

City of Naples, FL
City Attorney Services
RFP No. 20-011
SCOPE OF SERVICES AND SPECIFICATIONS

A. PURPOSE

The following Request for Proposals (RFP) has been developed to solicit proposals from experienced Law Firms to provide City Attorney Services to the City of Naples.

B. BACKGROUND

The City is seeking a knowledgeable, well-qualified, licensed Firm, experienced in city, county, and local government law for the provision of legal Services as City Attorney for the City of Naples, Florida.

The City of Naples is a Municipal Corporation with an annual budget in excess of \$150 million, employing over 450 people, operating a police department, fire department, water utility, parks and recreation facilities, a municipal dock, city pier, providing other services, and maintaining over 100 miles of public right of way, roads and sidewalks. The City is bound by over 350 contracts and interlocal agreements that expire, change, and may be cancelled or extended, with new contracts to be drafted, negotiated, and agreed upon. Local laws are adopted and enforced compelling or restricting certain activities with enforcement by police officers, code enforcement officers, court actions, or other means. The City itself must comply with applicable laws and rules enacted by the State and Federal governments. The governing body meets regularly taking actions on a scheduled agenda with a variety of items that include quasi-judicial determinations. All of this creates a substantial risk for litigation and significant need for legal advice and counsel.

C. SCOPE OF SERVICES

The Firm will be required to provide City Attorney services to the City of Naples

Responsibilities include, but are not limited to:

1. The Firm is required to be knowledgeable in a variety of legal areas including, but not limited to, the following areas listed below, and other areas as described in this RFP:
 - a. Administrative matters and proceedings
 - b. City Charter and City Code of Ordinances issues
 - c. Code Enforcement
 - d. Contract Law
 - e. Drafting and reviewing Ordinances and Resolutions
 - f. Federal, state and City of Naples ethics laws
 - g. Other Federal, state and City of Naples laws

- h. Land Use and Zoning
 - i. Litigation in State and Federal Court
 - j. Municipal leases and agreements
 - k. Public Records, Sunshine Law matters
2. Attendance at all meetings of the City Council and select boards and agencies.
 - a. The City Attorney shall represent the Council at each of its meetings, provide appropriate legal advice and written opinions as necessary and provide parliamentary guidance concerning the conduct of each of the meetings.
 - b. The City Attorney shall attend City Council Workshop sessions as needed.
 - c. The City Attorney shall attend Planning Advisory Board meetings and represent the Board.
 - d. The City Attorney shall attend Planning Advisory Board Workshop sessions as needed.
 - e. The City Attorney shall attend meetings of the Code Enforcement Board and represent the Board.
 - f. The City Attorney serves as the CRA Board attorney and shall attend all CRA Board meetings.
 - g. Attend City Committee meetings or other meetings as requested by the City Council or the City Manager when items under consideration warrant legal guidance.
 3. The City Attorney shall maintain an office in Naples City Hall. The current Firm provides an average of 32 office hours per week. The office hours proposed by the Firm shall be included in all submissions.
 4. The City Attorney shall draft and review ordinances, charter amendments, resolutions, contract documents, and correspondence; assist in review and preparation of agenda items for meetings; provide legal consultation on some City insurance matters; provide legal advice and written opinions to the City Council and City Manager on matters related to their official duties; perform all duties and functions imposed by general and special laws upon City attorneys; prepare or review and approve deeds, and other legal instruments affecting or pertaining to the City or in which the City is a party. Monitor the performance of any duties assigned to other counsel provided there is no conflict.
 5. The City Attorney shall prosecute and defend the City as to all civil complaints, lawsuits, and controversies in which the City is a party. Specifically, the City Attorney is responsible for prosecuting and defending the City in civil actions when no counsel is provided by liability insurance or when the City's exposure exceeds

its insurance coverage. The City Attorney may also represent an employee or elected official who is individually named in a suit as a result of the execution of official duties with the City, provided that any such representation does not give rise to a prohibited conflict of interest or the appearance of a conflict.

6. As requested, the City Attorney will provide City Council and the City Manager with assistance and legal counsel relating to the acquisition, lease or sale of real property and in the review and preparation of deeds, easements, title searches and various real estate documents.
7. Review Invitation to Bid, Requests for Proposals, Request for Qualifications, procurement documents, and respond to protests or questions in accordance with law. The City Attorney is the Bid Protest Officer.
8. The City may assign legal matters to other attorneys or Law Firms when the City Council or Mayor (in accordance with Sec. 2.4 of the City Charter) deem it to be in the City's best interest, including matters involving conflicts of interest for the Firm or special legal matters requiring a particular legal specialty. Work cooperatively with other counsel retained by the City for special projects. Coordinate with other counsel as necessary, to assure proper management of legal issues, and proper coordination and transition of legal information among counsel.
9. The City Attorney will perform other legal research and provide legal advice as requested by the City Council and City Manager and will stay abreast of new and proposed state and federal legislations affecting the City.
10. The City Attorney shall comply with the provisions of Chapter 119, Florida Statutes (Public Records Law).
11. The City Attorney shall provide periodic status reports as requested by City Council and the City Manager, including a quarterly litigation report.
12. Performance of professional duties and functions as may be required by ordinance or resolution of the City Council.
13. Provide legal services for such matters not covered by paragraphs above, but which necessitate legal advice or representation by the City Attorney, as determined by the City Council.

D. MINIMUM QUALIFICATION AND EXPERIENCE

To be eligible to respond to this Solicitation, the Firm must demonstrate that the Firm, has sufficient capabilities, resources, and experience to provide the Services under this Solicitation. Any Firm who fails to meet all the following minimum qualification requirements may be noted as "NON-RESPONSIVE". Those qualifications are as follows:

1. LICENSING REQUIREMENTS:

To be considered a responsible and responsive Proposer for the Scope of Work set forth in these bid documents, the Firm shall possess the following:

- a. The Firm shall be licensed to do business in the State of Florida. Submit Sunbiz report with its company registered as active.
- b. All Firm attorneys shall be in good standing with the Florida Bar.
- c. All Firm attorneys must be properly registered to practice their profession and licensed to engage in the practice of law in the State of Florida at the time of proposal submission. The Firm shall submit copies of the requisite Licenses for the primary City Attorney and primary back-up attorney.

2. EXPERIENCE REQUIREMENTS

The Firm must have Municipal City Attorney experience and demonstrate the following:

- a. Immediately preceding the time of appointment, shall possess a minimum of five (5) years' experience practicing law in the courts of The State of Florida, of which a minimum of three (3) years consists of practice in the area of municipal government.
- b. Experience providing legal services to local governments in the areas listed in the RFP.
- c. Experience representing local governments as well as experience in coordinating and managing the work of other Law Firms brought in for areas of specialized expertise.
- d. References: At a minimum, Firm must provide at least five (5) references of business clients and/or governmental agencies to which it has provided said Services. References shall be representatives of Florida jurisdictions to which the Firm is currently providing, or has provided, Services within the last five (5) years. References must be indicated on the form provided with this RFP.

E. FEES FOR SERVICES

The Monthly General Legal Services cost includes the review of standard documents and response with comments, and a quarterly litigation report.

In addition, the Monthly General Legal Services cost includes all telephone calls/texts/teleconference/video conference with individual City Councilors, the City Manager, City Staff, individual City Board members and Committee members, if authorized by City Council.

The City will not be charged for travel time to and from the City, or any travel related fees or expenses to and from the City (i.e., tolls, mileage, air fare, etc.) whether providing legal services under the Monthly Retainer or when billing hourly for non-retainer work.

F. AUDITABLE RECORDS

The selected Firm shall maintain auditable records to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City reserves the right to determine record-keeping methods in the event of non-conformity.

G. INSURANCE

The City’s General Insurance Requirements on page 10 apply. In addition to the City’s General Insurance Requirements, the specialized insurance listed below is required: PROFESSIONAL LIABILITY (commonly known as errors & omissions (E&O) with limits of not less than \$1,000,000 to cover legal obligations arising out of errors, negligent acts, or omissions while carrying out this contract.

H. SELECTION PROCESS

1. PLANNED SOLICITATION SCHEDULE (subject to change):

Listed below are the important dates and times related to this solicitation. The Procurement Division may find it necessary to change any of these dates or times.

Action	Estimated Completion Date
City Council Meeting to Discuss Draft RFP	June 17, 2020
Advertise and Float RFP	Week of July 6, 2020
Pre-Proposal Conference	Week of July 20, 2020
Last Day for Questions	July 28, 2020
RFP Due Date	August 14, 2020
City Council Evaluation Meeting	September 2, 2020
Presentation/Interview if Needed	September 16, 2020
Final Selection	September 16, 2020
Contract Negotiations	Week of September 16, 2020
Council Meeting (Approval of Agreement)	October 7, 2020

2. PROPOSAL OPENING

The RFP opening is public on the date and at the time specified on the proposal form. It is the proposer's responsibility to assure their proposal is delivered at the proper time and place of the proposal opening. Proposals which for any reason are not so delivered will not be considered.

3. EVALUATION COMMITTEE

The Naples City Council will be the selection committee and will review and evaluate the proposals using the following criteria. The City, at its sole discretion, may contact the references listed in response to this solicitation as part of the evaluation process.

A shortlist of Firms may be interviewed for final ranking. If an interview is held, it will be less than one hour in length. The interview must be attended by the attorney assigned as the primary City Attorney. The presentation (if necessary) time and date will be assigned by the City.

4. SELECTION CRITERIA:

Any Firm that does not meet the minimum qualifications as stated above will be rejected. The criteria below are not necessarily listed in order of importance. Proposals will be evaluated on the following criteria:

TAB	CRITERIA	MAXIMUM POINTS
1	Cover Letter	0
2	Qualifications/Experience of the Firm	25
3	Qualifications/Experience of the Proposed Staff	25
4	Location of Firm and Office Hours	10
5	References	10
6	Methodology and Approach to Provide Legal Services	15
7	Fee Proposal	15

5. SUBMITTAL REQUIREMENTS:

1. Interested firms shall include the following information in their submittal responses to this solicitation. The following format and sequence should be followed in order to provide consistency in the firm's responses and to ensure each proposal receives full consideration. Use 8 ½ x 11 sheet pages only with minimum font size of 10 points and with tabs or section dividers to separate sections as defined below. More than one section is permitted on one page unless otherwise indicated below. Undesignated information shall be inserted at the rear of each package. Place page numbers at the bottom of every page,

excluding dividers. Proposal documents should not contain links to other web pages; such links will not be reviewed for evaluation purposes.

2. **INCLUDE PAGE TABS/ SECTION DIVIDERS** so that those evaluating your submittal can easily compare each section with others that are submitted. If any of the information provided by the Proposer is found to be substantially unreliable, in the sole opinion of the Evaluation Committee and Purchasing & Contracts Manager, their proposal may be rejected.

3. Proposers shall submit one (1) original hard copy (clearly marked as such) of the response and ten (10) copies (clearly marked as such) of the response and one (1) properly indexed Windows© compatible electronic version on a CD or USB flash drive set(s) containing the proposal submittal in an unlocked PDF format. The City may request specific files be submitted in specialty format (i.e., provide Price Forms or Project Timeline in Excel format.) Vendor shall accommodate such specialty requests as stated within the submittal requirements described herein. Should files not be provided in the format or quantity as requested, Vendor may be deemed Non-Responsive and therefore ineligible for award. In case of any discrepancies, the original will be considered by the City in evaluating the Proposal, and the electronic version is provided for the City's administrative convenience only. Limit the color and number of images to avoid unmanageable file sizes.

Qualified Firms interested in providing City Attorney services described in this request are invited to submit a proposal. Submittals shall address the evaluation criteria. **Please use the below TAB format for your proposal. Proposals should be concise and clear.**

TAB 1 - Cover Letter and Mandatory Form information – 0 Points

1. Cover Letter - Maximum two pages outlining why the City should select your Firm. Identify who will be the point of contact including their email address. Identify the Primary Attorney and in which office they are located.
2. Items for Baseline Eligibility – Include Mandatory Form information from the Submission Check List page (including, list of additional attorneys', and any applicable licenses / certifications.

NOTE: There is a 50 printed (single sided) page maximum for the information below.

TAB 2 – Qualifications/Experience of the Firm – Maximum 25 Points

1. Describe the Firm, the areas of practice, number of attorneys, years in operation, experience in the practice of Florida municipal law, and other background or experience which may be helpful in evaluating the proposal.
2. Identify the specific experience of the Firm in specialized areas, including but not limited to municipal issues including parliamentary procedures, open meetings, Freedom of Information Act (FOIA), Government in the sunshine, elected official, municipal finance, land use, zoning, growth management, environmental law, inter-local agreements, building Code, personnel, and any additional legal areas that will identify the focus of the Firm.
3. Provide a list and description of Firm ownership and principal office location.
4. Provide a list of all judgments or lawsuits against the Firm or each Firm attorney to be assigned to provide services, including the nature of each judgment or lawsuit and its resolution.
5. Provide a list of all lobbyist(s) employed by the Firm, and the local agencies, entities, and general areas before which and in which they lobby.
6. List any clients currently represented by the Firm that could cause a conflict of interest with responsibilities to the City. Describe how the Firm will resolve these and any future conflicts of interest.
7. Name and biographical sketch of the attorney who will be assigned as City Attorney for the City of Naples. Also, the names and resumes of other attorneys who will assist and attend any of the City Council meetings or other meetings, to include the following:
 - a. Whether a member is in good standing of the Florida Bar, and if so, identify the date of admission.
 - b. If a member in good standing of other bars, identify state and date of admission.
 - c. The area of practice concentration relative to the area of service required by the City, including experience in municipal law.
 - d. Please state as to each attorney that is certified in city, county, and local government law by the Florida Bar.
 - e. Please state as to each attorney whether such attorney is rated by any national rating service and the rating of each attorney.

TAB 3 – Qualifications/Experience of Proposed Staff – Maximum 25 Points

1. Designate the primary attorney to be assigned as Naples City Attorney and describe the amount of time such City Attorney will devote to the City of Naples.
2. Designate the primary back up attorney to be assigned and describe when the services of the primary back up attorney will be used to provide services to the City of Naples.

3. Provide information as to each of the individual attorney's experience in representing local government entities. That is, identify all current (and for the past five (5) years) municipal, county, or other governmental agencies for which the Firm has provided legal counsel or advice and the relationship between the Law Firm and/or each individual attorney and the identified entity.
4. Identify the specific experience of the Firm in all phases of Florida land use law. Identify the specific experience of the Firm in specialized areas, including but not limited to municipal issues including parliamentary procedures, open meetings, FOIA, Government in the sunshine, elected official, municipal finance, land use, zoning, growth management, environmental law, inter-local agreements, building Code, personnel, and any additional legal areas that will identify the focus of the Firm.
5. Name and resume of the attorney who will be assigned as City Attorney for the City of Naples. Also, the name and resume of the primary back-up attorney who will assist and attend any of the City Council meetings or other meetings, to include the following:
 - a. Whether a member is in good standing of the Florida Bar, and if so, identify the date of admission.
 - b. The area of practice concentration relative to the area of service required by the City, including experience in municipal law.
 - c. Please state as to each attorney that is certified in city, county, and local government law by the Florida Bar.
 - d. Please state as to each attorney whether such attorney is rated by any national rating service and the rating of each attorney.

TAB 4 - Location of Firm and Office Hours – Maximum 10 Points

The City will provide office space within City Hall. Provide the number of hours the primary City Attorney will be in the City Hall office. Provide the address of any other location the Firm will utilize to provide legal services to the City.

The criteria for awarding points under this Tab is as follows:

- 40 office hours = 5 points
- 32 office hours = 4 points
- 24 office hours = 3 points
- 16 office hours = 2 points
- 8 office hours = 1 point
- No office hours = 0 points

- All services at City Hall = 5 points
- Alternate location within 10 miles = 4 points
- Alternate location over 10 and less than 20 miles = 3 points
- Alternate location over 20 and less than 30 miles = 2 points
- Alternate location over 30 and less than 50 miles = 1 point
- Alternate location over 50 miles = 0 points

-

TAB 5 – References – Maximum 10 Points

The form provided with this RFP must be used.

TAB 6 - Methodology and Approach to Providing Legal Services to the City of Naples – Maximum 10 Points

Firm approach methodology to providing the Services requested in this Solicitation:

1. Provide a description of the Firm's approach that will be used and manner in which the Respondent proposes to provide legal services to the City, to include, but not limited to, objectives, scope, methodology, after hours availability, etc. Describe how the Firm and the primary City Attorney would structure the working relationship between the City Attorney's Office, the City Council, and the City Manager's Office.
2. Provide a description of the Firm's approach towards providing proactive legal services, which will minimize claims and litigation, and measures that will be used to stay within an established budget.
3. Describe the approach to transition legal services from the current Firm, include legal strategy implications and objectives and financial implications.
4. Currently the City of Naples engages outside counsel in the areas of labor and employment law, pension matter (not pension board representation), and bond counsel. Please describe the Firm's preferred approach in these areas of expertise and any other areas of expertise where the use of special outside counsel is anticipated.
5. Statement on how the workload of the City of Naples will be accommodated and what kind of priority it would be given.

TAB 7 - Fee Proposal – Max 15 Points

Identify in the response the compensation or fees sought and, if applicable, the methodology to be used for charging the City on a monthly basis. The City is requesting fees to be submitted for at least one of the following options:

1. **Option "A"** – retainer/fixed fee cap (with a complete and detailed explanation of what it covers and what is not covered) plus hourly fees for litigation, special projects, or both, if not covered by a retainer. Please quote a fixed retainer fee to be charged for general governmental services and identify the items that are to be covered by the retainer. Also, clearly

note any items the firm would not provide as part of the retainer services and that the firm prefers to bill on an hourly basis. State separately the rate(s) for any other cost items proposed to be itemized and billed (e.g., use of paralegals, photocopying, Westlaw, or Lexis fees, etc.). Be specific.

2. **Option “B”** – hourly fees for all work (no retainer/fixed fee). Please specify the dollar amount of hourly fees and costs the firm will charge for providing legal services to the City. For the hourly fees portion of the proposal, the firm should identify the hourly rate of the person to be designated as the City Attorney and the hourly rate of each back-up attorney and support personnel, such as paralegals. Identify the minimum increment of time billed for each service (e.g., telephone calls, correspondence, conferences). The City seeks billing increments of one-tenth of an hour or greater. If there are any services routinely performed at no cost, list those services.
3. **Option “C”** – Respondent’s choice. Clearly and thoroughly explain any billing methodology Respondent wishes to propose. Use any combination of retainer and hourly rates that the Respondent chooses to deliver the requested services.

I. INCURRING COSTS

The City of Naples is not liable for any costs incurred by the offeror submitting a proposal in response to this solicitation. The cost to prepare the proposal and travel to project interviews shall be the full responsibility of the proposer.

J. FIRM RANKING AND SELECTION

Based on the results of the evaluation process and selection criteria, the Evaluation Committee will prepare a prioritized ranking of Firms. City staff will present an agreement to the top ranked Firm for City Attorney services. Should contract negotiations fail with the top ranked Firm, the City will enter into discussions with the second ranked Firm, and so on, until an acceptable agreement has been reached between the City and the selected Firm. The final contract will then be forwarded to the City Council for approval.