



SCAPPOOSE
Oregon

**REQUEST FOR PROPOSAL
CITY ATTORNEY SERVICES – City Attorney
RFP #2023-06**

Proposal Due Date: May 4th, 2023 at 4:00 pm

SECTION 1 – GENERAL INFORMATION

1.1 General

The City of Scappoose is requesting proposals from qualified members of the Oregon State Bar to serve as the City Attorney for the City of Scappoose, to provide City Attorney services. This is a contracted position.

Background

The City of Scappoose, population 8,010, is located approximately 23 miles north of Portland, in the southernmost portion of Columbia County, Oregon. The City is governed by a City Council with the City Manager responsible for the daily administration of all City functions. As a community, Scappoose is experiencing both economic and residential growth and is striving to plan for that growth responsibly while maintaining the charm and feeling of a small town.

The City is currently seeking the provision of City Attorney services. The selected City Attorney will report to City Council and work closely with the City Manager, City Staff, and City Council, on various City issues including, but not limited to: providing legal aspects of general administration of City business; preparing and providing legal opinions; assisting with establishment of procedures; drafting and reviewing ordinances, resolutions, contracts, intergovernmental agreements, and other legal documents; advising the City with respect to Oregon land use law; and other aspects of the City's legal needs. The City of Scappoose currently retains a labor/personnel attorney and is not seeking those particular services at this time.

1.2 Invitation

The City of Scappoose is requesting proposals from qualified members of the Oregon State Bar (hereinafter referred to as the "City Attorney") qualified and interested in serving as the City Attorney for the City of Scappoose.

This RFP contains the necessary information to understand the scope of work and responsibility, the City Attorney selection process, and the required documentation in submitting a proposal.

Proposal and related documents may be obtained via the City's website at <https://www.ci.scappoose.or.us/rfps>.

1.3 Responses to Proposals

All responses to this proposal request must follow the directions stated within this RFP. Adherence to these rules will ensure a fair and objective analysis of the proposals. Proposals should be prepared simply and economically. Special bindings, colored displays, promotional materials, etc., are not necessary. Emphasis should be on completeness, brevity, and clarity of content. Proposals shall be submitted electronically as detailed in Section 3.1 below.

1.4 Schedule

Action	Location	Date	Time
Solicitation Advertisement	Business Tribune, Spotlight, City Website, League of Oregon Cities, and others	3/31/2023	N/A
Pre-Proposal Questions Due		4/26/2023	5:00 PM
Responses to Pre-Proposal Questions Distributed by City		4/28/2023	5:00 PM
Proposals Due	Scappoose City Hall	5/4/2023	4:00 PM
Interviews	Scappoose City Hall	5/15/2023 – 5/17/2023	TBD
Evaluation Committee Recommendation		5/17/2023	3:00 PM
Contract Negotiations with Successful Proposer Conclude		5/18/2023 – 6/1/2023	9:00 AM
Notice of Intent to Award Contract		5/18/2023	10:00 AM
Challenge Period Expires	City of Scappoose	5/25/2023	10:00 AM
City Council Approval of Contract	City Council	6/5/2023	7:00 PM
Begin Contract (Desired)		6/12/2023	8:00 AM

*These dates are approximate and subject to change at the sole discretion of the City

1.5 Issuing Office

All correspondence and questions pertaining to this RFP should be directed to Isaac Butman Assistant to the City Manager, City of Scappoose, 33568 E Columbia Ave, Scappoose, OR, 97056, ibutman@cityofscappoose.org, 503-543-7146 x250. If necessary, interpretations or clarifications will be made by issuance of addenda to all prospective proposers.

Any addenda issued must be acknowledged by submitting the Mandatory SOQ Form, Attachment A, with the proposal. Only questions answered by formal written addenda are binding. Oral and other interpretations or clarifications will be without legal effect.

1.6 Proposal Withdrawal

Any proposal may be withdrawn at any time before the “Proposal Due” date and the time specified in **Section 1.4, Schedule**, by providing a written request for the withdrawal of the proposal to the City. A duly authorized representative of the firm shall execute the request. Withdrawal of a proposal will not prejudice the right of the proposer to file a new proposal on this or future projects. Proposals cannot be withdrawn within thirty days (60) after the proposal due date.

1.7 Rejection or Acceptance of Proposals

The City may reject or accept any or all proposals or parts thereof, submitted in response to this RFP.

The City expressly reserves the following rights to:

- Disregard any or all irregularities in the proposals.
- Reject any or all of the proposals or portions thereof upon finding it is in the public interest to do so.
- Base award with due regard to the quality of services, experience, compliance with the RFP, and other factors as may be necessary under such circumstances.
- Reject all proposals and re-advertise at the City's sole discretion.

1.8 Selection of City Attorney

An evaluation committee will be appointed to evaluate the proposals received. For the purpose of evaluating proposals, each committee member will evaluate each proposal in accordance with the Evaluation Criteria listed below.

Minimum Qualifications

Must have at least 5-years of legal experience in the field of municipal government. All members of the team assigned to the City must be members in good standing with the Oregon State Bar with at least three years' experience in the field of municipal government; the experience required for the least senior team members can be a combination of education and experience.

The successful City Attorney shall be selected by the following process:

- An evaluation committee will be appointed to evaluate submitted written proposals.
- The committee evaluate the written proposals based on information submitted according to the evaluation criteria and minimum qualifications.
- A short list of City Attorneys may be selected for interviews.
- The evaluation committee will make a recommendation to the City Council. The City Council intends to make an appointment no later than June 5th, 2023.

Evaluation Criteria:

- Overall Experience, Background, Qualifications.
- The ability to understand the legal requirements of the City of Scappoose, state agencies, and other entities whose laws and requirements affect City business.
- The approach in the proposal and extent to which it is thorough, original, comprehensive, and tailored to the needs of the City.
- The nature and extent of prior experience in performing legal services for general purpose local governments.
- Relevant expertise outside traditional municipal legal functions.
- Demonstrated skill in establishing and maintaining effective working relationships with elected officials, local government staff, and the general public.
- Firm and assigned member qualifications.
- Fee structure.

Review:

Following the Notice of Intent to Award, City Attorneys not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.

Protest of Contract Awards:

Protests may be submitted to the City Manager only from those City Attorneys who would be awarded the contract if their protest was successful.

Protests must be in writing and received by the City Manager within seven (7) calendar days, UNLESS OTHERWISE NOTED, following the issue date of the City's Notice of Intent to Award. The protest must specifically state the reason for the protest and show how its proposal or the winning proposal was miss-scored or show how the selection process deviated from that described in the solicitation document. No contract will be awarded until the protest has been resolved.

Protests must be timely and must include all legal and factual information regarding the protest and a statement of the form of relief requested. Protests received later than specified or from other than the City Attorney who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

The City Manager may waive any procedural irregularities that had no material effect on the selection of the proposed City Attorney, invalidate the proposed award, amend the award selection, request the evaluation committee re-evaluate any proposal or cancel the solicitation and begin again to solicit new proposals. The City Manager shall create a written opinion on the protest and forward that opinion to the City Council for further action. In the event that the City Council returns the matter to the evaluation committee, the City shall issue a notice cancelling the Notice of Intent to Award. Decisions of the City Council are final and conclude the administrative appeals process.

1.9 Insurance

All attorneys assigned to the City must provide insurance from the Oregon State Bar's Professional Liability Fund. If proposer is a firm, firm must maintain Commercial General Liability, Automobile, and Professional Liability Insurance appropriate to the legal profession.

1.10 Execution of Contract

Any contract stemming from this RFP process will require authorization by City Council. The contract should be signed within a week of Council award of the contract. A copy of the City's standard attorney services contract is included as Attachment B. The final contract will incorporate the terms and conditions from this RFP document and the successful proposer's response documents. The term of the contract shall be negotiable but will be at will. The contract may be terminated by either party with 30-days' notice of termination.

1.11 Public Records

Any materials submitted by the proposer shall become the property of the City unless otherwise specified. During the evaluation of proposals and the selection of the City Attorney, the proposals shall be confidential. After the selection process has been completed, the proposals shall be open to public inspection. Proposals should not contain any information which the proposers do not wish to become public. If it is necessary to submit confidential information in order to comply with the terms and conditions of the RFP, each page containing confidential information should be clearly marked "NOT FOR PUBLIC DISCLOSURE CONFIDENTIAL TRADE SECRETS." The City accepts no liability for the inadvertent or unavoidable release of any confidential information submitted, and any claims arising out of any public record request for such information shall be at the proposer's expense.

1.12 Federal/State/Local Requirements

The selected proposer shall comply with all Federal, State and local laws, regulations, executive orders and ordinances applicable to the work under this contract. In addition, the proposers agree to comply with:

- Title VI of the Civil Rights Act of 1964;
- Section V of the Rehabilitation Act of 1973;
- The Americans with Disabilities Act of 1990 and ORS 659.425;
- All regulations and administrative rules established pursuant to the foregoing laws and;
- All other applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations

Proposer is subject to the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires the provision of Worker's Compensation coverage for all employees working under this contract. The City's programs, services, employment opportunities and volunteer positions are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, disability or political affiliation.

1.13 Payment

The City will pay the City Attorney under contract for services performed based on the approved rates, the scope of work completed and anticipated reimbursement expenses. The City will make monthly progress payments within thirty (30) calendar days following receipt of properly itemized invoices. Payment for extra work not described in the scope of services will only be made when authorized in advance and in writing by the City's Project Manager prior to such work being performed by the City Attorney.

1.14 Incurred Costs

The City is not liable for any costs incurred by proposers in the preparation and/or presentation of their proposals.

SECTION 2 – SCOPE OF WORK

2.1 Scope of Work

The City Attorney shall provide adequate personnel and resources to accomplish the responsibility of being the City Attorney.

Employment Relationship:

The City Attorney will not be eligible to receive any benefits, vacation, or sick leave. The applicant and all team members assigned to the city will be subject to any necessary and appropriate investigations to verify their information, including but not limited to criminal history, educational history and/or personal financial history, as well as other background checks, and a check on their history with the Bar, including disciplinary history and any pending claims filed with the Bar.

Services

City Attorney will be responsible for City legal representation as authorized by City Council. Authorization to perform specific tasks will come from the Mayor, City Council, City Manager, or other persons directly authorized by the Mayor, City Council, or the City Manager. Awarded Attorney shall appoint an attorney to act as lead attorney. The lead attorney may be required to attend at least four City Council Meetings a year. In the event that the lead attorney is not available for a meeting, Awarded Attorney shall further designate a backup lead attorney to attend the meetings. City Attorney will advise the City Manager with appropriate notice if neither the lead attorney nor the backup lead attorney are available for a City Council meeting.

As routine services, City Attorney will upon request:

- Advise City officials on matters pertaining to City business.
- Periodically attend City Council and Planning Commission Meetings.
- Prepare or review staff-developed ordinances, resolutions, contracts, agreements, leases, deeds and related documents.
- Review current state and federal legislation and/or litigation as such may relate to the City and advise City officials thereon.
- Provide legal opinions on matters relating to City activities.
- Participate in the development of staff recommendations for action by the City Council.
- Advise City Officials on code enforcement activities.
- Make recommendations for updating the existing municipal code, resolutions, and other policies and practices.
- Represent the City in intergovernmental relations as appropriate.
- Maintain appropriate records and files.
- Administer and coordinate annexations.
- Assist in elections matters as appropriate.
- Perform related duties as necessary.

As non-routine services, City Attorney will represent City in:

- Litigation and threatened litigation.
- Proceedings before state and federal courts, and administrative tribunals.
- Proceedings before state and federal administrative agencies.
- Proceedings before LUBA and other state administrative units.

Services performed by Attorney for City **do not** include:

- Work involving bond issues.
- Areas of special expertise requiring outside counsel as the parties may mutually agree.

Attorney Evaluations

The performance of the City Attorney may be evaluated at the request of City Council. Evaluations will be based upon a review of the following:

- Accessibility.
- Timeliness.
- Understanding and addressing staff and Council needs.
- Communication of legal information.
- Clarity of the work product.
- Assistance to staff in addressing legal concerns.

SECTION 3 – PROPOSAL REQUIREMENTS

3.1 Proposal Submittal

Sealed proposals for the City Prosecutor position will be received by the City of Scappoose until May 4th, 2023, at 4:00 pm, local time. Proposals will not be received after such date and time. Proposals shall be submitted electronically and in paper form.

Electronic submittals shall be sent in pdf format to both ibutman@cityofscappoose.org and arains@cityofscappoose.org, with a subject line: "Proposal for RFP 2023-06".

Paper submittals shall be in the form of seven printed copies of the RFP and accompanying documents to the address listed below.

City of Scappoose
33568 E. Columbia Ave.
Scappoose, OR 97056

Envelops must be clearly marked as follows:
Attn: Isaac Butman, Assistant to City Manager
RE: Proposal to RFP 2023-06, City Attorney

In the event that electronic proposals are too large to email, a file transfer protocol (FTP) or similar file sharing service shared to the two emails listed will above, or a USB Drive mailed, or hand delivered, to the physical address above will suffice. All proposals must be received by the date and time listed above to be considered responsive.

To receive consideration, submit proposals in accordance with the following instructions. Proposals should be prepared simply and economically, providing a straightforward, concise description of proposer's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.

The City recognizes that in the submittal of proposals, certain information may be proprietary to the City Attorney and that the safeguarding of such information is necessary. Accordingly, the City will make every effort to prevent any disclosure of data supplied by any City Attorney where the proposer identifies those portions of its proposal that are proprietary. See Section 1.11, Public Records.

All requested forms and attachments must be submitted with the Proposal and in the required format. The submission and signing of a proposal shall indicate the intention of the firm to adhere to the provisions described in this RFP.

3.2 Proposal Format

Electronic and paper copies of the proposal shall be submitted as described in 3.1. Respondent's proposal should include the following items in the following sequence and any additional information you deem relevant:

- Cover Page and basic information including the RFP the proposal is responding to, name of firm or responder, and a contact person or contact information for the proposal.
 - Provide a description of the professional experience and qualifications that qualify the proposer to provide City Attorney services to the City of Scappoose, including:
 - A statement of the proposers understanding of the services to be performed.
 - Qualifications and experience the proposer has with: providing City Attorney services to municipalities, specifically in Oregon; familiarity with Federal, State, and Local laws and regulations; familiarity with Oregon Land Use Law and experience handling land use matters; familiarity with the Scappoose Municipal Code, Ordinances, and Resolutions; and other applicable qualifications and experience that qualify proposer for this position.
 - Background on the proposer. This should include a history of the proposer and types of services they are qualified to perform and experienced in performing.
 - Attorney qualifications and experience for the individual or team that is anticipated to be assigned to the City, including education, training, and experience. Resumes for these individuals should be included.
 - Describe proposers' capability and availability to provide services to the City, this includes availability to attend Council meetings in-person at least four times a year.
 - Provide at least two examples of complex issues you or your firm has successfully handled for municipal or other public agency clients.
 - Names and phone numbers for references. Please list at least three, preferably local government agencies that the proposer has worked with in the last five years. Include:
 - Name, address, and contact information for the organization.
 - Name, address, and contact information for the primary point of contact the proposer worked with at the organization.
 - A general description of services provided to the organization.
- The City will be contacting references regarding performance of services, compliance with contractual obligations, working relationship, and other items related to performance under the contract and experiences working with proposer.
- Complete fee structure, including travel time, billing rates, and minimum billable hours (the minimum increment of time at which the proposer bills). Please include hourly billing rates, individual rates for each team member assigned to the City and reimbursables for non-legal services.

- Provide any other information or comments, which you believe are relevant and will assist the City in making its selection.
 - Note: Additional questions concerning judicial philosophy, programs, and duties may be asked at the interview. Additional information may be requested of all team members to conduct a criminal background check as well as other background checks, and a check on their history with the Bar, including disciplinary history and any pending claims filed with the Bar.
- Mandatory SOQ Form (Attachment A) must be completed and included in proposer's submittal for proposer to be considered a responsive bidder.