REQUEST FOR PROPOSALS
CIVIL LEGAL SERVICES FOR THE CITY OF RED WING

Approved June 12, 2023 for services in 2024-2028

Purpose of Request (RFP)
The City of Red Wing is requesting proposals from experienced law firms for civil legal services. The responding law firm must have special knowledge and experience in the area of municipal law. Detailed information concerning the City’s needs is outlined in the following sections of this RFP.

Submission Instructions
All proposals should be sent, and all questions and correspondence should be directed to:

Kay Kuhlmann
Council Administrator
City of Red Wing
315 W. Fourth Street
Red Wing, MN 55066.

Questions and correspondence can also be sent via e-mail to kay.kuhlmann@ci.red-wing.mn.us or through direct contact via telephone at (651) 385-3612.

A. IN ORDER TO ENSURE A FAIR REVIEW AND SELECTION PROCESS, LAW FIRMS AND/OR ATTORNEYS SUBMITTING PROPOSALS ARE SPECIFICALLY PROHIBITED FROM CONTACTING OTHER CITY STAFF, MAYOR AND CITY COUNCIL MEMBERS REGARDING THIS PROPOSAL. ANY LAW FIRM THAT DOES NOT ABIDE BY THIS PROHIBITION WILL BE PRESUMED TO HAVE WITHDRAWN ITS PROPOSAL AND WILL NOT BE CONSIDERED.

B. Pre-Submittal conference is scheduled for July 19, 2023 at 2:00 p.m. in the City Council Chambers of the Red Wing City Hall. The purpose of this meeting is to respond to any questions pertaining to the proposal document. Proposers are responsible for all information disseminated during the meeting.

C. All proposals submitted must provide the information as indicated. Incomplete proposals will not be considered. Any other information that the proposer wishes to include for evaluation and consideration by the City as part of the proposal may also be included. In order for the proposal to be valid it must be signed by an officer of the law firm who can be held accountable for all representations and enter into agreements on behalf of the law firm.

D. Submittals must be received by 4:30 p.m. on Friday, August 11, 2023.

E. The City will not reimburse any expenses incurred by the responders including, but not limited to, expenses associated with the preparation and submission of the response and attendance at the interviews.

F. Proposals will be accepted for an annual civil representation retainer.
G. List all services outside the annual retainer and the minimum billing increments.

H. List number and names of principal attorneys, associate attorneys, paralegals and support staff and billing fee for each. If hourly rates apply, please identify rate(s).

I. Name of lead attorney that will primarily serve as the City Attorney and hourly rate as applicable.

Red Wing City Background
The City of Red Wing is a Home Rule Charter City with a population of 16,672 according to the U.S. Census Bureau. The City is South and East of the twin cities metropolitan area by approximately 50 miles. The City is over 42 square miles in size and the Prairie Island Indian Community is located within the corporate boundaries. The City's Municipal Airport is located in the State of Wisconsin.

The Charter establishes a seven-member Council and a weak Mayor. The Mayor and one Councilmember are elected at large; four of the council members represent one ward and two Council members represent 2 of the four wards.

The City organization includes approximately 195 full time employees and approximately 40 part time-regular and 50 seasonal employees, and 50 casual employees. Unionized employees are represented by eight separate bargaining units. The annual General Fund operating budget is approximately $20 million.

Timetable for evaluating proposals
A. Submittals must be received by 4:30 on August 11, 2023.

B. An evaluation committee anticipated to be composed of two Councilmembers, the Council Administrator, Engineering Director, Community Development Director, Administrative Business Director and Administrative Service Director and other City staff as the City deems necessary plan to review responses and schedule interviews with finalists if needed.

C. Interviews will be scheduled on Wednesday, September 6 and/or Thursday, September 7, 2023, between the hours of 3-7 p.m.

D. The evaluation committee will prepare a report for the City Council to consider in August. The report will contain a recommendation on a law firm for future civil legal services.

E. The City Council will be asked to take action on the recommendation at the September 26, 2023, regular City Council meeting.

F. The effective date of legal representation will be on or as close as possible to January 1, 2024 or such date as mutually agreed to that ensures a smooth transition plan.

Proposal Contents
A. Title Page: Show the RFP subject, the name of the proposer’s law firm, street and E-mail address, telephone and fax numbers, name of the contact person, and the date.
B. Table of Contents: Include a clear identification of the materials by section and by page number.

Law firm Background
A. Background should include the number of years in business under this name, areas of expertise and general services available.

B. In addition, the information should include a 5-year history including the number of civil cases the law firm has tried to conclusion, the number of such involving a jury trial, and the record of the outcomes.

C. Information on the number of attorneys, including partners and associates and areas of specialty, if any.

D. Number of support personnel, office organization and office location.

E. Current use of technology including computer systems and networking, e-mail capabilities, phone and voice mail systems and other communications technologies.

F. Specific qualifications of the law firm to perform municipal civil legal services and law firm’s years of experience serving municipalities. List all current and relevant CLE attendance and professional association activities re municipal civil legal services.

G. The name of the individual that would be the primary legal representative and the individual primarily responsible for the management and administration of any proposed contract with the City (if different), together with a description of such individual’s experience and qualifications.

H. Describe the legal research capabilities of and maintained by the law firm, with specific emphasis on library facilities, law publications, and computer research resources.

Attorney Qualifications
A. Identify each attorney, paralegal and support personnel who will be supplying services for which the City will be billed.

B. Provide the resumes, including years of experience in municipal civil law and the relevant academic training and degrees for each lead attorney, junior partner, associate, and paralegal that may provide legal services to the City.

C. List name of any attorney(s) in the firm who are currently admitted to practice law in the State of Wisconsin. For each attorney licensed in Wisconsin, list the length of time licensed and the amount of experience working in Wisconsin.

D. Describe other background or experience in the areas that would be helpful in evaluating your proposal, such as background or experience in the areas of 1) municipal law, 2) land use regulations/planning/zoning/annexation, 3) development (including TIF and Tax Abatement use, development agreements, 4), tribal law, and 5) municipal labor law.
E. List current principal responsibility for individuals designated as lead attorney, including a statement of future availability.

F. A description of the proposed allocation of work between the lead attorney, other senior partners, junior partners, associates, or paralegals. Include a statement indicating future availability.

G. Statement of any malpractice claims and/or ethics complaints/investigations undertaken against your law firm or law firm’s attorney(s) over the last five years and the status of outcomes of such action.

H. Indicate whether any action is pending or is currently under review by the Office of Lawyers Professional Responsibility or any other ethics board.

References
Provide the names and telephone numbers of at least five client references. At least two references must be from local governmental organizations and at least one must be from a municipality located in Minnesota.

Conflict of Interest
A. Indicate whether designated personnel and/or the law firm represent or have represented any client which representation may conflict with your ability to serve as City Attorney.

B. Indicate whether designated personnel or the law firm currently represent any real estate developers. If so, please identify those companies or persons, and provide a detailed explanation of relationship to those who have a connection to real estate in Goodhue County.

C. Indicate whether designated personnel or the law firm currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Red Wing.

D. Indicate whether the designated representative and/or the law firm represent or have represented individuals in any matters against the City of Red Wing.

E. Indicate whether designated personnel and/or the law firm represent or have represented any union that is in a collective bargaining contract with the City.

F. Indicate whether the designated personnel and/or the law firm represent individuals as defense attorneys for criminal cases.

Core Municipal Civil Legal Services Requirements
Core municipal civil legal service requirements, include but are not limited to the following:

A. Attendance at all City Council meetings and other City board, commission meetings as requested by the City Council or Council Administrator.

B. Drafting and reviewing ordinances, resolutions, and correspondence as requested.

C. Review of all Council and Planning Commission agenda items and minutes.
D. Meetings and/or telephone conversations with and advising Mayor, City Councilmembers, Council Administrator, department managers and other staff on general legal matters and questions.

E. Review of grant agreements and municipal contracts, including but not limited to grant agreements (MnDOT, MnDNR, FHWA, etc.), contracts for public improvement, joint power agreements, construction, purchase of equipment, special use conditional agreements, subdivision bonds, and development agreements.

F. Representation of the City in matters related to the enforcement of City building rental housing maintenance code, housing and zoning codes.

G. Research and submission of legal opinions on municipal or other legal matters requested by City Council or Council Administrator.

H. Provide advice and legal opinions on matters affecting the interrelation between the City of Red Wing and the Prairie Island Indian Community, including, but not limited to law enforcement activities, contractual services and liability and/or immunity issues.

I. Representation of the City in Airport related issues which may arise in Minnesota or Wisconsin.

J. Meeting with the Council Administrator, as appropriate to review status of legal matters before the City.

K. Legal briefing before City Council regarding new and or proposed legislation affecting municipal operations and activities.

L. Provide advice on open meeting law and data practices/privacy issues.

M. Interpret and advise with respect to municipal employment matters including but not limited to: PELRA, labor agreements, personnel policy, FLSA, Veteran’s preference and unemployment compensation.

N. Defend the City in all litigation (except those cases where insurance companies are required to exclusively provide defense) including, but not limited to (1) human rights claims; (2) condemnation; (3) zoning and land use regulation matters; (4) permits and administrative actions; and (5) labor and employment matters.

O. Defend the City in uninsured claims and other insurance matters.

P. Review financing, special assessments, bonds and insurance requirement required by or for City contracts or activities.

Q. Represent City in eminent domain proceedings for public improvement projects.

R. Prosecution/resolution of alleged land use violations.
S. Advice and representation on environmental matters.

T. Serves as attorney to Sheldon Theatre, Port Authority, and other City agencies.

U. Provide updates to the City Council and management personnel referencing any substantive state or national statutory changes or legal decisions that may impact the City.

V. Represents and advises City and Port Authority in economic development activities, including, but not limited to development agreements, lease agreements, tax increment financing plans/budgets/agreements, tax abatement, business subsidy agreements, redevelopment projects, eminent domain and the sale and/or purchase of land.

Approach to scope of work

A. The law firm’s proposal should include an indication on whether and to what extent the law firm is capable and interested in providing the services listed above in the Core Municipal Services sections.

B. The proposal should include a statement of the law firm’s philosophy in approaching municipal civil law. Specifically discuss philosophy with regard to approaching conflict resolution as described above in the Core Municipal Services sections.

Billing of Services

The City will require the law firm selected to document all services according to task performed and project area. All fees and charges exclusive of monthly retainer amounts, shall be accounted for separately.

A. The City is interested in a monthly retainer arrangement for civil legal services. Proposals shall include a proposed, monthly retainer for civil legal services. The proposed monthly retainer shall include the annual retainer rate for each of the five years. Please specify which core services, if any, will not be covered by the monthly retainer. Also, provide the proposed fee for services outside of the retainer for 2024.

B. If such is not already included in the proposed retainer, state the charges for meeting attendance, whether such charges are hourly or flat rate, and include all other incidental charges such as mileage, supplies, etc. Please specify costs for attendance at Council meetings and special Council workshops.

Disclosure and Assurances

Compliance with EEOC – The City of Red Wing, Minnesota has adopted a policy that it will not discriminate in equal employment practices on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, public assistance status, or disability; and that it will transact business only with law firms who have adopted similar non-discriminatory practices.

Insurance coverage

Please document and attach current insurance coverage and limits, including professional liability insurance.
**Applicant authority**
Please provide assurance that the signatory making representations in the proposal on behalf of the proposer has the authority to do so and to bind the law firm to a contract.

**Contract Ethics**
A. No elected official or employee of the City who exercises any responsibilities in the review, approval or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.

B. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or City Councilmember, or for any City employee or Councilmember to solicit, demand, accept or agree to accept from another person or law firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group, or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.

C. The law firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.

D. The law firm shall not accept any client or project, which places it in a conflict of interest with its representation of the City of Red Wing. If such a conflict of interest is subsequently discovered, the City shall be promptly notified, and the law firm shall address the conflict in accordance with the Code of Professional Responsibility.

**Terms and Conditions**
A. The City reserves the right to reject any and/or all proposals and is not bound to accept the lowest cost proposal if that proposal is deemed by the City to be contrary to the best interests of the City.

B. It is the intention of the City to maintain an initial contract period of up to five years, with annual reviews of performance conducted by the City Council, with input by the Council Administrator and management team.

C. The City reserves the right to cancel or amend this RFP at any time.

D. The City reserves the right to determine the successful respondent.

E. Upon submission, all proposals become the property of the City, which retains the right to use any ideas presented in any proposal submitted, whether or not the proposal is accepted.

F. For the purpose of this agreement, the law firm shall be deemed to be an independent contractor, and not an employee of the City. Any and all agent, servants, or employees of the attorney, or other persons, while engaged in the performance of any work or services required to be performed by the City under this agreement, shall not be considered employees of the City of Red Wing and any and all claims that may or might arise on behalf of the City, its agents, servants, or employees as a consequence of any
act or omission on the part of the law firm, its agents, servants, employees or other persons shall in no way be the obligation or responsibility of the City. The law firm, its agents, servants or employees shall be entitled to none of the rights privileges, or benefits of City employees except as otherwise may be stated herein.

G. Apart from the proposals, the City will negotiate a separate retainer agreement with the selected law firm to be executed before the effective date of representation.