

PROFESSIONAL SERVICES SOLICITATION FOR CITY ATTORNEY

Solicitation Data

Request Number: RLI (11)C-03
Title: City Attorney Services
Description: Interested law firms and/or attorneys to submit written proposals to provide City Attorney services to the City of Sunrise
Contact: Felicia M. Bravo, City Clerk
Phone: (954) 746-3333
Fax: (954) 578-3952
E-mail: fbravo@cityofsunrise.org
Website: www.sunrisefl.gov

Submittal Due Date/Time

Day/Date: Friday, February 18, 2011
Time: 2:00 p.m.
Location/Mail Address: City Hall
Office of the City Clerk - Fourth Floor
10770 West Oakland Park Blvd.
Sunrise, FL 33351



SECTION 1 – INTRODUCTION

The Sunrise City Commission invites interested law firms and/or attorneys to submit written proposals to provide City Attorney services to the City of Sunrise.

Located in western Broward County, the City of Sunrise (pop. 90,000) is home to the state's second largest tourist attraction, Sawgrass Mills Mall, which draws over 25 million visitors a year. Also making its home in Sunrise is the 20,000+ seat Bank Atlantic Center, home of the NHL's Florida Panthers. Sunrise offers its residents a variety of attractive, well-maintained neighborhoods - from private, gated golf course communities to quality rental properties.

The City of Sunrise is a culturally diverse, full service community in South Florida. The City employs approximately 1,200 employees and operates with a \$365 million budget. Under the leadership of a five-member City Commission, the local government provides a full range of services including: community & economic development, fire, police, public works, purchasing, finance, information technology, emergency management and leisure services. The City's utility system provides water, wastewater and natural gas services both inside and outside of the municipal boundaries to over 200,000 customers. The City consistently experiences growth in office and commercial development. Many major corporations have relocated to the City over the past decade and the community is the leading destination for economic development in the metropolitan area.

The present legal services are provided through contract with an outsourced City Attorney who employs an Associate Attorney under the terms of the contract. The City currently provides outside the contractual obligations of the outsourced City Attorney a legal secretary, a secretary and offices in City Hall for the City Attorney, Associate Attorney, and secretarial staff.

The City Commission is willing to consider retaining legal services through one of two options:

OPTION #1: Selecting a qualified firm to provide services under a contractual relationship,

or:

OPTION #2: Hiring a qualified attorney as in-house counsel

Respondents to this solicitation shall clearly indicate if they are submitting under Option #1 or Option #2. Regardless of the option selected, respondents should address the requested information outlined herein.

SECTION 2 – PROFESSIONAL SERVICES REQUIRED

Proposals are hereby requested from qualified legal firms or individuals to act as the City Attorney for the City of Sunrise.

The selected respondent shall:

1. Be the attorney of record, or be responsible for the oversight of the attorney of record, in all civil suits, actions and legal proceedings wherein the City Commission, departments, boards or city officials or employees are parties by virtue of their official positions or actions unless such suits, actions or legal proceedings are assigned by the City Commission to special counsel;
2. Institute and/or cause to be prosecuted all eminent domain proceedings and other civil suits, actions and legal proceedings authorized by the City Commission;
3. Provide for the defense of all civil suits, actions and legal proceedings brought against the City unless such suits, actions or legal proceedings are assigned by the Commission to special counsel;
4. Serve as legal adviser to the City manager, department heads, City boards and the City Commission;
5. Render written legal opinions on matters relating to city government and the interpretation, construction and meaning of the charter, statutes, ordinances, resolutions and contracts affecting or pertaining to city government;
6. Prepare or review and approve as to form and legal sufficiency, all City ordinances, resolutions, deeds, contract documents and other legal instruments affecting or pertaining to the City or in which the City is a party;
7. Attend and be present during all regular meetings, workshops and special meetings of the City Commission. When requested by the City Commission, attend meetings of special committees of the City Commission and meetings of City boards;
8. Perform all duties and functions imposed by general or special laws upon City attorneys;
9. Monitor the performance of any duties assigned to special counsel.

Attorney(s) intended to serve as Counsel to the City must be licensed to practice law in the State of Florida, and must have at least 5 years experience practicing in the field of local government law. Such experience should include representing municipal governments in facets of daily government operations as well as experience in coordinating and managing the work of other law firms brought in for areas of specialized expertise. Board Certification by individuals of the firm in the field of City, County & Local Government Law is desired.

With regard to the Firm or attorney proposed under this solicitation, describe your general qualifications for providing municipal legal services. Include the following specific information related to this proposal:

1. Name(s) of attorneys proposed to provide services to the City;
2. Provide the lead attorney that will be the main contract with the City. This individual is expected to remain the responsible attorney throughout the engagement;
3. Specific areas of certification and experience by individual and curriculum vita for each;
4. A list and explanation of any ethics complaints filed against the law firm, any attorney in the law firm or any attorney proposed under this solicitation and a list of any disciplinary procedures taken against any current member of the firm or attorney proposed under this solicitation by the Florida Bar Association or any relevant State regulatory agency within the last ten years. *NOTE: Attorneys proposed under this solicitation shall not have been disciplined by the Florida Bar Association during the past 10 years;*
5. Specific experience providing legal services to local governments in the following areas:
 - 5.1. ethics & public records;
 - 5.2. general municipal law;
 - 5.3. workers compensation;
 - 5.4. land use;

- 5.5. code enforcement;
- 5.6. utilities (particular emphasis on water and wastewater);
- 5.7. labor;
- 5.8. forfeiture;
- 5.9. municipal bonds
6. Potential conflicts of interest or ethical considerations related to representation or affiliation with any boards, organizations, committees, or clients, including, but not limited to, other municipalities, governmental, and/or quasi-governmental entities;
7. A list of other municipalities or other governmental entities current being represented by the firm or attorney proposed under this solicitation;
8. Any malpractice claims against the firm, any of the attorneys in the firm or any attorney proposed under this solicitation in the last ten years;

With regard to the Firm or attorney proposed under this solicitation, describe your approach to providing legal services to the City. Include the following specific information related to this proposal:

1. How you would structure the working relationship between the City Attorney's office, the City Commission, and City Manager's office (Specifically identify in this section if proposing under Option #1 or Option #2);
2. Areas of expertise where you anticipate requiring the use of special outside counsel;

If proposing under Option #1 – Contracted Services:

1. Proposed staffing for the City Attorney's office by the firm and, specifically any use of existing City personnel that are contemplated in the firm's response;
2. The structure of compensation and fees you will charge the City as well as projected budgeted costs of the relationship with the City. Specifically, the firm shall identify the personnel and resources to be provided under a monthly lump sum amount for general city attorney services. The firm shall also identify any services not included within this monthly lump sum amount and the proposed manner (hourly rate; negotiated fixed amount; etc.) these additional services will be billed. For purposes of this solicitation, services not identified as being outside general city attorney services will be considered covered under the monthly lump sum amount to be negotiated;

If proposing under Option #2 – In-House Counsel:

1. Under this option, the City anticipates budgeting for an Assistant City Attorney (which the selected City Attorney would need to recruit and hire), a legal secretary, and one clerical staff. Proposed staffing different than this level should be clearly identified.
2. The salary range being sought for employment as in-house counsel. Benefits, consistent with the City's management package, will also be provided. Details on the City's management benefits package can be found on the City's website (www.sunrisefl.gov) under 'Employment'.

SECTION 3 - INSTRUCTIONS TO RESPONDENTS

Respondents are hereby requested to submit a “Response to Professional Services Solicitation” on or before (but not later than) 2:00 P.M., Friday, February 18, 2011.

The Respondent should submit an original Statement of Qualifications containing the required information as outlined herein, along with eight (8) photocopies (all collated) of their submittal; and with an electronic file of the submittal in MS Office or portable document file (PDF) compatible format.

All responses should be addressed to the City Clerk, City Hall, City of Sunrise, 10770 West Oakland Park Blvd., Sunrise, FL 33351.

SPECIAL ACCOMMODATION:

In accordance with the Americans with Disabilities Act, any person who believes he or she has a disability requiring the use of a special accommodation at the scheduled submittal opening should contact the City Clerk at (954) 746-3333 at least five (5) days prior to the event to advise of his/her special requirements.

SUBMISSION REQUIREMENTS

All Statement of Qualifications should be submitted in sealed envelopes, and mailed to Office of the City Clerk, City of Sunrise, 10770 West Oakland Park Blvd., Sunrise, and Florida 33351. The Solicitation title should be plainly marked on the outside of the envelope. It will be the sole responsibility of the Respondent to ensure that the Statement of Qualifications reaches the office of the City Clerk on or before the closing hour and date shown on the Solicitation cover (Page 1). No submittals will be received, accepted, or considered after said time and date, unless the City, in its sole discretion reasonably exercised, elects to extend the time for submission and receipt of submittals.

Telegraphic or faxed submittals will not be accepted

INQUIRIES, ADDENDA AND MODIFICATIONS

The Respondent must direct any inquiries to the City Clerk at City of Sunrise, 10770 West Oakland Park Blvd, Sunrise, Florida, 33351.

SECTION 4 – TERMS AND GENERAL CONDITIONS

SELECTION

The City Commission will review and rank all submittals meeting the minimum requirements. After final ranking and authorization by the City Commission, the City Commission or their designee, shall enter into negotiations with the top ranked proposer. At the conclusion of the negotiations with the firm or individual, the agreement will be submitted to the City Commission for approval.

The City reserves the right to accept or reject any or all submissions, request resubmissions and to enter into negotiations with Respondents as warranted. The City reserves the right to award a contract to those firms or individual whose submissions are most advantageous to and in the best interest of the City. The City shall be the sole judge of which submission is in its best interest.

The City shall further reserve the right to waive and determine the nature of any minor irregularities. A minor irregularity is a variation from the Solicitation, terms and conditions which do not constitute failure to substantially comply with requirements set forth in this request. A Respondent may not modify its statement after submission.

PUBLIC RECORDS

Once opened by the City, a response to this Request for Statements of Qualifications is a public record under Chapter 119, Florida Statutes.

Any Respondent awarded a contract under this Solicitation will be required to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Respondent in conjunction with such contract.

INDEMNIFICATION

The Respondent agrees to indemnify and hold harmless the City, its officials, employees and agents from liabilities, damages, losses, and costs, including, but not limited to reasonable attorney's fees, arising from or related to any contract resulting from this Solicitation or in any way connected with this Solicitation to the extent caused by the negligence, recklessness or intentionally wrongful conduct of the Respondent and other persons employed or utilized by the Respondent.

LEGAL MALPRACTICE PROFESSIONAL LIABILITY

Respondent Firms agree to maintain Legal Malpractice Professional Liability at a limit of liability not less than **\$2,000,000** Per Claim, and **\$2,000,000** Annual Aggregate in a policy acceptable to the City.

Attorneys responding under Option #2 for consideration as in-house counsel will not be obligated to meet this requirement.