

**CITY OF MADEIRA BEACH
CITY ATTORNEY – PROFESSIONAL LEGAL SERVICES
REQUEST FOR PROPOSAL NO. 20-04**

**REQUEST FOR PROPOSAL
RFP NO. 20-04**



**CITY ATTORNEY
PROFESSIONAL LEGAL
SERVICES**

REQUEST FOR PROPOSAL

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SECTION I – INTRODUCTORY INFORMATION

A. PURPOSE

The City of Madeira Beach invites proposals from experienced and qualified attorneys and/or law firms to provide a full range of municipal legal services serving as the City's legal counsel on a contractual basis.

CITY BACKGROUND & DEMOGRAPHICS

Madeira Beach is a city in Pinellas County, Florida, United States, bordered on the west by the Gulf of Mexico and on the east by St. Petersburg. The City of Madeira Beach had a population of 4,677 as of July 1, 2019. The area is primarily residential with little or no industrial or sizable service businesses. Commercial interests outside the area mostly support residents, and many residents are retirees. Entertainment district John's Pass is located on the Intracoastal Waterway. The city is often referred to by locals as Mad Beach. The City ranks in the upper quartile for Population Density and the lower quartile for Diversity Index when compared to the other cities, towns, and Census Designated Places (CDPs) in Florida. The primary coordinate point for Madeira Beach is located at latitude 27.7981 and longitude -82.7973 in Pinellas County. The formal boundaries for the City of Madeira Beach encompass a land area of 0.98 sq. miles and a water area of 2.28 sq. miles. Pinellas County is in the Eastern time zone (GMT -5). The elevation is 3 feet. The City of Madeira Beach (GNIS ID: 2404988) has a C1 Census Class Code which indicates an active incorporated place that does not serve as a county subdivision equivalent. It also has a Functional Status Code of "A" which identifies an active government providing primary general-purpose functions.

The City contracted with the Pinellas County Sheriff's Office to perform the City's police services, and the City has a unionized 14-person fire department with certification to provide advanced life support services. The City has extensive recreational services and facilities including summer children's camp and afterschool day care. The City is also responsible for public works, roads and streets, parks and parking enforcement and facilities, planning, zoning, community development and code enforcement, sewage treatment, and stormwater management. Administrative responsibilities include finance and accounting, management information services, personnel, risk management, and the city clerk's office. The City provides stormwater services, solid waste, sewage treatment, and reclaimed water utility service to city residents. The water and sewage services are provided by Pinellas County by contract. The City employs 57 regular full-time employees and 18 part-time employees.

Additional demographic information is available from the Comprehensive Annual Financial Report (CAFR) and Budget documents. They are available at <https://madeirabeachfl.gov/finance-department/>.

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TERMINOLOGY

The requirements contained herein apply to all offers made to the City of Madeira Beach by all prospective Proposers in a Request for Proposal (RFP). It should be noted that the words ‘proposal’ and ‘bid’ for this proposal are considered interchangeable.

The words “City Attorney”; “Attorney”; “Company” and “firm” that denote respondents to this proposal are considered interchangeable.

Proposers should prepare a straightforward and concise description of the Proposer’s ability to meet the requirements of the RFP.

PROJECT COORDINATOR

The project coordinators and designated liaison for the City of Madeira Beach City Attorney - Professional Legal Services RFP is:

Robert Daniels, City Manager
Clara VanBlargan, City Clerk
Madeira Beach City Centre
300 Municipal Drive
Madeira Beach, FL 33708

Phone (727) 391-9951, ext. 227

Phone (727) 391-9951, ext. 231

Fax (727) 399-1131

Email: rdaniels@madeirabeachfl.gov

Email: cvanblargan@madeirabeachfl.gov

Please contact either Project Coordinator with questions via written submission (e-mailed or faxed) inquiries regarding this RFP. The City will record its responses to inquiries and, if required, will place any supplemental instructions in the form of written addenda. All written addenda will be issued through the City’s website at <https://madeirabeachfl.gov/current-rfps/>. It shall be the responsibility of the Proposer, prior to submitting their proposal, to determine if addenda were issued, acknowledging same, and incorporating them into their proposal.

CONTACT PROHIBITION

All prospective proposers are hereby instructed NOT to contact any member or employee of the City of Madeira Beach other than the Project Coordinators identified in this Solicitation, or their designated Procurement staff member, regarding this solicitation package, their submittal package, the City's Intent to Award, or City's Intent to Reject (if applicable) at any time prior to the FORMAL AWARD for this project. Any such contact shall be cause for rejection of your submittal.

Contact by attorneys/firms under existing contracts is limited to the extent such contacts are required to provide services required by that existing contract.

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RECEIPT OF PROPOSALS

This proposal package and any addendums may be obtained at <https://madeirabeachfl.gov/current-rfps/>.

The City will receive proposals at the office of the City Clerk, Madeira Beach City Centre, 300 Municipal Drive, Madeira Beach, FL 33708, Attn: City Clerk.

All proposals to be considered shall be received **on or before 2:00 p.m. local time on Monday, _____, 2020** in a sealed envelope clearly marked with your firm's name and **"City Attorney - Professional Legal Services", RFP No. 20-04.**

The complete responsibility for obtaining, completing, and submitting this request for sealed proposals to the City of Madeira Beach (as shown above) shall be solely and strictly the responsibility of the Proposer. Bids will be publicly recorded. Late bids will not be accepted.

Proposers may withdraw their proposals by notifying the City in writing at any time prior to the due date. Proposals not so withdrawn shall, upon opening, constitute an irrevocable offer. Proposal documents are exempt from public record for a period of thirty days or a Notice of Intent to Award is issued whichever comes sooner per Chapter 119, as amended, of the Florida Statutes.

PROPOSAL FORMS (Attached)

All proposals must be submitted with the required forms provided by the City of Madeira Beach and must be signed by an authorized representative of the Company placing the proposal. The Proposer shall submit **one (1) ORIGINAL** and **seven (8) paper copies** of the proposal, with a flash/jump drive containing one file in PDF format of the hard copy of the proposal exactly as submitted

SECTION II – PROPOSAL SCHEDULE

TASKS	DATE
RELEASE RFP No. 20-02	TBD*
LAST DAY FOR ADDENDA QUESTIONS	TBD*
ADDENDUMS (IF ANY) POSTED TO WEBSITE	TBD*
PROPOSAL OPENING 2:00 P.M. LOCAL TIME	TBD*
BOARD OF COMMISSIONERS WORKSHOP MEETING (to establish "short list")	TBD*
EVALUATION & RANKING DATE	TBD*

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NEGOTIATION OF TERMS OF FINAL CONTRACT

TBD*

APPROVAL CONTRACT

TBD*

***To Be Determined**

ALL DATES SUBJECT TO CHANGE

SECTION III – TERMS AND CONDITIONS

GENERAL SCOPE OF WORK AND CONDITIONS

In accordance with City Charter, Section 5.3:

The Board of Commissioners shall appoint a City Attorney, upon such terms and for such compensation as the Board of Commissioners shall adopt. The City Attorney shall act as legal advisor to, and attorney for, the City and all of its officers or employees in matters arising out of the performance of their official duties for the City, but the City Attorney, or the City Attorney's law firm, shall not personally represent an elected official in any recall litigation or Florida Commission on Ethics proceeding. However, the elected official is entitled to legal representation in any recall litigation or Florida Commission on Ethics proceeding at the expense of the City.

The City Attorney shall bring and defend or assist in litigation and defense, for and in behalf of the City, all complaints, suits, and controversies in which the City is a party and shall perform such other professional duties as may be required of him by official action of the Board of Commissioners.

The City Attorney shall be an attorney at law, admitted to practice before the highest courts of the State of Florida and the Federal District Court for the Middle District of Florida.

The Board of Commissioners may appoint such assistant City Attorney as they deem necessary. The Board of Commissioners may contract with such other attorneys or firm of attorneys to perform such services on behalf of the City on specialized projects as may be deemed necessary or expedient in the discretion of the Board of Commissioners.

The City Attorney is one of four Charter Officers appointed by the Board of Commissioners and serves at its pleasure. The activities of the City Attorney and his/her staff are coordinated through the Office of the City Manager. The City Attorney shall act as a parliamentarian to the Board of Commissioners by advising the Mayor regarding matters of procedure. The City Attorney provides legal counsel in drafting and implementing ordinances, resolutions and regulations;

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assists in the drafting and review of the City's Comprehensive Plan and any amendments thereof; renders opinions on legal issues affecting the City; and keeps the Board of Commissioners and City staff informed of new laws or judicial opinions that could affect the City in any way.

The City Attorney attends Commission meetings and may attend Planning Board and Special Magistrate Meetings if necessary. As necessary, the City Attorney may represent the City in court. Specific description(s) of the scope of services desired and the billing methods desired for those services are contained in Section V, *infra*.

INSURANCE REQUIREMENTS

Before performing any work, the firm shall procure and maintain, during the life of the Agreement, the insurance listed below. The policies of insurance shall be primary and written on forms acceptable to the City and placed with insurance carriers approved and licensed by the Insurance Department in the State of Florida and have a financial strength of "A" as rated by A. M. Best."

- 1. Workers Compensation:** Firm shall supply proof of coverage to apply for all employees at the statutory limits provided by state and federal laws. The policy must include Employers' Liability with a limit of \$100,000 each accident; \$ 100,000 each employee; and \$ 500,000 policy limit for the disease. If your firm is exempt from Workers Compensation, the Proposal must clearly state this.
- 2. Professional Liability Insurance:** Professional liability or malpractice or errors and/or omissions insurance shall be purchased and maintained with a minimum of \$ 2,000,000 per occurrence for this project with a \$4,000,000 policy term general aggregate. Occurrence Form is required.
- 3. Comprehensive Commercial General Liability Insurance:** Occurrence from required. Aggregate must apply separately to this Agreement. Minimum \$300,000 each occurrence; \$600,000 general aggregate; \$1,000,000 products and completed ops; and \$100,000 fire damage.
- 4. Automobile Insurance:** Firm shall supply proof of commercial policy, or individuals shall supply proof of current auto coverage, to include all vehicles owned, leased, hired and non-owned vehicles with limits of not less than \$1,000,000 per each accident and for property damage and bodily injury, with contractual liability coverage for all work performed under this Agreement.

The City of Madeira Beach is to be named as an Additional Insured on Comprehensive Commercial General Liability Policy and the Business Auto Policy. Certification of this is required. This means providing the declaration page(s) of

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the policy showing the limits of coverage and that the City has been designated as an Additional Insured. All policies must provide at least thirty (30) days' notice of non-renewal or cancellation to the Additional Insured. All certificates of insurance must be on file with and approved by the City before the commencement of any work activities under this Agreement.

The firm shall be solely responsible for payment of all premiums for insurance contributing to the satisfaction of this Agreement. Any and all deductibles to the above referenced policies are to be the responsibility of the firm. The firms' insurance is considered primary for any loss, regardless of any insurance maintained by the City. The firm is responsible for all insurance policy premiums, deductibles, SIR (self-insured retentions) or any loss or portion of any loss that is not covered by any available insurance policy.

If the selected firm cannot produce the required insurance coverage, the City will cease negotiations with that firm and commence negotiations with the next ranked firm. The City shall retain the right to review, at any time, coverage, form, and amount of insurance.

CONTRACT AWARD/TERM OF CONTRACT

The City reserves the right to award one (1) contract to the most qualified firm as determined by the City Commission. The term of the contract shall commence upon signing. It is anticipated that the contract will have an initial period of three (3) years. The contract would be renewable for two (2) year periods. The exact contract and renewal terms are subject to negotiation and can be modified by the City Commission. The Proposer understands that this RFP does not constitute an agreement or a contract with the Proposer. A proposal is not binding until proposals are reviewed, accepted, and a contract is executed by all parties.

MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (M/WBE)

M/WBEs are encouraged to participate in the proposal process. All M/WBEs shall be certified as a Minority Business Enterprise by the State of Florida, Department of Management Services, Office of Supplier Diversity pursuant to Section 287.0943, Florida Statutes, or by statewide and interlocal agreement certification, as provided for by Section 287.09431, Florida Statutes. A State of Florida MBE Certificate or interlocal agreement from an agency having an interlocal agreement with the State of Florida must accompany the RFP submission. The M/WBE only applies to prime Proposer.

ASSIGNMENT

The awarded firm shall not assign any interest in this Contract and shall not transfer any interest in same (whether by assignment or novation) without prior written consent of the Board of Commissioners except that claims for the money due or to become due the awarded Proposer from the City under this Contract may be assigned to a financial institution or to a trustee in bankruptcy without such approval from the City. Notice of such transfer or assignment due to bankruptcy shall be promptly given to the City.

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LIABILITY OF FIRM

The firm shall indemnify and hold harmless the City, its Commissioners, officers and employees, from all liabilities, damages, losses and costs (including, but not limited to, reasonable attorneys' fees and court costs, whether such fees and costs are incurred in negotiations, at the trial level or on appeal, or in the collection of attorneys' fees), to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the firm's officers, employees, agents, and other persons employed or utilized by the firm in the performance of, or the failure to perform, the Agreement.

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

City of Madeira Beach, Florida, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, and the Florida Civil Rights Act hereby notifies all Proposers that it will ensure that in any decision made pursuant to this advertisement will not be made based upon Proposer's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status or any other protected status.

Pursuant to Subsection 287.134(2)(a), F.S., "an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity."

SECTION IV – PROPOSAL FORMAT

Proposals are to be submitted accompanied by pertinent information relating to the law firm's experience, qualifications, personnel, availability and capability to provide and perform all the professional services necessary in a complete, effective and timely manner. In addition to the information and documents requested above, each Proposal shall include:

1. Title Page & Table of Contents

List the RFP subject, the name of the attorney/firm, address, telephone number, facsimile, email address, contact person and date. Include a clear identification of the material included in submittal by page number.

2. Identification of Principal and Secondary Representatives:

Provide the names of the persons that will provide the primary professional legal services to the City (as City Attorney) and those that will act in a back-up capacity (as Assistant City Attorney(s)).

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Provide current resumes of the primary attorney (i.e. City Attorney) and backup(s) (i.e. Assistant City Attorney(s)) who will assume the responsibility under this contract. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating this proposal.

Provide at least three (3) contact names, title of person, address, phone number and e-mail address.

3. Qualifications:

The primary designated attorney will have five (5) years experience in the practice of Florida municipal law or related experience. The attorneys other than the primary designated attorney must have a minimum of three (3) years' experience practicing law and representing municipal governments or other related experience. The Firm must be licensed with the State of Florida and be in good standing with the Florida Bar Association. Professional legal services are to be provided on a contractual fee-for-services basis (i.e., a combination of retainers and hourly rates).

4. Reserved Rights

The City reserves the right to accept or reject any/or all submissions, to accept all or any part of the submission, to waive irregularities and technicalities, and to request resubmission, if it is deemed in the best interest of the City.

The City, in its sole discretion, may expand the scope of work to include additional requirements. The City reserves the right to investigate, as it deems necessary, to determine the ability of any Proposer to perform the work or services requested. The Proposer upon request shall provide information the City deems necessary in order to make a determination.

The City, in its sole discretion, may retain other attorneys and or legal firms for specialized tasks if it determines such arrangements are in its best interest.

5. Workload:

List any schedule commitments on the part of the primary or back-up designees (e.g. meeting requirements of other municipalities or government entities represented by your firm) that may conflict with the meeting schedule for Madeira Beach.

6. Conflicts of interest

Identify any potential conflicts of interest that the firm might incur while rendering services.

7. Proposed Screened

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Pursuant to Subsections 287.133(2) and (3), F.S., all Proposers will submit a form (attached) which certifies they have not been placed on the convicted vendor list following a conviction for a public entity crime.

Firms are advised, and should take into account in the preparation of their Proposal, that the evaluation of the Proposer's qualifications shall include, but is not limited to, consideration of the firm's experience in municipal law and experience, availability, capabilities and hourly billing rate of the primary legal advisor to the City. In addition, the City will take into account the experience, availability, capabilities and hourly billing rates of the backup legal advisor(s) and support personnel to the City in the event that the primary legal advisor is unable to represent the City at any given meeting or on any given matter.

All Proposals will be screened to ensure that all qualifications and requirements of the RFP are met. Per City Code, Section 2-184, Requirements of notice, the City reserves the right to reject any or all bids to waive any technical defects, and to accept any bid which the bidding authority believes to be in the best interest of the city. This request for bids and all bids submitted are subject to the city ordinances, state statutes and federal law.

The Commissioners may conduct oral question and answer (Q&A) discussions with Proposers as deemed necessary, regarding their qualifications, experience, references, and approach in providing the City legal services.

For a proposal to be evaluated and considered, all requested information must be submitted with the proposal. Incomplete proposals will be subject to disqualification.

If selected, a formal contract will be negotiated with the selected firm.

SECTION V – SCOPE OF PROFESSIONAL SERVICES

1. Attendance at all meetings of the Board of Commissioners, Planning Commission, and Special Magistrate meetings when necessary.

The regular meeting schedules are as follows:

**Board of Commissioners (BOC) Meetings – Patricia Shontz Commission
Chambers at City Hall, 300 Municipal Drive, Madeira Beach, FL 33708**

BOC Workshop Agenda Setting Meetings	5:45 PM	Second Wednesday
BOC Regular Meetings	6:00 PM	Second Wednesday
BOC Workshop Meetings	6:00 PM	Fourth Wednesday
Planning Commission	6:00 PM	Second Monday
Special Magistrate/Code Enforcement	2:00 PM	Fourth Monday
Special Magistrate/Variance-Special Exception Use	2:00 PM	Fourth Monday

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The respective Boards may change the meeting dates and time(s). Meetings scheduled near holidays may be canceled. The number of canceled meetings may vary by year.

The City Attorney shall represent the Board of Commissioners and each of these Boards, (except for Special Magistrate Boards), including City Committee Boards, and to provide appropriate legal advice and/or written opinions, as necessary, and provide parliamentary guidance concerning the conduct of each of the meetings.

The City Attorney shall attend Board of Commissioners Workshop Meetings as needed, City Committee meetings or other meetings as requested by the Board of Commissioners or the City Manager when items under consideration warrant legal input.

2. As requested, the City Attorney will:

Draft and/or review ordinances, charter amendments, resolutions, contracts, and correspondence. Provide legal consultation on some City insurance matters; and provide legal advice or written opinions to City staff on matters related to their official duties. The Public Risk Insurance Agency (PRIA) currently provides the City's automobile liability and general liability insurance coverage. As such, insurance matters are generally coordinated by the Human Resources Coordinator or designee with legal representation provided by PRIA selected attorneys for those cases covered under this policy.

In addition, the City may retain or has retained outside counsel for the following:

- Negotiation of union contracts & other labor matters
- Bond/loan counsel
- Land Use matters
- Collections
- Counsel on certain Confiscated Property Fund matters
- Other specialized matters as appropriate

3. As required by formal authorization of the Board of Commissioners, the City Attorney shall prosecute and defend the City on all civil complaints, suits or controversies in which the City is a party, including Special Magistrate/Code Enforcement and Special Magistrate/Variance-Special Exception Use in certiorari proceedings. Specifically, the City Attorney is responsible for prosecuting and defending the City in a civil action when no counsel is provided by liability insurance or when the City's exposure exceeds its insurance coverage. The City Attorney may also represent an employee or elected official who is individually named in a suit as a result of the execution of official duties with the City. When the City's insurance coverage is activated on a given

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matter, the City Attorney shall cooperate as necessary with the legal counsel designated by the City's liability insurance carrier to ensure that the matter is dealt with in an expedient and professional manner.

4. As requested, the City Attorney will provide the city staff with assistance and legal counsel relating to the acquisition or sale of real property and in the review or preparation of deeds, easements and title searches. All such requests must be coordinated through the Office of the City Manager.
5. As requested by Charter Officers, City staff, Boards or Board of Commissioners, the City Attorney will review situations in which laws, regulations or rules can reasonably be construed to impact the City's interests. All such requests must be coordinated through the Office of the City Manager.
6. The City Attorney is to maintain files and provide the City Manager and/or risk manager and the City Clerk copies of all pertinent pleadings and orders in all litigation that the City Attorney is handling. The City Attorney will provide, as a part of the staff report function during Board of Commissioner meetings, a concise update on litigations & special projects.
7. The City Attorney will perform other legal research and provide legal advice as requested by the Board of Commissioners, Charter Officers or City staff. All such requests must be coordinated through the Office of the City Manager.
8. **FEE PROPOSAL**

Identify in your proposal the methodology to be used for charging the City of Madeira Beach on a monthly basis. Note that the City of Madeira Beach is requesting fees to be submitted for at least one of the following options:

OPTION A – FIXED RETAINER PLUS HOURLY BILLING

Please quote a fixed retainer fee to be charged for general governmental services and the items noted herein that are to be covered by the retainer. Clearly note any 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.

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

If there are any services routinely performed at no cost, list those services.

OPTION B - HOURLY FEES FOR ALL WORK WITHOUT A RETAINER

Please quote the dollar amount of hourly fees and costs your firm will charge for providing legal services to the City covered by your proposal.

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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.

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.).

If there are any services routinely performed at no cost, list those services.

OPTION C - PROPOSER'S CHOICE

Use any combination of retainer and hourly rates that you choose to deliver the requested services.

FOR ALL OPTIONS:

Feel free to attach additional sheets to note:

- Any "retainer" items that will not be provided as part of the retainer fee but rather billed on an hourly basis
- Description of other cost items, if needed, - be specific.
- Any other items related to fees that you feel are pertinent in the consideration of your proposal

The details will be negotiated but the preference is for a fixed monthly fee covering telephone calls, ordinances drafted, letters written, and meeting attendance.

Each monthly bill for services and costs should be submitted directly to the City Manager's office in a form that includes, at a minimum, the following information by billable increment (i.e. tenths of an hour; quarter of an hour):

Date of Service	Description of Service Specifying City Department, Board, Case or Issue	Name of Person Requesting Work	Person Who Performed Service	Hourly Rate of Person Who Performed Service	Time Spent x Hourly Rate = Cost or Flat Rate/Retainer
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Different services performed on the same day (e.g., research, drafting, meetings, etc.), will be listed separately.

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The description of service should permit the City to perform a meaningful analysis of the services provided. For example, "legal research" or "telephone conference" is not an acceptable description of services. The subject matter of a telephone call and its participants or the research performed, and the purpose thereof must be specified.

PLEASE NOTE (ALL OPTIONS):

The City will not pay for meals, travel time, and mileage for any of the above options, absent express advance permission. If circumstances require an exception to the above, such travel expenses will be reimbursed in accordance with prudent industry standards with advance input from the City.

If there are any services routinely performed at no cost, list those services. Details regarding the authorization of work & billing of reimbursable expenses will be addressed in the contract. In general, travel, vehicle expenses or meals in connection with routine services are **not** reimbursable.

The firm will be required to accept the payment method (e.g. credit card/e-payables or other) selected by the City. This will be addressed in the contract.

SECTION VI – EXPERIENCE, QUALIFICATIONS & REFERENCES (CITY ATTORNEY/FIRM AND PROPOSED STAFF)

Provide a current resume of the primary attorney who will assume the responsibility under this contract. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating this proposal (board certifications; experience in advising entities on Florida Sunshine and public records law, legislative and quasi-judicial bodies; experience with employment issues, experience with land use regulations, experience and success record of advocacy in mediation and arbitrations; litigation experience and track record, municipal or other public sector experience or any other relevant experience and training.)

Provide the information above for the proposed back-up legal representative(s) for the City and for any other personnel, if appropriate.

LITIGATION

Provide a list of all judgments or lawsuits against each attorney and/or the firm in the last five (5) years, including the nature of the lawsuit and the resolution thereof. Provide a list of all lobbyist(s) employed by your firm and areas in which they lobby.

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Provide a list and explanation of any ethics complaints filed against each attorney and/or the firm or any attorney proposed under this solicitation by the Florida Bar Association or any relevant State regulatory agency within the past ten (10) years.

CONFLICT OF INTEREST/ETHICAL CONSIDERATIONS

List any clients you currently represent that could cause a conflict of interest with your responsibilities to the City. Describe how you would be willing to resolve these or any future conflicts of interest.

List any potential conflicts of interest or ethical considerations related to representation or affiliation with any boards, organizations, committees, clients, or any other entities.

Provide a list of other municipalities or other governmental entities currently being represented by the firm or attorney(s) proposed under this solicitation.

LOCATION

Provide the address of the primary office that will be providing legal services to the City. Provide a list and description of ownership, office location, and principal office where the majority of the City's work will be performed and contact information.

AWARD CRITERIA:

The Board of Commissioners shall be the sole judge as to the merits of the proposal(s), and the resulting agreement. The City's decision will be final.

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SECTION VII – PROPOSAL SIGNATURE & REQUIRED FORMS

REQUIRED FORMS INCLUDED IN RFP DOCUMENT

- **PROPOSAL ACKNOWLEDGEMENT**
(It **Must** be signed by an authorized agent.)
- **PUBLIC ENTITY CRIME STATEMENT**
- **NON – COLLUSIVE AFFIDAVIT**
- **STATEMENT OF ORGANIZATION**

OTHER REQUIRED FORMS

- Provide **IRS Form W – 9** (available at IRS website)
- Proposer must be registered with the State of Florida to perform the professional services required for this proposal. A copy of Registration **must** be included with submission.
- If Proposer is claiming MBE/WBE status a copy of the certificate from Department of Management Services **must** be included with submission.

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PROPOSAL ACKNOWLEDGEMENT

Company/Firm Name _____

Address: _____

City: _____

State & ZIP _____

Telephone _____

Email _____

Type of Business (Corporation, Partnership, Other (Specify): _____

Tax ID number (FEIN): _____

Certification

The undersigned hereby confirms as follows:

1. I am a duly authorized agent of the Law Firm submitting the proposal;
2. I have read the Proposal in its entirety and fully understand and accept these terms unless specific variations have been expressly listed below.

Signature of authorized agent Date

Printed Name Title of Agent

Proposals without the manual and original signature of an authorized agent of the Proposer shall be deemed non-responsive and ineligible for selection.

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PUBLIC ENTITY CRIME STATEMENT

PUBLIC ENTITY CRIMES

Pursuant to Subsections 287.133(2) and (3), F.S., “a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.”

I, _____, being an authorized
representative of _____,
located at _____ City: _____

State: _____ Zip Code: _____, have read and understand the contents
above.

Signature: _____ Date: _____

Telephone #: _____ Fax #: _____

Federal ID #: _____

STATE OF _____
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 2020,
by _____
who is personally known to me or has produced his/her driver's license as identification.

Notary Public - State of Florida

Print Name: _____

Commission No: _____

THIS PAGE MUST BE SUBMITTED WITH PROPOSAL

**CITY OF MADEIRA BEACH
CITY ATTORNEY – PROFESSIONAL LEGAL SERVICES
REQUEST FOR PROPOSAL NO. 20-04**

NON-COLLUSIVE AFFIDAVIT

State of _____

County of _____

SS.

Before me, the undersigned authority personally appeared:

_____ who, being first duly sworn, deposes and says that:

1. _____ He/She is the _____ (Owner, Partner, Officer, Representative or Agent) of _____ the offeror/Proposer that has submitted the attached proposal;
2. _____ He/She is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
3. _____ Such proposal is genuine and is not a collusive or sham proposal;
4. _____ Neither the offeror/Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other offeror, CITY ATTORNEY/FIRM, or person to submit a collusive or sham proposal in connection with the work for which the attached proposal has been submitted; or have in any manner, directly or indirectly sought by agreement or collusion, or communication or conference with any offeror, CITY ATTORNEY/FIRM, or person to fix the price or prices in the attached proposal or of any other offeror, or to fix any overhead, profit, or cost elements of the proposal price or the proposal price of any other offeror, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposal work.

Signed, sealed and delivered this _____ day of _____, 2020.

By: _____

(Printed Name)

(Title)

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 2020, by _____ who ☐ is personally known to me or ☐ has produced his/her driver's license as identification.

Notary Public - State of Florida

Print Name: _____

Commission No: _____

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**CITY OF MADEIRA BEACH
CITY ATTORNEY – PROFESSIONAL LEGAL SERVICES
REQUEST FOR PROPOSAL NO. 20-04**

STATEMENT OF ORGANIZATION

Page 1 of 3

Proposer must state whether he/she is an individual, partnership, corporation or joint venture. Partnerships shall show the names, titles, and original signature of all partners with authority to bind the company. Corporations must be signed in the name and with the seal of the corporation, followed by the original signature and title of the person authorized to bind the corporation. Each joint venture shall be required to sign for each individual, partnership and corporation that is a party to the joint venture

If the Proposer is an **INDIVIDUAL**:

Individual's Name: _____

D/B/A: _____

Signature: _____

Business Address: _____

Phone: _____ Fax: _____

If the Proposer is a **PARTNERSHIP** and **Limited Liability Company**
(Provide names and signatures of all partners):

Company Name: _____

Partner: _____

Signature: _____

Partner: _____

Signature: _____

Partner: _____

Signature: _____

Business Address: _____

Phone: _____ Fax: _____

(Attach additional sheets if necessary)

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**CITY OF MADEIRA BEACH
CITY ATTORNEY – PROFESSIONAL LEGAL SERVICES
REQUEST FOR PROPOSAL NO. 20-04**

STATEMENT OF ORGANIZATION

Page 2 of 3

If the Proposer is a **CORPORATION**:

Corporation Name: _____

State of Incorporation: _____ CORPORATE SEAL _____

Name/Title of person authorized to bind: _____

Signature: _____

Name/Title of person authorized to bind: _____

Signature: _____

Business Address: _____

Phone: _____ Fax: _____

If Proposer is a **JOINT VENTURE**:

Name/Title: _____

Business Address: _____

Phone: _____ Fax: _____

Name/Title: _____

Business Address: _____

Phone: _____ Fax: _____

Name/Title of person authorized to bind: _____

Signature: _____

Name/Title of person authorized to bind: _____

Signature: _____

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**CITY OF MADEIRA BEACH
CITY ATTORNEY – PROFESSIONAL LEGAL SERVICES
REQUEST FOR PROPOSAL NO. 20-04**

STATEMENT OF ORGANIZATION

Page 3 of 3

If the Proposer is **ANY OTHER BUSINESS ENTITY**:

Please list all pertinent organizational information similar to the above requested information, including.

Type of Entity: _____

Entity Name: _____

Registration/Originating State: _____

Entity Address: _____

Name/Title of person authorized to bind: _____

Signature: _____

Name/Title of person authorized to bind: _____

Signature: _____