

Haines Borough
Request for Proposals
Borough Attorney/Legal Services

Proposal Information

The Haines Borough, Alaska (hereafter called "Borough") invites interested attorneys or legal firms (hereafter called "respondent") to submit written proposals to provide comprehensive legal services to the Borough. This Request for Proposals (RFP can be met by a proposal of in-house employment services or by firms outside the borough. Firms must be able to provide a designated individual to serve as Borough Attorney. Successful respondents must have the capability to provide expertise in the areas of general municipal law, land use, water utility law, personnel and labor matters, and conflict of interest laws.

SUBMITTAL GUIDELINES

All submissions should conform to the format guidelines outlined in the Submission Requirements section of this RFP. Three (3) complete copies of each proposal shall be submitted in a sealed envelope bearing the caption: "*Haines Borough – Borough Attorney Proposal*" and addressed to:

Haines Borough
P.O. Box 1209 / 103 Third Ave. S.
Haines, Alaska 99827
Attn: Julie Cozzi, Borough Clerk

Proposals may be filed in person at the Office of the Clerk or by mail, but must in any case be received by the Borough Clerk by **4:00pm, ADT, on May 3, 2010**. Late proposals will not be accepted. A postmark does not constitute receipt by the Clerk's Office.

All inquiries regarding this RFP and current legal services of the borough should be directed to Mark Earnest, Borough Manager at the above address, by telephone at 907-766-2231, ext.29, or by email at mearnest@haines.ak.us. In order to ensure that you receive any addenda on the RFP, please provide your contact information as soon as possible.

SCOPE OF SERVICES

The Borough Attorney will provide timely legal advice and counsel to the Borough's Mayor, Assembly, Manager, and staff, when authorized by the Manager. While it is the Borough's desire to consolidate as much of its legal services with one law firm, the Borough reserves the right to select and/or retain separate counsel for particular areas of expertise and/or projects. However, the anticipated scope of services which should be addressed in the submittal shall include, but not necessarily be limited to, the following:

1. Attendance, when requested, at regular and/or special Assembly meetings, and meetings of various boards, departments, and commissions. Regular Assembly meetings occur on the second and fourth Tuesday of each month at 6:30pm. Teleconference participation is possible;
2. Assistance in the preparation, revision, and review of ordinances, resolutions, agreements, contracts, bid specifications, and related documents at the direction of the Manager, Mayor, or Assembly;
3. Interpretation of the Borough charter and code; perform research and interpret laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the Assembly and management staff on legal matters pertaining to borough operations;
4. Performance of Borough prosecutor functions on code violations and enforcement operations;
5. Provision of legal advice, consultation, and opinions to the Borough Assembly and staff, as requested by the Mayor, Borough Assembly, or the Manager;

6. Consultation and/or assistance to the Borough in obtaining counsel in specialized areas of expertise and/or special projects;
7. Monitoring pending and current state and federal legislation, regulations, and case law, as appropriate. Inform the Assembly and administration of such legislation and recommend changes to borough ordinances and practices, as needed.
8. Performance of legal work pertaining to public improvements, public rights of way and easements, and matters relating to public utilities;
9. Other duties include: advising in matters of the various advisory boards and commissions at the request of the Mayor or Assembly; assist the Borough Assessor when necessary including appearance, prosecution, and defense of appeals; review and provide consultation to the Borough on various insurance and tax matters; and otherwise represent the Borough as directed by Assembly or the Manager;

Note: If the respondent, or any attorneys employed by the respondent, have ever been successfully sued for malpractice, been the subject of complaints filed with a state bar association, or had discipline imposed by a state bar association, information must be provided that states the nature of the incident, the dates on which the matter began and was concluded, and the results of the situation.

MINIMUM QUALIFICATIONS

Successful respondents for Borough Attorney shall, at a minimum, possess the following qualifications:

1. Possess a valid license to practice law within the State of Alaska;
2. Possess considerable knowledge and experience in public law and public legal issues, preferably municipal;
3. Possess considerable knowledge and experience in contract law;
4. Possess considerable prosecution experience; and
5. Possess strong oral and written communication skills.

SUBMISSION REQUIREMENTS

The respondent shall address the following information within the proposal:

1. Scope of services to be provided to the Borough (as detailed above). If for any reason the respondent is unable or unwilling to perform any particular duty required under the "Scope of Services" section, please specify the area not being submitted as part of the RFP;
2. Background of the respondent, including areas of specialty, number of years in business, and other relevant information. Please specify the number of qualified lawyers who may be performing services on behalf of the Borough and attach resumes for the same;
3. Complete professional resume and work-related references (preferably municipal references) for the individual being proposed to serve as the Borough Attorney, including the name, address, work telephone, and email of each reference.
4. Synopsis of at least two documented cases relevant to the Borough's scope of services which have been argued by the proposed personnel and the outcome of these cases;
5. A statement of the fee schedule for providing legal services and all other fees, including travel and other expenses to include at a minimum: all administrative fees, copier and facsimile fees, phone or other service-related fees, and any and all other fees required to perform the duties of Borough Attorney;

6. A sample invoice containing detailed billing. Said invoice sample should breakdown the legal services costs by legal issue, time spent on each issue, prosecution and defense time spent in court, and on general legal work, and other relevant billing detail. Billing shall be prepared and submitted to the borough on a monthly basis;
7. A statement outlining the standard time frames for response by the Borough Attorney to direction and/or inquiry from the borough, and the systems/mechanisms that would be established to ensure timely response, and an outline of the systems/mechanisms that would be established for regular reporting of status of projects, requests, and litigation;
8. The respondent's desired process for the Borough's transmittal of requests and other material to the Borough Attorney, including the respondent's technology infrastructure preferences;
9. A statement outlining the respondent's proposed approach to comprehensive services, including whether or not some services would be performed by staff other than the Borough Attorney, and whether or not specialists would be brought in, as needed;
10. A statement listing any conflicts of interests that you are aware of that may exist at the time of proposal submission;
11. Samples of comprehensive professional writing produced by the individual proposed to be designated as the Borough Attorney.

PROPOSAL FORMAT AND ORDER

The firm shall submit three (3) complete copies of its proposal. All proposals shall be firm offers subject to acceptance by the Borough and must remain valid for a period for 100 calendar days following the proposal deadline. Proposals may not be amended unless at the direction of the Borough. The proposal shall include, but not necessarily be limited to:

1. **Cover Letter/Introduction:** All proposals shall begin with a cover letter and introduction that includes the name and address of the respondent and the name, address and telephone number of the person who will be authorized to represent the respondent. The cover letter shall be signed by the company officer authorized to bind the firm to all commitments made in the proposal. The cover letter shall not exceed one side of one 8.5 x 11 piece of paper.
2. **Proposal Description:** Proposals shall be responsive to all that is covered by this RFP. The expected format shall include:
 - a. Not more than ten sides of an 8.5x11 sheet of paper that addresses the firm's abilities to be responsive to the Scope of Services. Respondents should focus their responses to the specific points of interest indicated in the "Submission Requirements" section.
 - b. A resume of not more than two sides of an 8.5x11 sheet of paper for the attorney who will be designated as the Borough Attorney. One sheet resumes should be included for any critical or supporting personnel, up to a maximum of five.
3. **References:** One side of an 8.5x11 sheet of paper listing names of cities, boroughs/counties, other government agencies or other firms that are currently or have within the past five years been provided services by the respondent, and the name, title, telephone number, and email of individual contact references;
4. **Sample Invoice:** A copy of your invoice format
5. **Comprehensive Professional Writing Sample:** as described above

GENERAL PROVISIONS

1. The Borough shall make available to the selected respondent all pertinent borough reports and documents that may be available and deemed necessary for the provision of the above services;
2. All documents prepared by the Borough Attorney or his/her legal firm (upon current payment) shall become property of the Borough;
5. All proposals received will be considered public record and will be retained by the Borough. Any information within a proposal that is considered confidential must be clearly marked as *confidential, proprietary, and not for disclosure without written permission*. Pages not marked as such may be subject to public records requests.
6. A proposal is not a guarantee of contract award or employment. The Borough reserves the right to reject all proposals, to request additional information concerning any proposals for purposes of clarification, to accept or negotiate any modification to any proposal, select only parts of a given proposal, select multiple proposals, following the deadline for receipt of all proposals, and to waive any irregularities, if such would serve the best interest of the Borough, as determined by the Assembly. It is conceivable that one attorney or legal firm could be selected for general legal services and a different attorney or firm could be selected for a specific service, such as labor and/or prosecution services. It is further possible that upon receipt and review of the proposals, the Assembly may decide to make no changes in its current representation.
7. Insurance: All contractors shall procure and maintain for the duration of a contract insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the firm, their agents, representatives, or employees. The successful respondent shall maintain limits no less than:
 - a. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability or other form with a general aggregate is used, either the general aggregate limit shall apply separately to this location or the general aggregate limit shall be twice the required occurrence limit.
 - b. Automobile Liability: \$1,000,000 per accident for bodily injury/property damage.
 - c. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
 - d. Professional Liability: \$1,000,000 per occurrence.

The successful respondent shall provide to the Borough original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Borough before work commences.

8. Business and Professional Licenses. The successful respondent, and any sub-consultant(s), shall obtain necessary borough and state business licenses on or before the commencement of work. Any successful respondent, and any sub-consultant(s), shall possess any necessary professional certifications and/or license(s) relative to the work to be performed required by an appropriate licensing authority for the State of Alaska and shall provide evidence of such to the Borough with their proposal or prior to contract award or employment in such form as the Borough shall require.
9. Term of Contract: The Borough Attorney will be an independent contractor or employee serving at the will of the Borough Assembly who may terminate the agreement, at its sole and entire discretion, upon the provision of notice.

For information about the Haines Borough please visit the following websites: www.hainesborough.us and www.haines.ak.us.