

CITY & BOROUGH OF WRANGELL

Office of the Borough Manager

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REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES

Professional Service: Municipal Legal

Services Date of Issue: May 17th, 2024

BACKGROUND:

Wrangell is a small island community of about 2,100 residents, located in Southeast Alaska approximately halfway between Juneau and Ketchikan. The City was incorporated in 1903 and the City & Borough was incorporated in 2008. The City & Borough of Wrangell (CBW) operates under an Assembly-Manager form of government. In addition to Administration (Manager and Clerk) the CBW has eleven departments including Economic Development (includes Wrangell Convention & Visitors Bureau and Planning & Zoning), Finance (includes HR), Harbor (includes three harbors, port facility, Marine Service Center), Police (includes dispatch and jail), Fire/EMS, Nolan Center (museum, theater, civic and conference center), Wrangell Municipal Light & Power (electric utility), Public Works (includes water, sewer, solid waste, garage and streets), Capital Facilities (maintenance, capital projects, building inspection and custodial), Parks & Recreation, and Library.

The CBW is seeking proposals from qualified attorneys and/or law firms for Municipal Legal Services. The CBW intends to enter into a contract for legal services with an attorney/firm to advise the Wrangell Borough Assembly, Borough Manager, Borough Clerk, and other staff as appropriate. The Borough attorney is hired by and serves at the pleasure of the Borough Assembly. The Borough reserves the right to enter into contracts with other attorneys/firms for specialized legal services.

Proposals are invited from any qualified attorney or firm licensed in the State of Alaska.

SCOPE OF SERVICES:

The final scope of the professional services agreement will be negotiated between the City & Borough of Wrangell and the successful firm. The CBW prefers to enter into an agreement where general counsel services will be provided under one, flat, monthly retainer fee. General counsel services are estimated at fifteen hours a month. Special services (e.g. foreclosures, union contract negotiations, etc.) shall be billed separately on an hourly basis. General counsel service typically includes:

- Serving as the legal advisor to the to the Borough Assembly, Borough Manager, Borough Clerk, and other Borough staff as appropriate.
- Review and/or prepare legal documents including, but not limited to ordinances, resolutions, contracts, professional services agreements, change orders, leases, miscellaneous land permits, collective bargaining agreements, and legal opinions.
- Be available for consultation with the Assembly, Manager and Clerk.

- Draft opinion letters including, but not limited to, interpretation of the Wrangell Municipal Code, state and federal laws, and policies.
- Assist the Borough Manager with negotiations on the Borough's behalf and address other legal matters as they arise.
- Work effectively with the Assembly, Manager, Clerk, and when directed, other department director level staff, public agency representatives, and other entities with which the Borough has a legal relationship.
- Attend at least one meeting annually in person, and others telephonically, or in person, as requested.
- Provide representation in court, if necessary, and manage the activities of consultants, subject matter experts, or other attorneys who may represent the Borough in court.
- Provide annual training to the Assembly and community Boards or Commissions on Alaska's OMA, AS 44.62.310-312, and other Assembly, Board, or Commission codes of conduct.

TERM:

The term of the initial contract will be for the period of one year, with the option for three one-year extensions. The agreement may be terminated by the Borough at any time with or without cause.

QUALIFICATIONS:

- The proposer (or primary/lead attorney for the Borough in a firm) must be a member in good standing of the Alaska Bar Association and be qualified to represent the Borough in all State of Alaska Courts and the U.S. District Court for the District of Alaska.
- The proposer (or primary/lead attorney) should have at least five years of professional experience as legal counsel for an entity such as an Alaska city, municipality, or borough.
- The proposer (or primary/lead attorney) should be experienced and proficient in legal matters affecting the Borough, to include without limitation, Alaska municipal law including Title 29, the Wrangell Charter and Municipal Code, and other applicable State of Alaska and federal laws.

RFP SUBMITTAL REQUIREMENTS:

Proposals should be prepared providing a straightforward, concise description of the firm's qualifications. Emphasis should be on completeness and clarity of content. The page limit shall not exceed fifteen (15) pages.

A. Letter of Transmittal (limited to one page)

1. The cover letter should include an introduction and history of the individual or firm and a summary statement of professional qualifications, including areas of expertise.
2. Briefly state the proposer's understanding of the services to be performed and describe the commitment to provide the services as specified.
3. State the long-term availability of the proposer to provide legal services to the Borough.
4. Give the name(s) of the person(s) who are authorized to make representations for the proposer, their titles, email addresses and telephone numbers.
5. The letter must be signed by an individual who has the authority to bind the proposer.

B. Statement of Qualifications

1. Provide a statement of qualifications, including resume, active professional license

- or registration, and other experience and qualifications of the attorney who will be the primary or lead attorney providing general counsel and who will attend Assembly meetings (when required).
2. Provide a statement of qualifications, including resume, active professional license or registration, and other experience and qualifications of other attorneys, if any, who will support the primary attorney.
 3. Provide a statement of qualifications, including resume, active professional license or registration, and other experience and qualifications of other attorneys (if any) in the firm who may have specialized experience and expertise that may be of value to the Borough.
 4. Describe the municipal experience, other applicable legal experience, and education of all the attorneys for whom statements of qualifications have been provided.
 5. List at least five municipal law cases handled by the primary attorney and/or supporting attorneys.
 6. Identify and describe the experience over the past five years and the level of expertise in the following areas:
 - a. Ordinance and resolution drafting
 - b. Code/ordinance enforcement
 - c. Public records law
 - d. Zoning and land use regulations
 - e. Public employee labor law
 - f. Municipal sales and property tax law
 - g. Municipal procurement and contract law
 - h. Laws related to police, fire, and emergency medical operations
 - i. Acquisition and disposition of public property, land management
 - j. Collective bargaining
 - k. Other municipal issues

C. Conflicts

List all matters and/or cases where the proposer currently represents an individual or entity with interests potentially adverse to the Borough. Describe the scope of the representation and the nature of the conflict.

D. Availability

Specify how available the primary attorney will be to the Borough. State whether the Borough will be the primary attorney's main client or one of many. State the current workload of the primary attorney and how that attorney intends to accommodate the Borough's legal work requirements. State the location of the office from which the primary attorney will serve the Borough.

E. Disclosure

Disclose any alleged significant prior or ongoing contract failures, contract breaches, any civil or criminal litigation or bar association investigation which involve the proposer as a party or in which the proposer has been judged guilty or liable or sanctioned. This is a mandatory disclosure.

F. Fee Schedule

1. The hourly monthly retainer fee for standard legal services.
2. The hourly rate for the lead attorney, supporting attorneys, and other attorneys for hours worked outside monthly retainer.
3. Travel costs, if additional to actual expenses.

G. Municipal Experience

List all municipalities for which the proposer has performed legal services in the past five years. Provide a short description of the services, the date performed, and the municipal contact person.

H. References

Provide a minimum of five references from similar clients, to include local government, state, and/or private clients, for whom the proposer has performed legal services within the last three years. The Borough may contact any and all references for validation of information submitted and other information relative to the proposal.

SUBMITTAL INSTRUCTIONS:

Proposals are due on or before **5:00 p.m. local time, Friday, July 12th, 2024**. Proposals not received at or before said time will not be considered. Proposals shall be submitted as an Adobe Acrobat PDF file via email with the subject line titled **“LEGAL SERVICES PROPOSAL.”** Submit to: Kim Lane, Borough Clerk at clerk@wrangell.com. Delivery confirmation will be provided by email. Proposals should be organized to match the categories outlined in the RFP. Proposals will be kept confidential until an award is made, subject to law.

SCHEDULE:

Review of the Proposals is expected to take place July 22-26th, 2024. Proposers chosen to move forward will participate in an on-site (in Wrangell) interview with the Borough Assembly. These are expected to take place the week beginning July 29th, 2024. Award of a professional services agreement is expected to be by August 16th, 2024. Firms should plan to have representatives available by telephone or email to respond to questions or clarifications required by the Borough during the review period beginning as early as July 15th, 2024.

RFP HOLDERS LIST:

In the case addenda to this RFP are required please be certain to email the Borough Clerk (clerk@wrangell.com) to be added to the Plan Holders List.

PROPOSAL EVALUATION CRITERIA:

Weight: Each criterion has an assigned weight which will be used to establish the relative importance

of each aspect of the firm's qualifications.

Rating: The Borough Assembly, Manager and Clerk will rate the proposals. Ratings will be from 0 - 5 points with 5 being the best. Ratings from all members of the review team will be averaged together to determine an aggregate rating score for each criterion.

1. Qualifications of primary attorney (WEIGHT 25).	5 x 25 = 125
2. Qualifications of other attorneys (WEIGHT 15).	5 x 15 = 75
3. Availability (WEIGHT 25).	5 x 25 = 125
4. Conflicts (WEIGHT 10).	5 x 10 = 50
5. Disclosure (WEIGHT 10).	5 x 10 = 50
6. Competitive fee schedule (WEIGHT 15).	5 x 15 = 75
7. Municipal Experience (WEIGHT 10)	5 X 10 = 50
7. Interview (WEIGHT 20)	5 x 10 = 50
Total Possible Points/Score	600

INTERPRETATIONS:

Questions or requests for clarifications shall be submitted in writing (via email) and directed to Mason Villarma, Borough Manager, at mfvillarma@wrangell.com. The CBW will respond to each question or clarification in writing and answers will be provided in the form of addenda to all firms registered on the RFP Holders list.

RIGHT TO REJECT QUALIFICATION SUMMARIES:

The City & Borough of Wrangell reserves the right to reject any or all proposals for any reason, and/or to waive any or all irregularities and/or informalities.

AWARD:

The City & Borough of Wrangell anticipates awarding a professional services agreement no later than **August 30th, 2024**.

FINAL SCOPE & BUDGET:

The final scope of services within the agreement and budget will be negotiated with the successful firm.

THIS RFP IS POSTED AT: www.wrangell.com/rfps