



Notice is published in Palestine Herald-Press in the Saturday, January 4, 2020, and Saturday, January 11, 2020, editions.

## **CITY OF PALESTINE**

### **REQUEST FOR PROPOSALS (RFP) CITY ATTORNEY SERVICES**

**Sealed Proposal Due Date: Monday, February 24, 2020 at 3:00 p.m.**

#### **I. PURPOSE**

The City of Palestine (City), a home rule municipality, is soliciting Request for Proposals from experienced professional legal firms or individual attorneys for the purposes of providing legal services to the City of Palestine on a contractual basis. Sealed proposals are due to the City Secretary's Office by **Monday, February 24, 2020, at 3:00 p.m.** Bids will be opened during the Palestine City Council meeting on **Monday, February 24, 2020, at 5:30 p.m.**, at which time the City Council will open the proposals received and will award the winning bidder at a future meeting. In order to be considered, the sealed proposals must address each of the requests for information in the Summary of Qualifications section.

#### **II. SERVICES REQUIRED**

The City is seeking contracted City Attorney services to perform the legal functions for the City, to ensure it is properly represented in all legal proceedings, and that all contracts, bonds, and other official documents are accurate and in compliance with all applicable federal, state, and local regulations. To represent the City regarding land use, employment law, economic development, purchasing, bidding, construction, Texas Public Information Act and Texas Open Meetings Act matters. Drafting ordinances, resolutions, contracts and other legal documents, providing legal advice and opinions to the City Council, Staff and Boards and Commissions, and attending evening meetings are required. The successful candidate may also appear at and represent the City in internal administrative hearings involving appeals of disciplinary actions, and grievances of employment matters, give advice on Texas Local Government Code Chapter 143 matters and assist with other duties as assigned by the City Council.

#### **III. BACKGROUND**

The City of Palestine is a home rule City located in Anderson County and has a population of approximately 18,306 per the 2017 U.S. Census estimate. The City operates under a Council-Manager form of government with a Mayor, six (6) Council Members, and a City Manager. The Council Members are elected from single member districts, with the Mayor elected at large. The City Manager

is the Chief Executive Officer of the City. It is the City Manager's duty to execute and implement policies as established by the City Council.

#### **IV. SUBMISSION OF RESPONSE**

**Delivery:** Proposals must be sealed. Proposals may be mailed or hand-delivered to the City of Palestine, City Secretary. Sealed proposals for City Attorney Services are due to the City Secretary's Office by **3:00 p.m. on Monday, February 24, 2020.**

Proposals are required to include nine (9) copies of the Statement of Qualifications.

Please include on the sealed bid envelope:

**“SEALED RFP 2020-005 - TO BE OPENED: MONDAY, FEBRUARY 24, 2020 at 5:30 P.M.”**

Proposals received after this time will be returned unopened. The City reserves the right to reject any and all proposals, to request additional information concerning any proposal for purposes of clarification, and to waive any irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any cost incurred by respondents in the preparation of the proposal. Furthermore, this RFP does not obligate the City to accept or contract for any implied services.

#### **Mailing Address and Hand Delivery Address:**

Teresa Herrera, City Secretary  
ATTN – SEALED RFP 2020-005 - TO BE OPENED: 2/24/2020 AT 5:30 P.M.  
504 N. Queen Street  
Palestine, TX 75801

Your proposal shall be governed by the following schedule:

**Thursday, February 20, 2020 at 5:00 p.m.,** Central Standard Time (“CST”)  
Deadline for inquiries, questions, requests for information, or pre-proposal conference with the City Manager. All questions must be submitted in writing.

**Pre-Proposal Conference:** The City Manager will meet with any respondent prior to 5:00 p.m. on Thursday, February 20, 2020, to provide any additional information. Proposers must schedule an appointment by contacting the City Manager's office at 903-731-8415 to schedule the pre-proposal conference.

**Monday, February 24, 2020 at 3:00 p.m.,** CST  
Sealed, written proposals due at Palestine City Secretary's Office  
Proposals received after this time will not be considered.

**Monday, February 24, 2020 at 5:30 p.m.,** CST  
Opening of sealed RFPs during the Palestine City Council meeting.

To be considered for this engagement you must meet the qualifications and satisfy the requirements set forth in this RFP.

**Communications:** All communications regarding the submission of your proposal are to be in writing directly through the City Secretary.

## **V. PROPOSAL REQUIREMENTS**

Services provided will include but are not limited to:

The City seeks services encompassing the traditional scope of work including legal counsel, opinions, consultation, and coordination with special counsel. Attendance at a variety of meetings and/or Court proceedings will be required, including meetings with city staff and City Council meetings as specified.

1. Attend and provide legal advice at all regular City Council meetings (generally two (2) per month to be held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays) and occasional special meetings.
2. Attend other Boards and Commissions meetings only on “as needed” basis.
3. Preparation of legal opinions at the request of the Mayor and/or his designee.
4. Provide timely advice regarding government operations, elections, open meetings, public information, City ordinances, State law, personnel matters, property matters, and real estate matters including annexation, zoning, and condemnation.
5. Negotiate and administer contracts, as well as assisting with the resolution of contractual disputes.
6. Provide counsel to City Council, Boards and Commissions, and Senior Leadership Staff.

### **Minimum Qualifications:**

1. The attorney(s) must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
2. The attorney(s) must possess a Texas law license and be in good standing with the State Bar of Texas;
3. Possession of or ability to obtain license for practice before U.S. District Court;
4. Valid driver’s license; and
5. The attorney(s) must have a minimum of five years’ professional legal experience in the field of municipal law with preferred experience in land use and zoning, purchasing, public bids, economic development, construction, employment law, and Civil Service.

### **Statement of Qualifications**

Each Statement of Qualification (SOQ) must address, but does not need to be limited to, the following information:

1. Firm or individual name, the address of all firm offices, specify the address where the work will be performed.
2. List year the firm was established.

3. Provide the name of the attorney who will be designated as the point of contact or lead attorney who will be responsible for coordinating the City's legal services.
4. Attach a list of attorneys who will provide service to the City. Include a description of these attorneys' education, years of legal experience, years of municipal legal experience, and any areas of specialty within the field of municipal law.
5. Provide a list of current municipal clients. Please provide name of city, name of contact, position title, and phone number for each currently represented municipality.
6. If your firm has represented any City during the last five (5) years that it no longer serves, please provide the following information: name of city, name of contact, phone number, and reason that you no longer represent that City.
7. Please list any clients that you currently represent that could cause a conflict of interest or future conflict of interest with the City. Please describe how you would be willing to resolve these or any future conflicts of interest.
8. If your firm or any of your attorneys has filed any litigation in the past five (5) years in which either the City of Palestine or one of its employees was named as a defendant, please describe the case(s).
9. If your firm or any of your attorneys has filed any litigation in the past five (5) years in which a municipality or the Texas Municipal League was a defendant, please describe the case(s).
10. Describe estimated standard timeframes for responses to direction and/or inquiry from the City.
11. Provide a brief summary of the firm's years of experience in each of the following areas and the strategy for managing those areas in which your firm does not have experience and would need to outsource:
  - a. Business contracts and agreements
  - b. Bidding and procurement
  - c. Ordinances and resolutions
  - d. Real estate matters, including condemnations, platting, deeds, easements, and construction projects
  - e. Subdivision regulations
  - f. Zoning and development
  - g. Annexation and Eminent Domain issues
  - h. Open meetings and records
  - i. State law as it pertains to municipalities (including municipal finance law)
  - j. Personnel law (including both Civil Service and non-Civil Service employees)
  - k. Economic development corporations
  - l. Economic development incentives
  - m. Tax increment reinvestment zones
  - n. Charter and charter amendments
  - o. Emergency services/public safety (including sworn officers, fire protection, and dispatch)
12. Provide a summary detailing the experience in the role of providing consulting legal services including how the City Attorney balances the relationship between the Mayor and Council as well as between the City Manager and staff.
13. Proposed Fee Schedule - Please be specific. If the rate will be different if work was performed by either a: partner, senior associate, associate, law clerk, or paralegal please include all rate options available.

- a. General representation (either as an hourly rate or retainer rate)
- b. Economic Development Corporation representation (either as an hourly rate or retainer rate)
- c. Special projects (either as an hourly rate or retainer rate)
- d. Litigation preparation time (either as an hourly rate or retainer rate)
- e. Litigation court room time (either as an hourly rate or retainer rate)

## **VI. EVALUATION PROCESS**

The City of Palestine reserves the right to accept or reject any and all submissions in the best interest of the City. Proposals will remain in effect for 90 days. Proposals cannot be altered or amended after the submission deadline. Any interlineations, alterations, or erasures made before bid opening must be initialed by the signor of the proposal, guaranteeing authenticity. In connection with the evaluation, the City may invite one (1) or more applicants to make an oral presentation to the City Council.

The following information will be taken into consideration during the evaluation process:

1. Meets qualifications identified in the Request for Proposal.
2. Included complete and clear responses to requested information.
3. Familiarity with laws and regulations governing Texas municipalities and operating procedures relative to conduct City business.
4. Ability to provide the full range of services requested.
5. Demonstrates sound judgment, integrity, and reliability as determined by the references provided.
6. Cost of providing basic and hourly services as per the submitted rate schedule.
7. Proximity to City (mileage/travel time required)
8. Results of an oral presentation to Council (if required).

Proposal packages will be available on December 31, 2019 at 8:00a.m., from the City Secretary's Office, 504 North Queen Street, Palestine, TX or on the City of Palestine's webpage: <http://www.cityofpalestinetx.com/departments/finance/purchasing/>. For a copy of the RFP package, please contact Teresa Herrera, City Secretary at 903-731-8414 or via e-mail: [therrera@palestine-tx.org](mailto:therrera@palestine-tx.org).

### **Notice**

Any notice provided by this RFP or required by law to be given to the respondents by City of Palestine shall be deemed to have been given and received on the next business day after such written notice was deposited in the U.S. Postal Service mail facility in City of Palestine, Texas by registered or certified mail addressed to the respondent at the address provided in the sealed respondent. Any interpretation, corrections, or changes to this Request for Proposals will be made by addenda. The sole issuing authority of addenda shall be the City of Palestine City Secretary. Addenda will be mailed to all who are known to have received a copy of this Request for Proposals. Bidders shall acknowledge receipt of all addenda.

## **VII. CONTRACT TERMS**

### **Contract Term**

The City will require the selected respondent to sign a separate, formal contract that fully incorporates all provisions of this solicitation. The City reserves the right to modify terms and conditions of any proposed contract during negotiations with the respondent.

### **Assignment**

The selected respondent shall not sell, assign, transfer, or convey any resulting contract in whole or in part without the prior consent from the City Council.

### **Termination of Contract**

The City of Palestine reserves the right to terminate the contract immediately in the event the successful respondent:

1. Fails to meet delivery schedules.
2. Defaults in the payment of any fees.
3. Otherwise fails to perform in accordance with this contract.
4. Becomes insolvent and/or files for protection from bankruptcy law.

### **Termination of Convenience**

The termination of the contract may be terminated without penalty, by either party by providing thirty (30) day's written notice to the other party, or under any other provisions provided by City Charter.

## **VIII. INQUIRIES**

Any questions relating to this Request for Proposals must be submitted in writing to:

City of Palestine, Attn: Teresa Herrera, City Secretary, 504 North Queen Street, Palestine, TX 75801 or  
Email: [therrera@palestine-tx.org](mailto:therrera@palestine-tx.org)