

**Request for Proposals
Legal Services for the
City of Brooksville, Florida**



Due Date: September 15, 2017

REQUEST FOR PROPOSALS

1. The City of Brooksville Florida, City Hall, located at 201 Howell Avenue, Brooksville Florida 34601, is requesting "Proposals" (RFP) for the position of City Attorney. The City of Brooksville is an Equal Employment Opportunity Employer.

2. Questions regarding responses to this Request for Proposals must be emailed to:

cobclerk@cityofbrooksville.us

Questions regarding responses will only be accepted at the email address above and must be received no later than by **12:00 pm (noon) September 8, 2017**. The City will respond, in writing, VIA return email to all who inquire and will be posted on the City website in the form of an Addendum. The Addendum(s) must be signed and included in the proposals submitted (see 14g below).

3. Statement of Proposals shall be delivered in person or by mail/courier service to the Human Resources Department, City of Brooksville - City Hall, by **12:00 pm (noon) September 15, 2017**. Submittals shall consist of 8 complete, signed original sets or 1 original and 7 high quality; legible, signed copies must be received. The firms or attorney's name and address must be on the outside of a sealed envelope. Submittal envelopes must be clearly marked "City Attorney Services" and shall be addressed as follows for mail/courier or hand delivery:

Mrs. Lynnette Sosa
Director of Human Resources
City of Brooksville
201 Howell Ave.
Brooksville, Florida 34601

4. After the closing time, the Firm or Attorney(s) Statements of Proposals will be opened for the sole purpose of recording the names and time received of the Firm, Attorney or Attorneys submitting their written Statements of Proposals and to deliver all timely received Statements of Proposals to the City Council.

5. The City Council may select any number of Firms or Attorney(s) to interview or determine not to conduct interviews. Following the interviews, if any are held, the City Council will select the Firm or Attorney(s) to engage and will negotiate and execute a contract with the selected Firm or Attorney(s). The successful respondent shall prove by his/her/its Proposals, experience, and plan for the work that will best serve the overall needs of the City. The selection of the successful Firm or Attorney(s) shall be at the City of Brooksville's discretion after receipt and evaluation of all responses. The City of Brooksville shall be the sole judge of its own best interests, the proposals and the resulting agreement.

6. Any Firms or Attorney(s) requiring special accommodations due to a disability or physical impairment at any public meeting regarding this RFP shall notice in writing the City's Human Resources Director at least 3 working days prior to any meeting.
7. Any Statement of Proposals received after the specified time and date shall not be considered. Additionally, any Statement of Proposals submitted orally, telephonically, e-mailed, faxed, or modified shall not be accepted. All Statements of Proposals may only be submitted in person or by mail/courier service to the specified address by the specified deadline. The City cautions Firms or Attorney(s) to ensure actual delivery of mailed or hand delivered proposals prior to the deadline set for receiving proposals.
8. The City of Brooksville, Florida reserves the right to waive minor, nonmaterial irregularities in any or all Statements of Proposals and accept or reject, in part or in full, any or all Statements of Proposals.
9. As required by Section 287.133, *Florida Statutes*, a Firms or Attorney(s) may not submit a Statement of Proposals if the attorney/firm is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Firms or Attorney(s) must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.
10. All respondents to this RFP are asked to be thorough, yet concise, in their responses. All respondents are advised that under Chapter 119, *Florida Statutes*, all responses are deemed public records and open to public scrutiny.
11. **SCOPE OF WORK**. The selected attorney/firm shall provide legal advice, analysis and representation to the Mayor and City Council, City Staff and other City Personnel. The City Attorney shall report directly to the City Council and serves at their pleasure. The awarded respondent will provide services which include, but are not limited to the following:
 - a. Oversee and direct the implementation of internal legal activities and operations, which include planning, coordinating, administering, and evaluating projects, processes, procedures, systems and standards; ensure compliance with Federal, State and local laws, regulations, codes, and/or standards.
 - b. Research and interpret the law using statutes, case law, ordinances and administrative regulations; provide legal advice, analysis, and opinions upon request for appointed City officials, administrative management staff and advisory boards concerning local government, administrative policy development, employment, workers' compensation, purchasing practices,

real estate, code enforcement, public records, and/or other related legal issues.

- c. Prepare and review proposed legislation, ordinances, resolutions, contracts, deeds, leases, bond provisions and other legal documents requested by the City Council, City Manager, City Clerk, or management staff.
- d. Investigate complaints by or against the City; prepare cases for trial; represent the City in litigation, including administrative hearings, arbitration and civil trials before County, State and Federal courts.
- e. Make informed decisions to bring regulatory, administrative and litigation matters to a cost-effective conclusion.
- f. Prepare, review, interpret and analyze a variety of information, data and reports; make recommendations based on findings.
- g. Prepare cost estimates for budget recommendations; monitor and control outside counsel expenditures.
- h. Coordinate, monitor and report to the City Council on the representation of the City by special outside counsel retained by the City Council.
- i. Attend ALL regular and special meetings of the City Council and other functions, workshops, board or committee meetings as may authorized by City Council.

12. PERIODIC ATTORNEY EVALUATIONS

- a. The City will conduct an internal survey periodically to evaluate the internal satisfaction with the city attorney's performance.

The survey will focus on:

- i. Accessibility.
- ii. Timeliness. (Initial Response)
- iii. Timeliness. (Overall)
- iv. Understanding and addressing staff needs.
- v. Communicating with staff on legal information.
- vi. Clarity of the work product.

- vii. Assistance to staff in preventing legal problems.
- b. Performance measures will also be used as an evaluation tool to guide management's decision making.

The measures will be based on the following criteria:

- i. Be based on goals and objectives related to organization's mission, or purpose.
- ii. Measure both the efficiency and effectiveness of programs.
- iii. Be based on what is most useful, relevant, and valid to management.
- iv. Be complete, but limited in number and complexity.
- v. Be supported by data that is relevant, timely, and reliable.
- vi. Be comparable to other periods, targets, and similar programs.
- vii. Be reported both internally and publicly, and used both for decision-making and accountability.
- viii. Examples of such measures include:
 - a. Number of work requests completed (by department).
 - b. Percent of ordinances and resolutions prepared within 21 business days.
 - c. Percent of routine agreements review within three business days.
 - d. Percent of contract amendments reviewed with 7 business days.
 - e. Percent of responses to all legal requests (including contracts) completed by the designated due date.
 - f. Survey data may be used to develop additional performance measures.

13. TRAINING AND EXPERIENCE REQUIREMENTS. The City Attorney must meet the following minimum training and experience requirements:

- a. Member in good standing with The Florida Bar.
- b. Have responsible experience in practicing law as a member of The Florida

Bar.

- c. Have experience practicing law in the public sector, including litigation, ordinance drafting, and resolution drafting, and advising boards and/or constitutional officers.
- d. Experience in representing Florida public agencies is preferred. Board certification in City, County and Local Government Law is preferred. Knowledge of Federal, State, County and municipal law, common law and constitutional law affecting municipalities is preferred.

14. STATEMENT OF PROPOSALS FORMAT. Firms or attorneys shall prepare their proposals using the following format and must provide, at a minimum, the following:

- a. TITLE PAGE: Please identify the RFP.
- b. LETTER OF TRANSMITTAL: This letter will summarize in a brief and concise manner, the proposer's understanding of the scope of work and make a positive commitment to timely perform the work. The letter should not exceed 2 pages in length.
- c. PROPOSALS: Provide the Proposals and experience of those who will provide the services. The submission should include:
 - i. Details on the Proposals of key individual(s) who will perform the work; including education, experience and specialized knowledge and experience in similar work.
 - ii. Details on the Proposals including documentation of experience with similar work during the past 10 years; include firm size, structure, location of management and charter authorization and licenses to do business in the State of Florida. Provide information on professional Proposals to provide the services as requested and include ratings and/or recognition in the legal community for professional achievement. Identify and include Proposals and resumes of specific individuals who will provide legal services to the City of Brooksville, including the name and Proposals of the attorney who will be designated as the City Attorney. Identify the location and availability of staff to provide services and the depth of firm's ability to provide comprehensive services. Include the firm's national, statewide and local service capabilities, including skilled technical and market resources of the firm.

- d. FEE PROPOSAL: The firm shall submit a proposal for compensation which should include, but is not limited to, an hourly rate option, monthly and/or annual fee options, if applicable, or a combination of these options.

The fee schedule shall include the following information:

- i. Provide breakdown of the hourly rates for the City Attorney, assistant city attorneys, senior attorneys and every other attorney, paralegal or staff member anticipated to provide services to the City of Brooksville.
- ii. Proposed monthly and/or annual fee options.
- iii. The rates for reimbursable and/or out-of-pocket expenses, including, but not limited to, word processing, photocopying, faxing, etc. Local travel costs associated with this work should be included in the fee proposal and will not be considered as an additional cost or reimbursable item.
- iv. The proposed rates for any and all other fee proposals or arrangements outside the standard hourly rates, if any.

- e. OTHER INFORMATION REQUIRED:

- i. List all judgments or lawsuits in which the firm or attorneys have been involved within the last 5 years, including the nature of the lawsuit and the resolution thereof. List all lobbyists employed and the areas in which they lobby.
- ii. List any clients you currently represent that could cause a conflict of interest with your responsibilities to the City of Brooksville. Describe how you would be willing to resolve these or any future conflicts of interest.
- iii. A copy of your business license number, state issued and classifications, your authorization to perform work in Florida, and any other licenses applicable. Please include a W-9 form.
- iv. List at least 3 Florida references showing performance of similar type contracts in the public sector or private sector of similar size (include names, addresses, and phone numbers of each contact person). At least 1 of these references should be from a Florida public sector entity.
- v. List of all public sector clients for past 5 years.
- vi. Copies of billing invoices for all public sector clients for the last 12 months in accordance with public records laws.

- vii. A statement of assurance that the attorney/firm is not presently in violation of any statutes or regulatory rules that might have an impact on your firm's operations, including those of The Florida Bar Association, etc. and provide a summary of any litigation filed against the firm or key personnel in the past three years related to similar type of services requested.
- viii. Affirmative statement, if awarded contract, confirming no conflicts of interest either directly or indirectly with any party. Alternatively, should any potential conflict exist, the proposal should specify the party with which there might be a conflict, the nature of the potential conflict, and the means proposed to resolve the conflict.

ix. **INSURANCE.**

- 1. Describe liability insurance coverage carried. Indicate the ability to hold harmless, indemnify and defend the City of Brooksville for losses, costs and expenses arising from liability claims resulting from alleged negligence.
- 2. Provide evidence of coverage for workers compensation insurance
- 3. Provide certificate of insurance for professional and general liability with limits of at least \$2 million.

f. **FORMS:** Statement on Public Entity Crimes and Drug-Free Work Place.

g. **ADDENDUMS:** Any clarifications or information that the City of Brooksville deems material regarding this RFP will be issued in the form of an "addendum". The attorney/firm **must** acknowledge addendum(s) by signing the addendum(s) and submitting it with the RFP package. Such addendums will be posted on the City's website.

h. **ADDITIONAL INFORMATION:** Any additional information that would be helpful to the City of Brooksville in evaluating Proposals to serve as City Attorney.

i. **AVAILABILITY:** Indicate current and anticipated workloads and availability for other activities. Identify the extent and nature of any anticipated outside support.

15. To ensure fair consideration for all firms or attorneys, communication relative to this RFP is prohibited during the submission process, with the exception of questions for clarification if necessary, addressed as instructed above. Firms or attorneys may not initiate communication with any City official or employee regarding this RFP, except as herein noted, prior to the time an award or decision has been made.

- 16.** The selected firm or attorney must agree that she/he/it shall defend, indemnify and hold harmless, the City of Brooksville and its officers, employees and agents, from and against all claims which arise out the of the performance of the position of City Attorney as well as negligence, or actions of pertinent officers, employees and agents in the performance of the position of City Attorney.
- 17.** All proposals must be firm and valid for 120 calendar days from the date of their submission.
- 18.** All RFP's Submittal must include a completed Cost Proposal Form. See Attachment A.

(End)

SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a), *FLORIDA STATUTES*, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the CITY OF BROOKSVILLE, FLORIDA

by: _____
(print individual's name and title)

for: _____
(print name of entity submitting sworn statement)

whose business address is: _____
and (if applicable) its Federal Employer Identification Number (FEIN) is: _____
(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____ - _____ - _____).

I understand that a "public entity crime" as defined in Paragraph 287.133 (1)(g), *Florida Statutes*, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.

I understand that "convicted" or "conviction" as defined in Section 287.133 (1)(b), *Florida Statutes*, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or non contendere.

I understand that an "affiliate" as defined in Section 287.133(1)(a), *Florida Statutes*, means:

- a. A predecessor or successor of a person convicted of a public entity crime; or
- b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an

SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a), *FLORIDA STATUTES*, ON PUBLIC ENTITY CRIMES

arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

I understand that a "person" as defined in Section 287.133(1)(e), *Florida Statutes*, means any natural person or entity organized under the laws of any state or of the United States with legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, and partners, shareholders, employees, members, and agents who are active in management of an entity.

Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which statement applies). Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, *FLORIDA STATUTES*, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a), *FLORIDA
STATUTES, ON PUBLIC ENTITY CRIMES***

Signature

STATE OF _____

COUNTY OF _____

The foregoing instrument was sworn to and subscribed before me this _____ day
of _____, 2017 by _____

who is personally known to me or produced as identification:

Seal / Stamp

NOTARY PUBLIC

State of

Print Name:

Commission No.:

Commission Expires: _____

CITY OF BROOKSVILLE

DRUG-FREE WORKPLACE COMPLIANCE FORM

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more proposals, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

(The undersigned vendor in accordance with Section 287.087, Florida Statutes, hereby certifies that _____ does): (Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in Subsection 1.
4. In the statement specified in Subsection 1, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893, *Florida Statutes*, or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

CITY OF BROOKSVILLE

DRUG-FREE WORKPLACE COMPLIANCE FORM

As the person authorized to sign the statement, I certify that this form complies fully with the above requirements.

Signature

STATE OF _____

COUNTY OF _____

The foregoing instrument was sworn to and subscribed before me this _____ day

of _____, 2017 by _____

who is personally known to me or produced as identification:

Seal / Stamp

NOTARY PUBLIC

State of

Print Name:

Commission No.:

Commission Expires: _____

Attachment A
 Cost Proposal Form

Services	Provided By Firm		Included in Retainer		Title of Person Performing Services
	Yes	No	Yes	No	
1 Attend regular and special Council meetings.					
2 Attend regular Planning Commission meetings					
3 Attend Executive Team and other meetings as needed.					
4 Office hours, at least one day per week.					
5 Agenda review and follow-up.					
6 Standard contract review and revision.					
7 Standard ordinance/resolution review and revision.					
8 Public Records Act request review and direction.					
9 Brown Act issues.					
10 General legal advice and counsel on matters pertaining to the City, not involving more than three (3) hours of research.					
11 Routine personnel and labor questions, which can be responded to orally, not involving more than one (1) hour of research.					
12 Code enforcement issues - city code interpretation.					
13 Code enforcement issues - consultation with City staff.					
14 Code enforcement issues - preparation and review of notices, demands and orders.					
15 Litigation, including eminent domain.					
16 Personnel services - review of practices and procedures.					
17 Personnel services - disciplinary procedure.					
18 Personnel services - grievances.					
19 Personnel services - arbitration.					
20 Personnel services - FLSA, FMLA, ADA and HIPPA.					

Attachment A
 Cost Proposal Form

Services	Provided By Firm		Included in Retainer		Title of Person Performing Service
	Yes	No	Yes	No	
21 Personnel services - Revision of drafting at-will Personnel contracts.					
22 Transactions - options..					
23 Transactions - leases.					
24 Transactions - statutory development agreements.					
25 Transactions - specialized fee credit or reimbursement agreements.					
26 Franchising.					
27 Public Works - contract disputes and interpretation services.					
28 Public Works - drafting construction and similar contracts and conditions.					
29 Public Works - prevailing wage issues.					
30 Public Works - right of way acquisition.					
31 Development Services issues and document review.					
32 Development Services - routine Subdivision review.					
33 Development Services - non routine Subdivision Review.					
34 Development Services - zoning and land use issues.					
35 Development Services - housing issues.					
36 Ordinance and resolutions - drafting and compilation of non-routine ordinances and resolutions; review and analysis of non-routine ordinances and resolutions drafted by City Staff or other Jurisdictions.					
37 Appearance before other public entities or government agencies on behalf of the City.					
38 Proposer may attached list additional, pertinent services it can provide to the City of Brooksville.					