



REQUEST FOR QUALIFICATIONS: CITY ATTORNEY / LEGAL SERVICES

Issued on July 18, 2022
Proposal Due Date is August 5, 2022

GENERAL

The City issues this RFQ for the purpose of evaluating the option of entering into an Agreement with a qualified Proposer with substantial and relevant experience and expertise to provide **City Attorney /Legal Services** on a contractual basis. City Council will evaluate responses to the RFQ to determine, at its sole discretion, services that best meet the needs of the City at this time.

BACKGROUND

As the county seat of Austin County, Bellville is situated 65 miles northwest of Houston and 105 miles southeast of Austin. At the end of 2020, the City's population was 4,228 and is projected to grow considerably in the next 7 to 10 years. The City has 53 employees with combined departments consisting of public safety, municipal court, building inspections, code enforcement, public works, recycle, plus electric, gas, water, and wastewater utilities. The City has historically utilized contracted City Attorney services.

Bellville residents enjoy a high standard of living and quality of life. The City has several new residential developments ongoing and is expecting more with the influx of residents from the greater metropolitan areas that are near. The Bellville City Council seeks to meet the expectations of current and new citizens through strategic growth, economic development, and expansion of services.

DEFINITIONS

The following definitions shall be used to identify terms throughout this RFQ:

A. Agreement

If a Proposal is accepted, a subsequent mutually binding legal document obligating the Proposer to furnish the professional services specified within this solicitation and obligating the City to pay for the professional services provided.

B. Proposal

A complete, properly signed response to this RFQ solicitation.

C. Proposer

The individual, firm, or corporation that considers themselves qualified to provide the services specified herein and are interested in making an offer to provide the services to the City.

D. City

The City of Bellville, located in Austin County, Texas.

E. RFQ

This solicitation or request containing terms, conditions, and a request for qualifications for the services to be procured.

NOTICE TO PROPOSERS

A. PROPOSAL SUBMISSION & DUE DATE/TIME

Proposals shall be addressed to:

City of Bellville
City Attorney / Legal Services Proposal
30 S. Holland
Bellville, Texas 77418
sjackson@cityofbellville.com

Proposals must be received by mail in a sealed envelope or at this email address no later than **2:00 PM local time on August 5, 2022** after which time all qualified responses will be opened and acknowledged. Proposals received after the specified deadline will be disqualified. The City is not responsible for lateness of Proposals, and the City of Bellville reserves the right to reject any and all Proposals received.

Proposals shall be clearly indicated in the subject line of the email as: "City of Bellville - City Attorney / Legal Services Proposal".

B. QUESTIONS FROM PROPOSERS

Proposers with any questions regarding the meaning of any portion of this RFQ, clarification regarding discrepancies, omissions, or errors in this RFQ, or questions regarding the RFQ process shall submit written question(s) to Shawn Jackson at sjackson@cityofbellville.com no later than **12:00 PM local time on July 29, 2022**.

C. SCHEDULE OF ESTIMATED TIMELINE

The City will generally comply with the following estimated timeline for the selection process, subject to changes necessary to ensure fairness and to accommodate unanticipated events (all times CST):

<i>Deadline for Questions and Inquiries</i>	<i>12:00 PM July 29, 2022</i>
<i>Proposal Due Date and Time</i>	<i>2:00 PM August 5, 2022</i>
<i>Begin Review by City Council</i>	<i>August 8, 2022</i>
<i>Begin Possible Finalist Interviews/Presentations to City Council</i>	<i>August 16, 2022</i>
<i>Estimated Possible Award by City</i>	<i>late August 2022</i>

D. FINALIST INTERVIEWS and/or PRESENTATIONS

As part of the City's review of proposals process and as noted above, some Proposers may be given an opportunity to make a presentation and/or interview with the City as determined by City.

E. CERTIFICATION

This solicitation includes a certification page. Proposers must complete and sign this certification.

F. EXCEPTIONS

Any deviations from terms, conditions, or qualifications contained herein must be clearly indicated in a separate section in the response to this solicitation in writing as part of Proposals when submitted by the specified due date and time. Any deviations or exceptions are subject to review by the City and may deem the Proposal disqualified or non-responsive.

G. ADDENDA

Written addenda, if any, will be provided to all Proposers initially solicited to respond to the RFQ, as well as any potential proposer who has requested to receive the RFQ. All addenda will also be published on the

City's website along with the RFQ at <http://cityofbellville.com>. It shall be the sole responsibility of the Proposer to verify issuance of any addenda. Proposer shall provide written acknowledgment of all addenda.

H. DISCLOSURE OF INTERESTED PARTIES

Contracting hereunder may require compliance with §2252.908 Texas Government Code/Disclosure of Interested Parties. It shall be the responsibility of the Proposer to ensure proper disclosure.

STANDARD TERMS AND CONDITIONS

A. INDEPENDENT CONTRACTOR

Nothing in this RFQ is intended to be construed as creating an employer/employee relationship, a partnership or joint venture. If engaged, a Proposer's services shall be those of an independent contractor. The Proposer agrees and understands that any subsequent Agreement shall not grant any rights or privileges established for employees of the City, and that firm shall not be within protection or coverage of the City's Worker Compensation Insurance, Health Insurance, Liability Insurance, or any other insurance that the City, from time to time, may have in force.

B. PAYMENT TERMS

If engaged by separate Agreement, Proposers will agree to the following:

- 1) **Invoicing Requirements:** Unless otherwise specified, the Proposer shall submit all invoices to the City of Bellville, City Manager's Office, 30 South Holland, Bellville, Texas 77418.
- 2) **Payment Terms:** The City will pay firm within thirty days after acceptance of a correct invoice.
- 3) **Travel Expenses:** The process and limits for reimbursement of all travel, lodging and/or per diem expenses associated with providing the services specified must be addressed in a subsequent Agreement. All travel expenses are subject to review by the City and documentation of actual itemized expenses may be requested. No reimbursement will be made without prior authorization of travel expense. Airline fare costs in excess of coach or economy will not be reimbursed.

C. RESERVATIONS

The City reserves the right to request clarification or additional information specific to any Proposal after all Proposals have been received and the RFQ due date has passed. Additionally, the City reserves the right to waive any formalities or technical inconsistencies, delete any portion of the Scope of Work, or terminate the RFQ process when deemed to be in City's best interest.

GENERAL SCOPE OF WORK

Overview: The City Attorney shall serve as legal counsel for the City of Bellville and provides legal advice to the City Council, City staff and boards and commissions pertaining to municipal law, litigation and legal instruments binding the City. The City Attorney will prepare, track and analyze contracts, ordinances, resolutions and other legal instruments and perform prosecution activities for Municipal Court. The City reserves the ability to retain special counsel at any time deemed appropriate and necessary.

The City Attorney shall be neutral and impartial and is expected to establish, develop, and maintain a professional and trusted relationship with the City Council, City Manager and City Staff.

The City Attorney must consistency demonstrate that its internal processes ensure that the City receives

consistent and reliable communications, services, and advice regardless of the number of attorneys and staff that may be engaged at any time.

Description of Services: The general scope of services requested of the City Attorney functions are, but are not limited to:

- 1) Provides legal counsel to the Mayor and City Council, City management team, and City departments; renders oral and written legal opinions as required.
- 2) Prepares and reviews correspondence, ordinances, resolutions, contracts, deeds, easements, affidavits, liens, releases, memorandum of law and other legal documents.
- 3) Researches, interprets and applies laws, court decisions and any other legal authority in the preparation of written and/or oral legal opinions and recommendations.
- 4) Represents the City in litigation and/or coordinates the representation of the City by special legal counsel or TML appointed attorney.
- 5) If the City utilizes special council, the City Attorney shall monitor and provide updates on the special council's services as requested by the City.
- 6) Investigates complaints and claims by or against the City.
- 7) Tracks legislative issues and ensures that the city stays abreast of and in compliance with new laws.
- 8) Attends regular and special City Council meetings to provide legal advice as needed. Regular City Council meetings are held on the 3rd Tuesday evenings of every month.
- 9) While not necessarily provided by the City Attorney, the City requires Municipal Court Prosecutor services be provided by a properly licensed and experienced attorney. It is preferred that this attorney have experience in criminal law and a working knowledge of Class C offenses. The attorney must also know the legislative mandates regarding fines/costs and alternative ways to pay fines/costs.

PROPOSER QUALIFICATIONS

Proposer shall be required to possess extensive knowledge, skill, ability, and experience in the following areas.

- 1) Texas Municipal government law.
- 2) Land use laws and abilities of the City to implement and administer such laws in conformance with State requirements.
- 3) Laws and methods to facilitate effective Code Enforcement to improve deteriorating areas of the City, including demolition procedures and property maintenance code provision.
- 4) Texas Open Records and Open Meetings Laws.
- 5) Laws and experience applying to economic development tools and agreements.
- 6) Police and public safety specialty Law.
- 7) Texas Commission on Law Enforcement (TCOLE) requirements.

- 8) American Disabilities Act & Amendments Act.
- 9) Texas Code of Criminal Procedure.
- 10) Municipal finance law.
- 11) Employment law.
- 12) Texas Penal Code, Rules of Evidence, civil statutes, regulatory agency codes, Transportation Code, Health and Safety Code, and Family Code.
- 13) Municipal Court processes and practices.
- 14) Knowledge of the needs and challenges of a fast-growing community.
- 15) Knowledge of the city's demographic and economic profile.

SUBMISSION REQUIREMENTS

The City will not accept oral Proposals, or Proposals received by telephone or fax machine. Proposals must provide a straightforward, concise description of Proposer's ability to meet all requirements and specifications of this RFQ. Emphasis should focus on completeness, clarity, and responsiveness to all requirements of this RFQ.

To facilitate the review of the responses, respondents shall follow the described format to assure that the specific requirements set forth in this RFQ are addressed in a uniform manner amenable to review.

Any Proposal that does not meet all the minimum requirements contained herein will be considered non-responsive and will not be evaluated. These minimum requirements are considered pass or fail criteria and include:

1. **Proposal must be received by the due date and time;**
2. **The firm is licensed to practice in Texas;**
3. **The firm has no conflict of interest with regard to any work performed by the firm for the City;**
4. **Page limitation must be met (25 pages maximum, including any exhibits or attachments);**
5. **Certification must be signed and included in Proposal, including acknowledgement of any addenda issued.**

Proposals that pass the minimum requirements listed above will be evaluated, rated, and ranked, in accordance with the criteria provided below. The City may request additional information, interviews, or presentations from the Respondent as part of the evaluation process.

The proposal format shall be clearly identified in the responses and conform to the criteria as outlined in "A" through "G" of each the criteria listed below.

- **Firm Introduction: (5 points)**
 - Briefly introduce your firm, providing a summary of the administration, organization, and staffing of your firm. Provide an organizational chart indicating the positions and names of the core management team which will undertake this engagement.
- **Demonstrate the competence and qualifications of the individual(s) who will be directly responsible for the management and delivery of the proposed work: (25 points)**
 - Provide a statement describing the firm's unique qualifications to provide the legal services described above.

- Provide a brief history of the firm, size, structure, and areas of practice.
 - Provide complete resume of individual person designated by the firm to be the City Attorney to provide legal services to the City.
 - Provide complete resume of individual(s) designated by the firm to provide Municipal Court Prosecutor services for the City.
 - If the firm, or any of the attorneys employed by the firm have ever been sued by a municipal client for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results.
- **Demonstrate the experience of the firm in providing legal services to Texas municipalities or similar governmental entities: (25 points)**
 - Provide a statement of experience with Texas municipalities or similar entities within the last 5 years, and any other areas of specialty within the field of municipal law.
 - Provide familiarity with laws and regulations governing municipal governments especially as it relates to land use, economic development and open records compliance.
 - Demonstrate expertise and experience in municipal law including Municipal Court Prosecutor experience.
- **Demonstrate the firm's availability and capacity to provide legal services: (20 points)**
 - Provide a statement describing how your firm proposes to provide legal services to the City. Address issues such as office location; accessibility to City Council members and City Staff; and attendance at City Council and other required meetings.
 - Demonstration of workload capacity commensurate with the level of service required by the City.
 - Provide information about the attorney(s) and firm's ability to perform work on short notice and to ensure timely and consistently coordinated responses and completion of the City's schedules and deadlines.
- **Understanding the required services and quality assurance: (20 points)**
 - Describe how your firm protects client confidentiality. This applies to all information and communications, including electronic communications, unless available to the public through a public records request and otherwise not subject to a specific exemption.
 - Describe the firm's approach to communicating with the City regarding progress reports, status reports, recommendations, status of opinions, etc. and to meeting requested deadlines.
 - Describe the firm's internal processes for ensuring that the City would receive consistent and reliable communications, services, and advice regardless of the number of attorneys and staff that may be engaged at any time.
- **References (5 Points)**
 - Please provide three (3) professional references from persons and/or entities within Texas for whom the firm has provided services similar to those services requested in this Proposal within the last five (5) years. Include the name of the entity, name of contact person, telephone number and email of contact person and description of services provided.
- **Rate Sheet (no points assigned)**
 - Please include a rate sheet for services to be billed. Billing rates will not be the determining

factor in selecting a law firm. Rates are requested to determine whether the firm's charges will be fair and reasonable and to determine any variations in fees charged based on factors such as the subject and complexity of work and the experience of the legal professional.

EVALUATION AND AWARD PROCESS

Written Proposals must present Proposer's qualifications and understanding of the work to be performed. Proposers are asked to thoroughly address the evaluation criteria in their responses and to be specific in presenting their qualifications to enable the City to properly evaluate capabilities to provide the requested services.

Evaluation: The City will evaluate all timely submitted Proposals against the criteria defined in the Submission Requirements section above. The City may request one or more of the Proposers to make a presentation and/or participate in an interview. If the City decides to proceed, the most highly qualified Proposer as determined by City will be invited to enter negotiation of a contract at a fair and reasonable price. If a satisfactory contract cannot be negotiated with the most highly qualified Proposer, the City will formally end negotiations with that Proposer; select the next most highly qualified Proposer; and attempt to negotiate a contract with that Proposer at a fair and reasonable price. The City may continue this process until a contract is entered.

By submission of a proposal, proposer acknowledges acceptance of the evaluation process, the evaluation criteria, scope of work, approach and methodology, and all other terms and conditions as set forth herein. Furthermore, Proposer acknowledges that subjective judgements must be made by the City during this process.

The City makes no guarantees or representations that any award will be made and reserves the right to cancel this RFP process for any reason.

Questions: Any questions regarding the evaluation and award process prior to any award by the City shall be sent in writing to Shawn Jackson, City Administrator, at sjackson@cityofbellville.com.

PROPOSER CERTIFICATION / SIGNATURE

The undersigned affirms that they are duly authorized to submit this Proposal.

Signature: _____ Date: _____

Typed Name: _____ Title: _____

Phone No.: _____ Email: _____

Proposer (Company) Name: _____

Address: _____

P.O. Box or Street

City

State

Zip