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REQUEST FOR QUALIFICATIONS For CITY ATTORNEY SERVICES

The City of Aurora (hereinafter the "City") is soliciting Statements of Qualifications (SOQ) from qualified firms to provide City Attorney services to the City of Aurora.

This letter, together with its attachments comprises the Request for Qualifications (RFQ) for this service. Responses to the RFQ should be submitted according to the instructions outlined herein.

Proposal Due Date

Interested firms are asked to submit an original and three (3) hard copies of their SOQs meeting the requirements specified herein by **2:00 p.m. (CST), Friday, September 29th, 2023. SOQs received after that date and time will not be considered.** SOQs shall be considered firm offers to enter a contract and provide the services described for a period of up to three years from the signed contract and can be extended for additional periods upon the mutual consent of the parties. Contract extensions are subject to approval of the Aurora City Council.

City of Aurora Point of Contact

SOQs and all inquiries relating to the RFQ shall be submitted to the Aurora City Clerk at the contact information shown below.

Kamy Kulow, City
Clerk
City of Aurora
P.O. Box 30
Aurora, MO 65605
Email: auroracityclerk@auroramogov

Background

The City of Aurora was incorporated under the provisions of the Missouri State Statutes as a Third-Class City. The City operates under a Council – Manager form of government, consisting of a five-member City Council, with the Mayor chose by the City Council on an annual basis. Day to day operations are directed by the City Manager, who is appointed by the City Council. The City is organized with Departments of Administration, Finance, Community Development, Court, Police, Fire, Street,

Wastewater, Cemetery and Parks and Recreation. The City employs approximately 60 full-time staff.

Scope of Work

The City requests one attorney be designated as the point of contact or lead attorney. Accessibility to and a timely response from the attorney is essential to the position. The City attorney will represent the City in legal matters in which the City is a part of or interested in or in which any of its officers are parties in their official capacity. The level of involvement of the individual or firm will be defined by the City Council and/or the City Manager.

Legal Counsel

The general expectations are:

- a) Attend all City Council meetings and attend other meetings as assigned by the City Council and/or City Manager or designee.
- b) City attorney and/or firm will be required to attend at a minimum all regular City Council meetings, Planning & Zoning Commission and Board of Zoning Adjustment meetings as requested. Additional attendance at occasional work sessions and special meetings will be required and should be expected.
- c) Serve as legal advisor to the City Council, Special Committees, and City Boards/Commissions. Additionally, the attorney will advise Department Heads and City employees engaged in City business as approved by the City Manager.
- d) Provide guidance on personnel matters, including employee disciplinary, termination and grievance matters.
- e) Draft, review or present all agreements, bonds, contracts, ordinances, resolutions, legal opinions, staff reports and other written instruments pertinent to City functions or that will be considered by the City Council or City Manager and provide a legal opinion as to the consequences of such documents.
- f) Have experience in land use rights in Missouri and the ability to draft, review, and present legal documents relative to acquisitions, easements, variances, rights-of-way, and other land uses to include property acquisition, annexation, and zoning.
- g) Must be familiar with State Statutes, City Code and Roberts Rules of Order and be prepared to advise the Board on any matters relating to compliance

with the same.

- h) Provide legal updates, bulletins and training to City staff as needed or as changes in the law require.
- i) Prepare correspondence and other legal documents on behalf of the City as directed.
- j) Conduct appropriate research and provide legal opinions on a variety of topics as may be requested.
- k) Provide ongoing services as needed.

City Prosecutor

The selected attorney or firm will also serve as the City Prosecutor for the City in the Aurora Municipal Court. The General Expectations for this aspect of service to the City are:

- a) Attend all municipal dockets and trials.
- b) Access to designated attorney 24/7 to be able to answer police officer questions and/or in-custody warrants or other legal questions.
- c) Arrange for a mutually agreed upon time to sign all municipal citations.
- d) Provide legal updates and training for police officers and court staff as requested.
- e) Consult with city departments on all ordinance violations and unified development codes.
- f) Issue additional charges and recommend amendments to charges.
- g) Handle all cases which are certified to the Lawrence County Circuit Court for jury trial, bench trial or trial de novo.
- h) Perform other duties and responsibilities relating to the municipal court which are typical for prosecuting attorney, including but not limited to processing municipal citations, signing informations, etc.
- i) Provide recommendations that would determine the need for a court appointed attorney.

- j) Prepare subpoenas for the court.
- k) Make recommendations regarding internal core processes and case dispositions.
- l) Conduct plea agreements.

Contract Period

The contract resulting from this RFQ is expected to begin upon selection for up to a three-year term. The contract is subject to annual budget approval and review as well as the right of the City to terminate at any time with 30 days written notice. The City, at its sole discretion, may extend the contract for extensions for terms approved by the City Council.

Minimum Qualifications

To be eligible to submit an SOQ, a proposer must demonstrate that it meets the following minimum qualifications:

- 1) Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- 2) Each attorney in the proposed team must be a member in good standing of the Missouri State Bar Association;
- 3) The proposed designated City Attorney must have a minimum of five (5) years' experience in the field of municipal law with particular experience in land use, public works construction, Sunshine Law and Contract Law.

Form of Proposal/SOQ

Interested firms are asked to submit an original and three (3) hard copies of their SOQs meeting the requirements specified herein by **2:00 p.m. (CST), Friday, September 29th, 2023. SOQs received after that date and time will not be considered.**

Proposal content and completeness are most important. Clarity is essential and will be considered in assessing the proposers' capabilities. Each SOQ should include the following sections:

1. FIRM HISTORY

- a) Please complete Attachment A and include with SOQ.

2. FIRM EXPERIENCE

- a) Details of experience in drafting and reviewing legal agreements, opinions, bonds, contracts, ordinances, resolutions, staff reports, and other written

instruments pertinent to City functions.

- b) A description summarizing the firm's experience in providing guidance on personnel matters, including employee disciplinary, termination and grievance matters.
- c) Details of experience in land use rights in Missouri relative to acquisitions, easements, variances, rights-of-way, and other land uses to include property acquisition, annexation and zoning.
- d) Experience with State Statutes, City Code and Roberts Rules of Order.
- e) Identify other municipal clients.

3. PROPOSED ATTORNEY, TEAM

- a) Cover Letter- Signed by an official authorized by the firm to solicit business and enter contracts for the firm. The cover letter should include the name and telephone number of a contact person.
- b) A statement identifying the attorney to be designed as the point of contact for the firm and other qualified and available staff that will be dedicated to providing services to the City.
- c) Identify key staff and their qualifications (attach resumes as appropriate).

4. ACCESSIBILITY AND RESPONSIVENESS

- a) Identify the accessibility of the proposed designated Interim City Attorney, and the response time that the individual offers to the City. Specifically identify the lead- time required for attending scheduled or ad-hoc meetings. Identify how quickly the Interim City Attorney can arrive in person to attend an unscheduled, urgent meeting.
- b) identify the same for any assisting attorney(s).

5. PROPOSED FEE STRUCTURE

- a) Identify hourly rates or a flat monthly rate with add-ons. The City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including cost.

6. REFERENCES

- a) Provide three references for the lead City Attorney. Include the names, email, and telephone number for a contact person from each reference.
- b) Provide three (3) professional references for the law firm. Include contact

information and services provided.

- Inclusion of the references in your proposal is also agreement that the City may contact the named reference.
- The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the necessary qualifications. 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.

7. LITIGATION, SANCTIONS, INVESTIGATIONS

- a) Does your firm engage in lobbying? If so, explain where, in what capacity, and for what clients.
- b) Certify whether your firm or any of the owners or principals is currently subject to any pending or threatened litigation or sanctions. If so, the certified statement should cover the size and scope of any pending litigation or sanctions. If no litigation or sanction is pending, include statement to that effect.
- c) Indicate whether your firm is currently or, in the past five (5) years has been, the subject of a federal, state or local government inquiry or investigation. If so, describe the nature and disposition of any and all such inquiries or investigations. Have any of these entities invoked sanctions against your firm or your staff currently or in the past five (5) years?

8. Proposal Evaluation

The City reserves the right to select the attorney and/or firms whose qualifications best meet the needs and interest of the City. The following steps are anticipated.

- 1) Receipt and review of minimum qualifications
- 2) City Committee review of SOQ's
- 3) Initial reference and information checks as the City deems necessary
- 4) Interviews as the City deems necessary
- 5) City Council Confirmation process.

Following the initial receipt and review of the SOQ's, the City may elect to recommend award to a proposer or may interview a "short list" of firms, prior to final evaluation. If needed, the Interviews will be scheduled for the week of October 16th – 20th.

The City reserves the right to not convene interviews and to recommend an award based on written proposals alone. Further the City reserves the right to accept or reject all proposals submitted, to waive minor irregularities in proposals, and to request additional information from the proposers at any stage of the evaluation. Any award made will be to the firm whose proposal is the most

advantageous to the City, based on the evaluation criteria listed above.

Cost will not be a factor in the evaluation. However, the City reserves the right, after the firm(s) have been ranked, to negotiate hourly rates with the firm(s) as well as to decline to enter a contract with any firm whose rates and other costs are unreasonable, in the City's sole judgment.

9. Insurance Requirements

All policies for liability protection, bodily injury, or property damage shall include the City of Aurora as an additional insured as such respects operation under this contract (except for Worker's Compensation and Professional Liability coverage).

The firm agrees to hold harmless and indemnify the City from any liability for damage, injury or death arising out of the work performance of the contract.

10. General Conditions

This RFQ does not commit the City to award a contract. The City will not reimburse any firm for costs related to preparing and submitting a proposal.

Any award made will be to the Contractor whose proposal is most advantageous to the City, based on the evaluation criteria outlined above.

Thank you for your interest.

**Attachment A
Business Statement**

1. Name of Business: _____

2. Name of proposed lead City Attorney: _____

3. Business Address: _____

4. Phone: _____ Fax: _____

E-Mail: _____ Website (if applicable): _____

5. Business Classification (check all that apply):

_____ Individual _____ Corporation

_____ Partnership _____ Women or Minority Owned:

6. Federal Tax Number (a SSN or Federal Tax Number): _____

7. Does firm maintain insurance in the following amounts: Yes: _____ No: _____

General Liability insurance of at least \$1,000,000 per occurrence.

\$1,000,000 aggregate, Combined Single Limit (CSL); Automobile liability of at least \$1,000,000 per accident CSL Professional Liability of at least \$ 1,000,000

If no, describe differences:

8. Are there claims that are pending against this insurance policy?

Yes: _____ No: _____

If yes, describe:

9. During the past five years, has the firm, business, or any attorney in the firm or business, been involved in any (1) bond forfeiture, (2) litigation personally involving the firm, business or any attorney in the firm or business (other than dissolution of marriage), or (3) claims filed with any insurance carrier concerning the firm, business, or any attorney in the firm or business, and/or (4) Bar Association complaints?

Yes: _____ No: _____ If yes, attach an explanation.

10. Has company been in bankruptcy, reorganization or receivership in last five years?

Yes: _____ No: _____

11. Has company been disqualified or terminated by any public agency?

Yes: _____ No: _____

12. Has the proposed designated Interim City Attorney practiced municipal law a minimum of 5 years?

Yes: _____ No: _____

13. Is each proposed attorney accredited and in good standing with the State Bar?

Yes: _____ No: _____

14. Proposals shall be good and valid until the City completes award or rejections of quotes. Does the firm accept this condition?

Yes: _____ No: _____ (if no, state the desired exception)

SIGNATURE: _____

PRINT NAME: _____