



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603

www.cityofhomer-ak.gov

1

City of Homer Agenda

**City Council Special Meeting
Wednesday, July 10, 2019 at 2:30 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, 2:30 P.M.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

PENDING BUSINESS

- a. Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council.

NEW BUSINESS

COMMENTS OF THE AUDIENCE

ADJOURNMENT NO LATER THAN 2:50 P.M.

Next Regular Meeting is MONDAY, JULY 22, 2019 at 6:00 p.m., Worksession at 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**CITY OF HOMER
HOMER, ALASKA**

Mayor/Council

RESOLUTION 19-044

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
APPROVING A REQUEST FOR PROPOSALS (RFP) FOR GENERAL
COUNSEL SERVICES.

WHEREAS, HCC 2.16.010 authorizes the City Attorney to act as legal advisor to and be attorney and counsel for the City Council and shall be solely responsible to the City Council; and

WHEREAS, The last solicitation for General Council services was in 2008; and

WHEREAS, It is in the best interest of the City to occasionally issue a request for proposals for professional services to ensure the City is receiving the highest quality and most cost effective legal representation and advice.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the attached Request for Proposals for general counsel services.

PASSED AND ADOPTED by the Homer City Council this 24th day of June, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Advertising costs

**Request for Proposals
General Counsel
City of Homer, Alaska**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Note: the terms “General Counsel”, “Municipal Attorney”, “City Attorney”, and “Legal Service” are used interchangeably within the solicitation for professional services.

I. OVERVIEW OF REQUESTED SERVICES

The City of Homer is a first class municipality located within the Kenai Peninsula Borough with a population of approximately 5,500. The greater Homer area contains approximately 10,000 residents. It’s bounded by Lower Cook Inlet to the south and west, Kachemak City (a second class city), to its east, and lands governed by the Kenai Peninsula Borough to its north.

The City is soliciting proposals for a General Counsel. The duties of the General Counsel are generally described in AS 29.20.370 and Homer City Code (HCC) 2.16.010 and more specifically delineated within this solicitation.

While AS 29.20.360 generally assigns the responsibility of hiring a municipal attorney to the chief administrator, which in Homer’s case is the City Manager, the Homer City Council has reserved that duty for itself. [See HCC 2.04.020(g).]

The City reserves the right to enter into contracts with attorneys other than the general counsel for specialized legal services should the Council so choose. Proposals are invited from any qualified State of Alaska licensed attorney at law or law firm. Attorney/Firms must be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

II. SCOPE OF SERVICES, TERM, AND QUALIFICATIONS

The City prefers to enter into an agreement for an equally fixed monthly fee. The fixed fee shall include all general counsel work and attending at minimum one (1) Council meeting per month. The anticipated workload (excluding Council meetings) is approximately 65 hours per month, with an annual aggregate of 780 hours. Court cases and legal proceedings shall be billed at an hourly rate(s) as described in your proposal and are separate from the monthly fixed fee.

- A. SCOPE OF SERVICES. The Proposer is expected to provide the City with general counsel legal services, which may include any of the following:
 - 1. Serve as the legal advisor of and be responsible to the City Council and City Manager; advise the City Manager and City Clerk concerning matters affecting

- 43 the City Administration and perform other legal duties prescribed by the City
44 Council and City Manager.
- 45 2. Prepare or review legal documents including but not limited to ordinances,
46 resolutions, contracts, conveyances, leases, easements, and legal opinions as
47 needed.
- 48 3. Be readily available for consultation by the City Council, City Manager, or City
49 Clerk.
- 50 4. Provide representation to the Courts of jurisdiction and/or manage the
51 activities of other attorneys who may represent the City in those Courts.
- 52 5. Assist the City Manager in negotiations on the City's behalf.
- 53 6. At the request of the City Manager, or by action of the City Council, draft
54 opinion letters regarding, among other things, the interpretation of the City's
55 Code and policies, state and federal laws, and case law.
- 56 7. Perform other such duties as may be prescribed for the City Attorney by
57 ordinance or by direction of the City Council and/or City Manager.
- 58 8. Work effectively with the City Council, City Manager, City Clerk and with all
59 other public agencies and other entities with which the City has a legal
60 relationship.
- 61 9. Attend at minimum one (1) Council meeting per month and be available
62 telephonically, as requested.
- 63
- 64 B. TERM. The General Counsel is hired directly by the Homer City Council. The agreement
65 may be terminated at the convenience of the City at any time with or without cause.
66 The term of the profession a services agreement shall initially be one year. A longer
67 term may be negotiated by the parties prior to the first anniversary of the agreement.
- 68
- 69 C. QUALIFICATIONS.
- 70 1. The proposer (or primary/lead attorney for the City in a firm) must be a
71 member in good standing of the State of Alaska Bar Association and be
72 qualified to represent the City in all State of Alaska Courts and the U.S. District
73 Court for the District of Alaska.
- 74 2. The proposer (or primary attorney) should be experienced and proficient in
75 legal matters affecting the City, to include without limitation, Alaska municipal
76 law including Title 29, the Homer City Code, the Kenai Peninsula Borough
77 Code, and other applicable State of Alaska and Federal laws.
- 78
- 79 D. SKILLS AND COMPETENCIES.
- 80 1. The proposer (or firm) must be able to give advice on a wide range of topics
81 and include in their proposal how they would address specialized fields
82 outside the area of expertise of the primary or lead attorney.
- 83 2. Research skills. The proposer (or primary/lead attorney) must be skilled in
84 legal research.

- 85 3. Communication skills. The proposer must be able to clearly present and
86 explain complex information both verbally and in writing.
87 4. Problem-solving skills. The proposer (or primary/lead attorney) will need
88 complex problem solving skills to help resolve issues that impact the
89 municipality.

90

91 III. RESPONSE TO RFP

92

93 To achieve a uniform review process and obtain a reasonable degree of comparability, a
94 proposer should submit a response to the request for proposals that is consistent with and
95 follows the format presented below. The proposal should not exceed fifteen (15) pages in
96 length, type size not less than 10 point font, including page 1 of this Request for Proposals
97 (RFP), and the Letter of Transmittal. In page 1 of this RFP, provide the name, address, phone
98 number, fax, email address, together with the name of the person who the City Manager may
99 contact in regard to the proposal. Provide detail in the proposal for each of the following
100 points:

101

102 A. Letter of Transmittal (limited to one page)

- 103 1. Briefly state the proposer’s understanding of the services to be performed and
104 make a positive commitment to provide the services as specified.
105 2. State the long term availability of the proposer to the City of Homer.
106 3. Give the name(s) of the person(s) who are authorized to make representations for
107 the proposer, their titles, and telephone numbers.
108 4. The letter must be signed by an individual who has the authority to bind the
109 proposer.

110

111 B. Statement of Qualifications

- 112 1. Provide a statement of qualifications of the attorney who will be the primary or
113 lead attorney providing general counsel and who will attend Council meetings.
114 2. Provide a statement of qualifications of other attorneys, if any, who will support
115 the primary attorney. These attorneys may be in the same firm or available under
116 some other arrangement approved by the City Council.
117 3. Provide a statement of qualifications of other attorneys (if any) in the firm who
118 may have specialized experience and expertise that may be of value to the City.
119 4. Describe the municipal experience, other applicable legal experience, and
120 education of the attorney’s listed in B1 through B3 above.
121 5. List municipal or other relevant cases handled by the primary attorney and
122 supporting attorneys, whether the attorney’s clients are prevailing or not.
123 6. Identify and describe the experience over the past five years and level of expertise
124 in the following areas:
125 a. Attendance at Council/Assembly meetings
126 b. Ordinance and resolution drafting

- 127 c. Ordinance enforcement
128 d. Zoning and land use regulation
129 e. Public employee labor law
130 f. Municipal sales and property tax law
131 g. Municipal procurement and contract law
132 h. Laws related to Police, Fire, Emergency Medical operations
133 i. Acquisition and disposition of public property
134 j. Land management
135 k. Other municipal issues
136
- 137 C. Municipal Experience. List any municipalities for which the proposer has performed
138 legal services in the past five years. Provide a short description of the services, the
139 date performed, and a person employed by the municipality or government
140 organization that is familiar with the work.
141
- 142 D. Conflicts. List all matters and/or cases where the proposer currently represents an
143 individual or entity with interests potentially adverse to the City. Describe the scope of
144 the representation and the nature of the conflict.
145
- 146 E. Availability. Specify how available the primary attorney will be to the City. State
147 whether the City will be the primary attorney's main client or one of several or many.
148 State the current workload of the primary attorney and how that attorney intends to
149 accommodate the City's legal work requirements. State the location of the office from
150 which the primary attorney will serve the City.
151
- 152 F. Disclosure. Disclose any alleged significant prior ongoing contract failures, contract
153 breaches, any civil or criminal litigation or Bar Association investigation which involve
154 the proposer as a party or in which the proposer has been judged guilty or liable or
155 sanctioned. This is a mandatory disclosure.
156
- 157 G. Cost. The proposal must state the following cost information:
158 1. A fixed monthly fee to provide 65 hours of general counsel per month plus travel to
159 Homer for 12 Council meetings per year.
160 2. The hourly rate for the lead attorney, supporting attorneys, and other attorneys
161 for hours worked above and beyond 65 hours per month or for specialized services
162 (i.e. litigation) outside the contract for general services.
163 3. Cost per hour of travel (above the 12 trips).
164 4. A detailed cost for services other than a fixed monthly fee approach (optional).
165
- 166 H. References. Provide a minimum of five (5) references from clients and members of the
167 Alaska Bar. The City may contact any and all references for validation of information
168 submitted and other information relative to the proposal.

169
170 I. A suggested Legal Services Agreement between the City of Homer and the proposer,
171 attached as an Appendix **and not subject to the 15 page limit.**

172
173 IV. PROPOSAL EVALUATION AND AWARD PROCESS

174
175 A. Proposals will be evaluated and scored by the Homer City Council on a 100/125 point
176 scale based on the following criteria:

177

178	Statement of Qualifications	35 points
179	Municipal Experience	10 points
180	Conflicts (may exclude proposer)	10 points
181	Availability	10 points
182	Disclosure (may exclude proposer)	10 points
183	Cost/Proposed Contract	25 points
184		
185	Subtotal	100 points
186		
187	Council Interview	25 points
188		
189	Total	125 points

190
191 **Proposals will be kept confidential until contract is awarded, subject to law.**

192
193 B. The City may contact references provided by the proposer; contact any proposer to
194 clarify a response; contact current and/or prior clients; solicit information from any
195 available source concerning any aspect of a pre-proposal; and see and review any
196 other information deemed pertinent to the evaluation process.

197
198 C. After the proposals are received, the full City Council will evaluate and score the
199 proposals. The Council may ask the City Manager, current Attorney, and City Clerk to
200 participate and/or provide support as needed. The Council will, after initial scoring,
201 invite selected attorney's/firms to interview in person and/or telephonically at the
202 sole expense of the proposing firm.

203
204 D. At the conclusion of the interview process, the City Council will determine its choice of
205 the highest rated proposer. Any award is contingent upon the successful negotiation
206 of final contract terms and upon approval of the contract by the Council. Negotiations
207 shall be confidential and not subject to disclosure to competing proposer unless and
208 until an agreement is reached. If contract negotiations cannot be concluded
209 successfully, the City, upon written notice to all selected proposers, may negotiate a
210 contract with the next highest scoring proposer or proposers, or withdraw the RFP.

211
212 V. SUBMITTAL INSTRUCTIONS

213
214 A. PROJECTED RFP TIMELINE.

215

216 <u>TASK</u>	216 <u>DATE/TIME</u>
217 Deadline for submission of proposals	217 August 9, 2019
218 Initial evaluation period	218 August 9 – August 16, 2019
219 Selection/Invitation for interviews	219 August 16, 2019
220 Selection of highest scoring attorney (by Resolution)	220 August 26, 2019
221 Contract Approval by Council	221 Next available meeting

222

223 NOTE: These dates represent a tentative schedule of events. The City reserves the right to
224 modify these dates at any time, with appropriate notice to applicable proposers on the Plan
225 Holders List.

226
227
228
229
230
231 B. All interested proposers who obtain a copy of the RFP must be listed on the Plan
232 Holder's List maintained by the Homer City Clerk's Office.

233
234 C. Proposers shall submit one (1) original proposal marked "MASTER" and ten (10)
235 identical copies to:
236 City Clerk's Office
237 City of Homer
238 491 E. Pioneer Ave.
239 Homer, AK 99603

240
241 D. Proposals shall be submitted in a sealed envelope or box and be be clearly labeled as
242 Request for Proposals: Legal Counsel Services and include the name of the firm or
243 proposer.

244
245 E. Proposals must be received by the City Clerk's Office at the above referenced address
246 no later than 4:00 p.m. on August 9, 2019. Proposals received after 4:00 p.m. on August
247 9, 2019 will not be accepted. Proposers may submit their proposals at any time prior
248 to the above stated deadline. Facsimile, email, or telephone proposals will not be
249 accepted.

250

- 251 F. For ease of evaluation, the proposal should be presented in a format that
252 corresponds to and references sections outlined in this RFP, and should be presented
253 in the same order. Responses to each section and subsection should be labeled so as
254 to indicate such term is being addressed.
255
- 256 G. Proposals should be prepared in such a way as to provide a straightforward, concise
257 delineation of capabilities to satisfy the requirements of this RFP. Expensive bindings,
258 colored displays, promotional materials, etc. are not necessary or desired. Emphasis
259 should concentrate on conformance to the RFP instructions, responsiveness to the
260 RFP requirements, and on complete and clear content.
261
- 262 H. The proposal must be signed by the individual legally authorized to bind the proposer.
263

264 VII. GENERAL TERMS, CONDITIONS AND EXCEPTIONS
265

- 266 A. The City reserves the right to alter, amend, or modify any provisions of this RFP, or to
267 withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is
268 in the best interest of the City to do so.
269
- 270 B. The City reserves the right to waive informalities and minor irregularities in proposals
271 received.
272
- 273 C. The City reserves the right to reject any or all proposals received prior to contract
274 award.
275
- 276 D. The City shall not be obligated to accept the lowest priced proposal, but may make an
277 award in the overall best interest of the City after all factors have been evaluated.
278
- 279 E. Alterations, modifications or variations to a proposal may not be considered unless
280 authorized by the RFP or by addendum or amendment.
281
- 282 F. Proposals may be withdrawn by written, email, or facsimile notice received prior to
283 the deadline for proposal submittal. Withdrawals received after the proposal
284 submittal deadline will not be considered. Proposers who transmit withdrawals by
285 email or fax do so at their own risk. The City will not be responsible for any error or
286 failure in email or fax transmission or receipt.
287
- 288 G. Prices offered by proposers in their proposals are an irrevocable offer for the term of
289 the contract. The awarded proposer agrees to provide the services at the costs, rates,
290 and fees as set forth in the proposal. No other costs, rates, or fees shall be payable to
291 the awarded proposer for the implementation of their proposal.
292

- 293 H. The City will not be liable for any costs incurred by a proposer to prepare its proposal.
294 Costs to develop the proposals and any other such expenses incurred by the proposer
295 in responding to the RFP are entirely the responsibility of the proposer and shall not
296 be reimbursed in any manner by the City.
297
- 298 I. All proposals submitted become the property of the City and will be returned only at
299 the City's option and at the proposer's request and expense. The master copy of each
300 proposal shall be retained for official files and will become public record after the
301 award of the contract.
302
- 303 J. The City will not be liable for federal, state, or local excise taxes.
304
- 305 K. Proposer's response to the RFP shall constitute an agreement to all terms and
306 conditions specified in the RFP, including, without limitation, except such terms and
307 conditions that the proposer expressly excludes, which must be written in bold,
308 italicized and underscored font. Exceptions will be taken into consideration as part of
309 the evaluation process.
310
- 311 L. The City reserves the right to negotiate final contract terms with the proposer
312 selected. The RFP and the awarded proposer's proposal shall be incorporated therein.
313
- 314 M. Proposer understands and acknowledges that the representations above are material
315 and important, and will be relied on by the City in evaluation of the proposal. Any
316 proposer misrepresentation may be treated as fraudulent concealment from the City
317 of the true facts relating to the proposal.
318
- 319 N. The City reserves the right to conduct a background inquiry of each proposer that may
320 include collection of appropriate criminal history information, contractual and
321 business associations and practices, Bar sanctions and reprimands, employment
322 histories, and reputation in the legal and business communities. By submitting a
323 proposal to the City, the proposer consents to such an inquiry.
324
- 325 O. The City is an equal opportunity employer and complies with Title I of the American
326 with Disabilities Act. Proposers who need accommodation to respond to the RFP may
327 call the City Clerk at 907-235-8121.
328

329 END OF RFP
330
331