

REQUEST FOR PROPOSAL

CITY OF DEVINE, TEXAS

RFP NO. 2024-04

CITY ATTORNEY SERVICES

Requests for Proposals (RFP) shall be submitted in sealed envelopes clearly marked with RFP NO. 2024-04, CONTRACT FOR CITY ATTORNEY SERVICES, and addressed to The City of DEVINE, ATTN: David Jordan, City Administrator. They will be received at Devine City Hall, 303 South Teel, Devine, Texas, 78016, until 5:00 PM, Wednesday, April 24, 2023, at which time the RFPs will be publicly opened and read.

The City of Devine Reserves the right to reject any and all RFPs and to waive any informality in RFPs received. The City of Devine pays for goods and services according to the provisions of Chapter 2251 of the government code.

RFP documents are available for review/inspection or can be picked up during regular business hours at City of Devine, City Hall, 303 South Teel, Devine, Texas 78016. RFP documents can be sent via email by sending a request to the following email address: cityadministrator@cityofdevine.com.

Please contact the city offices for additional information at 830-663-2804.

**City of Devine, Texas
Request for Proposals
City Attorney Services**

Proposal Due Date: April 24, 2024

The City of Devine invites proposals for contracted City Attorney services. Sealed proposals are due to the City Administrator's Office by 5:00 p.m. CST Wednesday, April 24, 2024. The City of Devine will not accept proposals provided through facsimiles or emails. The City seeks services encompassing the traditional scope of work including legal counsel and rendering of opinions to the City Council and staff, and consultation and coordination with special counsel. Attendance at a variety of meetings will be required, including staff meetings and Council meetings as specified. A more detailed statement of the services expected are provided in the scope of work described below.

Background Information

The City of Devine is a General Law Type A city incorporated in 1907. Devine has a Council/City Administrator form of government, where the Mayor and City Council are the policy-making bodies, and the City Administrator is the administrative head. The City Administrator, Municipal Court Judge, and City Attorney are directly responsible to and appointed by the Mayor and City Council.

Devine is located in Medina County with an estimated population of 4,300 residents. Devine is conveniently located 35 miles south of San Antonio.

If it is anticipated that more than one attorney from the successful respondent may work on some City projects, depending on workload requirements and areas of expertise. The designated City Attorney will maintain central responsibility.

Communications

All communications related to responding to this Request for Proposals are to be directed through the City Administrator's Office.

Scope of Work

1. Provide legal advice, counsel, training, consultation, and opinions to the City Administrator, City Council, Planning and Zoning Commission, and all levels of the City Government, on a wide variety of civil assignments including, but not limited to: land use planning, employment law, labor law, construction of public works, purchasing and procurement, purchase and sale of property, interlocal agreements, and public disclosure issues. The City Attorney's advice includes methods of effectively avoiding civil litigation.
2. When requested, furnish legal representation at City Council meetings, Planning and Zoning Commission meetings, and other meetings.
3. Appear before courts and administrative agencies to represent the City's interests.
4. Prepare and review ordinances and resolutions, contracts, and other documents for legal correctness when requested by the City Council or staff.
5. Work cooperatively with special legal counsel retained by the City for special projects.
6. Coordinate with other special counsel as needed to ensure proper management of legal issues and proper coordination and transition of legal issues among legal counsel.
7. Assist City officials and staff in maintaining awareness of ethical standards and the appearance of fairness standards and in avoiding potential conflicts of interest, prohibited transactions, and the appearance of prohibited transactions.
8. Assist City officials and staff to understand the legal roles and duties of their respective offices and interrelationships with other jurisdictions.
9. Provide the Mayor and City Council with guidance as to Robert's Rules of Order and related procedural matters relating to Council meetings.
10. Performs other legal services and tasks as assigned by the City Council and staff.
11. The City Attorney, either in person or by a deputy, shall, as required by the City Council from time to time, represent the city in the prosecution of each and every complaint, and for such representation, there may be taxed and collected as cost by the Clerk of the Municipal Court the same fees as are allowed in a like case to the County Attorney by the statutes of the state.

12. The City Attorney, either in person or by a deputy, may also be required by the City Council from time to time to represent or advise the City in the prosecution or defense of actual or threatened civil litigation.

Avoidance of Conflict of Interest

As part of the exchange of value between the City of Devine and the selected legal services provider, and in pursuit of implementing a "best practices" philosophy, the City wants its legal support to be free of conflicts of interest in fact and in appearance. As such, responders are requested to answer the following question so that the City may determine the degree of separation between clients the firm is willing to achieve to fulfill this City goal. This answer shall be provided as Attachment G in the written response to this Request for Proposal (see page 6 below). In answering this question, please identify those steps, if any, the firm would be willing to undertake to eliminate or reduce the potential for conflict of interest. As an example, please identify how the firm would handle a situation where one attorney in the firm represents the City as the contract City Attorney and another attorney in the same firm represents a developer seeking approval of a project within the city limits of Devine.

1. How would your firm handle representation of any other client engaged in development activity within Devine or its Extraterritorial Jurisdiction (ETJ)?

In responding to the foregoing question, please be aware that the City of Devine does not contemplate granting any release that would waive restraint from participation in a conflict-of-interest situation.

Specifications

1. The City Attorney may be asked to attend City Council meetings. These are typically scheduled on the third Tuesday of each month, beginning at 6:00 p.m. until the meeting is adjourned.
2. The City Attorney may be asked to attend City Council work sessions, which typically occur during regular business hours on varying days.
3. The City Attorney may be asked to attend Planning and Zoning Commission meetings. These are typically scheduled on the second Monday of each month, beginning at 6:00 p.m. until the meeting is adjourned.
4. The City Attorney may attend occasional community meetings and meetings related to specific projects in which the City is involved.
5. The City Attorney must be available by phone, cell phone, and e-mail.

Timeliness of response and accessibility to the City Attorney by the Devine Mayor and City Administrator is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney are of the greatest importance.

Accessibility includes being generally available to attend meetings in person on short notice and being reached promptly by telephone. The City does not offer office space in a City location. The City Attorney is expected to coordinate with the staff to promote efficient and effective work production.

Term

The duration of the engagement is “at-will” and is within the discretion of the Devine Mayor And City Council. It may be terminated, with or without cause, by either party upon thirty (30) day written notice. Termination by the City will require only a majority vote of the City Council at a properly called regular or special meeting.

Schedule

The City provides the following anticipated schedule for completion of this process. This anticipated schedule is for information purposes only and may be adjusted as needed by the City.

RFP Release Date: April 10, 2024

RFP Submission Date: April 24, 2024, 5:00 p.m. CST

How to Respond

One (1) copies of sealed proposals must be submitted in writing (no facsimiles, please) and one (1) electronic copy (on a flash drive) on or before 5:00 p.m. CST on April 24, 2024, to David Jordan, City Administrator, at the following address:

City of Devine
303 South Teel
Devine, TX 78016
Telephone: 830-663-2804

The electronic copy only does not solely meet the conditions of the proposal. The preferred format for the electronic copy is Microsoft Word or as a .pdf file by the aforementioned deadline.

The sealed envelope must clearly state that it is a proposal for **RFP NO. 2024-04**.

Please provide one (1) copy of a written response per sealed proposal submitted, responding to each inquiry in the order presented below.

1. Scope of Work: Include as Attachment A
Identify any or all of the City's outlined 'Scope of Work' (pages 3-4 above) that will be provided.
2. Vendor Business History: Include as Attachment B
Provide a narrative description of the firm's business history. Complete and submit the "Business Statement."
3. Firm experience: Include as Attachment C
Provide a narrative description of the firm.
Identify other municipal clients the firm or attorneys in the firm have had.
Identify experience with municipal law issues, including land use, zoning, growth management, contract law (including interlocal agreements), election issues, Open Meetings Act, public information requests, personnel, and other municipal specialties.
4. Proposed City Attorney, Team: Include as Attachment D
Name and describe the attorney(s) and/or team proposed, including the designated City Attorney.
For each attorney on the team proposed, please identify the law school attended, the year of graduation, and the year in which each passed the bar examination in Texas.
Provide a resume for each team member, with considerable detail on the experience and qualifications of the designated City Attorney and any significant assisting attorneys.
If specialty attorneys or additional resources are available through your firm (in addition to the named team) to meet special needs, please identify them and their specialties as well.
5. Accessibility and responsiveness: Include as Attachment E
Identify the accessibility of the proposed designated City Attorney 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 the physical location of the City Attorney's primary offices.

6. Proposed fee structure: Include as Attachment F
Propose a compensation package inclusive of all service costs. The City is open to a variety of approaches, including hourly rates or a flat monthly rate with add-ons. The City will select the finalist by considering the proposed compensation as a "best and final offer," although the City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the city's needs, including cost.

7. Avoidance of Conflict of Interest: Include as Attachment G
Answer the following question:

How would your firm handle the representation of any other client engaged in development activity within Devine?

In answering this question, please identify how the firm would handle a situation where one attorney in the firm represents the City as the contract City Attorney and another attorney in the same firm represents a developer seeking approval of a project within the city limits of Devine.

In answering this question, please identify those steps, if any, the firm would be willing to undertake to eliminate or reduce the potential for conflict of interest.

8. References: Include as Attachment H
Provide three references for the designated City Attorney.
Please note that the City prefers references relating to municipal experience. Naming of a reference is considered permission to contact the reference. The City may contact outside individuals, whether offered as references or not. The City retains the right to use such information in its decision. Submittal of a proposal is an agreement that the City may contact and use such information.

Evaluation and Selection

Evaluation process - The city reserves the right to award the contract to that proposal that best meets the needs and interests of the City. The following steps are anticipated:

Step 1. Receive and review of qualifications and written proposals

Step 2. Initial reference and information check

Step 3 City interview of finalists

Step 4. Approval of the contract by the City Council

Evaluation of the written proposal - Written proposals will be evaluated by the City as set forth immediately below.

1. Applicable experience of proposed designated City Attorney
2. Depth and stability of firm or practice
3. Interpersonal match and philosophical concurrence with City core beliefs, practices, and personnel
4. Accessibility and responsiveness of both the proposed designated City Attorney and any assisting attorneys
5. Cost

The City will identify and notify those applicants that will be invited to interview. The City reserves the right to utilize new or revised evaluation criteria.

Interviews—The city will hold interviews at its sole option. If interviews are conducted, firms should plan to have key personnel on their interview teams who will be assigned to the work specified in the proposal. “Shortlisted” firms may be asked to provide supplemental or additional information for review by the City prior to the interviews.

Contract negotiations - The City of Devine reserves the right to negotiate all elements that comprise the apparent successful proposal. City representatives and the selected finalist will review in detail all aspects of the requirements and the proposal. During the review of the apparent successful proposal, the respondent may offer, and the City may accept revisions to the proposal, although such suggestions are not favored.

Rejection of proposals - The City reserves the right to reject any or all proposals, portions or parts thereof. Without limiting the generality of the foregoing, the City may reject any proposal which is incomplete or not responsive.

**Attachment B
BUSINESS STATEMENT**

Please complete and submit with your proposal response.

1. Name of Business: _____

2. Business Address: _____

3. Phone: _____ Email: _____

Business Classification (check all that apply)

Individual _____ Partnership _____ Corporation _____

5. Federal Tax Number (SSN or UBI Number): _____

6. Name of Owner: _____

7. Does the firm maintain insurance in amounts specified by the City Contract:
(General liability insurance of at least \$1,000,000 per occurrence, \$2,000,000 aggregate,
Combined Single Limit (CSL); Automobile Liability of at least \$1,000,000 per accident CSL;
Professional Liability of at least \$1,000,000 per occurrence.)

If no, then describe the differences: _____

Are there claims pending against this insurance policy? Yes _____ No _____

If yes, explain the nature of the claims. If necessary, attach additional sheets:

8. Has the firm or any attorney in the firm ever been disqualified or terminated by any public agency? Yes _____ No _____

9. Is each proposed attorney accredited and in good standing with the Texas State Bar Association? Yes _____ No _____

10. Have any attorneys proposed for this contract been the subject of any bar complaints to the Texas Bar Association? Yes _____ No _____

If yes, please explain. If necessary, attach additional sheets:

11. Proposal offers shall be good and valid until the City completes the award or rejects the proposals. Failure to concur with this condition may result in rejection of the offer. Does the firm accept this condition? Yes _____ No _____

FIRM NAME: _____

FEDERAL ID#: _____

I certify that, to the best of my knowledge, the information in this proposal is accurate and complete and that I have the legal authority to commit this Firm to a contractual agreement.

SIGNATURE: _____ DATE: _____

PRINTED NAME AND TITLE OF SIGNER: _____