



REQUEST FOR PROPOSAL
LEGAL SERVICES

REQUEST FOR PROPOSAL – PROPOSED TIMELINE

- RFP announced on 20th of August, 2018
- RFP complete responses sent to Cedar Highlands Mayor at mayor@cedarhighlands.org by 4:30 p.m. on 10th of September, 2018. Cedar Highlands shall not be responsible for any expenses incurred by any firm in preparation, submittal, or presentation of any proposal specific to this Request for Proposal.
- Decision announced on 20th of September, 2018

BACKGROUND

Cedar Highlands has a Mayor and Town Council (5 Member Council) form of government, with the Mayor acting as the chief administrative officer. There are a number of activities that may require legal advisory services including the general activities of the Town Council, the normal business activities of the Planning Commission, legal advice and representation for the Land Use Appeal Authority, the general support of the various Town Departments, and other services as determined by request of the Mayor and Town Council.

Cedar Highlands Ordinances are available for review at the Cedar Highlands website www.cedarhighlands.org. This web site also contains information about the Town, its history, citizens, departments and services, and current activities. It is recommended that applicants familiarize themselves with this information.

PURPOSE

Cedar Highlands seeks proposals from law firms and/or attorneys to represent the Town as its legal counsel. The firm and/or attorneys selected shall serve as chief legal advisor to the Mayor and Town Council, Town staff, and boards and commissions as approved by the Mayor, Town Council and/or Town Manager.

Cedar Highlands reserves the right to reject any and all proposals and to select the legal firm deemed, in the sole judgment of the Mayor and Town Council, to have submitted the proposal that serves the best interests of the citizens of Cedar Highlands. The Mayor and Town Council may request that respondents present their proposals and answer questions in an executive session scheduled by the Mayor and Town Council after review of the written responses. The individual or firms selected shall be at the sole discretion of the Mayor and Town Council. Attorneys or firms whose proposals are not accepted will be notified in writing.

GENERAL SCOPE OF SERVICES

For planning and illustrative purposes to assist applicants in responding to this Request for Proposal, the following represent services that may be required on an ongoing ad hoc basis:

1. Advise the Mayor, Town Council, Town staff, and committees on legal questions arising from the conduct of Town business.
2. Draft, review and/or edit proposed ordinances when requested and/or approved by the Mayor, Town Council and/or Town Manager.
3. Draft, review and/or edit all contracts and other instruments proposed and/or approved by the Mayor, Town Council or authorized members of Town Staff.
4. Prepare all actions, charges, complaints, and appear in the appropriate court to represent the Town Council regarding any violation of Town ordinances. Upon direction of the Town Council, the Town Attorney shall defend the Town and Town Officials against any claim or action against them in their official capacity.
5. Maintain complete records of all activities and written opinions provided to the Town of

Cedar Highlands. Such information shall include and be catalogued by subject matter, date requested, originator of request (title and person), question, and response. In addition, maintain a complete record of all suits in which the Town of Cedar Highlands has any interest; 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.

6. Provide monthly status reports along with billing detail to the Town. Billing shall include the following information: Cedar Highlands department requesting service and individual's name, subject matter of request, legal firm's representative name handling request, hours spent, hourly rate, total amount charged by subject matter.
7. Make affirmative reports to the Mayor and Town Council of any and all litigation or actions against the town or its representatives.
8. Prepare deeds, easements, and contracts for any and all real estate transactions of town property.
9. As requested review/revise any and all contracts for town required goods and services.
10. Attend meetings of the Mayor and Town Council and other administrative boards and commissions as needed.
11. Approve all official bonds.
12. Draft, review and/or edit resolutions as to form.

It is further understood that in addition to the general and recurring activities listed above, ad hoc duties including verbal communications with the Mayor, the Town Council, authorized department heads and town employees in elements of prudent administration of the legal responsibilities of office and delineation of the statutes of the State of Utah are also an integral component of the work associated with the duties of the Town Attorney.

It is specifically noted that inquiries from the general public and/or the press are outside the purview of the Town Attorney. Further, the legal firm reports directly to the Mayor and/or Town Manager. Therefore, Town Committees have no authority to incur expenses on behalf of the Town of Cedar Highlands. The Town Attorney is not authorized to provide legal services to them unless assigned by the Mayor or Town Manager.

It is anticipated that the Town of Cedar Highlands, through an order of the Mayor and Town Council, will enter into a three-year (3-year) agreement with the firm for legal services. At all times the law firm will serve at the pleasure of the Mayor and Town Council.

COMPENSATION

The Town Attorney is an independent contractor who receives no employee benefits, no workers compensation coverage from the Town and no Internal Revenue Service withholdings are made from pay. The Town anticipates payment for services on an hourly basis. However, alternative proposals including lump sum retainer, lump sum/not to exceed, hourly payment basis with an upset limit, or combination of these and others providing attractive alternatives will also be considered.

BILLABLE EXPENSES

It shall be understood that the legal firm(s) shall provide general services to Cedar Highlands at no additional cost to the Town for secretarial services, telephone, stationary, postage, supplies, library and equipment required to provide a satisfactory level of these general services. The town agrees to reimburse court costs and other associated "out-of-pocket" expenditures.

SUPERVISION AND CONTROL

The Town Attorney shall be under the general supervision of the Mayor and/or Town Manager and is expected to work under their guidance.

OTHER COURT ACTIONS

Active court cases pending at the time of contract under this RFP shall be assumed by the firm assigned as Town Attorney. It shall be incumbent on the firm to properly familiarize itself with any and all information appropriate to effectively and efficiently represent the Town of Cedar Highlands.

INSURANCE

The legal firm shall be required to carry professional liability insurance of at least \$3,000,000, and upon successful acceptance of the contract, the Town of Cedar Highlands shall be named as "additional insured". Proposals shall include delineation of the carrier and coverage limits per occurrence. The legal firm shall indemnify the Town of Cedar Highlands from all suits, action, claims of any kind resulting or as a consequence of any act or omission by the legal firm or its employee or contractor acting under this contract for legal services.

QUALIFICATIONS OF LEGAL COUNSEL

The proposal shall identify the primary attorney of the firm to be appointed Town Attorney and that individual shall be authorized to represent the firm in all matters between the firm and the Town of Cedar Highlands. In addition, the proposal shall include a narrative explaining how the firm shall manage fulfillment of the duties and responsibilities of the designated town attorney in his or her absence or inability to act at any given time. As references, the primary attorney applicant shall provide name and contact information for not less than 2 attorneys, who are not members of the same firm, are in good standing, and who have been known by the applicant attorney for not less than 5 years.

SELECTION CRITERIA

1. Based upon a review of the Town of all submissions, an undetermined number of finalists will be invited to participate in an interview with the Town review committee. No contact should be made with members of the review committee prior to their review. (Date, time and location of the interview are yet to be determined.)
2. Following the interviews the review committee will rank the proposals.
3. The Town will enter into contract negotiations with the highest ranked applicant selected by the review committee. Town Council approval of a contract, in an open meeting, is required for any selection to be complete.
4. In the event the Town is not able to negotiate a mutually acceptable contract with the successful applicant, it reserves the right to terminate negotiations and then undertake negotiations with one of the other finalists.

DESIRED QUALIFICATIONS OF THE SOLE PRACTITIONER AND/OR 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, public employment law, construction and professional service contracts, bond and other debt issuance, litigation, BLM experience 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 Town staff as needed.
4. Office location.
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 Bar in good standing. Include a list of any other professional qualifications; experiences and/or credentials you feel are relevant to this RFP.

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 firm. Include contact person and telephone number for purposes of following up on proposal.
2. Please tell us about 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 Council.
3. State the size of the firm, the firm's municipal law staff, the location of the office from which the work on this position is to be performed and the number and nature of the professional staff to be employed in this appointment.
4. 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.
5. Narrative of the qualifications of the person(s) proposed to work directly with the Town to include:
 - Legal training, years of practice, area of specialization; include date of admittance to Utah Bar;
 - Years of municipal, county or state government law practice;
 - Litigation experience and demonstration of a satisfactory court track record;
 - Identify any professional affiliations/detail experience in representing Utah municipalities.
6. Identify the accessibility of the proposed designated lead Attorney, and the response time that the individual offers to the Town.
7. Narrative about the resources of the firm, to include clerical and support staff, library and research capabilities, and other relevant information.
8. Describe the level of coverage for malpractice insurance your firm carries. Is the coverage on a per client basis, or is the dollar figure applied to the firm as a whole? Provide documentation of the malpractice insurance coverage.
9. Within the last five years has your organization, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the services provided by your entity? If so, provide an explanation and indicate the current status or disposition of any such situation. State whether the firm, its officers, partners, principals, agents, or employees, that are expected to perform services under this RFP, 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.
10. Has the firm been in bankruptcy, reorganization or receivership in the last five years? If so, please explain current status.

11. Has the firm been disqualified or terminated by any municipal, county, state government or another public agency? If so, please explain under what circumstances this disqualification or termination occurred.
12. The position of Town Attorney is often contacted by the Mayor, Town Recorder, and other staff members and elected officials regarding legal matters. In addition, the Town Attorney attends meetings of the Town Council and other Town meetings as needed. If you were to be on vacation or out for any reason, how would you propose that Cedar Highland's legal business be handled?
13. Please provide a statement identifying the sole practitioner/firm's current clients doing business in and around Cedar Highlands area that have the potential to present a conflict of interest, and the sole practitioner/firm's approach to avoid potential conflicts of interest. Identify any conflicts of interest that your firm may have in representing the Town of Cedar Highlands.
14. Please provide a list of references for the Town to contact (as stated in Qualifications of Legal Counsel).
15. Please share any other information you feel would be helpful to the Town Council as they make the decision on the Town Attorney.