



MARSHALL

CITY OF MARSHALL

REQUEST FOR PROPOSALS (RFP)

ATTORNEY

LAND USE SERVICES

May 24, 2022

INTRODUCTION

The City Council of the City of Marshall invites interested law firms and individuals with a minimum of five years of municipal law experience to submit written proposals to provide City Attorney services to the City in the area of Land Use Services. The City Attorney will be selected by the City Council and will work closely with the City Administrator and other City staff.

BACKGROUND INFORMATION

The City of Marshall is located in Lyon County, Minnesota, and is home to approximately 14,000 residents. Marshall is a regional center in southwest Minnesota, and is the hub for medical care, retail, trade, education, employment, and business. The diverse economic base and strong foundation in agriculture has provided stability to the local economy. Recent studies illustrate a common labor and retail draw of approximately sixty (60) miles. Marshall's current population of 13,680 doubles its daytime population to 25,000+ according to employment estimates.

The City has been a municipal corporation since 1901 and is governed under a Home Rule Charter, adopted in 1969. The Charter provides for a Mayor and a six-member Council. Council members serve overlapping four-year terms and the Mayor serves a four-year term.

The City employs a compliment of 157 full-time, part-time, and paid-on-call employees and over 350 temporary/seasonal employees in its various departments.

Police protection is provided by a department consisting of 22 full-time officers; one full-time and two part-time community service officers; and two support personnel.

The City's Fire Department is authorized for 48 paid-on-call employees.

The City has its own Wastewater Treatment Facility ("WWTF"). The WWTF is currently permitted to treat 4.5 million gallons per day (mgd) with a carbonaceous biochemical oxygen demand ("CBOD") load of 11,972 pounds per day.

The Marshall Municipal Utilities (MMU) Commission provides electrical and water service to the City residents and businesses.

The City operates a municipal off-sale liquor store, which had \$6,725,560 (unaudited) in gross sales for 2021.

The City, through a Joint Powers Agreement with I.S.D. No. 413 (Marshall), delivers a comprehensive Community Services program for its residents. The program includes eight municipal parks totaling over 150 acres and includes trails, fishing ponds, picnic shelters, basketball and volleyball courts, an Aquatic Center, Red Baron Arena & Expo, Amateur Sports Complex, horseshoe pit, skateboard complex, band shell with summer weekly concerts, and the national award-winning American Legion Field.

Historically the City has retained a private firm or firms to provide City Attorney services. The City has also utilized additional firms to provide bond counsel service and to work with TIF-related development issues.

PROCESS

A City RFP Review Committee will review proposals and qualifications of submitting firms and if necessary, conduct interviews of all or a few of the firms. Upon the recommendation of the Mayor and consent of the City Council the firm will be appointed to provide City Attorney services-Land Use.

RFP Approved: May 24, 2022

Proposals Due: July 15, 2022

RFP Consideration by Council: August 23, 2022

Contract Effective Date: January 1, 2023

GENERAL INSTRUCTIONS

A. Responses must include complete information as described in this request. Six (6) copies shall be submitted by **3:00 p.m. on July 15, 2022 to City Clerk/City of Marshall 344 West Main Street, Marshall, MN 56258**

B. To ensure fairness and uniformity, firms submitting responses are requested to not contact City staff or the City Council. Questions about this RFP may be sent by e-mail to sharon.hanson@ci.marshall.mn.us prior to the submission deadline.

C. The City will not reimburse any expenses incurred by the firm submitting responses including, but not limited to, expenses associated with the preparation and submission of the response and attendance at interviews.

D. The City reserves the right to reject any and all proposals, to request additional information from any and all Proposers.

REQUIRED CONTENTS OF RESPONSE

A. Firm Background: 1. Brief history of firm 2. Number of attorneys, including number of partners and associates and areas of specialty 3. Support personnel: number and expertise 4. Office organization and support capabilities 5. Office location(s) 6. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically. 7. Statement of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board. 8. Describe malpractice insurance coverage: carrier, limits, and exemptions.

B. Attorney Qualifications:

1. Identify the specific attorney who will serve as the lead attorney and indicate the following:

- Academic training and degrees
- Description of background and experience
- Description of prior municipal experience including cities served in a similar capacity

- List of litigation in communities where designated attorney served as lead attorney and outcomes of litigation

2. Identify attorney who will serve in the lead attorney's absence, and provide information as requested in No. 1 above.

3. Identify other attorneys and support staff who will supply services for which the City will be charged.

4. Indicate current responsibilities of person designated to serve as lead attorney.

C. List of cities you currently represent and for what type of service.

D. List of cities you began representing in the last three years and cities you stopped representing in the last three years.

E. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities.

F. Description of the firm's view of their responsibilities to the City in the provision of legal services.

G. Copy of Malpractice/liability Insurance Certificate in a minimum amount of \$1,000,000.

Conflict of Interest

1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.

2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.

3. Indicate whether designated lead attorneys or the law firm currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Marshall.

4. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

SCOPE OF GENERAL LEGAL SERVICES -LAND USE RELATED SERVICES

WORK PERFORMED UNDER THIS SCOPE IS SUBJECT TO PRIOR APPROVAL OF CITY ADMINISTRATOR AND ALL WORK IS ULTIMATELY SUPERVISED BY THE APPOINTED CITY ATTORNEY

Real Estate Sale and Acquisition

1. Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates and obtain or develop proper legal descriptions.

2. Examine title to each parcel as requested by the City Administrator.

3. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the Attorney contacts the City in advance and obtains the City's approval that the transaction contemplated is non-routine. Any such non-routine transactions shall be billed at the previously agreed to hourly contract rate.

Zoning

4. Provide legal advice to staff, City Administrator, Planning Commission and City Council regarding zoning code matters.
5. Represent the City in matters related to the enforcement of city building, subdivision, and zoning codes.
6. Represent the City in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.

Public Improvements

6. Represent the City in the acquisition of properties for public improvements, easements, parks and the like as needed.
7. Perform all legal work in connection with financing, not usually performed by the fiscal consultant or bond counsel.
8. Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.
9. Handle all legal matters under construction contracts and any resulting litigation. Land Acquisition and Sale
10. Represent the City in condemnation proceedings for public improvement projects, etc.
11. Initiate annexation proceedings at the direction of the City and follow through with all necessary documentation and presentation to the State Boundary Adjustments Division.

FEES

Please quote a retainer fee to be charged for attorney services and the items noted herein that are to be covered by the retainer.

Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

Clearly note any "retainer" items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference, etc..

TERMS AND CONDITIONS

The City intends to award a contract to the respondent evaluated to be best qualified to perform the work for the City, based on the extent and quality of the firm's resources, cost, communication and presentation skills, compatibility and quality and extent of municipal representation experience.

Other performance factors may also be considered.

Based upon review of the submitted proposals a number of selected firms may be asked to interview with the City Council and staff.

The Mayor and designees will recommend to the City Council a firm to be retained.

The City of Marshall reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interest of the City. The approval of the firm selected, and the contract award will be made by the City Council.

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 the consultant, a contract shall be executed. Once a contract is awarded, the term of contract duration shall be subject to ongoing review and evaluation by the City Council and City Administrator.