

**REQUEST FOR PROPOSALS**  
**2013-04**



**CITY ATTORNEY**  
**PROFESSIONAL LEGAL SERVICES**

**CITY OF LABELLE  
CITY ATTORNEY - PROFESSIONAL LEGAL SERVICES  
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**SECTION I - INTRODUCTORY INFORMATION**

**A. PURPOSE**

The City of LaBelle (City) invites proposals from experienced and qualified attorneys and/or law firms to provide a full range of municipal legal services serving as the City's legal counsel on a contractual basis.

**CITY BACKGROUND & DEMOGRAPHICS**

The City of LaBelle is located in Hendry County between Fort Myers and Lake Okeechobee. It is an agricultural, mixed use residential community covering approximately four square miles. It is bordered on the north by the Caloosahatchee River (C-43). The population is approximately 5,000.

The City has a volunteer fire department and utilizes the Hendry County Sheriff Department for police protection. The City has extensive recreational services and facilities for a city this size including baseball, football, soccer and tennis complexes as well as a dog park and public dock. The Barron Park is located adjacent to the Caloosahatchee River and is the downtown anchor. The City is also responsible for public works, roads and streets, park facilities, planning, zoning, community development and code enforcement, and water and sewage treatment. Administrative responsibilities include finance and accounting, personnel, risk management and the city deputy clerk's office. The City provides solid waste via a contracted provider, sewage treatment and water utility service to city residents. The City employs approximately 60 regular full-time employees.

Additional demographic and historic information is available on the city website at [www.citylabelle.com](http://www.citylabelle.com) as well as Budget documents.

**TERMINOLOGY**

The requirements contained herein apply to all offers made to the City of Labelle by all prospective Proposers in a Request for Proposal (RFP). It should be noted that the words 'proposal' and "bid" for this proposal are considered interchangeable.

The words "City Attorney"; "Attorney"; "Company" and "firm" that denote respondents to this proposal are considered interchangeable.

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**PROPOSAL DEVELOPMENT COSTS**

The City shall not be liable for any expense incurred in connection with preparation of a response to this Request for Proposal (RFP). The Proposer shall prepare a Proposal with the understanding that no claim for reimbursement shall be submitted for the expense of proposal preparation and/or oral or written presentation(s). Proposers should prepare a straight forward and concise description of the Proposer's ability to meet the requirements of the RFP.

**WITHDRAWAL OF PROPOSAL**

No proposal shall be withdrawn for a period of ninety (90) days from the proposal opening date.

**PROJECT COORDINATOR**

The project coordinator and designated liaison for the City of LaBelle - City Attorney - Professional Legal Services RFP is:

Ms. Mary Jo Wilson  
Deputy Clerk  
P.O. Box 458  
LaBelle, FL 33975

Phone (863) 675-2872

Fax (863) 675-7271

Email: [maryjowilson@citylabelle.com](mailto:maryjowilson@citylabelle.com)

The City will not respond to oral inquiries. Proposers may submit written, (e-mailed or faxed) inquiries regarding this RFP to the project coordinator. The City will record its responses to inquiries and any supplemental instructions in the form of written addenda. All written addenda will be issued through the City's website at [www.citylabelle.com](http://www.citylabelle.com). It shall be the responsibility of the Proposer, prior to submitting their proposal, to determine if addenda were issued, acknowledging same, and incorporating them into their proposal.

**CONTRACT PROHIBITION**

All prospective proposers are hereby instructed NOT to contact any member of the City of LaBelle Commission, City Attorney or other City of LaBelle staff member other than the Project Coordinator identified in this Solicitation, or their designated Procurement staff member, regarding this solicitation package, or their submittal package, City's Intent to Award, or City's Intent to Reject (if applicable) at any time prior to the FORMAL AWARD for this project. Any such contact shall be cause for rejection of your submittal.

Contact by attorneys/firms under existing contracts is limited to the extent such contacts are required to provide services required by that existing contract.

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**RECEIPT OF PROPOSALS**

This proposal package and any addendums may be obtained at [www.citylabelle.com/publicnotice.php](http://www.citylabelle.com/publicnotice.php).

The City will receive proposals at the office of the Deputy Clerk, City Hall, 481 W. Hickpochee Ave., LaBelle, FL 33935. Proposals may be delivered or mailed to City of LaBelle Deputy Clerk, P.O. Box 458, LaBelle, FL 33975.

All proposals to be considered shall be received **on or before 2:00 p.m. on Tuesday, July 2, 2013**, in a sealed envelope clearly marked with your firm's name and "**City Attorney - Professional Legal Services**", **2013-04**.

The complete responsibility for obtaining, completing, and submitting this request for sealed proposals to the City of LaBelle Deputy Clerk's Office shall be solely and strictly the responsibility of the Proposer. Proposals received after the time and date stipulated shall be considered non-responsive and returned to the Proposer unopened. Proposals will be publicly recorded. Late Proposals will not be accepted. The Deputy Clerk or her designee will be the official and final authority for determining late Proposals.

Proposers may withdraw their proposals by notifying the City in writing at any time prior to the due date. Proposals not so withdrawn shall, upon opening, constitute an irrevocable offer for a period of ninety (90) calendar days to provide the City the services set forth in these specifications until one or more of the proposals have been accepted by the City Commissioners. Proposal documents are exempt from public record for a period of thirty days or a Notice of Intent to Award is issued whichever comes sooner per Chapter 119, as amended, of the Florida Statutes.

**PROPOSAL FORMS**

All proposals must be submitted with the required forms provided by the City of LaBelle and must be signed by an authorized representative of the Company placing the proposal. Three (3) complete sets of proposals will be submitted. One (1) original set will be marked "**Original**", with two (2) complete sets marked "**Copy**". All proposals shall be written in and marked in ink.

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**SECTION II - PROPOSAL SCHEDULE**

<b>TASKS</b>	<b>DATE</b>
RELEASE PROPOSAL	June 16, 2013
LAST DAY FOR ADDENDA QUESTIONS	June 24, 2013
ADDENDUMS (IF ANY) POSTED TO WEBSITE	June 26, 2013
PROPOSAL OPENING 2:00 P.M. LOCAL TIME	July 2, 2013
COMMISSION EVALUATION AND RANKING DATE	July 2013 Exact dates TBD*
NEGOTIATION OF TERMS OF FINAL CONTRACT	July 2013 Exact dates TBD*
APPROVAL OF CONTRACT	July 2013 Exact dates TBD*

\*To Be Determined

**ALL DATES SUBJECT TO CHANGE**

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**SECTION III - TERMS AND CONDITIONS**

GENERAL SCOPE OF WORK AND CONDITIONS

The City Attorney is the primary legal advisor to the Mayor, City Commission and the City staff. The City Attorney is appointed by and serves at the pleasure of the City Commission. The activities of the City Attorney and his/her staff are coordinated through the Mayor. The City Attorney provides legal counsel in drafting and implementing ordinances, resolutions and regulations; assists in the drafting and review of the City's Comprehensive Plan and any amendments thereof; renders opinions on legal issues affecting the City; and keeps the City Commission and City staff informed of new laws or judicial opinions that could affect the City in any way. The City Attorney attends Commission meetings and other meetings as requested. As necessary, the City Attorney may represent the City in court.

The City Attorney serves at the pleasure of the City Commission. Services may be terminated by the selected law firm upon sixty (60) day's prior written notice to the City with or without cause. In such termination of services, the selected firm shall honor the provisions of Rule 4-1.16 of the Code of Professional Conduct of the Florida Bar. The City may also terminate the services with or without cause immediately upon written notice to the selected law firm. Specific description(s) of the scope of services desired and the billing methods desired for those services are contained in Section V.

INSURANCE REQUIREMENTS

Before performing any work, the firm shall procure and maintain, during the life of the Agreement, the insurance listed below, unless otherwise specified. The policies of insurance shall be primary and written on forms acceptable to the City and placed with insurance carriers approved and licensed by the Insurance Department in the State of Florida and have a financial strength of "A" as rated by A. M. Best.

1. **Workers Compensation:** Firm shall supply proof of coverage to apply for all employees at the statutory limits provided by state and federal laws. The policy must include Employers' Liability with a limit of \$100,000 each accident; \$100,000 each employee; and \$500,000 policy limit for disease. If your firm is exempt from Workers Compensation, the Proposal must clearly state that.
2. **Professional Liability Insurance:** Professional liability or malpractice or errors and/or omissions insurance shall be purchased and maintained with a minimum \$1,000,000 per occurrence for this project with a \$2,000,000 policy term general aggregate. Occurrence Form is required.



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**3. Comprehensive Commercial General Liability Insurance:**

Occurrence from required. Aggregate must apply separately to this Agreement. Minimum \$300,000 each occurrence; \$600,000 general aggregate; \$1,000,000 products and completed ops; and \$100,000 fire damage.

**4. Automobile Insurance:** Firm shall supply proof of commercial policy or individuals shall supply proof of current auto coverage, to include all vehicles owned, leased, hired and non-owned vehicles with limits of not less than \$1,000,000 per each accident and for property damage and bodily injury, with contractual liability coverage for all work performed under this Agreement.

The City of LaBelle is to be named as an Additional Insured on Comprehensive Commercial General Liability Policy and the Business Auto Policy (if applicable). Certification of same shall be required. This means providing the declaration page(s) of the policy showing the limits of coverage and that the City has been designated as an Additional Insured. All policies must provide at least thirty (30) days' notice of non-renewal or cancellation to the Additional Insured. All certificates of insurance must be on file with and approved by the City before commencement of any work activities under this Agreement.

The firm shall be solely responsible for payment of all premiums for insurance contributing to the satisfaction of this Agreement. Any and all deductibles to the above referenced policies are to be the responsibility of the firm. The firms' insurance is considered primary for any loss, regardless of any insurance maintained by the City. The firm is responsible for all insurance policy premiums, deductibles, SIR (self-insured retentions) or any loss or portion of any loss that is not covered by any available insurance policy.

If the selected firm cannot produce the required insurance coverage, the City will cease negotiations with that firm and commence negotiations with the next firm. The City shall retain the right to review, at any time, coverage, form, and amount of insurance.

**CONTRACT AWARD/TERM OF CONTRACT**

The City reserves the right to award one (1) or more contract(s) to the most qualified firm(s) as determined by the City Commission. The term of the contract shall commence upon signing. It is anticipated that the contract will have an initial period of one (1) year. The contract would be renewable for additional one year periods. The exact renewal terms are subject to negotiation. The Proposer understands that this RFP does not constitute an agreement or a contract with the Proposer. A proposal is not binding until proposals are reviewed, accepted, and a contract is executed by all parties.

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**MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (M/WBE)**

M/WBEs are encouraged to participate in the proposal process. All M/WBEs shall be certified as a Minority Business Enterprise by the State of Florida, Department of Management Services, Office of Supplier Diversity pursuant to Section 287.0943, Florida Statutes, or by statewide and interlocal agreement certification, as provided for by Section 287.09431, Florida Statutes. A State of Florida MBE Certificate or interlocal agreement from an agency having an interlocal agreement with the State of Florida must accompany the RFP submission. The M/WBE only applies to prime Proposer.

**REGULATIONS**

Violation of any local, state or federal law in the performance of this Contract shall constitute a material breach of this Contract.

**CANCELLATION**

The City Commission shall have the right to unilaterally cancel, terminate, or suspend the contract, in whole or in part, with or without cause, by providing the firm sixty (60) calendar days written notice by electronic mail and/or certified mail.

**FISCAL NON-FUNDING CLAUSE**

In the event sufficient funds are not budgeted for a new fiscal period, the City shall notify the successful Proposer of such occurrence and the contract shall terminate on the last day of the current fiscal year without penalty or expense to the City.

**AMENDMENT**

The awarded firm understands and agrees the contract constitutes the sole and complete understanding between the parties and supersedes all agreements between them, whether oral or written with respect to the subject matter. No amendment, change, or addendum to this Contract is enforceable unless agreed to in writing by both parties and incorporated into the Contract.

**ASSIGNMENT**

The awarded firm shall not assign any interest in this Contract and shall not transfer any interest in same (whether by assignment or novation) without prior written consent of the City Commission except that claims for the money due or to become due the awarded Proposer from the City under this Contract may be assigned to a financial institution or to a trustee in bankruptcy without such approval from the City. Notice of such transfer or assignment due to bankruptcy shall be promptly given to the City.

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LIABILITY OF FIRM

The firm shall indemnify and hold harmless the City, its Commissioners, officers and employees, from all liabilities, damages, losses and costs (including, but not limited to, reasonable attorneys' fees and court costs, whether such fees and costs are incurred in negotiations, at the trial level or on appeal, or in the collection of attorneys' fees), to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the firm's officers, employees, agents, and other persons employed or utilized by the firm in the performance of, or the failure to perform, the Agreement.

In the event of a claim, the City shall promptly notify the firm in writing by prepaid certified mail (return receipt requested) or by delivery through any nationally recognized courier service (such as Federal Express or UPS) which provides evidence of delivery, at the address provided for receipt of notices in this Agreement.

The City shall provide all available information and assistance that the firm may reasonably require regarding any claim. This agreement for indemnification shall survive termination or completion of the Agreement.

Nothing in this Agreement shall be deemed to affect the rights, privileges and immunities of the City as set forth in Florida Statute § 768.28.

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

City of LaBelle, Florida, in accordance with the provisions of Title VII of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all Proposers that it will ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals in response to this advertisement and will not be discriminated against on the ground of race, color or national origin in consideration for an award.

DISCRIMINATION

Pursuant to Subsection 287.134(2)(a), F.S., "an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity."

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**SECTION IV PROPOSAL FORMAT**

Proposals are to be submitted accompanied by pertinent information relating to the law firm's experience, qualifications, personnel, availability and capability to provide and perform all of the professional services necessary in a complete, effective and timely manner. In addition to the information and documents requested above, each Proposal shall include:

**1. Title Page & Table of Contents**

List the RFP subject, the name of the attorney/firm, address, telephone number, facsimile, email address, contact person and date. Include a clear identification of the material included in submittal by page number.

**2. Identification of Principal and Secondary Representatives:**

Provide the names of the persons that will provide the primary professional legal services to the City (as City Attorney) and those that will act in a back-up capacity, if needed (as Assistant City Attorney(s)). Identify any known schedule conflicts in which the back-up attorney will be required to provide regularly scheduled services due to the ongoing unavailability of the primary City Attorney.

Provide current resumes of the primary attorney (i.e. City Attorney) and backup(s) (i.e. Assistant City Attorney(s)) who will assume the responsibility under this contract. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating this proposal (board certifications; experience in advising entities on Florida Sunshine and public records law, legislative and quasi-judicial bodies; Alternative Dispute Resolution (ADR) training, experience and success record of advocacy in mediation and arbitrations; litigation experience and track record, municipal or other public sector experience or any other relevant experience and training.)

Provide at least three (3) contact names, title of person, address, phone number and e-mail address.

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**3. Qualifications:**

The primary designated attorney will have five (5) years experience in the practice of Florida municipal law. The attorneys other than the primary designated attorney must have a minimum of three (3) years' experience practicing law and representing municipal governments. The Firm must be licensed with the State of Florida and be in good standing with the Florida Bar Association. Professional legal services are to be provided on a contractual fee-for-services basis (i.e., a combination of retainers and hourly rates).

**4. Reserved Rights**

The City reserves the right to accept or reject any/or all submissions, to accept all or any part of the submission, to waive irregularities and technicalities, and to request resubmission, if it is deemed in the best interest of the City.

The City, in its sole discretion, may expand the scope of work to include additional requirements. The City reserves the right to investigate, as it deems necessary, to determine the ability of any Proposer to perform the work or services requested. The Proposer upon request shall provide information the City deems necessary in order to make a determination.

The City, in its sole discretion, may retain other attorneys and or legal firms for specialized tasks if it determines such arrangements are in its best interest. A list of services for which outside attorneys are utilized is shown in Section V - Scope of Professional Services.

The City reserves the right to negotiate the fee proposal, terms, and conditions in this contract.

**5. Work Load:**

List any schedule commitments on the part of the primary or back-up designees (e.g. meeting requirements of other municipalities or government entities represented by your firm) that may conflict with the meeting schedule for the City of LaBelle.

**6. Conflicts of interest**

Identify any potential conflicts of interest that the firm might incur while rendering services.

**7. Drug free Workplace**

The City of LaBelle is a Drug Free Workplace. It is strongly suggested that the attached Drug Free Workplace Form be signed and returned to this office with the proposal if a Drug-Free Workplace program is in place.

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8. Registration requirements

Any proposer required by Florida law to register to do business in this state shall either be registered or have applied for registration with the Florida Department of State in accordance with the provisions of Chapter 607, 608, 617, or 621, Florida Statutes, unless they are exempt. A copy of the registration/application may be required prior to award of a contract. Any partnership submitting a proposal in response to this RFP shall have complied with the applicable provisions of Chapter 620, Florida Statutes.

9. Public Entity Crimes Statement

Pursuant to Subsections 287.133(2) and (3), F.S., "a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list."

Firms are advised, and should take into account in the preparation of their Proposal, that the evaluation of the Proposer's qualifications shall include, but is not limited to, consideration of the firm's experience in municipal law and experience, availability, capabilities and hourly billing rate of the primary legal advisor to the City. In addition, the City will take into account the experience, availability, capabilities and hourly billing rates of the backup legal advisor(s) and support personnel to the City in the event that the primary legal advisor is unable to represent the City at any given meeting or on any given matter.

All Proposals will be screened to ensure that all qualifications and requirements of the RFP are met.

The Commissioners may conduct oral question and answer (Q&A) discussions with Proposers as deemed necessary, regarding their qualifications, experience, references, and approach in providing the City legal services.

In order for a proposal to be evaluated and considered, all requested information must be submitted with the proposal. Incomplete proposals will be subject to disqualification.

If selected, a formal contract will be negotiated with the selected firm.

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**SECTION V - SCOPE OF PROFESSIONAL SERVICES**

1. Attendance at all meetings of the City Commission and other meetings as required.

The regular meeting schedules are as follows:

<u>Organization</u>	<u>Time</u>	<u>Dates</u>
City Commission	7:00 PM	Second Thursday
Local Planning Board	7:00 PM	Second Thursday as needed

Meetings scheduled near holidays may be rescheduled or cancelled. The number of cancelled meetings may vary by year.

The City Attorney shall represent the Commission and each of these Boards, provide appropriate legal advice and/or written opinions, as necessary, and provide parliamentary guidance concerning the conduct of each of the meetings of the Commission and Boards.

The City Attorney shall attend City Commission workshop sessions as needed, and other meetings as requested by the Mayor or the City Commission when items under consideration warrant legal input.

2. As requested, the City Attorney will:  
Draft and/or review ordinances, charter amendments, resolutions, contracts, and correspondence. Provide legal consultation on some City insurance matters; and provide legal advice or written opinions to City staff on matters related to their official duties.  
In addition, the City may retain or has retained outside counsel for the following:  
Bond/loan counsel.  
Counsel on specialized matters as needed.

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- 3.** As required by formal authorization of the City Commission, the City Attorney shall prosecute and defend the City on all civil complaints, suits or controversies in which the City is a party, including the Board of Adjustment and Code Enforcement Board in certiorari proceedings. Specifically, the City Attorney is responsible for prosecuting and defending the City in civil action when no counsel is provided by liability insurance or when the City's exposure exceeds its insurance coverage. The City Attorney may also represent an employee or elected official who is individually named in a suit as a result of the execution official duties with the City. When the City's insurance coverage is activated on a given matter, the City Attorney shall cooperate as necessary with the legal counsel designated by the City's liability insurance carrier to ensure that the matter is dealt with in an expedient and professional manner.
- 4.** As requested, the City Attorney will provide the city staff with assistance and legal counsel relating to the acquisition or sale of real property and in the review or preparation of deeds, easements and title searches. All such requests must be coordinated through the Mayor.
- 5.** As requested by city staff, boards or city commissioners, the City Attorney will review situations in which laws, regulations or rules can reasonably be construed to impact the City's interests. All such requests must be coordinated through the Mayor.
- 6.** The City Attorney is to maintain files per Florida Statutes and provide the Mayor copies of all pertinent pleadings and orders in all litigation that the City Attorney is handling. The City Attorney will provide a brief report on significant litigation dealt with in the previous month.
- 7.** The City Attorney will perform other legal research and provide legal advice as requested by the City Commission, or City staff.



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8. Each bill for services and costs should be submitted directly to the City Finance office in a form that includes, at a minimum, the following information by billable increment (i.e. tenths of an hour; quarter of an hour):

Date of Service	Description of Service Specifying City Department, Board, Case or Issue	Name of Person Requesting Work	Person Who Performed Service	Time Spent x Hourly Rate = Cost
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Different services performed on the same day (e.g., research, drafting, meetings, etc.), will be listed separately. The description of service should permit the City to perform a meaningful analysis of the services provided. For example, "legal research" or "telephone conference" is not an acceptable description of services. The subject matter of a telephone call and its participants or the research performed and the purpose thereof must be specified.

The format for billings shown above is required for hourly billings.

Retainer or fixed fee billings will use a "flat" or "retainer" amount in the last column.

Details regarding the authorization of work & billing of reimbursable expenses will be addressed in the contract. In general no vehicle expenses or meals in connection with routine services are reimbursable.

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**SECTION VI - EVALUATION CRITERIA**

The following criteria will be used for evaluating Proposals for the City Attorney - Professional Legal Services contract and will be based on certain objective and subjective considerations as listed below:

1. Proposer shall address each factor specifically in their proposal. The following information shall be provided in the order detailed. Failure to provide any one part of any section without appropriate explanation may result in disqualification of submittal.
2. These items are required but not positively scored. However omission of these items will be deductive.

**Title Page** - list the RFP subject, the name of the attorney/firm, address, telephone number, facsimile, email address, contact person and date

**Table of Contents** - include a clear identification of the material included in submittal by page number.

**Letter of Interest** - This is a letter of the firm's interest and introduction of the response which must be executed by an authorized representative of the submitting party. The letter should also include a brief overview of the firm's history and statement concerning the firm's experience working with local governments and explain any relationship between entities joining for response.

**APPROACH TO PROVIDING CITY LEGAL SERVICES - (30 Points)**

Provide a proposed transition approach and/or strategy for handling current cases or legal matters. If this section is not applicable to your situation, explain why.

Provide a description of the approach that will be used and manner in which the respondent would recommend the provision of Legal Services to the City, to include, but not limited to objectives, scope, and methodology.

Information needed from the city to accomplish work during contract performance or prior to contract award and how the firm will successfully accomplish the work if such information is not obtained.

Describe the firm's approach toward providing proactive legal services, which will minimize claims and litigation, and measures that will be used to stay within established budget. Describe how you would propose to handle a situation when over budget.

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**EXPERIENCE, QUALIFICATIONS & REFERENCES  
(CITY ATTORNEY/FIRM AND PROPOSED STAFF) - (30 Points)**

Provide a current resume of the primary attorney who will assume the responsibility under this contract. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating this proposal (board certifications; experience in advising entities on Florida Sunshine and public records law, legislative and quasi-judicial bodies; Alternative Dispute Resolution (ADR) training, experience and success record of advocacy in mediation and arbitrations; litigation experience and track record, municipal or other public sector experience or any other relevant experience and training.)

Provide the information above for the proposed back-up legal representative(s) for the City.

Provide the information above for any other personnel, if appropriate.

**FEE PROPOSAL - (25 Points)**

Identify in your proposal the amount your firm proposes to charge. Provide billing information for a period of the first (1) year on the attached form. Fees for subsequent year(s) will be negotiated. Note that the City of LaBelle is requesting fees to be submitted for at least one of the following options:

Option "A": retainer/fixed fee cap (with an explanation of what it covers) plus hourly fees for litigation or special projects

Option "B" hourly fees for all work (no retainer/fixed fee)

Option "C" - Proposers' choice. Explain any billing methodology you wish.

**PLEASE NOTE (ALL OPTIONS):**

The City will not pay for meals, travel time, and mileage for any of the above options. If circumstances require an exception to the above, such travel expenses will be reimbursed in accordance with City policy.

If there are any services routinely performed at no cost, list those services.

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**OPTION A - FIXED RETAINER PLUS HOURLY BILLING**

Please quote a fixed retainer fee to be charged for general governmental services and the items noted herein that are to be covered by the retainer. Clearly note any items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

Also state separately the rate(s) for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.). Please be specific.

If there are any services routinely performed at no cost, list those services.

**OPTION B - HOURLY FEES FOR ALL WORK WITHOUT A RETAINER**

Please quote the dollar amount of hourly fees and costs your firm will charge for providing legal services to the City covered by your proposal.

For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

If there are any services routinely performed at no cost, list those services.

**OPTION C PROPOSER'S CHOICE**

Use any combination of retainer and hourly rates that you choose to deliver the requested services.

**FOR ALL OPTIONS:**

Feel free to attach additional sheets to note:

- Any "retainer" items that will not be provided as part of the retainer fee but rather billed on an hourly basis
  
- Description of other costs items, if needed, - be specific.
  
- Any other items related to fees that you feel are pertinent in the consideration of your proposal

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**LITIGATION - (5 Points)**

List all judgments or lawsuits against each attorney and/or the firm in the last seven (7) years, including the nature of the lawsuit and the resolution thereof. List all lobbyist(s) employed by your firm and areas in which they lobby.

Provide a list and explanation of any ethics complaints filed against each attorney and/or the firm or any attorney proposed under this solicitation by the Florida Bar Association or any relevant State regulatory agency within the past ten (10) years.

**CONFLICT OF INTEREST/ETHICAL CONSIDERATIONS - (5 Points)**

List any clients you currently represent that could cause a conflict of interest with your responsibilities to the City. Describe how you would be willing to resolve these or any future conflicts of interest.

List any potential conflicts of interest or ethical considerations related to representation or affiliation with any boards, organizations, committees, clients, or any other entities.

Provide a list of other municipalities or other governmental entities currently being represented by the firm or attorney(s) proposed under this solicitation.

**LOCATION - (5 Points)**

Within Hendry County - 5 points

Outside Hendry County - Within 30 miles of City Hall - 3 points

More than 30 miles from City Hall - zero points).

Provide the address of the primary office that will be providing legal services to the City. Provide a list and description of ownership, office location, and principal office where the majority of the City's work will be performed and contact information.

**AWARD CRITERIA:**

The City shall be the sole judge as to the merits of the proposal(s), and the resulting agreement. The City's decision will be final. The City's evaluation criteria will include, but shall not be limited to, considerations listed under Sections III, IV and V.

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**SECTION VII - PROPOSAL SIGNATURE & REQUIRED FORMS**

**Proposal Acknowledgement** form must be signed by authorized agent.

**Drug Free Workplace** form (if program is in place). If not please indicate that it is not.

The **Public Entity Crime** statement is required.

Provide **IRS Form W - 9** (required) (available at IRS website)

The **Non - Collusive Affidavit** is required

The **Statement of Organization** is required

Proposer must be registered with the State of Florida to perform the professional services required for this proposal. A copy of Registration must be included with submission.

Others as required:

- If Proposer is claiming MBE/WBE a copy of the certificate from Department of Management Services must be included with submission.

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**PROPOSAL ACKNOWLEDGEMENT**

Company/Firm Name

Address:

City:

State & ZIP

Telephone

Email

Type of Business (Corporation, Partnership, Other (Specify):\_\_\_\_\_

Tax ID number (FEIN/SSN):\_\_\_\_\_

**Certification**

The undersigned hereby confirms as follows:

1. I am a duly authorized agent of the Law Firm submitting the proposal;
2. I have read the Proposal in its entirety and fully understand and accept these terms unless specific variations have been expressly listed below.
3. My firm \_\_\_\_\_,  
agrees to hold all prices, terms and conditions firm for acceptance for ninety (90) calendar days following the date and time of the bid opening.

**Variations**

The Proposer shall identify all variations and exceptions taken to this RFP in the space provided below unless such variation is expressly prohibited in the RFP documents. If no variations are listed here, it is understood that the Proposer fully complies with the terms and conditions. It is further understood that such variations may be cause for determining that the Proposal is non-responsive and ineligible for award:

Section \_\_\_\_\_Variance \_\_\_\_\_

Section \_\_\_\_\_Variance \_\_\_\_\_

Attach additional sheets as necessary.

Signature of authorized agent

Date

Printed Name

Title of Agent

**Proposals without the manual and original signature of an authorized agent of the Proposer shall be deemed non-responsive and ineligible for selection.**

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**DRUG FREE WORKPLACE FORM**

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that \_\_\_\_\_

(Company Name)

Does:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Signature of authorized agent

Date

Printed Name & Title

**THIS PAGE SHOULD BE SUBMITTED WITH PROPOSAL ONLY IF SAID  
PROGRAM IS IN PLACE.**



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**PUBLIC ENTITY CRIME INFORMATION**

PUBLIC ENTITY CRIMES. Pursuant to Subsections 287.133(2) and (3), F.S., "a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list."

I, \_\_\_\_\_, being an authorized  
representative of \_\_\_\_\_,  
located at \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_, have read and understand the contents  
above.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Federal ID #: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 2012,  
by \_\_\_\_\_  
who is personally known to me or has produced his/her driver's license as identification.

\_\_\_\_\_  
Notary Public - State of Florida  
Print Name: \_\_\_\_\_  
Commission No: \_\_\_\_\_

***THIS PAGE MUST BE SUBMITTED WITH PROPOSAL***

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**NON-COLLUSIVE AFFIDAVIT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

Before me, the undersigned authority personally appeared:

\_\_\_\_\_ who, being first duly sworn, deposes and says that:

1. \_\_\_\_\_ He/She is the \_\_\_\_\_ (Owner, Partner, Officer, Representative or Agent) of \_\_\_\_\_ the offeror that has submitted the attached proposal;
2. \_\_\_\_\_ He/She is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
3. \_\_\_\_\_ Such proposal is genuine and is not a collusive or sham proposal;
4. \_\_\_\_\_ Neither the said offeror nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other offeror, CITY ATTORNEY/FIRM, or person to submit a collusive or sham proposal in connection with the work for which the attached proposal has been submitted; or have in any manner, directly or indirectly sought by agreement or collusion, or communication or conference with any offeror, CITY ATTORNEY/FIRM, or person to fix the price or prices in the attached proposal or of any other offeror, or to fix any overhead, profit, or cost elements of the proposal price or the proposal price of any other offeror, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposal work.

Signed, sealed and delivered this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_ who  is personally known to me or  has produced his/her driver's license as identification.

\_\_\_\_\_  
Notary Public - State of Florida  
Print Name: \_\_\_\_\_  
Commission No: \_\_\_\_\_

**THIS PAGE MUST BE SUBMITTED WITH PROPOSAL.**

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**STATEMENT OF ORGANIZATION**

**Proposer must state whether he/she is an individual, partnership, corporation or joint venture. Partnerships shall show the names, titles, and original signature of all partners with authority to bind the company. Corporations must be signed in the name and with the seal of the corporation, followed by the original signature and title of the person authorized to bind the corporation. Each joint venture shall be required to sign for each individual, partnership and corporation that is a party to the joint venture**

If the Proposer is an **INDIVIDUAL**:

Individual's Name: \_\_\_\_\_

D/B/A: \_\_\_\_\_

Signature: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

If the Proposer is a **PARTNERSHIP** and **Limited Liability Company** (Provide names and signatures of all partners):

Company Name: \_\_\_\_\_

Partner: \_\_\_\_\_

Signature: \_\_\_\_\_

Partner: \_\_\_\_\_

Signature: \_\_\_\_\_

Partner: \_\_\_\_\_

Signature: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

(Attach additional sheets if necessary)

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If the Proposer is a **CORPORATION**:

Corporation Name: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_ CORPORATE SEAL

Name/Title of person authorized to bind: \_\_\_\_\_

Signature: \_\_\_\_\_

Name/Title of person authorized to bind: \_\_\_\_\_

Signature: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ If

Proposer is a **JOINT VENTURE**:

Name/Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Name/Title of person authorized to bind: \_\_\_\_\_

Signature: \_\_\_\_\_

Name/Title of person authorized to bind: \_\_\_\_\_

Signature: \_\_\_\_\_

***THIS PAGE MUST BE SUBMITTED WITH PROPOSAL***