

# **CITY OF IDAHO CITY, IDAHO REQUEST FOR PROPOSALS FOR CITY ATTORNEY SERVICES**

The City of Idaho City is requesting proposals from law firms or individual lawyers interested in serving as City Attorney on a contractual basis. The City invites qualified attorneys to submit a proposal for either the civil city attorney services, the prosecution services, or a combination of the two. The City presently contracts with outside counsel for both prosecution and City Attorney services. It is anticipated that services will commence July 1, 2021.

## **1. Prosecution Services:**

### **Qualifications**

Licensed to practice law in the State of Idaho.

Experience prosecuting misdemeanor and infraction offenses is required for all attorneys within the firm that will be providing the prosecution services.

All office members must pass a security background check.

### **Scope of Work**

Prosecution of criminal misdemeanor and infraction offenses and all other related proceedings, including but not limited to blood alcohol content (BAC) hearings, probable cause hearings, suppression hearings, show cause hearings, sentencing hearings, arraignments and preparation of complaints, motions and legal briefs and memoranda. Prosecution services shall include violations of both state laws and City of Idaho City ordinances and preparation of all necessary documents relating to prosecution services.

Attorney must be available 24 hours per day, seven days per week by telephone to give advice to police officers in the field regarding issues relating to service warrants, arrest procedures, and charging decisions. Legal advice will not include advising the Idaho City Police Department regarding personnel issues.

No on-site office space will be included. Attorney will perform duties in accordance with standards of professional conduct in the legal profession.

### **Costs**

The selected attorney(s) will be an independent contractor and shall bear the costs associated with professional licensure, professional malpractice insurance, general liability and worker's compensation insurance, taxes, research tools, and the incidental costs of operation of the Prosecuting Attorney's Office. Responses to the Request for Qualifications shall provide a detailed summary of any anticipated extraordinary

expenses that will not be included in the fixed fee proposal.

## **2. City Attorney Services**

### **Qualifications**

The City Attorney will be an independent contractor of the City of Idaho City and will not be an employee of the City. The City Attorney must be able to provide a full range of legal services on behalf of the City Council and City departments as set forth in Idaho Code 50-204 and 50-206. This position requires a good working knowledge of civil, administrative and municipal law and procedures, including civil litigation, real property, land use, personnel, and contract law. Candidates must possess a Juris Doctor and be a current member of the Idaho State Bar. The successful respondent must possess the ability to effectively communicate both orally and in writing and have a strong commitment to public service. Public and private experience is preferred.

### **Services Requested**

The City Attorney shall serve, under the title of City Attorney, as civil attorney for the City and will represent the City in the following matters and provide the following services:

1. The City Attorney will normally attend two City Council meetings each month, with a minimum of twenty-four City Council meetings per year included under the routine business provision of the proposal; and undertake routine legal services associated with the preparation for City Council meetings and routine business of the City as directed by the Mayor.
2. The City Attorney will also, when authorized and requested by the Mayor, perform the following additional legal services for the City as separate matters:
  - a. Represent the City in all suits or actions involving administrative proceedings, grievance proceedings, judicial confirmation matters, arbitration and mediation matters, and court cases in state or federal courts in which the City is a party, except where the City retains special counsel, or tenders the defense of such matter to an insurance carrier where the insurance carrier appoints other legal counsel to represent the City.
  - b. Draft and/or review major rewrites or amendments of the City Code or Comprehensive Plan, and policy manuals; draft and/or review major contracts, leases, deeds, or other legal instruments or documents; provide legal opinions and legal research; negotiate threatened litigation matters.
  - c. Undertake specialty legal work which includes but is not limited to bond counsel, water rights, environmental and natural resources law matters.

- d. Matters in which attorney fees are reimbursable including, but not limited to, federal or state funded projects where all or part of the attorney fees are reimbursable, professional services that are reimbursed by a land use applicant, or similar such situations.
- e. Provide representation at various board and commission meetings and represent the City at meetings with other government agencies, business groups, community groups, and the public.

The City Attorney will not be required to render the following services:

1. Private legal advice not pertaining to City business to any City official or employee.
2. Legal advice pertaining to City business to individual members of the City Council, except where such advice is requested by the Mayor and/or City Council.
3. Defense of court actions against the City where an insurance carrier renders a legal defense to the City or where special counsel is retained by the City.
4. Provide criminal prosecution services, unless engaged for that portion of this Request for Proposal.

All Respondents must designate an attorney who will be accountable for contract performance. This attorney must appear at the City Council meetings on an ongoing basis and have prior work experience in civil law. Prior experience as a City Attorney is strongly preferred. The contractor must provide continuity of representation while at the same time ensuring effective back-up coverage.

Any lawyer who may be called on as a back-up attorney must have current awareness of the City of Idaho City ordinances, policies/procedures, and ongoing City issues so that he/she is fully prepared to provide civil services in the event of an unanticipated absence by the designated attorney. The Contractor must ensure the availability of attorneys and support staff is consistent with efficient delivery of civil services, including coverage for regular vacations. The contractor needs to be able to involve more than one attorney in the delivery of services if efficient management so requires.

The City Attorney must be responsive to the City Council and the Mayor. For example, the City expects phone calls or e-mails to the attorney to be returned in a timely manner.

### **Elements of the Proposal**

Please include the following in your proposal:

*Experience:* Summarize experience relevant to civil services. Identify the attorney who will be the attorney designated as accountable for the contract. Include resumes of all attorneys who will provide civil services.

*Method of Service Provision:* Describe method of service delivery, philosophy, and approach, and what makes you or your firm unique with respect to providing civil services.

*Proposed Fee Structure:* Identify your proposed compensation. Describe what expenses would be charged to the City, including travel time or mileage to Idaho City and at what rates. The City presently pays a flat rate per month for routine services. Respondents shall propose a flat rate for routine services.

*Statement of Contract Compliance:* Discuss how you plan to provide malpractice insurance coverage.

*References:* Identify five (5) references who can attest to your experience and capabilities as they relate to services requested. The references must include contact name, email and telephone number.

### **Proposal Modification and Clarifications**

The City will not reimburse the Respondents for the proposal or for any costs associated in the preparation and submission of proposals, or for attendance at subsequent interviews. Furthermore, this RFP does not obligate the City to accept or contract for any express or implied services. The City reserves the right to negotiate regarding the terms and compensation for any proposal. The City reserves the right to request any Respondent to clarify their response or to supply any additional material deemed necessary to assist in the evaluation, and to modify or alter any or all of the requirements herein.

### **Selection**

Questions regarding this RFP should be directed to Nancy Ptak, Idaho City Clerk, P.O. Box 130, Idaho City, ID 83631 [idahocityclerk@gmail.com](mailto:idahocityclerk@gmail.com).

### **Submittal of Proposals**

The proposal must be submitted by no later than 5:00 pm on Friday, April 30, 2021 to Nancy Ptak, Idaho City Clerk, P.O. Box 130, Idaho City, ID 83631 [idahocityclerk@gmail.com](mailto:idahocityclerk@gmail.com). Proposals received after this deadline **will not be considered**.