



CITY OF NAMPA

REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES

LEGAL SERVICES

DATE ISSUED: Tuesday, July 21, 2020

DATE DUE: Wednesday, August 19, 2020, 5PM

CONTACT: Rick Hogaboam, Chief of Staff

hogaboamr@cityofnampa.us

(208) 468-5411

ALL RESPONSES MUST BE MAILED OR HAND-DELIVERED TO:

CITY OF NAMPA

OFFICE OF CITY CLERK

ATTENTION: RICK HOGABOAM

411 3rd Street South

Nampa, ID 83651

I. INTRODUCTION

The City of Nampa, Idaho (“City”) hereby solicits proposals from law firms (“Applicants”) to be legal counsel for our city. The successful applicant will serve as legal counsel to the Mayor and the City Council as set forth in Idaho Code 50-204 and 50-206. The successful proposer will also represent City departments, including various boards, committees, and commissions. Note that the City currently contracts prosecution services separately through the Canyon County Prosecutor’s Office. This RFP applies to general legal services as listed under the Scope of Work.

The City operates under a strong mayoral form of government, where the Mayor functions as the Chief Executive Officer (CEO). The City has a six-member City Council elected to serve four-year terms. The Mayor is responsible to appoint the City Attorney, which also requires the City Council’s confirmation. Once Council has approved the appointment, the contract for Legal Services will be approved and signed.

Nampa is the largest full-service city in Idaho. It is comprised of various departments, including: airport, building, clerk’s office, code compliance, economic and community development, engineering, environmental compliance, facilities, Family Justice Center, finance, fire, fleet, human resources, information technology, library, Mayor’s office, parks and recreation (including operations of two golf courses), planning and zoning, police, public works, streets, wastewater, and waterworks. Currently, the City also has contractual agreements with the Venue Management company for the Idaho and Civic Centers, as well as a contract with the Food and Beverage vendor for those facilities.

Please refer to the City's website for more detailed information about the City of Nampa at: <http://www.cityofnampa.us>

II. GENERAL INFORMATION

The City of Nampa invites interested legal firms to submit written proposals to provide legal services to the City as listed herein under the Scope of Work.

The City encourages proposals that outline various legal service delivery and compensation model options. In general, the City seeks the services of a law firm that will work directly with the Mayor and the City in providing the services listed in this request. The City is considering a three (3) year contract with the right to extend the term of this contract for two (2) additional one-year terms after review of the services, and satisfactory negotiation of terms. An extension of this contract will require support of Mayor and the approval by City Council.

Please Note: The budgeted sum for the services listed for fiscal year 2021 is \$287,100. **Your proposal should outline the most cost-effective ways to use or reduce this budgeted amount.**

III. QUALIFICATIONS

The City seeks a dedicated, experienced, knowledgeable attorney(s) to serve as legal advisor to the Mayor, City Council and the City Departments. He/she must be able to support the City and staff through the delivery of quality legal services that will be consistent with the City's core values and mission statement as noted in Exhibit A. At the direction of the Mayor, the City Attorney will engage with the City's professional staff and director/division supervisors in an effort to resolve the needs that emerge within the daily workings of the city.

The Applicant must be an attorney licensed to practice law in the State of Idaho. A strong generalist background in municipal law, with an emphasis on contractual management and land use issues, will be necessary.

The successful proposer will have to demonstrate the ability to quickly familiarize himself/herself with existing City ordinances and policies. The attorney is expected to proactively educate, inform, and guide the Mayor, Council, commission members, and City staff on impending legal and legislative changes. He/she must also ensure compliance with state and federal laws and make modifications to existing ordinances, as necessary.

IV. SCOPE OF WORK

The City is soliciting the interest of qualified professional law firms to provide a full range of municipal legal services. The successful applicant will be expected to provide the following general counsel services including, but not limited to:

1. Represent the Mayor, City Council, Boards and Commissions, and City staff in all legal matters that pertain to their role in the City's organization. Offer advice and/or opinions on all legal matters under consideration by the Mayor, Council, Boards and Commissions, and the City's staff.
2. Attend and represent the City's legal interests at all City Council meetings and selected workshops. Regular Council meetings are held on the first and third Monday of the month at 6 p.m. and legal representation will be required at each of these meetings. There are also special City Council meetings in addition to the regularly scheduled meetings which will require legal representation. The City

Attorney may need to attend advisory board or commission meetings on an as needed basis.

3. Provide legal opinions, advice, assistance, consultation, and guidance to the Mayor, City Council, and City staff.
4. The range of services routinely include, but are not limited to, the following areas of municipal law:
 - a. Public Records Act
 - b. Conflicts of Interest
 - c. Collection Law – matters related to collection of accounts receivables
 - d. Election law
 - e. Contracts and franchises
 - f. Real estate law and property transactions
 - g. Land use and environmental law – including land leasing, cell towers, and naming rights
 - h. Public Works contracting/public contracts/capital projects
 - i. Americans with Disabilities Act (ADA)
 - j. Personnel, employee relations, and labor negotiations
 - k. Code Enforcement
 - l. Tort liability and risk management
 - m. Fees, taxes, assessments
 - n. Water rights
 - o. Ordinances and resolutions
 - p. State of emergency declarations and powers
 - q. Municipal financing – bonding, enterprise funds, etc.
5. Continually Update City ordinances, procedures, and practices.
6. Review and analyze local, state and federal pending legislation, laws, and court decisions and provide updates to the Mayor, City Council and City staff. Legal Staff will need to proactively propose modifications to City policies, ordinances, and plans.
7. Review and approve staff reports, preliminary research/analysis, and/or prepare ordinances, resolutions, contracts, deeds, leases, and other legal documents as required by the City.
8. Represent the City in civil litigation brought on behalf of, or against, the City as necessary that is requested by the Mayor and City Council.

The City Attorney will provide assistance to the Mayor and City Council with regard to pending litigation and special services. The City Attorney may be directed by the Mayor and City Council to recommend, manage, and monitor performance of selected outside special counsel that is responsible to provide litigation or other special services. If there is a lapse in those special legal services, the City Attorney could be tasked to provide those needed services, also.

The City has the ability to propose additional tasks as deemed necessary. Additional work assignments shall be compensated, as agreed upon, in the Professional Services Agreement (PSA) between the successful firm/individual and the City. The required PSA will be available on August 5, 2020, and included with responses to the questions.

V. SCHEDULE

Responses to the RFP must be submitted to the City of Nampa as outlined in this section.

Responses are due no later than
Wednesday, Aug 19, 2020, 5:00 PM
 Responses received after this date and time will be considered non-compliant.

**PROPOSED SCHEDULE FOR THE REVIEW AND SELECTION
 PROCESS AND DESIRED TIMELINES FOR
 DELIVERABLES**

MILESTONE	DATE	TIME
Publish RFP	July 21, 2020	5:00PM
Questions/clarification submittal deadline	July 28, 2020	5:00PM
Answer questions/addendum(s) provided	August 5, 2020	5:00PM
Proposal due date	August 19, 2020	5:00PM
Review of submittals	August 20-28, 2020	TBD
Oral Interviews with successful proposers	Aug 31 – Sept 2, 2020	TBD
Notification	September 10, 2020	5:00PM
Appointment	September 21, 2020	6:00 PM

The schedule may be modified and/or extended by the City as necessary.

VI. PROPOSAL SUBMISSION REQUIREMENTS AND FORMAT

If your firm is interested in responding to this RFP, please notify the Chief of Staff, Rick Hogaboam via email at hogaboamr@cityofnampa.us. Once he receives your email, you will

be notified of the RFP addendums. Failure to notify the Chief of Staff could result in missing important information and may cause a lack of adherence to the addendums which could result in a non-compliant proposal.

Format

All submittals must follow the format described in this section. The City of Nampa reserves the right to include or exclude any part of the submittals in the final agreement with the selected Legal Services Firm. All parties interested in submitting proposals must provide specific and succinct answers to all questions and requests for additional information. Please answer the questions in the format and order presented.

Seven (7) bound copies of your submittal, one (1) unbound, reproducible copy, and one digital medium (containing a PDF copy) must be submitted. Each submittal shall contain no more than twenty (20) 8½" x 11" pages (not counting dividers, exhibits, and any relevant appendices). Font shall be no less than 11 point. All pages shall be numbered.

Submittals shall be placed in a clearly marked envelope, titled "RFP for the City of Nampa Legal Services" and hand-delivered or mailed to:

Office of the City Clerk
ATTENTION: RICK HOGABOAM
411 3rd Street South
Nampa, ID 83651

Note: Proposers who mail packages should allow ample delivery time to ensure timely arrival.

Again, it is the sole responsibility of the Proposer to ensure timely delivery. Late proposals shall not be considered. Proposals will not be accepted at any other location other than the specified address. Faxed or emailed proposals will not be accepted.

The City will not be responsible for any expenses incurred by an Applicant in preparing, submitting, or presenting a proposal. All proposals shall provide a straightforward, concise delineation of the Applicant's capabilities to satisfy the requirements of this request. Emphasis should be on completeness and clarity of content.

The City reserves the right to waive any informalities in proposals, to accept or reject any or all proposals for any reason, to negotiate with any attorney, law firm, and to select one or more of the law firms that submitted a proposal which, in the judgment of the City is in the best interest

of the City.

The City reserves the right to negotiate or hold interviews with any one or more of the respondents. Furthermore, the City's decision to accept or reject the contract shall be final.

Content

In no more than twenty (20) pages (single-sided), your proposal must include the following five (5) items:

Part 1: Cover Letter, Executive Summary, and Consultant Identification and Team

Part 2: Approach to Providing Legal Services

Part 3: Current Practices/Conflict of Interest

Part 4: Professional References

Part 5: Compensation to Provide Services

PART 1 | COVER LETTER, EXECUTIVE SUMMARY, AND CONSULTANT IDENTIFICATION AND TEAM

1. The names of the key members of the legal team with resumes and a summary of the following for each key member of the legal team who would be involved in legal counsel for the City:
 - a. Specify the individual(s) that you propose to handle the bulk of duties associated with the required legal services. You should designate who will be the primary attorney attending the City Council meetings and handling the majority of City business. If there is a change in legal representation at the council meeting the Mayor's Office must be notified 4 hours prior to the change. Also, acknowledge who will be the secondary representative when primary representative is unable to attend any meetings.
 - b. Length of employment for each member of the legal team at your firm.
 - c. Any specialization that each team member has.
 - d. Legal training for each team member
 - e. Scholastic honors and professional affiliations
 - f. Date of admittance to Idaho Bar
 - g. Years of practice for each attorney
 - h. Years and experience of practice in municipal or local public sector
2. Knowledge of, and experience with, Idaho Municipal Law (years and state of other types of clientele represented). Include references to the following:
 - a. Public Records Act
 - b. Conflicts of Interest
 - c. Collection Law – matters related to collection of accounts receivables
 - d. Election law
 - e. Contracts and franchises
 - f. Real estate and property transactions
 - g. Land use and environmental law – including land leasing, cell towers, and naming

rights

- h. Public Works contracting/public contracts/capital projects
 - i. Americans with Disabilities Act (ADA)
 - j. Personnel, employee relations, and labor negotiations
 - k. Code Enforcement
 - l. Tort liability and risk management
 - m. Fees, taxes, assessments
 - n. Water rights
 - o. Ordinances and resolutions
 - p. State of emergency declarations and powers
 - q. Municipal financing – bonding, enterprise funds, etc.
3. Litigation experience and the percentage of successfully litigated cases
 4. Knowledge and use of Alternative Dispute Resolution (ADR) techniques, which includes ADR training and experience, and success record of advocacy in mediation and arbitrations
 5. Experience with implementation of Electronic Document Management System and updating of Records Retention Schedule, automation processes, and procedures for conversion to paperless system (i.e. contract routing/signatures)
 6. In your proposal, report if the firm, or any of the attorneys employed by the firm, have ever been successfully sued for malpractice, been subject of complaints filed with the State Bar, or had discipline imposed by the State Bar. If yes, please provide information on the nature of the incident, the date on which the matter began and was concluded, and the result of the situation
 7. The mailing address, telephone number, and the name of the primary point of contact for the proposed legal team
 8. An acknowledgement of receiving any addendum(s) to the RFP document sent out by the City

PART 2 | APPROACH TO PROVIDING LEGAL SERVICES

Please include a written response to the following questions:

1. Describe your anticipated approach to delivering quality, cost-effective legal services for the City of Nampa. Please detail how you would fulfill the role of legal advisor to the Mayor, City Council, and City staff.
2. Describe your preferred working relationship with the Mayor, City Council, Department Heads, City Committees, Commissions, and other members of staff.

3. Please describe how you would propose to develop and maintain working knowledge of City operations:
 - a. Frequency of participation in management team/agenda preparation meetings
 - b. Availability to personally consult with Mayor and Council members
 - c. Coordinate Council meeting agenda workflow with Mayor and City Clerk
 - d. Provide legal training and consultation, as appropriate.
4. Explain your proposed communication structure. Define the standard time frames for responses for inquiries from the Mayor and City Council. (Email, text message, and phone call.)
5. Specify your current, or intended, office location and information regarding accessibility, including hours and days of week for both regular hours and for emergency contacts after hours.
6. Describe the systems/mechanisms that will be established for monthly reporting of status of projects, requests, and litigation. Describe an effective process for transmittal of requests and other materials to the Attorney. Provide samples of your proposed written litigation analysis and monthly reporting formats.
7. In an effort to prevent potential litigation, describe your firm's proactive approach to educating Mayor and City Council with the goal of assuring that the City complies with state and federal law, .

PART 3 | CURRENT PRACTICES/CONFLICT OF INTEREST

1. List any political contributions of money, in-kind services, or loans made to any member of the City/City Council within the last three years by the applicant's law firm and all of its attorneys.
2. List all public clients for which you or your firm currently provide services or are paying a retainer to your firm.
3. List all public clients for which you or your firm previously provided services to over the last five years.
4. For the firm and/or the proposed attorneys, demonstrate the availability for providing legal services to the City based on your current or known future professional commitments.
5. Outline how would you identify and notify the City of Nampa of any possible conflicts of interests with any of your clients?
6. Would there be any immediate conflicts between the City of Nampa and another client should the City of Nampa award this contract to your firm? What would those

possible conflicts be? Examples may include neighboring cities, school districts, irrigation districts, etc.

PART 4 | PROFESSIONAL REFERENCES

Provide three professional and three personal references for the individual recommended for appointment as the City Attorney. Include with each the name of the organization, address, work telephone number, and appropriate contact person for each reference.

PART 5 | COMPENSATION TO PROVIDE SERVICES

It is anticipated that the proposing firm/individual will provide a plan where basic services are provided under a fixed monthly fee, or retainer, and additional services billed at a provided hourly rate. Basic services, for the purposes of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of “general counsel” work as outlined in the requested scope of work. Please feel free to provide alternative compensation structure if you are not proposing the outlined approach. The City will entertain proposals with a combination of retainer, plus hourly rates, but the services included must be specified.

Include in your proposal the following:

1. Proposed fix monthly fee, or retainer, for basic services
2. Specified services that will be included in the category of basic services
3. Proposed hourly rate for litigation and other special services
4. List all of the specific services that are included in the categories of “litigation”, “additional”, or “special” services
5. Specific expenses for which firm will claim reimbursement for from the City including type and unit rate (i.e. rate for mileage, reproduction of documents, travel expenses, conference registration, if any, etc.)
6. Provide any additional charges or costs that are not outlined in this RFP.

VII. SELECTION PROCESS

The Mayor will establish an interview committee to review the proposals. Proposals will be carefully evaluated and scored with the following methodology:

1. Qualifications = 20%
2. Experience = 20%
3. Compensation = 20%
4. Method of Service Delivery, Access & Availability, Casework-Management = 20%
5. Proactive Practices = 20%

Note: the qualifications and references of the most compliant proposals will be verified.

Interviews will be held at specified times determined by the City and at no cost to the City.

The selected proposer will be asked to enter into a Professional Services Agreement with the City of Nampa. Additional terms and provisions may be included in the contract. The selected proposer will also be subject to any City administrative policies on the management of legal services. These items will be available with the City's responses to the questions, if required.

The City reserves the right to enter into contract negotiations with an alternate applicant should it determine that a satisfactory agreement cannot be reached.

The Mayor has the ability to negotiate the terms and conditions of a contract outlining duties and compensation with the selected party, which must then be approved by formal City Council action.

The Mayor and City Council will award a Professional Services Agreement to the firm and/or individual(s) to serve as City Attorney and will formally appoint the individual(s) to serve as City Attorney. The City Attorney is not a City employee and therefore, the Mayor and City Council may terminate the appointment at any time, with, or without cause, based on the terms of the Agreement.

Legal services to the City are anticipated to begin on October 1, 2020, or shortly thereafter, upon award of a contract.

VIII. PROPOSAL TERMS AND CONDITIONS

1. EXAMINATION OF PROPOSAL MATERIALS

The submission of a proposal shall be deemed a representation and warranty by the proponent that it has investigated all aspects of the RFP. The Proposer is aware of the applicable facts pertaining to the RFP process, procedures and requirements, and that they have read and understands the RFP. No request for modification of the provisions shall be considered after its submission on the grounds the proponent was not fully informed as to any fact or condition.

2. ADDENDA INTERPRETATIONS

If it becomes necessary to revise any part of this RFP, an addendum will be provided to each firm that requested to be added to the notification list. The City of Nampa is not bound by any oral representations, clarifications, or changes made in the RFP by the City or its agents, unless such clarifications or change is provided in a written addendum from the City of Nampa.

3. DESIGNATED CONTACT

For the purposes of this RFP, the Chief of Staff, Rick Hogaboam, is the designated contact person. Any questions or clarification concerning the scope of work and the selection process shall be directed to him. Any and all questions and responses concerning this RFP will only be accepted in writing, via email. All questions must be received by July 28, 2020. A reasonable effort will be made to answer all questions by August 5, 2020.

Responses to questions will become part of the RFP. It is the applicant's responsibility to check the website for updates, addendums, and answers to the questions.

4. PUBLIC RECORDS

This RFP document and all submittals are public records. Prospective proposers are cautioned not to include any material in their proposal that is strictly proprietary in nature.

5. PROPOSAL COSTS

All costs associated with the preparation of RFP submittals shall be borne by the respondent. This RFP does not constitute any form of offer to contract.

6. RESERVATION OF RIGHTS

The City reserves the right to accept or reject any one or more proposals; to request additional information concerning any proposals for purposes of clarification; to accept or negotiate the terms and specifications of the submitted proposal. Following the deadline for receipt of all proposals; to waive any irregularities, if such action would serve the best interest of the City, as determined by the Mayor and approved by City Council. This City also has the right to modify any part of the RFP; or issue a new RFP, as needed.

The Mayor and City Council wish to retain the greatest latitude in its ability to change attorneys and/or law firms should that become necessary. The individual(s) appointed as City Attorney shall serve solely at the pleasure of the Mayor and Council. The City Attorney is not a City employee and may be terminated at any time by the Mayor, with the approval of City Council, with or without cause.

7. PRODUCT OWNERSHIP

Any documents resulting from this proposal and the pending contract will be the property of the City.

8. PROFESSIONAL SERVICES AGREEMENT

All Proposers may be subject to the terms and conditions of a Professional Service Agreement. The successful Applicant shall provide to the City a certificate of proof of insurance and shall maintain required insurance coverage throughout the term of the contract. Insurance is required according to the following limits:

- Workman's Compensation - \$1,000,000.00

- Employer's Liability - \$1,000,000
- General Liability - \$1,000,000
- Professional Liability - \$1,000,000

9. **CAUSES FOR DISQUALIFICATION**

Any of the following will be considered cause to disqualify an applicant without further consideration:

- Evidence of collusion among proposers
- Any attempt to improperly influence the Mayor, any member of the Mayor's staff, a member of the evaluation panel, or City Councilmembers
- A noted default in any operation of a professional services agreement which resulted in termination of that agreement
- Existence of any lawsuit, unresolved contractual claim, or dispute between applicant and the City