

Request for Proposals for Legal Services for the City of Dade City, Florida



**Proposals are Due by
Friday, March 10, 2023,
by 2:00 pm**

REQUEST FOR PROPOSALS

1. The City of Dade City, Florida, 38020 Meridian Avenue, Dade City, Florida, 33525, is requesting "Proposals" (RFP) for the position of City Attorney. The City of Dade City is an Equal Employment Opportunity Employer.

2. Questions regarding responses to this Request for Proposals (RFP) must be submitted via e-mail to Angelia Guy, City Clerk at aguy@dadecityfl.com no later than Wednesday, March 1, 2023, by 2:00 pm. Questions by phone or in person will not be answered.

3. Statement of Proposals shall be delivered in person or by mail/courier service to the Building Department, City of Dade City - City Hall, by **2:00 pm on Friday, March 10, 2023**. Submittals shall consist of 6 complete sets, including 1 original, 5 high quality, legible copies, and one electronic copy on a USB drive or jump drive. The firms or attorney's name and address must be on the outside of a sealed envelope. Submittal envelopes must be clearly marked "Proposal for City Attorney Services" and shall be addressed as follows for mail/courier or hand delivery:

City of Dade City
Angelia Guy, City Clerk
38020 Meridian Avenue
Dade City, FL 33525

4. The City Commission may select any number of firms or attorneys to interview, or it may elect not to conduct interviews. Following the interviews, if any are held, the City Commission will select the firm or attorney to engage, and it will then negotiate and execute a contract with the selected firm or attorney. The successful respondent shall support its Proposal, experience, and plan for work that will best serve the overall needs of the City. The selection of the successful firm or attorney shall be at the City of Dade City's sole discretion after receipt and evaluation of all responses. The City Commission of the City shall be the sole judge of the City's best interests.

5. Any firm or attorney requiring special accommodations due to a disability or physical impairment at any of the public meetings regarding this RFP should contact the City Clerk at least three (3) working days prior to any meeting.

6. Any Statement of Proposals received after the specified time and date shall NOT be opened or considered; additionally, any Statement of Proposals submitted orally, telephonically, e-mailed, faxed, or modified shall NOT be accepted. All Statements of Proposals may only be submitted in person, by mail, or by courier service to the specified address by the specified deadline. The City cautions firms or attorneys to ensure actual delivery of mailed or hand delivered proposals prior to the deadline set for receiving proposals, and such obligation to ensure timely and complete delivery remains with the party responding to the RFP.

7. The City of Dade City reserves the right to waive minor, nonmaterial irregularities in any or all Statements of Proposals and accept or reject, in part or in full, any or all Statements of Proposals. As required by Section 287.133, *Florida Statutes*, an attorney or law firm may not submit a Proposal if the attorney or firm is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected attorney or firm must warrant that it will neither utilize the services of nor contract with any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this Proposal for a period of 36 months from the date of their being placed on the convicted vendor list.

9. All respondents to this RFP are asked to be thorough yet concise in their responses. **All respondents are advised that under Chapter 119, *Florida Statutes*, all responses are deemed public records and open to public scrutiny.**

10. **SCOPE OF WORK**. The selected attorney or firm shall provide legal advice, analysis and representation to the Mayor and City Commission, City boards and commissions, the City Manager, City staff, and other City personnel. The City Attorney shall report directly to the City Commission and serves at its pleasure. The successful respondent will provide services which include, but are not limited to the following:

a. Oversee and direct the implementation of internal legal activities and operations, which include planning, coordinating, administering, and evaluating projects, processes, procedures, systems and standards; ensure compliance with Federal, State and local laws, regulations, codes, and standards.

b. Research and interpret the law using statutes, case law, ordinances, and administrative regulations; provide legal advice, analysis, and opinions upon request to the City Commission, administrative management staff, and advisory boards concerning local government, administrative policy development, employment, workers' compensation, purchasing practices, real estate, code enforcement, public records, and other related legal issues.

c. Prepare and review proposed legislation, ordinances, resolutions, contracts, deeds, leases, bond provisions, and other legal documents requested by the City Commission, City Manager, City Clerk, or management staff.

d. Investigate complaints by or against the City; prepare cases for trial; represent the City in litigation, including administrative hearings, code enforcement, arbitration and civil trials before County, State and Federal courts.

e. Make informed decisions to bring regulatory, administrative and litigation matters to a cost-effective conclusion.

f. Prepare, review, interpret and analyze a variety of information, data, and reports; make recommendations based on findings.

g. Prepare cost estimates for budget recommendations, and coordinate, monitor, and control outside counsel expenditures.

h. Coordinate, monitor and report to the City Commission on the representation of the City by special outside counsel retained by the City Commission or assigned by any insurer providing outside counsel for litigation or other legal matters.

i. Attend meetings of the City Commission and, as necessary, City boards and committees.

11. **TRAINING AND EXPERIENCE REQUIREMENTS.** The City Attorney must meet the following minimum training and experience requirements:

a. Member in good standing with The Florida Bar.

b. Practiced law for at least ten (10) years.

c. Have at least ten (10) years of experience practicing law in the public sector, including litigation, ordinance drafting, and resolution drafting, and advising boards and constitutional officers.

d. Experience in representing Florida public agencies is preferred. Board certification in City, County and Local Government Law is preferred. Knowledge of Federal, State, County and municipal law, common law and constitutional law affecting municipalities is preferred.

e. Have experience in representing a police department and its officers and administrative staff in all operational matters, including personnel matters, collective bargaining, arrest and search and seizure issues, use of force issues, risk protection orders, Baker Act cases, and any other legal matter with which law enforcement officers and command staff may encounter.

f. Have experience in land development matters including annexations and annexation agreements, subdivisions, utility service agreements, comprehensive plan amendments, rezonings, residential, commercial, and industrial projects, fair housing matters, variances, code enforcement cases, drafting land use ordinances, and other land use legal matters.

g. Have experience in representing community redevelopment agencies and working with agencies and business owners on redevelopment projects, including incentive agreements and public improvement projects.

12. **STATEMENT OF PROPOSAL FORMAT.** Firms or attorneys shall prepare their proposals using the following format and must provide, at a minimum, the following:

a. **TITLE PAGE:** Please identify the RFP.

b. **LETTER OF TRANSMITTAL:** This letter will summarize in a brief and concise manner, the proposer's understanding of the scope of work and make a positive commitment to timely perform the work. The letter should not exceed 2 pages in length.

c. PROPOSALS: Provide the experience of those who will provide legal services. The submission should include:

- i. Details on the Proposals of key individual(s) who will perform the work; including education, experience, and specialized knowledge and experience in similar work.
- ii. Details on the Proposals including documentation of experience with similar work during the past 10 years; include firm size, structure, location of management and charter authorization and licenses to do business in the State of Florida. Provide information on the services as requested and include ratings and/or recognition in the legal community for professional achievement. Identify and include Proposals and resumes of specific individuals who will provide legal services to the City of Dade City, including the name of the attorney who will be designated as the City Attorney. Identify the location and availability of staff to provide services and the depth of firm's ability to provide comprehensive services. Include the firm's national, statewide and local service capabilities, including skilled technical and market resources of the firm.

d. FEE PROPOSAL. The firm shall submit a proposal for compensation which should include, but is not limited to, an hourly rate option, monthly and/or annual fee options, or a combination of these options. The fee schedule shall include the following information:

- i. Provide breakdown of the hourly rates for the City Attorney, assistant city attorneys, senior attorneys and every other attorney, paralegal or staff member anticipated to provide services to Dade City.
- ii. Proposed monthly and/or annual fee options.
- iii. The rates for reimbursable and/or out-of-pocket expenses, including, but not limited to, word processing, photocopying, faxing, etc. Local travel costs associated with this work should be included in the fee proposal and will not be considered as an additional cost or reimbursable item.
- iv. The proposed rates for any and all other fee proposals or arrangements, or any other services, including research costs, outside the standard hourly rates, if any.

e. OTHER INFORMATION REQUIRED.

- i. List of lawsuits and significant decisions in which the firm or attorneys have been involved within the last 10 years, including the nature of the lawsuit and the resolution thereof.
- ii. List all lobbyists who are members of the firm and the areas in which they lobby.
- iii. List any clients you currently represent that could cause a conflict of interest with your responsibilities to the City of Dade City. Describe how you would be willing to resolve these or any future conflicts of interest.

- iv. A copy of your business license number, state issued and classifications, your authorization to perform work in Florida, and any other licenses applicable. Please include a W-9 form.
- v. List at least 3 Florida references showing performance of similar type contracts in the public sector or private sector of similar size (include names, addresses, and phone numbers of each contact person). At least 1 of these references should be from a Florida public sector entity.
- vi. List of all public sector clients for past 5 years.
- vii. A sample of a billing invoice for a public sector client issued in the last 12 months in accordance with public records laws.
- viii. A statement of assurance that the attorney/firm is not presently in violation of any statutes or regulatory rules that might have an impact on your firm's operations, including those of The Florida Bar, etc. and provide a summary of any litigation filed against the firm or key personnel in the past three years related to the provision of legal services.
- ix. Affirmative statement, if awarded contract, confirming no conflicts of interest either directly or indirectly with the City of Dade City. Alternatively, should any potential conflict exist, the proposal should specify the conflict, the nature of the potential conflict, and the means proposed to resolve the conflict.

f. INSURANCE COVERAGE.

- i. Describe liability insurance coverage carried. Indicate the ability to hold harmless, indemnify and defend the City of Dade City for losses, costs and expenses arising from liability claims resulting from alleged negligence or malpractice.
 - ii. Provide evidence of coverage for workers compensation insurance.
 - iii. Provide certificate of insurance for professional and general liability with limits of at least \$2 million.
- g. FORMS. Submit a Statement of compliance with statutes regarding Public Entity Crimes, Drug-Free Work Place, and Scrutinized Companies. City forms will be provided.
- h. ADDITIONAL INFORMATION. Any additional information that would be helpful to the City of Dade City in evaluating Proposals to serve as City Attorney.
- i. AVAILABILITY. Indicate current and anticipated workloads and availability for other activities. Identify the extent and nature of any anticipated outside support. The Proposal shall confirm that the selected firm or attorney will be available for City Commission meetings on the second and fourth Tuesdays of each month and the first Wednesday of each month for Planning Board meetings.

- j. NO EX PARTE CONTACTS. To ensure fair consideration for all firms or attorneys, communication relative to this RFP is prohibited during the submission process, with the exception of questions for clarification if necessary, addressed as instructed above. Firms or attorneys may not initiate communication with any City official or employee regarding this RFP, except as herein noted, prior to the time an award or decision has been made.
- k. HOLD HARMLESS. The selected firm or attorney must agree that the firm or attorney shall defend, indemnify and hold harmless, the City of Dade City and its officers, employees and agents, from and against all claims which arise out of the performance of the position of City Attorney as well as negligence, malpractice, or actions of pertinent officers, employees and agents in the performance of the position of City Attorney.
- l. DURATIONAL VALIDITY OF PROPOSALS: All proposals must be firm and valid for 120 calendar days from the date of their submission.

13. CURRENT SITUATION FOR CITY ATTORNEY SERVICES.

- a. The current City Attorney is retiring effective April 30, 2023. The selected law firm or attorney will be required to be ready to assume all City attorney services as of that date. There will be some transition work that will be required both before and after April 30, 2023. The current City Attorney will make himself available for questions after April 30th.
- b. The current City Attorney provides legal services on a flat fee basis in the amount of \$7,700.00. The City does not pay the City Attorney's travel expenses, nor does the City Attorney bill for travel time.
- c. The current City Attorney makes himself available for telephone calls, email exchanges, and special meetings on all days of the week.

14. ADDITIONAL FACTORS TO BE CONSIDERED IN SELECTION OF THE CITY ATTORNEY. The City Commission is seeking a City Attorney who is an exceptional communicator with proven local government experience and an exceptional understanding of land development matters and personnel matters. The person appointed to the position must possess exceptional interpersonal skills, organizational skills, and a collaborative work philosophy. The City attorney must be skilled in building and maintaining positive working relationships and shall return telephone calls and emails on a timely basis.

15. PUBLIC RECORDS. Pursuant to Section 119.0701, *Florida Statutes*, the Proposer agrees to:

- a. Keep and maintain public records required by the public agency to perform the service and supply goods and materials.
- b. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in the

Florida Public Records Act or as otherwise provided by law.

- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if the Proposer does not transfer the records to the public agency.
- d. Upon completion of the Proposer's engagement, transfer, at no cost, to the public agency all public records in possession of the Proposer or keep and maintain public records required by the public agency to perform the service. If the Proposer transfers all public records to the public agency upon completion of the Agreement, the Proposer shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Proposer keeps and maintains public records upon completion of the Agreement, the Proposer shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

IF THE PROPOSER HAS ANY QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, *FLORIDA STATUTES*, TO THE PROPOSER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS, ANGELIA GUY, CITY CLERK, AT 352-523-5052, aguy@dadecityfl.com, 38020 MERIDIAN AVE., DADE CITY, FL 33525.

16. CONFLICT OF INTERESTS. The Proposer shall be required to disclose as part of its proposal the name of any officer, director, employee, or agent who may be employed by the City or otherwise affiliated with the City. The Proposer shall disclose the name of any City official or employee who owns, directly or indirectly, any interest in the Proposer's law firm or any affiliated business entity. Any additional conflicts of interest that may occur during the term of the engagement must be disclosed to the City immediately upon discovery of the conflict or potential conflict.

17. COMPLIANCE WITH E VERIFY STATUTE. To the extent required by Section 448.095(2), *Florida Statutes*, the Proposer shall comply with all E Verify requirements in its hiring practices. The agreement for City Attorney services shall be subject to termination as provided in Section 448.095(2) if the City determines that the Proposer is not in compliance with the requirements of that provision.