

Introduction

The City of West St. Paul is seeking written proposals to retain the services of a professional legal consultant to provide civil legal services to the City and act in the role of City Attorney. The City Attorney is expected to provide a wide range of general legal services for the City and act in an advisory capacity to the City Council, City Manager, staff and appointed committees as directed.

Our Community

The City of West St. Paul, with a population of 20,615, is located in Dakota County. West St. Paul covers an area of approximately 5 square miles. The City provides a full array of municipal services and general administrative functions. The City is governed by a 7 member City Council which includes six city council members elected by ward and a mayor elected at large. The City is a charter city, which may be viewed [here](#).

The City Manager is the chief administrative officer for the City. The City Manager is accountable to the City Council for the proper administration and day-to-day operation of all affairs of the City. The City Manager also manages the City Council agenda and provides policy recommendations to the Mayor and Council. The City Manager implements Council direction and outcomes through the department heads of the various City Departments.

Services Requested

Basic services for this proposal include those legal services generally understood within the field of municipal law to fall within the category of “general counsel” work, and shall include but not be limited to the following:

1. Attend all City Council meetings and Planning Commission meetings. Attend work sessions and other Commission and Committee meetings as requested by the City Council or City Manager. Regular City Council meetings are ordinarily held the second and fourth Monday of each month.
2. Draft ordinances, resolutions and correspondence as requested.
3. Prepare official documents related to development including development agreements, and planned unit development agreements and participate on development review team.
4. Review Council and Planning Commission agenda materials and minutes as requested.
5. Prepare and or review municipal contracts including but not limited to those for public improvements, joint powers agreements, purchases or other purposes as requested.

6. Participate in meetings and discussions with City Manager, staff and other individuals as requested to provide legal analysis, options, and risk assessment of specific subject matters.
7. Assist staff in processing licensing violations, administrative fines and suspensions, including implementation of administrative review procedures.
8. Represent the City in the acquisition and disposition of property and easements.
9. Conduct occasional law updates for City Council, commissions, and staff as necessary regarding new or proposed legislation affecting municipal operations and activities.
10. Represent the City in condemnation proceedings for public improvement projects.
11. Advise and assist staff as requested in the development of Requests for Proposal and formal bid documents.
12. Represent the City in matters related to the enforcement of City building, property maintenance, zoning and fire codes.
13. Represent the city with state and federal regulatory agencies.
14. Research and submit legal opinions on legal matters requested by City Council or City Manager.
15. Defend the City in litigation except in those cases where insurance companies are required to exclusively provide defense. Work cooperatively with insurance companies as needed on litigation cases.
16. Partner with the City on public employment matters.
17. Provide, on a periodic basis, written updates on State or Federal legislation or judicial holding impacting the City and suggested action or changes in operations or procedures to assure compliance.
18. Research and introduce special legislation or initiatives involving City matters.
19. Provide interpretation and advice with respect to MN Data Practices Act and its application.
20. Respond to City Staff day to day inquiries in a timely manner.

Review

Qualification Based Selection

The City of West St. Paul intends to select and award an agreement to the firm evaluated to be best qualified to perform the work based on extent and quality of firm's resources, cost, presentation, compatibility, and quality and extent of experience. Other performance factors may also be considered.

Review and Recommendation Process

Proposers will be evaluated by the city staff. Based upon review of the submitted proposals a selected number of firms will be asked to interview with the City Council at a public meeting.

Financial Liability Limitations

The City and EDA shall not be liable for any expenses incurred by the applicant in connection with this solicitation, including but not limited to expenses associated with the preparation of the statement, attendance at interviews, preparation of compensation fees schedule or final contract negotiations.

Rights of Review

The City reserves the right to reject any and all proposals or to request additional information from any and all applicants.

Instructions

Proposal Submission

One electronic copy of the proposal should be submitted to:

Nate Burkett, City Manager
nburkett@wspmn.gov

All responses, questions and correspondence should be directed to Nate Burkett. In the interest of fairness to all respondents, do not contact other staff or elected or appointed officials.

Timeline

Prompt and efficient selection is a priority of the City of West St. Paul. The City will make our selection decision as follows:

| | |
|-----------------------------------|--|
| RFP Available | TBD (day after approval) |
| Proposals Due | TBD (approx. 4 weeks after approval) |
| Staff Interviews | TBD (approx. 2 weeks after due date) |
| Council Interviews | TBD (approx. 1-2 weeks after staff interviews) |
| Contract Negotiation Period | TBD (following selection) |
| Contract Consideration by Council | TBD (approx. 2 weeks after council interview) |
| Contract Start Date | TBD |

Content

The following is required for a proposing firm to be considered.

Transmittal Letter

A signed letter of transmittal briefly stating the firm's understanding of the work to be done, the commitment to perform the work within requested time periods, a statement why the firm believes that it is best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer.

Technical Proposal

The proposal for technical qualifications should be brief. Be sure to address items outlined in our services requested.

The purpose of the technical proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake a role as the City Attorney in conformity with the requirements of this request. The substance of the proposals will carry more weight than form or manner of presentation. The technical proposal should demonstrate the qualifications of the firm and of the staff to be assigned to this engagement. Include:

Firm Profile

- Provide summary of the firm including staffing levels, areas of interest, number of clients and a list of all Minnesota municipal clients.
- Provide a brief description of the legal services, specifically related to municipal government, which the firm is capable of providing, together with an explanation of how these services might best assist the City of West St. Paul.
- Provide a brief description of the experience of the firm in representing municipalities specifically in the areas of general counsel, code enforcement, redevelopment, property real estate, right of way acquisition and public/private partnerships.
- Any additional information, including court case involvement or creative solutions, which might be beneficial to the City in evaluating the firm's qualifications to serve as City Attorney.
- 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.

Personnel Qualifications and Resumes

The City of West St. Paul requires that one attorney be designated as the primary point of contact (POC) and City Attorney for the City of West St. Paul. This primary POC will be the attorney expected to attend city council meetings, and advise staff on most general counsel matters. This individual is expected to work well with both the Council and Staff and serve as a part of the team on a frequent basis. It is expected as a condition of response to this proposal that the attorney assigned to this role is prompt in response, and available to participate and engage with staff on a nearly daily basis if needed. The proposal must clearly identify the point of contact. The POC need not have expertise in all of the services requested in this RFP, however an attorney with the firm should be identified as having such expertise.

For each member of the professional staff proposed to be assigned to this engagement, please provide the following information:

- A brief resume of the professional experience and qualifications of the individual, specifically including Minnesota Municipal Law.
- An outline of the proposed function of the individual and their back-up as well as their experience in that specific assigned function.
- A description of the accessibility and availability of the individual during the contract including other municipal clients where the individual may be serving as the primary POC or equivalent.
- The office location to which the individual is assigned.

References

- Include a list of municipal clients where related services were provided by the professional staff proposed along with the name and telephone number of a person who may be contacted at that municipality.
- Any previous or current services provided to the City of West St. Paul.

Compensation and Fee Schedule

- Include a fee structure:
 1. Hourly: include hourly rates which include the chargeable hourly rate specific to all individual personnel.
 2. Retainer: include services provided and a description identifying items to be billed out or charged to others.
- Provide fee schedule for incidental disbursement services and any other costs the city will be charged.

Supplemental Information

- Provide a copy of Malpractice/Liability Insurance Certificate in a minimum amount of \$2,000,000.
- Provide recent audit or financial report of the firm.
- A list of services requested in the RFP the firm does not have expertise and experience in.

Non-discrimination

The firm selected shall not discriminate under the contract against any person in accordance with federal, state and local regulations.

The City of West St. Paul 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.

Contract

Negotiations and Contract Execution

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 consultant, a contract shall be executed.

It is anticipated that the City will establish a relationship with a selected firm for five (5) years.

Contract Ethics

No elected official or employee of the City of West St. Paul who exercises any responsibilities in the review, approval, or implementation of the proposal shall participate in any decision which affects his/her direct or indirect financial interests.

It is a breach of ethical standards for any person to offer, give, or agree to give any City employee or Council person, or for any City employee or Council person to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonable 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.

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.

The firm shall not accept any private client or project which, by nature, places it in ethical

conflict during its representation of the City of West St. Paul.