with a description of the work performed for the client and the client's address, phone number, and email. At least three (3) of the clients must be municipal entities. References should be presented in the following format:

Client:

Client Contact Name:

Address:

Telephone:

Email:

Dates of Service:

Scope of Service:

Lead Attorney:

4. Responses

Please provide the firm's response to each of the following elements on separate page(s) of your response and in the order stated:

a.) Scope of services to be provided to the City (should be the same as those outlined under the "Scope of Service" section of this RFP). If for any reason the law firm is unable or unwilling to perform any particular duty required under the "Scope of Service" section please specify the area not being submitted as part of the RFP.

b.) A sample statement that the firm will provide to the City of Fraser detailing its billing. Said statement should break down the legal services costs by legal issue and time spent on each issue. Billing shall be prepared and submitted to the City on a monthly basis.

c.) A statement of the hourly fee schedule for providing legal services and all other fees, including travel and other expenses, to include at a minimum: all administrative fees, copier and facsimile fees, phone or other service related fees, and any and all other fees required to perform duties of City attorney.

d.) A statement that the City Attorney will attend and be available for meetings of the City Council and other City Boards, Commissions, or Committees as requested by any member of the City Council or City Manager.

e.) Insurance Requirements:

A statement that the law firm guarantees to maintain worker's compensation and unemployment compensation insurance coverage for its employees at all times while providing legal service to the City of Fraser.

5. Fee Structure

The City encourages applicants to be creative in providing the most qualified and cost-effective service.

As such, the City remains open to a variety of compensation approaches including hourly rates and/or retainer rates. A proposal for a flat-fee arrangement must specify all conditions of the arrangement. If the applicant wishes to provide a proposal for any definable service on an annual flat-rate basis please specify in your proposal. Such proposal should specify and define the specific service to be performed on an annual basis; specify in detail any changes contemplated within the proposal.

The City will select the finalist by considering the proposed fee structure/ compensation as a “best and final offer.” The City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including cost.

SUBMISSION

Proposal Questions and Clarifications

Questions and requests for clarification may be submitted through July 11, 2022 @ 4:00 p.m. Proposers should submit requests to Cynthia Greenia, City Clerk, via email at CityClerk@MiCityofFraser.com or in writing at 33000 Garfield, Fraser, MI 48026.

Proposers shall refrain from initiating contact with other representatives of the City other than Clerk Greenia for the purposes of obtaining information for use in preparation of proposals. Firms may modify or withdraw their proposals at any time to the closing date by providing a written request for modification or withdrawal to the City of Fraser.

Proposal Submission

Submit copies of the proposal to “City of Fraser, Attorney RFP” via U.S. mail, Fed Ex, UPS, or hand delivery in a sealed envelope.

Proposals will be accepted until 1:00 p.m. on July 15, 2022. Proposals received after the deadline will not be considered. It is the responsibility of the responding firm(s) to ensure that the proposal arrives on time at the right location.

All proposals must be presented in a clearly marked package or envelope bearing the following:

City of Fraser
Attn: Cynthia Greenia, City Clerk
33000 Garfield
Fraser, MI 48026

Responding firms must include ten (10) copies of the completed proposal and other pertinent information. All services requested should be addressed. If a firm cannot provide a service it should be clearly noted within the proposal.

The City of Fraser reserves the right to reject any or all proposals or to negotiate with responding firms for any improvements or clarifications regarding specific portions of the proposal.

Non-Collusive Proposal Certification

By submission of this proposal, the law firm certifies that:

1. This proposal has been independently arrived at without collusion with any other law firm or with any competitor or potential competitor.
2. This proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the opening of proposals for this service to any other law firm, competitor, or potential competitor.
3. No attempt has been or will be made to induce any other person, partnership, or corporation to submit a proposal.
4. The person signing this proposal certifies that he/she has fully informed themselves regarding the accuracy of the statements contained in this certification and, under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the law firm as well as to the person signing on its behalf.

PRINT NAME:

TITLE:

FIRM NAME:

ADDRESS:

EMAIL: