

**CITY OF BURLINGTON
REQUEST FOR PROPOSALS**

Issued: May 2, 2023

Due: May 19, 2023

I. PROJECT BACKGROUND

The purpose of this Request for Proposal (RFP) is to identify and select an experienced attorney or legal services firm to serve as City Attorney for the City of Burlington, Vermont. The Scope of Work section further details required services and performance conditions. The Qualifications section provides prerequisites for the application.

II. SCOPE OF WORK

The City seeks to obtain high-quality legal counsel on a contract basis. The City Attorney will serve at the pleasure of the Mayor as a directly appointed position. The City's preference is to select an attorney or firm with experience in municipal law

The City Attorney reports to, and serves at the pleasure of, the Mayor. In accordance with the Burlington City Charter, the City Attorney will work directly with the Mayor and City staff in performance of their daily duties in the operation of City business. The City Attorney will be appointed by the Mayor and approved by the City Council, and will be sworn-in to the role of City Attorney.

Should a firm be selected, such firm shall identify a senior attorney to serve as the appointee and point person for all of the work described in the scope. The City Attorney will supervise and oversee all work produced by Assistant City Attorneys and will be responsible for all legal products and documents from the City Attorney's Office.

The general responsibilities of the City Attorney (include, but are not limited to, the following and shall be considered to be services covered by the retainer:

- Provide clear, concise and timely legal advice and consultation on a daily basis or as requested or required to the Mayor, members of the Administration, the Council President and members of the City Council.
- Hold regular Office Hours, during which the City Attorney will be available and present in the City Attorney's Office in City Hall to meet with staff. Office Hours should generally be for a period of 16 hours a week as established and negotiated as part of any contract. Office hours may be coordinated with days of attendance at Council meetings.
- Attend City Council meetings and be prepared to advise the Council and Staff on matters of the agenda as well as parliamentary procedure and substantive issues that arise during the meeting. Attendance at City Council subcommittee meetings or City Commission meetings may be requested from time to time.
- Serves as the chief spokesperson for the City on all legal issues.

- Plans, organizes, directs and evaluates the work of legal staff in implementing the expressed goals, policies and directives of the City Attorney Office.
- Supervises work of all employees within the City Attorney Office, in coordination with the Deputy City Attorney. Is directly available to Assistant City Attorneys for consultation and oversight and shall endeavor to build the capacity and strengthen the expertise of the full time attorneys providing legal services to the City.
- Oversees all legal functions within the City of Burlington, including training legal staff, providing advice on specific cases of a more difficult nature and addressing needed areas within the community.
- Develops policies and procedures designed to increase the efficiency and effectiveness of Departmental operations and address legal services within the City of Burlington.
- Provides legal services and represents the City of Burlington in related legal matters, including civil and criminal litigation before courts and administrative agencies.
- Prepares written and oral opinions on questions of law submitted by the Mayor, City Council and Department Heads.
- Prepares legal contracts, forms and other writings required for use by the City.
- Prepares resolutions and related communications to the City Council on specific items for consideration and action.
- Prepares proposed charter changes, ordinances, rules and regulations as requested by the City Council, Mayor and Department Heads.
- Reviews legal processes of Departmental staff to ensure appropriate pre-trial and trial strategies involving complex litigation, controversial claims and large tort and non-tort claims.
- Procures outside legal counsel on behalf of the City to address specific or specialized legal concerns and issues.
- Participates in various aspects of personnel administration within the Department, including hiring, termination, grievance procedures and coordinating employee training.
- Performs special projects for the Mayor and City Council as requested.
- Keeps Mayor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems.
- Attends City Council meetings to provide legal, technical and administrative assistance on policy initiatives to City Council, Mayor and City Departments.
- Performs other duties as required.

Qualifications

- A Juris Doctorate Degree and Admission to the Vermont State Bar including seven (7) years of extensive experience in legal practice is required. Public law practice experience preferred.
- Knowledge of civil and criminal law and current principles and practices of public administration.
- Knowledge of municipal law, torts, contracts, civil rights, administrative processes and property law.

- Knowledge of State and Federal statutes and regulations pertaining to municipal governments.
- Knowledge of collective bargaining practice and law.
- Knowledge of the principles, practices, methods, and procedures, materials and references utilized in legal research.
- Knowledge of legal office practices and procedures and of the duties and responsibilities of the City Attorney's Office.
- Knowledge of budgetary principles within a municipality.
- Litigation experience
- Ability to speak clearly, concisely, and effectively in public
- Ability to work under the supervision and direction of the Mayor and City Council with extensive leeway for the exercise of independent judgment and initiative.
- Ability to prepare and present accurate and reliable reports containing findings and recommendations.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.

Fee Schedule/Pricing

The selected applicant will be required to provide services under a monthly retainer fee format for regular attendance at regular City Council meetings, special City Council meetings, regular internal staff meetings, and office hours on site at the City, communications with the City, and other general legal work. The City does not guarantee a set workload or billable hours. Routine travel expenses would be the responsibility of the applicant.

- Please describe what is included in the retainer, including the proposed number of office hours on site each week as well as any other attorneys from the firm included in the retainer.
- Please provide an hourly rate for all of the individuals that may be working with the City from the Applicant's office for services not included in the retainer. In addition, please provide an hourly rate for any specialized legal services.
- Please provide the retainer fee and rates in a tabular format.
- Please define what type of work you would consider to be extra or specialized that would be billed in addition to basic services and state the hourly rates for the designated legal staff for such services.
- For work product and services outside of the retainer services, the chosen individual or entity shall be expected to provide time records and detailed costs for supplies and other services billed to the City.

The City anticipates that the vast majority of work required under the Scope of Work fall under the monthly retainer service fee. Such services are to be provided in-house by the City Attorney within the retainer, other than specialized services that may be outsourced. Authorization for specialized services may require additional approvals by the Mayor and/or City Council on a case-by-case basis.

III. RESPONSE FORMAT

The Mayor and the City Council will evaluate each proposal with regards to the individual or firm's ability to provide the City of Burlington with quality legal services in a cost effective and efficient manner.

1. Firm Experience
 - a. Provide a narrative description of the firm
 - b. Describe general experience of the firm.
 - c. Identify other municipal clients.
 - d. Identify experience with municipal issues including land use, zoning, public safety, economic development, public works, personnel matters, environmental law and other municipal specialties.
2. Proposed Attorney, Team
 - a. Name and describe the attorney(s) and or team proposed. Clearly identify the lead City Attorney.
 - b. Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the proposed lead City Attorney.
 - c. Specify the organization structure applicable to this contract.
 - d. If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please identify such individuals and specialties as well.
3. Accessibility and Responsiveness
 - a. Identify the accessibility of the proposed City Attorney and the response time that the individual offers to the City.
4. Proposed Fee Structure
 - a. Propose a compensation package, inclusive of all service costs.
 - b. The City will select the finalist by considering the proposed compensation, although the City reserves the right to negotiate terms as needed to improve the elements of the proposal to best meet the needs of the City of Burlington, including costs.
5. References
 - a. Provide three references for the proposed City Attorney. The City would prefer to see references that include municipal government experience.
 - b. Inclusion of the references in your response to this request serves as an agreement that the City may contact the named references.
 - c. The City may contact any companies or individuals, whether offered as references or others, to obtain information that will assist the City in evaluating the individual/firm. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.

Questions concerning this Request for Proposals (RFP) must be made via email to the point of contact above. Responses to all submitted questions will be posted at: <http://www.burlingtonvt.gov/RFP> by the noted date.

Proposals must be submitted electronically as a .pdf. Applicants will receive a confirmation email once their proposal is received.

Please ensure that the document is easily printable in an 8.5x11 format. Responses must include the following

IV. CONTRACTOR SELECTION

The City reserves the right to award the contract to the proposal that best meets the needs and interests of the City. The following steps are anticipated:

Step 1: Receipt and review of minimum qualifications

Step 2: City Committee review of written proposals

Step 3: Initial reference and information checks

Step 4: Mayor, City Council and City Manager interviews.

Step 5: City Council confirmation process.

No proposal will be considered accepted until all necessary City authorizations, including those required by Board of Finance and City Council if necessary, have been received and an agreement is executed by both parties.

V. SUBMISSIONS

Submissions should be submitted via email to:

Jordan Redell,
Chief of Staff, Mayor Miro Weinberger
jredell@burlingtonvt.gov

VI. EXHIBITS

- A. Exhibit A: Burlington Standard Contract Conditions
- B. Exhibit B: Burlington Livable Wage Ordinance Certification
- C. Exhibit C: Burlington Outsourcing Ordinance Certification
- D. Exhibit D: Burlington Union Deterrence Ordinance Certification

Bid documents include this main body of the request for proposals and all exhibits.

VII. CONTRACTING

The contractor must qualify as an independent contractor and, prior to being awarded a contract, must apply for registration with the Vermont Secretary of State's Office to do business in the State of Vermont, if not already so registered. The registration form may be obtained from the Vermont Secretary of State, 128 State Street, Montpelier, VT 05633-1101, PH: 802-828-2363, Toll-free: 800-439-8683; Vermont Relay Service – 711; web site: <https://www.sec.state.vt.us/>. The contract will not be executed until the consultant is registered with the Secretary of State's Office.

Prior to beginning any work, the consultant shall obtain Insurance Coverage in accordance with the Burlington Contract Conditions (Exhibit B in this RFP). The certificate of insurance coverage shall be documented on forms acceptable to the City.

VIII. AGREEMENT REQUIREMENTS

The selected contractor will be required to execute a contract with the City on the terms and conditions required by the City, including but not limited to those in the Burlington Contract Conditions (Exhibit B) and the attached Draft Agreement. No proposal will be considered accepted until all necessary City authorizations—including those required by Board of Finance and City Council if necessary—have been received and an agreement is executed by both parties.

IX. LIMITATIONS OF LIABILITY

The City assumes no responsibility or liability for the response to this Request for Proposals.

X. COSTS ASSOCIATED WITH PROPOSAL

Any costs incurred by any person or entity in preparing, submitting, or presenting a proposal are the sole responsibility of that person or entity, including any requests for additional information or interviews. The City will not reimburse any person or entity for any costs incurred prior to the issuance of the contract.

XI. INDEMNIFICATION

Any party responding to this Request for Proposals is acting in an independent capacity and not as an officer or employee of the City. Any party responding to this Request for Proposals will be required to indemnify, defend, and hold harmless the City, its officers, and employees from all liability and any claims, suits, expenses, losses, judgments, and damages arising as a result of the responding party's acts and/or omissions in or related to the response.

XII. REJECTION OF PROPOSALS

The City reserves the right to reject any or all proposals, to negotiate with one or more parties, or to award the contract to the proposal the City deems will meet its best interests, even if that proposal is not the lowest bid. The City reserves the right to re-advertise for additional proposals and to extend the deadline for submission of the proposals. This Request for Proposals in no way obligates the City to award a contract.

XIII. OWNERSHIP OF DOCUMENTS

Any materials submitted to the City in response to this Request for Proposals shall become the

property of the City unless another arrangement is made by written agreement between the City and the responding party. The responding party may retain copies of the original documents.

XIV. DUTY TO INFORM CITY OF BID DOCUMENT ERRORS

If a bidder knows, suspects, or has reasonable cause to believe, that an error or omission exists in any bid documents, including but not limited to unit prices and rate calculations, the bidder shall immediately give the City written notice thereof. Contractor shall not cause or permit any work to be conducted that may related to the error or omission without first receiving written acknowledgment from the City that City representatives understand the possible error or omission and have approved the requested modifications to the bid or contract documents or that the contractor may proceed without any modification being made to the bid or contract documents.

XV. PUBLIC RECORDS

Any and all records submitted to the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act. The determination of how those records must be handled is solely within the purview of City. All records the responding party considers to be trade secrets, as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act, or that the responding party otherwise seeks to have the City consider as exempt must be identified clearly and specifically at the time of submission. It is not sufficient to merely state generally that a proposal is proprietary, contains a trade secret, or is otherwise exempt. Particular records, pages, and sections which are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.