



REQUEST FOR PROPOSALS (RFP) FOR LEGAL SERVICES

I. BACKGROUND

Toquerville City (“the City”) is a growing city of the fifth class located in Southern Utah (Washington County). The City has a six-person Mayor and City Council form of government, with the Mayor acting as the chief administrative officer. The City currently has a City Manager, an Assistant City Manager and several employees on staff. Presently the City Council has determined that the City is not ready to retain an attorney to work full-time “in-house” providing legal services and legal advice to the City. Accordingly, the City is seeking to retain a private practice attorney or law firm to provide said services on an independent contractor basis. If a law firm is retained, one specific attorney within that law firm will be designated and appointed as the Toquerville City Attorney.

II. PURPOSE

The City seeks proposals from law firms and/or individual attorneys to represent the City as the Toquerville City Attorney. The law firm and/or individual attorney selected shall serve as an advisor to the Mayor, City Council, Planning Commission, Appeal Authority, City Staff and any other boards or committees of the City in all legal matters confronting the City. Respondents shall provide completed proposals no later than 4:00 P.M. on Tuesday, February 20th, 2024. Proposals shall be submitted electronically to the following individuals, Daisy Fuentes, Toquerville City Recorder - recorder@toquerville.org and Afton Moore, Toquerville City Manager – afton@toquerville.org.

The City shall not be responsible for any expenses incurred in any form for preparation, submittal, or presentation of any proposal specific to this RFP. The City reserves the right to reject any and all proposals and to select the law firm or individual attorney deemed, in the sole judgment of the Mayor and City Council, to have submitted the proposal that serves the best interests of the citizens of Toquerville City. The Mayor and City Council may request that Respondents present their proposals and answer questions in an executive session scheduled by the Mayor and City Council after reviewing the written responses. The law firm or individual attorney selected shall be at the sole discretion of the Mayor and City Council. Attorneys or law firms whose proposals are not accepted will be notified in writing.

III. GENERAL SCOPE OF SERVICES

For planning and illustrative purposes to assist prospective Respondents in replying to this RFP, the following represent services that will be required on an ongoing or ad hoc basis:

1. Advise the Mayor, City Council, Planning Commission, Appeal Authority, and City Staff regarding legal issues confronting the City.
2. Draft, review, edit, and provide advice on proposed ordinances and resolutions when requested and/or approved by the Mayor, City Council or City Manager.

3. Draft, review, edit and provide interpretation/advice on all contracts that the City is a party to as authorized and/or approved by the Mayor, City Council or City Manager.
4. Maintain complete records of all activities and written opinions provided to the City. Such information shall include and be catalogued by subject matter.
5. Represent and defend the City in all legal proceedings, arbitrations, mediations and other structured negotiations of which the City is a party or has an interest in the outcome thereof.
6. Maintain a complete record of all suits in which the City is a party to or has any interest in. Such records shall include and be catalogued by names of parties, court where filed, nature and subject of action, disposition of the case, and if pending the brief(s) of counsel.
7. Provide monthly status reports, if requested, along with monthly billings for services rendered. All billings shall include the following information: a) the subject matter of the billing, b) the attorney or legal firm's representatives name who provide the legal services described in time each entry, the number of hours expended in each entry (or parts thereof - billed in increments no greater than six minutes), the timekeeper's hourly rate, total amount charged by subject matter,
8. Attend meetings of the City Council, the Planning Commission, Appeal Authority or City Staff as authorized and requested by the Mayor, City Council, or the City Manager.

It is further understood that in addition to the activities listed above, ad hoc duties will include verbal communications with the Mayor, the City Council, Planning Commission, Appeal Authority, and appointed officials of the City. City Boards and Committees and non-appointed City Employees (other than authorized by the Mayor, City Council, or City Manager) have no authority to incur legal expenses with the City Attorney on behalf of the City, therefore the City Attorney is not authorized to provide legal services to said persons or boards without prior approval.

IV. APPOINTMENT & ENGAGEMENT

It is anticipated that the City, by and through the Mayor (with the consent and approval of the City Council) will appoint an individual attorney as the Toquerville City Attorney. The attorney and his law firm will need to be prepared to enter into a one (1) year professional services agreement that will automatically renew for three (3) additional (1) year periods unless notice of non-renewal is given is given by either party at least sixty (60) days in advance of the expiration of the initial term or any renewal term thereafter. At all times the attorney and/or law firm will serve at the pleasure of the Mayor and City Council, thus they are subject to termination in compliance with the terms and condition set forth in any written professional services agreement.

V. COMPENSATION

The City anticipates paying for legal services on an hourly basis. However, alternative proposals including a lump sum monthly retainer or a hybrid combination of both will also be considered.

VI. BILLABLE EXPENSES

It should be understood that the individual attorney or law firm providing legal services to the City will do so with no additional cost to the City for secretarial, administrative support and basic business expenses such as telephone, facsimile, stationary, postage, supplies and equipment required to provide a satisfactory level of service. Notwithstanding the preceding, the City will reimburse the individual attorney or law firm for any court costs, filings fees, service of process fees, expert fees, court reporter fees, travel expenses and recording fees that are advanced on behalf of the City so long as said expenses are first pre-approved by the City.

VII. SUPERVISION AND CONTROL

The individual attorney appointed as the Toquerville City Attorney and his/her law firm will be under the general supervision of the Mayor and City Council on all matters involving the City and is expected to work under the guidance and direction of that body.

VIII. INSURANCE

The individual attorney or law firm shall be required to carry professional liability insurance of at least \$1,000,000 per occurrence, and upon successful acceptance of the engagement, the City shall be named as 'additional insured'. Proposals shall include delineation of the carrier and coverage limits per occurrence. With the professional services agreement entered into between the City and the individual attorney or law firm chosen, shall contain a provision which requires the attorney or law firm to indemnify the City from all suits, action, claims of any kind resulting from, or as a consequence of, any negligent or intentionally tortious act or omission by the law firm or the individual attorney engaged.

IX. QUALIFICATIONS

Respondents shall provide with the proposal a clear delineation of the experience of the attorney and the size and experience if said attorney's law firm. Respondents shall also provide resumes or CVs of all partners and associate attorneys who it is anticipated may provide a portion of the legal services to the City. It is expected that the attorney designated at the Toquerville City Attorney will hold an active Utah State Bar License and have practiced law in the State of Utah for at least five (5) years. In addition, the proposal shall include a narrative explaining how the person appointed as the Toquerville City Attorney will manage fulfillment of the duties and responsibilities of the position in his or her absence or inability to act at any given time.

X. SELECTION CRITERIA

The City Council shall make the selection based on the Respondent's written proposal, the qualifications of the attorney or law firm, the overall fee structure, the estimated cost of specific services referenced in the RFP and feedback from references.

XI. REQUEST FOR PROPOSAL - PROPOSED TIMELINE¹

1. RFP announced and circulated on February 6, 2024.
2. RFP complete responses to the City by 4:00 P.M. on Tuesday, February 20th, 2024.

¹ All dates and times subject to changed based on the discretion of the City.

3. Narrowed group of Respondents selected for additional presentation and interview (likely by remote Zoom call) on Tuesday, February 27th, 2024.
4. Decision announced at the City Council's regularly scheduled meeting on Wednesday, March 6th, 2024.

XI. DESIRED QUALIFICATIONS OF THE INDIVIDUAL ATTORNEY AND/OR LAW FIRM

1. A thorough understanding of the legal framework of municipal government in Utah including diverse legal experience, particularly in the areas of municipal liability, land use, zoning, planning, regulation of new development, construction and professional service contracts, bond and other debt issuance, litigation and real estate law.
2. Prior municipal law experience in service to a Utah city, town, or county.
3. Accessibility for the Mayor, Council, and designated City staff as needed.
4. Office location in Washington County.
5. Knowledgeable in government ethics laws.
6. The Respondent must be licensed to practice law in the State of Utah and be a member of the Utah State Bar in good standing. Include a list of any other professional qualifications, experiences and/or credentials you feel are relevant to this RFP.

XI. PROPOSAL INFORMATION

While additional data may be presented, the following subjects and questions must be addressed:

1. Name, address, telephone number, fax number and email address of the Respondent. Include contact person and telephone number for purposes of following up on your proposal.
2. If Respondent is an individual attorney, please discuss your educational background. This should include undergraduate degrees, law degrees and any other degrees which you hold. This might include general information about you, where you grew up and any other information you may wish to share with the City Council.
3. If Respondent is a law firm, please discuss:
 - a. The educational background of the attorney who is proposed to be designated and appointed as the Toquerville City Attorney and any other attorney in the firm who will play a significant role in the provision of legal services to the City.
 - b. The size of the firm, the firm's municipal law staff, the location of the office from which attorneys and their staff will work.
 - c. The number and nature of the professional staff to be employed in this engagement.

- d. A narrative about the history of the firm, including date of inception, experience with relevant Utah municipal, state and federal law and their experience performing services to Utah municipalities.
 - e. A narrative about the resources of the firm, to include support staff, library and research capabilities, and other relevant information.
4. Describe the level of coverage for malpractice insurance you carry. Provide documentation of the malpractice insurance coverage.
 5. Within the last five years have you (if an individual attorney) or your law firm, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the legal services provided by you or the law firm? If so, provide an explanation and indicate the current status or disposition of any such situation.
 6. State whether you (if an individual attorney) or any attorney that is expected to perform significant legal services to the City within the law firm, have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
 7. Please provide a statement identifying the individual attorney or law firm's current clients doing business in and around Toquerville that have the potential to present a conflict of interest.
 8. Please provide a list of four (4) references for the City to contact. Two (2) references should be past or present clients of the individual attorney or law firm and the remaining two (2) references should be from others involved in the Southern Utah legal community.
 9. Please share any other information you feel would be helpful to the Mayor and City Council as they make the decision on who to engage as the Toquerville City Attorney.