



CITY OF DAYTON, KENTUCKY

**REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES CONTRACT FOR CITY
ATTORNEY**

NOTICE DATE: December 18, 2020

DUE DATE: January 20, 2021, 5:00 p.m.

The City of Dayton, Kentucky, located at 514 6th Ave, Dayton, KY 41074, hereby gives notice that it is seeking qualified individuals or firms to serve as City Attorney for the City of Dayton, Kentucky. This Request for Proposal ("RFP") gives specific instructions and requirements for any submission under this RFP. The RFP may be obtained at www.daytonky.com or by contacting the city. All submissions must be received (not postmarked) by January 20, 2021 by 5:00 p.m. and addressed to:

Ben Baker, Mayor
City of Dayton, KY
514 6th Avenue
Dayton, KY 41074

Any proposals received after the above deadline will be rejected. 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 the 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 and submission of a proposal. Furthermore, the RFP does not obligate the City to accept or contract for any express or implied services. All inquiries regarding this RFP and current legal services of the City including legal activities and past/current litigation should be directed to the Mayor at the above address.

REQUEST FOR PROPOSALS

PROFESSIONAL SERVICES CONTRACT FOR CITY ATTORNEY

The City of Dayton, KY, population 5,333 is a Mayor-Council form of government, composed of a Mayor and six Councilmembers, located in Campbell County, Kentucky. The City has 23 employees, including a city administrator, several administrative positions, a police department, and a public works department.

The City requires the following concerning any proposal:

1. Qualifications: Describe your or your firm's qualifications to providing City legal services; this should include the names of attorneys in your firm, specific litigation experience by individual attorney, with a focus on the following:
 - a. Legal training and years of practice (including date of admittance to the Kentucky Bar); highlight specifics on partners and associates;
 - b. Years of experience in municipal and other local public sector law practice, as a local government attorney or in private practice law, specializing in local government and Kentucky Municipal Law;
 - c. Range of experience and years of experience with Kentucky real estate and land use law;
 - d. Experience with employment law as respects public entities;
 - e. Affiliations with any boards, organizations, committees, clients, etc., that would be a potential conflict of interest with your firm representing the City in any land use, employment, or other local government matter;
 - f. Scholastic honors and professional affiliations of your firm and your attorney(s) to be assigned to this contract;
 - g. At least three client references;
 - h. Accessibility to the City, including your office location, hours of operation, methods of contact, availability to attend regular City Council meetings, amount your firm will charge to provide support in Dayton for travel, if any;
2. Fee Structure: Describe how you/your firm intend to provide the full range of services for the City of Dayton on an hourly rate and/or a flat rate monthly retainer (including the amount of that monthly retainer). Calculate and list your rates, as they would apply to the City of Dayton.
 - a. Scope of services – Retainer: The Attorney/Law firm selected is responsible for City representation as authorized by the Mayor. However, such services included in the retainer are at least the following:
 - i. Attend at least (1) regular City Council meeting per month, and such additional special City Council meetings as are scheduled;
 - ii. Attend selected City Council caucus meetings, department head meetings, committee meetings, City Board meetings (including boards such as the Code Enforcement Board or County Planning & Zoning) and other community meetings, as requested by the Mayor, or at the option of the Mayor, prosecution of matters before such boards;

- iii. Provide general written and oral legal advice to the Mayor and City Council and to other City Staff as authorized by the Mayor.
 - iv. Provide general legal advice and help ensure compliance with the law by the Mayor and City Council members at City Council meetings.
 - v. Preparation and/or review of ordinances (including title and summary publications), resolutions, executive and municipal orders, contracts, and other documents as requested.
 - vi. Preparation of legal opinions at the request of the Mayor, members of the City Council or the City Administrator.
 - vii. Training of non-legal City personnel in legal matters and risk management in order to reduce legal expenses and to avoid litigation;
 - viii. Provision of legal advice for personnel-related matters;
 - ix. Advise City department personnel on purchasing procedures and public contracting (including prevailing wage rates, etc.).
 - x. Review newly enacted laws, administrative rules, and case law as requested and provide advice to City departments and staff for appropriate compliance measures;
 - xi. Provision of staff assistance and legal counsel relating to foreclosure of real property by the City and/or acquisition of real property;
 - xii. Advise the police department relating to asset forfeiture/foreclosure.
- b. Scope of Services – Outside of Retainer: The Mayor may authorize work to be performed outside of the retainer. Failure to obtain approval prior to performing work outside of the retainer may result in the waiver of compensation for services performed. Please discuss a format and procedure to secure approval for work outside the retainer in this section. Examples of services that are generally considered outside the retainer for which the City may use outside counsel and/or the City Attorney include:
- i. Preparation for anticipated and/or actual civil litigation in district, circuit, or federal court;
 - ii. Preparation for the issuance and sale of city bonds;
 - iii. Assignments mutually agreed as outside the retainer by the City Attorney and the Mayor, and not specifically listed as included in the retainer;
3. In your review of the above Scope of Services, please feel free to provide any alternatives you feel appropriate to the Scope of Services – Retainer list, and any alternatives to your proposed retainer monthly fee, if appropriate.
4. Describe how you/your firm will structure a working relationship between the City Attorney, the Mayor, and City Council members, and key leaders of City Committees/boards/commissions and the general public. Please describe one or more community and/or City Council training programs that you may offer periodically during your contract with the City.
5. Describe the standard timeframes for responses to direction and/or inquiry from the City, including any service guarantees you are willing to make in this regard.

6. Identify whom you would designate as a competent substitute or back-up legal service for the City in the event that you/your firm were unavailable; describe any situation where this may occur based on your experience.
7. Describe your preference for method of payment and your procedure for billing of extra hours and expenses outside the retainer; describe your billing detail for tracking of work performed; and in the event that it is needed by some of the federal and state funders, your ability to modify billing detail to align with program descriptions of these funders.
8. Indicate your coverage for professional liability and other insurances and provide a copy of your declarations page relating to same.
9. Provide a general form of contract with clearly laid out language for indemnity, renewal, amendment, extension, and termination of the City Attorney contract with the City. The initial term of the contract as proposed in the RFP is three years, subject to termination clause of your design;
10. Provide a list of current and past clients over the past five years, which are municipalities and/or counties in Kentucky or other states, and indicate whether the City may contact those clients as references.

Evaluation of Requests for Qualifications and Proposals. The City reserves the right to accept or reject any and all submissions in the best interest of the City. In connection with the evaluation, the City may invite one or more applicants to make an oral presentation to the City Council at a time and location to be announced and may require the submission of supplemental material intended to substantiate or clarify information previously submitted. In addition, one more rounds of interviews with the Mayor and/or individual members of the City Council may be required.

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

1. Meets qualifications identified in the RFP.
2. Included complete and clear responses to items in the Content of Response section.
3. Familiarity with laws and regulations government Kentucky local governments and operating procedures relative to conduct City business.
4. Demonstrated expertise in land use and zoning law as it relates to municipalities.
5. Demonstrated expertise in labor law and human resources best practices.
6. Adequate local facilities, available support staff, and range of services offered.
7. Demonstration of workload capacity and a level of experience commensurate with the level of service required by the City.
8. The professional reputation for providing high-quality services, ability to work cooperatively with stakeholders, and demonstration of sound judgment, integrity, and reliability as determined by references provided.
9. Cost of providing basic/retainer and hourly services as per the submitted hourly rate schedule. (Though cost of service is important to the City, it is not necessarily the most critical factor in evaluating a submittal).
10. Results of interview(s).

Selection Process: The Mayor and City Attorney Selection Committee will review the submitted proposals. After review, they will exclude any candidates not meeting baseline criteria. After that point, they will select finalist(s) to interview. Once interviews are complete, one to three candidates will be selected for a final interview with the City Council. After completing contracting negotiations and the contract process, the Mayor will award the contract. The City Attorney serves at the pleasure of the Mayor and may be removed at any time, except as provided by ordinance or contract.

Timeline (tentative):

- Issue Request for Qualifications and Proposals: December 18, 2020
- Receive Proposals: January 20, 2021
- Review proposals and initial interviews: January 21 to January 26, 2021.
- Selection and ranking of candidates: January 27 to January 28, 2021.
- Final interview with the City Council: January 29, 2021.
- Contract negotiated and awarded: January 29 to February 1, 2021.
- First Council meeting: February 2, 2021