



CITY OF RIVER FALLS, WI

Dan Toland, Mayor

REQUEST FOR QUALIFICATION LEGAL SERVICES

December 18, 2023

CITY OF RIVER FALLS REQUEST FOR PROPOSAL

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Section 1 – Invitation

CITY OF RIVER FALLS
REQUEST FOR QUALIFICATION (RFQ)
LEGAL SERVICES

Proposals Due by 5:00 p.m., February 1, 2024

The City of River Falls is currently seeking proposals from qualified legal institutions interested in providing comprehensive legal services. The primary objective of requesting qualifications is for the City to determine which legal firm can offer the highest quality of service at the most reasonable cost.

We encourage you to be creative and educational in your responses. Format must be consistent with the requirements of the RFQ. The City desires general counsel, addressing municipal law issues and defending the City in any claims filed against it, which are not covered by insurance policies. If you believe that your proposed solution or services would be beneficial to the City, we invite you to offer them. Please provide options that may create efficiencies, make improvements, and take advantage of new, applicable technologies.

If chosen, the contract term is for approximately three (3) years, and the City reserves the right to offer an additional three (3) year renewal of contract.

Written proposals will be accepted until 5:00 p.m. on February 1, 2024, at City Hall, 222 Lewis Street, River Falls, WI 54022. Responses must address all of the items listed in this request for proposal and submitted in a sealed envelope marked “Legal Services Proposal” and submitted to:

Amy White
Office of the City Clerk
City of River Falls
222 Lewis Street
River Falls, WI 54022

Please include the one (1) original and four (4) copies. Questions or request for clarification may be directed to Amy White, Community Services Director/City Clerk by phone at (715) 426-3408 or by email to white@rfcity.org.

Section 2 – Introduction and General Information

A. Government Background

The City of River Falls is a full service community providing a high level of services to its residents. Services include: Police, Fire, City Administration, Public Works, Utilities, Community Development, Parks and Recreation, and Library. The City of River Falls is divided into two counties, St. Croix and Pierce, and is home to approximately 16,000 residents of which 6,400 are college students. Around half of River Falls' residents commute to the St. Paul-Minneapolis region to work, as the City is located 25-30 miles east of the Twin Cities. The City of River Falls is also home to the University of Wisconsin River Falls (UWRF); an NCAA Division III institution that has been a staple for the River Falls community since 1874.

The City of River Falls, like many other Wisconsin cities under the Home-Rule Charter of Wisconsin, has the power to govern itself regarding local matters except where the State has specifically prohibited that power. The City is managed under the Mayor/Council/Administrator form of government. Individual members of the governing body do not have authority to make decisions on behalf of the City unless they have been given specific authority from the governing body as a whole. The Mayor has the authority to perform executive responsibilities by monitoring the Administrator and various departments of the city government. The Mayor also holds veto power. The Council (Alderspersons) has all the powers of the City that have not been specifically given to some other body or officer. The City Council is responsible for the management and control of city property, finances, highways, streets, utilities, and public services. There are seven alderpersons elected to the City Council, one (1) member from each of the four (4) aldermanic districts and three (3) members elected at large. The City Administrator serves as the Chief Administrative Officer (CAO) of the City. In order to provide a more efficient and effective government the CAO is responsible for the direction and coordination of all City employees and is a direct report to the Mayor and Council. The City Attorney works closely with the Mayor, City Council, and City Administrator to provide legal advice and counsel.

B. Current and Past Legal Representation

For 18 years, from 1983 to 2001 the firm of Bye, Goff and Rohde represented the City of River Falls. In 2001 and subsequently in 2013, a RFQ was issued and awarded to Weld, Riley, Prens & Ricci. Weld, Riley, Prens & Ricci have been providing legal services to the City since 2001.

C. Timeline for Procurement Process

The City has made every effort to include enough information in this RFQ for the proposer to develop a responsive proposal. The City encourages proposers to submit the most comprehensive and competitive proposal available. The City reserves the right to retain all proposals submitted and to use any ideas in a proposal, unless protected by copyright, regardless of whether that proposal is selected. Submission of a proposal indicates acceptance, by the individual or firm, of the conditions contained in the RFQ, unless clearly and specifically noted in the proposal submitted, and confirmed in the contract between the City of River Falls and individual or firm selected.

The City reserves the right to reject any and all proposals, cancel all or part of this RFQ, waive any minor irregularities, and request additional information from proposers. The

City WILL NOT reimburse proposers of this RFQ for any expenses incurred in preparing proposals, or for the attendance at interviews. This RFQ does not obligate the City to accept or contact for any service.

The timing of the proposal is as follows:

TIMELINE	
Distribution of RFQ	December 18, 2023
Submit names of representatives and questions	January 9, 2024
City's deadline to respond to questions	January 25, 2024
Proposal submission due	February 1, 2024
Proposal review	February 4 – 22, 2024
First notification	February 25, 2024
Interviews with finalists	March 4 -15, 2024
Final selection	March 26, 2024
Notification to proposers	April 1, 2024
Implementation of contract	April 16, 2024

Distribution of RFP

The RFQ will be mailed and/or available on the City's website www.rfcity.org on December 18, 2023.

City's Deadline to Respond to Questions

City staff will schedule time to speak with legal firms seeking additional information about the proposal process and the RFQ. The City requests the legal firm provide names of the representatives and all questions about the proposal process and the RFQ by January 9, 2024. This information must be received by 5:00 p.m. email to awhite@rfcity.org. The City will respond to questions on later than January 25, 2024 by 5 p.m.

Proposal Submission

Proposals must be delivered to the City Clerk's Office no later than 5:00 p.m., February 1, 2024.

Proposal Review

City staff will evaluate all proposals and summarize the findings. It is anticipated that the review process will be completed by February 22, 2024.

Interview with the Finalists

The finalists will be asked to schedule an interview with the Mayor, City Council representatives and City staff during the weeks of March 4 through March 15, 2024. The interview should include the attorneys who will work directly with City staff and the City Council.

Final Selection

The City Council is expected to make the final selection March 26, 2024. After the selection is made, the legal firm will have twenty (20) days to complete negotiations. If negotiations do not result in the execution of a contract in the allotted time, the City will give notice to the legal firm that the City will contact the next most qualified proposing legal firm or call for new proposals.

Notification

We anticipate sending written notification to all legal firms regarding the outcome of the review and contract award process by April 1, 2024.

Implementation

The legal firm to which the contract is awarded will be required to coordinate with City staff all the activities necessary to ensure a smooth transition. Conversion activities will begin upon notification and projected completion date is April 16, 2024.

The City will make every effort to administer the proposal process in accordance with the terms and dates discussed in this RFQ. However, the City reserves the right to modify the proposal process and dates as deemed necessary.

D. Conditions of Submittal

By the act of submitting a response to the Request for Qualifications, the proposer certifies that:

- a. The Proposer and each person signing on behalf of any Proposer certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge no elected official, city employee, officer or person accountable to the City of River Falls has a direct financial interest in the Proposal.
- b. The Proposer has read all parts of the Request for Qualification, including all requirements, terms and conditions, and, if its Proposal is accepted, the Proposer shall accept the contract documents in their entirety.
- c. The Proposer has quality experience providing the required services.

Section 3 – Scope of Legal Services

The City Attorney shall perform the duties and shall have the powers and authorities as set forth in Wis. Stats. Section 62.09(12)(a) through (g). The primary legal services needed by the City are broad and varied. The selected law firm will be expected to serve as general counsel to the City, addressing municipal law issues and defending the City in any claims filed against it, which are not covered by insurance policies. The selected firm will also provide an attorney to attend two City Council meetings a month, special council meetings and/or committee meetings, and rule on any parliamentary or legal issues arising during such meetings (preferably the same attorney at each meeting). This person must also keep the City Council and staff fully informed on all legal matters pending before the City.

In addition to the above listed duties, the legal services listed below are required, but are not limited to:

A. General Government.

This work includes:

- Contract/document review and drafting,
- Ordinance drafting and enforcement,
- Charter and statute interpretation,
- Review and assistance with the administration of grants, and
- Providing written and oral legal opinions.
- Knowledge of Wisconsin's public records law is necessary for the advisement on release of records issues.
- Additional duties could include: legal review of offers to purchase property or easements, knowledge on Public Service Commission, the Federal Regulatory Commission, and the DNR.

Effective and timely verbal and written communication skills are required, since information must be readily understood by elected and appointed officials, staff, and the public.

B. Land Use/Environmental.

This work includes:

- Knowledgeable of State and Federal constitutional requirements as they relate to planning and zoning.
- Understanding and knowledge about local government Municipal Code as it relates to planning and zoning, and all up-to-date legislation regarding land-use law.
- Knowledge in areas of developing planning ordinances, code enforcement, cooperative boundary agreements, and agreements between municipalities and private developers.
- Advice on developer's agreements and annexation agreements.
- In addition to the above areas, a working knowledge of: right-of-way and easement issues, municipal bidding and contracts, subdivision

ordinances, assessments, impact fees, drainage and water law, and condemnation process.

C. Litigation.

Ability to manage, conduct, and oversee litigation in all courts (state and federal).

Section 4 – Proposal Submission & Evaluation

A. Submission Process

All sealed proposals from interested legal firms must be received on or before 5:00 p.m. on February 1, 2024, and addressed to:

Amy White
Office of the City Clerk
City of River Falls
222 Lewis Street
River Falls, WI 54022

Proposals will be time-stamped upon receipt and held in a secure place until the established due date. Proposals will not be opened publicly or disclosed to unauthorized persons, but will be opened in the presence of two or more City officials. A record of proposals will be established, which will include for every proposal: name of the entity submitting the proposal, a description sufficient to identify the services offered, and the date and time the proposals were opened.

B. Required Background Information

The following lists information that the legal firm must submit with proposal forms:

- Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
- Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.
- Include a current resume for each attorney who will be primarily assigned to City of River Falls. 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, and other background or experience with may be helpful in evaluating your proposal.
- Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
- Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), email address, and FAX number(s) of the firm.
- Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of River Falls.
- Provide an assessment of the availability of the attorney and to other professional staff to be assigned to a contract with the City of River Falls. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
- Provide a statement of how the workload of the City of River Falls would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of service section (Section 3). The proposal should expand upon each item and set forth the firm's approach/ability to carry out each activity. Include a description of the proposed allocation of work between the

attorney(s) and support personnel identified (i.e. who will be the lead attorney and what work will be handled by junior partners, associates, or paralegal).

- Describe your legal library and research capabilities, with specific emphasis on municipal law publications, computer links, and the firm's capability to maintain a proposed response time for legal reports and memorandums.
- Describe insurance coverage: carrier, limits, and exemption.
- Provide examples of work to demonstrate quality and clarity of legal advice provided to municipal clients on complex issues.
- Provide confirmation that neither your firm nor any individual attorneys who will be performing work for the City of River Falls have any violations, or other marks or limitations on their attorney licenses or ability to practice law.

C. Fees

Identify in your proposal of amount your firm proposes to charge for services. Please note that the City of River Falls is requesting fees to be submitted for basic services retainer (i.e. minimum annual retainer) plus hourly fees.

Basic Services Retainer + Hourly Fees:

Basic Services Retainer- Please quote a retainer fee to be charged for providing City legal service and the items noted herein that are to be covered by the retainer. Also state separately the rate that 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. This should include all costs associated with primary attorney traveling to and attending up to 30 regular and special council meetings and/or committee meetings per year and the Board of Review annually.

Hourly Billing- Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of River Falls covered by your proposal that fall outside the duties covered by the basic services retainer. 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.

D. Municipal Client References

Please provide a list of municipal client references. This list may contain municipalities that you are currently representing or have represented in the past. This list should contain information related to the duration of service provision, a general description of the scope of legal work performed, and general contact information for the municipality.

E. Proposal Submittal Format

For proposals to be considered, one (1) original marked "Original" and four (4) copies of the proposal must be received by the City of River Falls. The following outline represents the desired proposal submittal format:

1. Title Page- The first page shall be the title page. The proposer should identify the RFQ subject, the name of the firm, local and corporate address, telephone number, name and title of contact person, and date of submission.
2. Introduction- Immediately following the title page shall begin the following sections:
 - a. Table of Contents- Provide clear identification of the material by selection and by page number.
 - b. Letter of Transmittal- (limited to one page)-Should be brief and introductory in nature.
 - c. Mandatory Proposal Requirements- Provide in the order delineated below. List any exceptions taken to these requirements.
 - i. Required Background Information
 - ii. Proposed fee rates
 - iii. Municipal Client References

F. Evaluation Process

All proposals submitted for evaluation must include the following minimum information. Provide in the order listed below. Please detail any exceptions taken to these requirements (in approximate order of importance):

1. Primary Attorney's Qualifications
2. Value to the City
3. Municipal Client References
4. Overall Firm Qualifications
5. Other References

Proposals will be evaluated by the staff and/or City Council based on the criteria set forth above. All proposals submitted will be the primary document upon which each proposal will be evaluated.

The city reserves the right to reject any and all proposals, to waive any information or irregularities in any proposal, and to use any ideas in a proposal regardless of whether that proposal is selected.