

**REQUEST FOR
QUALIFICATIONS FOR
CITY ATTORNEY/LEGAL SERVICES FOR THE CITY OF
GONZALES, TEXAS**

On or before 2:00 p.m. on, October 27, 2017 the City Of Gonzales will receive qualification statements from interested attorneys or law firms for services related to providing legal assistance to the City. No late statements will be accepted.

Interested firms should submit two copies of their sealed statement of qualifications to:

**City of Gonzales, Texas
Sean P. Lally, City Manager
820 Saint Joseph St, PO Box 547, Gonzales, TX 78629**

Further information may be obtained by contacting the City Manager's office at:

**City of Gonzales, Texas
Sean P. Lally, City Manager
citymanager@gonzales.texas.gov**

PLEASE NOTE: The selection of an attorney or firm to provide the described scope of services will not be made on cost alone, but may be made based on the consideration of qualifications-related factors contained in this Request for Qualifications.

I. Purpose

The City of Gonzales is a home rule municipality, with a population of approximately 7,300. It provides a wide variety of services to citizens and visitors in the Gonzales area. These include police, water distribution, wastewater collection and treatment, municipal library, municipal court, building inspections and code enforcement, electric department, hydro plant, street department, rodeo facility, expo center, parks, main street department, tourism department, economic development corporation, museums, zoning board of adjustments, planning and zoning, and other services. The

City currently has approximately 107 FTEs.

An important part of this governance relies on quality legal services. This scope of services will include the appointment of one individual or law firm to serve in the position of City Attorney and Municipal Prosecutor, who will be appointed by and serve at the will and pleasure of the Gonzales City Council.

As per the City of Gonzales Charter Section 4.05 the city council shall appoint a competent and duly licensed attorney practicing law in the City of Gonzales, Texas, who shall be the city attorney. He/she shall receive for his/her services such compensation as may be fixed by the city council and shall hold his/her office at the pleasure of the city council. The city attorney, or such other attorneys selected by him/her with the approval of the city council, shall represent the city in all litigation. He/she shall be the legal advisor of and attorney and counsel for, the city and all officers and departments thereof.

II. Professional Credentialing and Legal Services Required

The firm selected is to have a Juris Doctorate from an accredited law school, a license to practice law in the State of Texas, and be a member in good standing of the Texas Bar. Experience with Texas municipalities and knowledge of municipal law, municipal finance, personnel law, municipal prosecutorial legal services, land use, and regulation are required.

A. The legal services under consideration in this Request for Qualifications involve (but are not limited to):

1. Providing a variety of proactive, high-quality and timely legal opinions to the City Council and City staff.
2. Attending regular meetings of City Council **as requested** (held the first Tuesday of the month) and occasional special-called meetings as requested.
3. Being intimately familiar with the City's Code of Ordinances, City Charter, applicable State and Federal laws, and other applicable documents (such as the City Personnel Policies and Procedures, code enforcement process, etc).
4. Providing advice to the City on a variety of legal matters.
5. Representing the City as the City Attorney in legal matters.
6. Reviewing and/or drafting ordinances, resolutions, and other documents as requested by the City Council, City Manager, City Secretary or assigned staff.
7. Negotiating and administering contracts, as well as assisting with contract

disputes.

8. Reviewing and making recommendations on a variety of projects and proposals which have legal ramifications.
9. Maintaining an appropriate relationship with professional organizations in the field of municipal legal services.
10. Staying abreast and informing the City of new or proposed State and Federal legislation affecting the City.
11. Researching alternative approaches to resolving legal problems.
12. Providing proactive legal counsel on issues pertaining to personnel policies and procedures and providing counsel in all compliance employment matters such as, but not limited to state and federal employment law, Workers Compensation, EEOC, FLSA, FMLA, and OSHA requirements.
13. Assisting the City Secretary in staying current on State and Federal Election Laws and administration of elections for the City.
14. Knowledge of land use laws and abilities of the City to implement and administer such laws in conformance with State requirements and the City Council's desire to improve such land use planning.
15. Knowledge of laws and experience with managing extraterritorial jurisdiction and annexation.
16. Knowledge of laws and methods to facilitate effective code enforcement to improve deteriorating areas of the City, including demolition procedures and property maintenance code provision.
17. Knowledge of Texas Open Records, Public Information Act, Open Meeting Laws.
18. Knowledge of laws and experience in applying Chapter 380 provisions to economic development.
19. Knowledge of laws and experience in working with Tax Code, utility districts, water supply corporations, franchise agreements, interlocal agreements, oil and gas royalties, economic development and type B corporations, all municipal taxes, Texas Local Government Code, Public Funds Act, financial policy, investment policy, fiscal management contingency plan, patents, and emergency services districts.
20. City Attorney is required to name a firm or co-attorney in their absence to

support all legal matters of the City of Gonzales. The firm/co-attorneys named are required to reflect a professional reputation. The firm/co-attorneys will be subject to City Council approval upholding the criteria of the City Attorney. This firm/co-attorney will represent the best interest of the City of Gonzales should the City Attorney be unavailable to fulfill his/her responsibilities for an interim period which is defined as a period of thirty (30) or less days. Any period to exceed a thirty (30) days will be subject to appointment of City Attorney by the Gonzales City Council.

21. City Attorney will prepare an itemized billing statement monthly of all billable hours for the preceding month's charges. Invoice for professional services should be received by the City of Gonzales by the 10th day of the following month legal services are performed.

Experience and Qualifications of Municipal Prosecutor - Included should be experience related but not limited to the ability of the firm to perform the following job functions:

- Prosecution of class c misdemeanor offenses as defined in the city codes and ordinances.
- Prepare and present criminal cases for bench and/or jury trial.
- Attendance City of Gonzales court day or other days as may be required. City has no more than 4 court days each month.
- Attendance at all formal hearings and pre-trial hearings involving City of Gonzales Municipal Court cases.
- Set a day and time for office hours at the City of Gonzales Municipal Court as needed to review cases filed by Gonzales Police Department and consultation with City of Gonzales Municipal Court.
- Communicate charging decisions to victims and police personnel.
- Lead class c misdemeanor cases through the court process.
- Coordinate and handle the discovery process involving City of Gonzales Police reports, statements, evidence, etc. with pro se defendants and/or attorneys representing defendants in criminal cases.
- Work with City of Gonzales Court Clerk to improve the effectiveness and efficiency of cases presented for prosecution by the City of Gonzales Municipal Court.
- Provide legal research as it relates to the city codes and ordinances.
- Inform City of Gonzales Court personnel of statutory changes that could impact the city codes and ordinances.

- Must be licensed by, and in good standing with, the State Bar of Texas, and maintain such good standing and current licensure at all times while performing work for the City of Gonzales and also for the duration of this agreement.

4. Background Checks – All principals and directors, along with any staff (including all attorneys and non-attorneys), that perform any work for the City of Gonzales Municipal Court, now or in the future, must agree to submit to a background investigation and cooperate fully with this background investigation, in a manner and form as determined acceptable by the City of Gonzales Municipal Court. Information related to any discipline by any licensing authority related to the practice of law, including but not limited to the State Bar of Texas,

III. Proposal Requirements

The Statement of Qualifications must address the following criteria:

- A. Name of firm, owner, address and telephone number.
- B. Personnel Qualifications. Identify the key attorney who will serve in the position of City Attorney; provide their resume and summarize their experience. Provide the same for other attorneys (if any) in the firm who may assist with the provision of services.
- C. Specialized Legal Services Competence. Provide information about the attorney and firm's experience in providing legal services to municipal organizations. Provide at least three references from these organizations including names, contact persons and phone numbers.
- D. Capability. Provide information about the attorney and firm's capability to perform on short notice and in a timely manner. If the appointed City Attorney is not available are there other means of responding to requests?
- E. Client List. Provide a list of current municipal clients.
- F. Approach To Communicating With The City. Describe the attorney and firm's approach to communicating with the City in regard to progress reports, status reports, recommendations, status of opinions, etc.
- G. Understanding of Services to Be Provided. Describe the attorney's/firm's understanding of the scope of work.
- H. Work Schedule and Approach to Project Management. Provide a plan for service delivery, and an explanation of how tasks and projects are managed within the firm to ensure timely response and completion.

- I. Conflict of Interest. List any clients you currently represent that could cause a conflict of interest with your responsibilities as City Attorney for Gonzales and describe how you would be willing to resolve these or any future conflicts of interest.
- J. Fees. Please provide rates for providing the services described above. Note that the City of Gonzales is requesting fees to be submitted with two options:
- Option A: Monthly retainer plus hourly fees
(Indicate specific items to be covered by the retainer)
- Option B: Hourly fees for all work without a retainer.
- For hourly fees, please identify hourly rate of each attorney and support personnel, and indicate minimum increment of time billed for services. Also state rates for other cost items proposed to be itemized and billed.
- K. Statement: The attorney or firm, by submitting a proposal, certifies that to the best of its knowledge or belief, no elected or appointed official of the City is financially interested, directly or indirectly, in their firm or in the purchase of services as described in this RFQ. They also certify that the information contained in the Statement of Qualifications is correct and complete to the best of their knowledge.

IV. Evaluation Criteria:

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.

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

- Meets qualifications identified in the Request for Qualifications
- Proposals included complete and clear responses to items.
- Familiarity with laws and regulations governing Texas local government and operating procedures relative to conduct of City business.
- Demonstrated expertise in land use and zoning law as it relates to municipalities.
- Available support staff and range of services offered.

- Demonstration of workload and a level of experience commensurate with the level of service required by the City.
- The professional reputation for providing high-quality services, ability to work cooperatively with City Council, City Manager, and City staff and demonstrates sound judgment, integrity, and reliability as determined by the references provided.
- Cost of providing basic and hourly services as per the submitted hourly rate.

V. Evaluation Process

The City Council and City Manager will review the submitted proposals. After review, the City Council will select finalists for interviewing. After completing negotiations and contract process, City Council will appoint a City Attorney and award a contract. The City Attorney serves at the pleasure of the City Council and may be removed at any time by a majority vote of the Council.

Time Line:

- Issue Request for Qualifications and Proposals October 6, 2017
- Questions will be accepted via email to citymanager@gonzales.texas.gov until October 24, 2017.
- Receive Qualifications and Proposals October 27, 2017 – 2:00PM
 - Proposals will be opened at 2:00PM on October 27, 2017 at Gonzales City Hall.
- Review Proposals and Select Finalists October 27-November 3, 2017
- Finalists Interviews with City Council TBA
- Complete Negotiation and Contract Process TBA

VI. Contract Award

The Contract will be awarded for a two year period. All costs, directly or indirectly, related to the preparation of a response to this RFQ or any oral presentation required to supplement and/or clarify the RFQ which may be required shall be the sole responsibility of, and shall be borne by the applicant.

The individual or law firm that represents the City is not an employee of the City; does not receive any City benefits, nor maintain an office provided by the City. The attorneys are independent contractors responsible for their own benefits, office expenses, malpractice insurance and staff.