



Request for Qualifications: City Attorney Services

Deadline: Friday, June 14th (4:30 p.m.)

Submit to: City of Evans
ATTN: Jessica Gonifas,
Deputy City Manager
1100 37th Street
Evans, Colorado 80620

Questions: Raegan Robb
City Clerk
rrobb@ci.evans.co.us
(970) 475-1104

The City of Evans is currently seeking the services of a municipal attorney or attorneys to fulfill the duties and responsibilities described in this Request for Qualifications (RFQ) for the City Attorney position. The City is inviting individual attorneys, or firms, to respond to this RFQ with Statements of Qualifications for the purpose of providing the City with the needed legal services listed in the request.

REQUEST FOR QUALIFICATIONS

Legal Services for the City of Evans, Colorado

Deadline for Submittal: Friday, June 14, 2013

Submittals required no later than 4:30 p.m. MST

Statement of Qualifications for:

Name : _____

Firm: _____

Title: _____

Address : _____

Telephone : _____

Email Address : _____

I do hereby attest that the information submitted herein is true, accurate, and complete to the best of my knowledge and I understand that any falsification, omission, or concealment of material fact may subject me to disqualification.

Signature

All responses must be submitted in the form set forth in this RFQ. Please submit one (1) signed original and one (1) electronic copy. The original submittal must be sealed and delivered to:

**City of Evans
ATTN: Jessica Gonifas
Deputy City Manager
1100 37th Street
Evans, Colorado 80620**

The electronic copy (PDF format) shall be submitted to: legal@ci.evans.co.us by the deadline. Qualifications submitted through e-mail by 4:30 p.m. on June 14th will be considered to meet the deadline should the signed original be received after Friday, June 14th.

Candidates can check the website for updates.

Information concerning this RFQ may be found at: <http://www.cityofevans.org/rfps>. Posted on the website will be the RFQ, plus any questions, answers, clarifications, schedule changes, or other important information related to the RFQ.

REQUEST FOR QUALIFICATIONS – CITY ATTORNEY

The City of Evans, Colorado is currently seeking the services of a municipal attorney or attorneys to fulfill the duties under the City Attorney position. It is intended that any legal counsel hired by the City would successfully perform the service(s) listed in this request for qualifications.

COMMUNITY BACKGROUND

The City of Evans is a Home Rule Municipality located entirely within Weld County, which was originally incorporated in 1869. From a population of around 400 in a true wild-west town, Evans has grown to a population of nearly 19,000 residents who live in an urban area with a rural feel just south of Cities of Greeley and Garden City, Colorado.

Today Evans is a community where our residents have a wide choice of housing, great schools, all the shopping and amenities of a large town, and a great quality of life. With over 300 days of sunshine each year and a full four seasons, many people relocate to Evans to experience the best of northern Colorado.

Residents enjoy over 300 acres of parks and open space (including an off-leash dog park), several hiking and biking trails along the river and within the town, easy access to the Denver International Airport, and quick drives south to Denver or west to the Rocky Mountains. A local airport has flights around the country leaving daily, the access to I-25, US 85, and US 34 are only minutes away.

Evans is a full-service municipality providing police and fire protection (through a Fire District), utilities (wastewater/drinking water/storm water), solid waste collection, curbside recycling, parks and recreation, public works, planning/zoning and other services. The City employs a professional City Manager and a staff of approximately 75 full time employees to manage the City's day-to-day business. The City is comprised of the following departments: Administrative Services, City Manager's Office, Community/Economic Development, Finance, Human Resources, Parks and Recreation, Police, and Public Works.

Evans is governed under a Manager/Council form of government with six council members and a mayor. There are three (3) City Council Wards, and each Ward is representative by two (2) officials elected to the Council for a four (4) year term. The Mayor is elected for a two (2) year term. Every two (2) years, the Mayor and three (3) Council representatives are up for election. The Mayor is elected "at-large." The City Attorney is hired by City Council, serves at the will of the City Council, and is required to attend City Council meetings, Municipal Court, trial proceedings, and other hearings and meetings as necessary.

SCOPE OF SERVICES

General Qualifications:

Any attorney(s) hired or contracted by the City for legal counsel must meet the following minimum requirements:

- graduation from an accredited law school with a Juris Doctor degree in law;
- five (5) years of experience as a practicing municipal attorney; and
- a license to practice law in Colorado, with a State Bar Association membership (in good standing).

Specific Qualifications:

Provided below are three specific areas that are considered the duties of the City Attorney position. For the purpose of filling the City Attorney position, the City will consider qualifications submitted by:

- individual attorneys that meet the duties and requirements listed under all three areas and are applying for the City Attorney position in its entirety;
- individual attorneys that are applying to specialize in one or two of the following areas;
or
- law firms with qualified attorneys on staff that specialize in the duties and requirements listed under all three areas below, and will jointly fulfill the requirements of the City Attorney position.

General Municipal Legal Counsel

For the purpose of providing general legal counsel to the City, the City Attorney(s) will be required to:

- Attend all City Council (regular meetings are the first and third Tuesdays at 7:30pm), and attend other meetings as assigned by the Mayor or City Council.
- Act as legal advisor to and counsel for the Mayor, City Council, City Boards/Commission, City Department Heads, or City employees when so requested.
- Provide guidance on personnel matters, including employee disciplinary and grievance matters.
- Draft, review, or present all agreements, bonds, contracts, ordinances, resolutions, staff reports, and other written instruments pertinent to City functions or that will be considered by City Council or the City Manager and provide a legal opinion as to the consequences of such documents.
- Have experience in land use rights in Colorado and the ability to draft, review, and present legal documents relating to acquisitions, easements, variances, rights-of-way, and other land uses.

- Have experience in general municipal procedures involving: city council procedures under the Colorado Open Meetings Law, the Colorado Open Records Act, liquor licensing, and municipal election law.
- Research and submit legal opinions on municipal or other legal matters as requested by the Mayor, City Council and/or City employees.
- Assure compliance with all ordinances, state or federal laws, and call attention to any legislative matters or changes that may affect the City.
- Hold office hours at City Hall prior to City Council meetings and/or other times upon the request of the Mayor or City Council.

Prosecution / Litigation

For the purpose of municipal court prosecution or other litigation related to municipal courts, the City Attorney(s) will be required to:

- Attend all municipal court hearings, which are scheduled from 8:30 a.m. to approximately 11:30 a.m. on the first, second, and third Thursdays of each month and attend other hearings as assigned.
- Attend other court hearings as may be required or assigned by the Mayor.
- Perform the duties of the City's prosecuting attorney during administrative hearings for code violations and municipal court to prosecute ordinance violations.
- Work with the City Clerk or Court Clerk to process the violations and collections relating to any administrative hearing or municipal court procedures.
- Have experience in pre-trial, trial and post-trial proceedings and represent the City in cases of litigation and other legal hearings when so required.

Land Use

For the purpose of providing legal counsel on specific land use issues, the City Attorney(s) will be required to:

- Enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
- Have experience in community development in Colorado and the ability to negotiate, draft, review, and present legal agreements and documents relating to:
 - Development agreements;
 - Land dedications;
 - PUD's and complex legal land use agreements;
 - Subdivision documents;
 - HOA and ownership documents;
 - Appeals to City Council;
 - Charter Amendments;
 - Revisions to existing codes;
 - Annexation agreements;
 - Oil and gas rules and regulations; and
 - Water Rights Dedications.

ADDITIONAL QUALIFICATION REQUIREMENTS

The following items should be addressed as part of your submitted qualifications:

1. Describe your experience with Home Rule cities and municipal law generally and specifically to your experience with regard to municipal elections, municipal land use regulations, real property, contracts, zoning law, constitutional issues (state and federal) affecting municipalities, municipal finance, and any other areas you believe are relevant to the City's decision.
2. Provide a list of the specific Home Rule municipalities who you have worked with, as a City Attorney, in the past five years.
3. Please provide a list of any other attorneys in your firm who may provide services under this request, a list of services they may provide, and list any disciplinary proceedings against them.
4. Describe any knowledge or experience that makes you, or any attorney(s) in your firm, particularly qualified to fulfill the City Attorney duties.
5. Please disclose any potential conflicts of interest that may arise in the performance of City Attorney duties by you or any member of your law firm.
6. The City is soliciting talent and expertise first and foremost. While cost to the City is important, the selection will not be based solely on cost. Please detail and explain your required fees to perform the requested services.
7. If you propose to bill for services at an hourly rate, provide the current hourly rate for each attorney and for each employee of your firm who may work on City matters. Or, state specifically whether you will work on a fixed fee (retainer) basis and, if so, how you propose that such a fee be determined. Please specify how your hourly or fixed fees will be based and whether such fees would be raised prior to January 1, 2015. Please disclose any other applicable billable rates and expenses, such as, travel mileage, photocopying and postage.
8. Please provide your Martindale-Hubbell rating and a biography.
9. Please provide a minimum of three municipal client references.
10. Please provide the name of your professional liability insurance carrier and workers' compensation carrier and the limits of your insurance.
11. Please provide your last annual report and documentation indicating the current financial structure of your practice/firm including evidence that your practice/firm is financially sound.
12. Describe any support services you would receive from your firm if selected.
13. Describe your philosophy for servicing a City and commitment to customer service and quality assurance.

SELECTION PROCESS

The following is the timeline for the selection process:

Friday, June 14th (4:30 p.m.)	Final deadline for qualification submittals
Wednesday, June 26th	Deadline for internal RFQ review and finalists selected
Tuesday July, 2nd	City Council will interview finalists
Tuesday, July 16th	Contracts for legal counsel are approved at Council Meeting

The City reserves the right to accept or reject any and all submittals and to waive any informalities or irregularities in said submittals. The RFQ does not bind the City to accept a submittal when, in the City's sole discretion, the City determines not to do so. Additionally, the City reserves the right to modify the schedule as necessary and will notify those participating in the RFQ of any changes.

OTHER TERMS AND CONDITIONS

1. The City reserves the right to undertake its own investigation to evaluate a candidate. The City shall have the sole discretion to accept or reject any submittal.
2. The City reserves the right to solicit or recruit any attorney(s) or legal firms directly to request qualifications.
3. All submittals become the property of the City upon receipt and will not be returned to the candidate. Selection or rejection of the candidate's qualifications will not affect this right.
4. The City operates under the public disclosure laws, as part of normal procedures. Proprietary information must be identified and will be protected as far as possible.
5. Cost of submitting the qualifications, attendance at an interview, or any other such costs are entirely the responsibility of the candidate and shall not be reimbursed in any manner by the City.
6. Failure to conform to directions under this RFQ may lead to the rejection of a submittal. The submittals should contain all information necessary to evaluate the qualifications of a candidate or firm.
7. The successful candidate shall not, at any time, permit any individual employed by the City to benefit because of a financial interest in the candidate's firm, any affiliate of the successful candidate, or any subcontractor.