

M E M O R A N D U M

Date: January 29, 2013

TO: Town Commission

FROM: Town Manager

SUBJECT: Discussion Regarding Selection of Town Attorney

As discussed during the Commission Workshop on January 22nd, attached you will find a draft RFP scope for Town Attorney Services. Once the scope language is finalized, it will be placed into the Town's standard RFP format for advertising. The typical advertising length for attorney services that we have seen is a 30 day period. There are a few different ways that the selection process can proceed. A summary of these options are as follows:

1. The Town Commission can appoint a Town Selection Committee. The members may be citizens, Town Staff, outside agency personnel, or anyone of the Commissions choosing. During their recent RFP process, the City of Venice utilized a committee of three local lawyers. The purpose of the committee would be to review all of the submittals and provide a recommended short list of firms to the Town Commission.
2. The Town Commission can review all the submittals and decide upon a shortlist of firms. The City of North Port Commission utilized this approach during their recent RFP for a City Attorney. They chose to review and rank all the submittals themselves.

Once a shortlist of firms is selected, the Town Commission can schedule the firms for an oral presentation and interview. Based on the submittal, oral presentation, and interview, the Town Commission will then hopefully be in a position to award a Town Attorney contract. It is important to note that the RFP selection process will be conducted under the Sunshine regulations.

Draft Scope Language for Request for Proposals Town Attorney Services

General Specifications

A. Introduction and Purpose

The Town of Longboat Key is soliciting proposals from qualified firms for Town Attorney services to provide legal representation to the Town pursuant to the Town of Longboat Key, Code of Ordinances.

B. Background

The Town of Longboat Key is a barrier island located on the West coast of Florida between Sarasota Bay and the Gulf of Mexico. The Town is located both in Manatee and Sarasota Counties. Based on the 2010 US Census, the permanent resident population is estimated to be 6,888. The Town's population typically increases to slightly less than 20,000 residents during the late fall and winter months. The population increase is mainly due to the Town's population of retirees, tourism, and second home owners.

The Town operates under a Commission/Manager form of government. The Town Commission is comprised of seven elected Commissioners serving two-year terms. Elections are held annually with either four or three seats to be decided upon. The Town has five election districts and two At Large Commission seats. Each year the seven Commissioners appoint two Commissioners to hold the position of Mayor and Vice Mayor. The appointed Mayor is the Commission's presiding officer.

The Commission has legislative authority and is responsible for Town policy. The Town Manager is responsible for enacting the policies and ordinances approved by the Commission and managing the day to day operations of the Town. The Town Attorney also reports directly to the Town Commission and works closely with the Town Manager.

The Commission meets a minimum of two times per month. Currently, a Regular Meeting (voting) is held on the first Monday of each month and a Workshop Meeting (non-voting) is held on the third Monday of each month. Special and Emergency Meetings are held on an as needed basis.

The Town's municipal services include: police, fire protection, emergency medical service, water, wastewater, stormwater, solid waste, planning, zoning, building, code enforcement, parks, recreation, and right-of-way services.

The Town currently utilizes Special Counsel for on-going Labor and Pension issues.

C. Scope of Services include, but are not limited to, the following:

1. Town of Longboat Key, Code of Ordinances, Charter, Article VI:
 - a. Serve as legal adviser to the Town, the Town Commission and all of the governmental and proprietary functions of the Town and its departments, divisions, officers, boards and committees;
 - b. Prepare or review all proposed ordinances and resolutions of the Town;
 - c. Approve as to form and legal correctness all written contracts entered into by the Town; and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;
 - d. Prosecute and defend all legal actions wherein the Town is a party in interest;
 - e. Perform such other legal services as requested by the Town Commission or Town Manager.
2. Participate and attend all Town Commission, Planning and Zoning Board, Zoning Board of Adjustments meetings and additional meetings as requested by the Town Commission and Town Manager.
3. Keep the Town Commission and Town Manager apprised of legislation or judicial opinions that may impact the Town.
4. Provide legal guidance, instruction, and opinion on Town projects, programs, and issues facing the Town.
5. Review agenda items as requested by Town Manger.
6. Submit, as part of the annual budget process, anticipated expenditures and any applicable revenues.
7. Provide documents and materials as requested during annual Town audits.
8. Perform any other duties as requested by the Town Commission.

D. Minimum Qualifications, Town of Longboat Key, Code of Ordinances, Charter, Article VI:

The Town Attorney shall be a member of the Florida Bar and have a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

E. Preferred Qualifications

The Town prefers the Town Attorney to have a minimum of five (5) years experience practicing in Florida law, specifically local government experience.

F. Contract Term

The Town intends to enter into a contract with the awarded Proposer for the remainder of the fiscal year 2012-13. Upon mutual agreement, the contract will then be renewed for an additional year at the same prices, terms, and conditions.

G. Proposal Format

The proposal information identified below in Items 1 to 6 shall be submitted in a clear and concise manner for selection committee review. The submittal shall be ten (10) one-sided or five (5) double sided pages or less and include a minimum of the following information:

1. Letter of Interest

The response shall contain a letter of interest signed by a person who is authorized to commit the Proposer to perform the Scope of Services.

2. Firm Experience

Provide background information regarding the law firm, its areas of practice, office location(s), firm's workload and ability to make the Town a priority client. If the firm has multiple office locations, designate which office will serve the Town. Include specific information regarding expertise of the firm in local government law and other practice areas included within the Scope of Services. Provide a list of all governmental clients that the law firm has represented within the past five (5) years and describe the services provided. Include contact names and information for each client. Provide information regarding the law firm's malpractice insurance coverage, including the amounts of such coverage. List all lobbyists employed by the firm and their areas represented.

3. Attorney and Staff Experience

Provide the name and qualifications of the attorney who will be assigned as Town Attorney for the Town of Longboat Key. Provide information on the attorney's local government law experience, other practice areas, certifications, professional achievements and recognitions. Provide identical information on attorneys who will assist in providing legal services to the Town and who may attend Town Commission or other meetings as an alternate. Provide name and qualifications for key administrative staff that will assist in providing the work described in the Scope of Services.

4. Transition Approach

Provide a brief description of how the firm will plan to familiarize itself with the Town and provide a smooth and efficient transition. It is the intention of the Town that the current Town Attorney will be made available during the transition period. Include how or if you would utilize the current Town Attorney. Provide an expected time frame for the transition period.

5. Fee Proposal

The firm or attorney shall submit a proposal for compensation which should include an hourly rate option, a monthly retainer plus hourly fee option (see below for minimum services expected), and a lump sum option. A fourth option at the Proposer's discretion may be submitted for review by the Town. All options shall quote the dollar amount of fees and the corresponding services. Fee proposal formats should be submitted as follows:

Hourly Rate Option

Labor Classification	Services Included (but not limited to)	Hourly Rate
Job Title	Example Services to be provided by this labor classification	\$/hour

Monthly Retainer and Hourly Rate Option

Services Included in the Monthly Retainer	Monthly Rate
Minimum services to be provided by the monthly retainer are: <ul style="list-style-type: none"> • Routine legal services, • preparation for meetings, • discussions with Staff and Commission, • Commission Regular Workshop Meetings, • Commission Regular Meetings, Commission Special Meetings, • Code Enforcement Board Meetings, • Planning and Zoning Board Meetings, review/approval/preparation of ordinances, resolutions, and contracts, • meetings with Town Manager and Staff, • travel to/from Town, travel within Sarasota/Bradenton area, • normal copying, postage and telephone, • overhead (paralegal, secretarial, office space, etc.), • continuing education, publications, and law books. 	\$/month

Labor Classification	Services, including but not limited to, Outside of Monthly Retainer to be paid via Hourly Rates	Hourly Rate
Job Title	Example Services to be provided by this labor classification	\$/hour

Lump Sum Option

Services Included (but not limited to) in the Lump Sum	Monthly Rate
Example Services to be provided by a lump sum fee	\$/month

6. **Conflicts of Interest**

Identify any clients that have matters currently pending before the Town and whether the law firm is representing those clients in the specific matters. Identify any conflicts of interest which would preclude the law firm from

representing the Town with respect to specific clients or matters.

7. References

Provide a list of references on the provided form. Copy and fill out one form for the firm, one form for the attorney proposed as Town Attorney, and one form for each of the proposed alternates.

8. Supplemental Information (not counted towards the above page limitations)

Provide proof of state licensures, Town supplied forms (other than the references form), and other pertinent information deemed by the Proposer as valuable for the Town's evaluation.

H. Evaluation Criteria

Submittals will be reviewed and ranked by the Town's selection committee/Town Commission. Upon evaluation of the submittals by the committee/Commission, a short list of qualified firms will be made; at that time, to complete the evaluation, the committee/Commission may request oral presentations from the short-listed firms. The following evaluation criteria will be utilized to rank the submittals and presentations:

Weighted Criteria	
	<u>Points</u>
Proposed Town Attorney Experience and Qualifications	40
Firm Experience and Qualifications	25
Fee Proposal	20
References	10
Office Location	<u>5</u>
	100



End of Agenda Item