

Request for Qualifications/Information & Proposals

for

Municipal Legal Services and Counseling

City of Alexandria, Louisiana

SECTION 1. PURPOSE

1.1 Scope.

The City of Alexandria (COA) hereby issues a Request for Qualifications (RFQ) from attorneys to provide with respect to specialized assistance, counseling, and services.

These services shall include, at minimum, that the Attorney act, in a representative capacity, appear as an advocate in various courts and tribunals, draft and draw papers, pleadings or documents, or perform any act in connection with pending or prospective proceedings before any court of record in this state. The services shall require a certain degree of skill and experience in this regard given the public nature of the position and the need to reduce duplicative, on-the-job training, and other costs. That said, there may be opportunities within this RFQ's scope for young or beginning attorneys to work in a mentorship atmosphere.

The services shall include advising or counseling of city officials as to various aspects of secular law, including general municipal applications (e.g., a firm understanding of Title 33 of the Louisiana Revised Statutes, bond rules and construction, the Louisiana State Constitution, civil service rules and regulations, expropriation, land use and planning, and code construction) and specific city applications (e.g., Alexandria City ordinances, the Alexandria Home Rule Charter, and Article VII, §14 of the Louisiana State Constitution as it pertains to the various cooperative endeavors in which the COA is engaged as a partner). The COA has need of assistance in drawing or procuring documents or instruments affecting or relating to

obtaining or securing the prevention or the redress of a wrong or the enforcement or establishment of a right; or, certifying or giving opinions as to title to immovable property or any interest therein or as to the rank or priority or validity of a lien, privilege or mortgage as well as the preparation of acts of sale, mortgages, credit sales or any acts or other documents passing titles to or encumbering immovable property.

The COA also needs to address general liability issues of a simple and complex nature. In this capacity, the COA desires to enter into flexible agreements of perhaps a different nature than historically, e.g., hybrid hourly-contingent arrangements, hybrid hourly-expense capped representations, and traditional hourly and expense representation.

For COA purposes, “attorneys” herein involve legal contracts in all cases; however, some are “employees” or independent contractors who act as part-time daily counsel (subject to all proper IRS rules and regulations), while others are “special legal counsel,” hired to handle specific tasks or cases. This may involve a firm or individual who performs legal services as previously defined; in addition, attorneys for the City can only be employed by specific contract and according to the following rules:

- (1) The City Charter provides, at § 4-02, that the head of the legal division shall be the city attorney, and he shall serve as chief legal adviser to the mayor, city council, and all divisions or departments, offices, and agencies, and shall represent the city in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.
- (2) It further provides that the city attorney and any employed or assistant city attorneys must be authorized by the city council, who shall be appointed by the city attorney and serve at his pleasure.
- (3) It furthermore prescribes that all other special legal counsel being employed by the city must be through written contract with approval of the city council.

1.2 General Submission Information.

All attorneys, including those currently under contract with the COA shall be encouraged to submit responses to the RFQ. The COA intends to award multiple contracts as may be from time to time needed, and will give priority to those who have responded to this RFQ.

1.3 Questions and Disqualification Activity.

Questions regarding this qualification shall be submitted to the City of Alexandria through the Office of the City Attorney, not the Office of the Mayor or City Council. Any attempts at contact with the Office of the Mayor or City Council during the Qualifications Acceptance Period and thereafter until the process is declared completed shall disqualify the respondent from further consideration. It should be noted that attorneys are held to a high standard of ethical behavior and requirement of candor to the potential client and process.

1.4 Addenda, Rejection and Cancellation

The COA reserves the right to revise any part of the RFQ by issuing an addendum to the RFQ at any time prior to the submission deadline. Issuance of this RFQ in no way constitutes a commitment by the COA to award a contract at any time even after the completion of the process. The COA reserves the right to accept or reject, in whole or part, all Qualification Statements submitted and/or cancel this announcement if it is determined to be in the COA's best interest. All materials submitted in this response become the property of the COA and selection or rejection of a submittal does not affect this right. The COA also reserves the right, at its sole discretion, to waive administrative formalities contained in any future RFQ, RFI, or RFP.

1.5 Preparation Costs.

The COA shall not be responsible for costs associated with preparing the RFQ or for any other costs. The COA shall not be responsible for costs associated with preparing the RFQ or for costs including attorney fees

associated with any challenge (administrative, judicial or otherwise) to the determination of the highest-ranked Applicant and/or awarded contract and/or rejection of qualification. By submitting a RFQ/RFI or RFP each Applicant agrees to be bound in this respect and waives all claims to such costs and fees.

SECTION 2. RULES GOVERNING EVALUATION

2.1 Examination of Qualifications.

Applicants should carefully examine the entire Request, any addenda thereto, and all related materials and data referenced in the Request. Applicants should become fully aware of the nature of the work and the conditions likely to be encountered in performing the work. There are many special considerations in employment as a public attorney, chief among them being who the client actually is for management, directive, and ultimate purposes. Incorporated by reference herein is a recent response by the City Attorney regarding these paramount issues. These minimal expectations and understandings are required, and any deviation shall result in termination. Generally speaking, the City Attorney requests that attorneys avoid entanglement with local political issues in an effort to minimize conflicts, perceived conflicts, or politicization of issues. You will be evaluated regarding four general areas, weighted accordingly:

- **Verified Commitment to Ethical/Professional Conduct—50%** Identify key staff highlighting this commitment, along with their availability to advise and provide direct services on behalf of you. Resumes should be included for each of the individuals, which detail their relevant experience. If you plan to partner for other purposes herein with another firm or lawyer to meet other goals, they shall be clearly identified in the qualification. Your prior good service is weighted heavily here.
- **Experience in Municipal Law and Relevant Issues—25%** Detail your individual or firm experience to the areas you intend to practice. It does not need to be an address of every area listed herein. In fact, niche practice and how you will save costs are areas in which the

COA encourages detail, as requested in the fourth area of address *infra*. Your prior good service is weighted heavily here.

- Detail your experience in the same or similar areas of expertise and your adaptability to provide the required services for this project.
 - Provide at least three professional references. Include a point of contact, current telephone number, and a brief description of the services provided.
 - Identify your performance with similar institutional clients, or why you are a good fit for this client on a particular issue or in an area.
- **Commitment to Mentorship/Diversity Partnering—10%** The general aims are set forth by the following enabling directives, which detail the *public purpose* of this solicitation:
 - In order to prevent unfair institutional practices from restricting professional service contracting, the Mayor’s Office, in particular the Office of Economic Development, Workforce Development section, wishes to aid small, emerging, and minority-owned businesses, ensuring such interests are given an equal opportunity to conduct business with the City of Alexandria. In addition, the COA wishes to promote opportunity for private business and entrepreneurship in the metropolitan statistical area and beyond.
 - Several interrelated programs have been created to promote:
 - (i) The competitive viability of small business, minority, and women business enterprise by providing contract, technical, educational, and management assistance;
 - (ii) business ownership by small business persons, minority persons, and women;
 - and (iii) the procurement by the City of articles, equipment, supplies, and materials from business concerns

owned by small business persons, minority persons, and women.

- The Administration has developed a “Diversity in Action” plan, composed of the “Small and Emerging Business Development Program” for the City of Alexandria and a “Close the Gap” mentoring program. These programs shall encompass several components, including: (i) the “Alexandria Fairness, Equality, Accessibility and Teamwork” Program (“A.F.E.A.T.”); (ii) the “Alexandria Bonding Assistance” Program (“A.B.A.”); (iii) and the “Alexandria Financial Intermediary Initiative” Program (“A.F.I.I.”).
- The COA encourages your address of your approach to diversity in the workplace, on your team, and how you might bring expertise to some of the areas provided in the commitment to mentor and partner.
- **Cost Reduction/Technology Advancement—15%** Let the COA know of available resources you bring to bear that may lessen costs and/or control escalating legal costs. You might wish to address:
 - Business History: Provide information on size, resources, and business history.
 - Provide information on personnel resources available to you, which indicates that you have access to the services necessary to perform the work in the time available and within the required standard.
 - Describe the location where the primary services are to be provided and the ability to meet in person with personnel when required during the performance of the Contract.
 - Some experts cite the two greatest unmet legal needs identified by major corporations as: (i) law firm streamlining; and (ii) client-focus. Both items have rated ahead of cost

reduction. How will you address these concerns? Do you have a specialized reporting method to eliminate large blocks of administrative time spent on preparing bills and on reports?

2.2 Qualification Acceptance Period.

The qualification acceptance period shall be rolling in nature but weighted in favor of the RFQ suggested deadline contained herein. For purposes of prohibited contacts, the qualification acceptance period shall correspond to the suggested deadline contained herein and any extensions plus the date at which the process is declared completed.

2.3 Confidentiality.

The content of all qualifications is ultimately a public record. Please Note: Louisiana has a very broad public records law. Most written communications to or from the City of Alexandria or its officials are public records available to the public and media upon request. Your e-mail address, submitted materials, and communications may therefore be subject to public disclosure. Please consider this in your messages to the COA and in your submissions. If you are expecting confidentiality, please call the City Attorney before forwarding information for an advisory opinion. This office will be liberal in its interpretation in favor of disclosure.

While some e-mails, documents or materials may contain confidential and privileged material regarding ongoing litigation, proprietary plans of a business entity seeking to locate in Alexandria, Louisiana, or security measures of a municipality, and are therefore for the sole use of the intended recipients, the submission for purposes of employment by you of information while touching upon any of these, e.g., in submitting a representative client, will render that material public information in all likelihood; accordingly, use professional discretion and assume any information you forward is public. Please be aware the safest approach is to submit directly and with the understanding your submittal is public.

Short-listed firms or individuals may go through an interview process that does not produce public records. While the notice of the process and

identities of these applicants will be disclosed, including the general questions, the dynamic Q & A in such interviews and responses will not be recorded or disclosed as no public record will be created.

2.4 Qualification Format.

Qualifications are to be prepared in such a way as to provide a straightforward, concise delineation of the Applicant's capabilities to satisfy the requirements of this request. The initial response, or letter of interest (LOI), shall include for public disclosure: (i) a short statement of intent, purpose, and attestation of understanding of Sections 1.3 and Section 2; and (ii) a curriculum vitae. Emphasis should be placed on:

- **Conformance to the RFQ instructions**
- **Responsiveness to the RFQ requirements, particularly at Section 2.1.**
- **Overall completeness and clarity of content**
- **Conformance to policy requirements for Attorneys, particularly at Sections 1.1(1-3) and Section 3; Louisiana Rules of Professional Conduct, Rule 1.11; and the following special considerations:**
 - The COA requires that **all consultants to the executive, divisional, and senior staff shall, at a minimum, exemplify** knowledge of principles and practices of public administration and the special nature contracting with a public body embodies.
 - You must affirm understanding that most work produced and conducted (outside of legal, security, personnel assessments, financial, and proprietary information) shall be considered a public record. Even general legal work not related to anticipated and declared litigation is often public, and therefore an understanding of your client's needs is paramount.
 - Attorneys must exhibit qualities commensurate with best practices and management skills, not minimal ones.

2.5 Signature Requirements.

All qualifications (RFQs) must be signed and sealed. An officer or other agent of a corporate firm may sign for the firm, if authorized to sign Contracts on its behalf; a member of a partnership; the owner of a privately-owned firm; or other agent if properly authorized by a Power of Attorney or equivalent document, may sign a qualification. The name and title of the individual(s) signing the qualification must be clearly shown immediately below the signature.

2.6 Qualification Submission.

One (1) original and two (2) duplicates of the qualification (RFQ) should be provided. All originals and copies of the qualification must be plainly identified as "Alexandria Municipal Legal Services and Counseling Submission," and delivered or mailed to:

**Charles E. Johnson, Jr. and/or
Alainna R. Mire
Office of the City Attorney
915 Third Street
Alexandria, Louisiana 71301**

2.7 News Releases.

News releases pertaining to any award are not permitted without prior written approval of the COA and adherence to rules of the profession.

2.8 Disposition of Qualifications.

All materials submitted in response to this RFQ shall become the property of the COA.

2.9 Modification/Submission and Withdrawal of Qualifications.

No oral change or interpretation of any qualification contained in this RFQ is valid whether issued at a pre-qualification conference or otherwise. Written addenda will be issued when changes, clarification, or amendments to qualification documents are deemed necessary by the COA. A respondent may withdraw a qualification at any time prior to the final submission date by sending written notification of its withdrawal, signed by an agent authorized to represent the agency. The respondent may thereafter submit a new or modified qualification prior to the final submission date.

Modifications offered in any other manner, oral or written, will not be considered. A final qualification cannot be changed or withdrawn after the time designated for receipt, except for modifications requested by the COA after the date of receipt and following oral presentations.

QUALIFICATIONS MAY BE FORWARDED AT ANY TIME BUT PRIORITY WILL BE GIVEN ONLY TO THOSE RECEIVED BEFORE 4:00 P.M. ON October 28, 2011.

YOU MUST SUBMIT AN LOI TO BE CONSIDERED FOR PURPOSES OF THIS QUALIFICATIONS ACCEPTANCE PERIOD. THE LOI MUST BE RECEIVED BEFORE 4:00 P.M. ON AUGUST 15, 2011.

RESPONSE TO THE ATTACHED SURVEY WHILE NOT REQUIRED IS ENCOURAGED AND YOUR CERTIFICATION REGARDING THAT RESPONSE MAY BE CONSIDERED IN ANY AWARD.

Evaluation and Selection Milestones

Distribution of RFP	8/1/11
Attorney-vendor initial responses due (LOIs)	8/15/11
Formal Question Solicitation	8/31/11
Qualifications (optional) responses due	10/28/11

Notify vendor finalists, have follow-up discussions & site visits (optional)	8/1/2011 – 8/15/2011
Reference Checks	8/15/2011 – 10/7/2011
Start Contract Negotiation	11/30/2011

SECTION 3. ANTICIPATED CONTRACT SCOPE OF WORK

Attorneys must possess a thorough knowledge of applicable federal, state, and local laws, as well as rules and regulations pertaining to local government operations, all of which are paramount for this role and thus experience unique to the serviced entity is optimal, though not necessarily required in all cases.

The COA wishes to build capacity—through its A.F.E.A.T. programming—a collegial atmosphere within which younger and start-up attorneys may find meaningful work.

Attorneys must be able to properly interpret and make decisions in accordance with laws, regulations and policies; demonstrate the ability to analyze a variety of administrative problems and to make sound policy and operational recommendations, communicate clearly and concisely, verbally and in writing; and recommend, when appropriate, supervision, training, and evaluation of assigned staff.

Any attorney must agree, and be able to certify, that he or she has no conflict of interest in representing the City as an organizational client, which may be different from conflicts analysis as to any individual public official, and will adhere to the following requirements:

A. Undertake legal matters as instructed by the City Attorney, which instruction shall be final and binding in all respects including but not limited to performance parameters, confidentiality, interpretation of existing law, policy, and strategy, unless violative of the Louisiana Code of Professional Conduct, law, or a written professional services contract.

B. Prepare legal documents suitable for presentation to the Administration, City Council, various courts and the citizenry which

advocate and protect the legal interests of the City of Alexandria, not individual officials, all consistent with *Rules of Professional Conduct*, Rule 1.11 (Organizational Representation).

C. Provide trial and/or appellate advocacy services before the various Courts and/or Administrative bodies as needed to protect the legal interest of the City.

D. Refrain from political activity that might compromise representation of any of the constituent components of government within the City. Be able to distinguish the line between this requirement and organizational components who may request services violative of the Alexandria City Charter, ordinances thereunder, or other state, local, or federal law; and then, be able to act appropriately, with discretion, and professionally to navigate such ethical quandaries.

Any approved contract shall cover professional services and provide compensation at the base rate beginning at One Hundred Dollars (\$100.00) per hour, or any special rate as authorized by and in the sole discretion of the City Attorney depending upon the legal needs of City of Alexandria. The City Attorney shall compile within this period a general service schedule for attorneys, the majority of which shall not exceed One Hundred Twenty-Five Dollars (\$125) per hour.

The Attorney shall submit itemized invoices for services rendered on or before the 5th day of each month.

The maximum amount which can be billed to the City under this Contract may be set per month, which may be rolled forward to the succeeding month; provided, however, that in no case shall billed services exceed any caps established by the City Attorney, if a cap is established as may be the case in certain circumstances.

It is specifically understood that the City will not monitor the limits on annual service, and it is the obligation of the Attorney to do so and obtain in writing a waiver if it appears the limit will be exceeded in a year's time.

No promise by any person, not made in writing and properly approved, shall be sufficient to waive this requirement, and reliance thereon is at the risk and peril of the Attorney.

The Attorney will be reimbursed all reasonable out of pocket expenses, including the costs of court, experts witnesses (retained only after approval by the City Attorney), copies, telephone charges, depositions, and any other expenses necessary to advocate the legal position of the City of Alexandria—including approved travel.

Attorney may not assign any interest in this contract, and shall not transfer any interest without prior written consent of the City of Alexandria, including to any law firm, partnership, limited liability company, Legal Corporation, or any other juridical entity which may be the successor of any contracted professional.

Attorney will expressly agree and acknowledge that the Professional is an Independent Contractor as defined in R.S. 23:1020(5) and, as such, it is expressly agreed and understood between the parties that the City of Alexandria shall not be liable to any Professional or Professional's employees for any benefits or coverage provided by the Workman's Compensation Laws of the State of Louisiana.

It shall be expressly agreed and understood between the parties entering into any agreement that Attorney and any employees, acting as an independent contractor, shall not receive sick, annual leave, or disability benefits from the City of Alexandria.

Attorney acknowledges that the City of Alexandria has authorized a specific budget for legal services, which is administered by the City Attorney. You will agree not to accept an assignment from the City of Alexandria without the knowledge of the City Attorney and receipt of a notice to proceed from the City Attorney. You must acknowledge that failure to obtain said notice to proceed may result in non-payment of invoices for the services provided and expenses incurred by you.

Attorney agrees to maintain sufficient professional and general liability

insurance and provide continuing proof of same to the City. Attorney further agrees to defend, indemnify, and hold harmless the City of Alexandria, its officers, agents, employees, and assigns from and against any and all claims, actions or causes of action, damages and liabilities arising out of Professional's negligent acts, errors, or omissions in performing the contract services.

SECTION 4. QUALIFICATION AND SUBMISSION REQUIREMENTS and INSTRUCTIONS

4.1 Minimum Personnel Requirements.

There are no personnel requirements except that certain defense work in complex litigation may require the City to hire at least one firm with sufficient personnel to meet its demands and needs. Individuals should have a law degree from an accredited institution and have successfully passed the Louisiana State Bar Exam and currently hold an unrestricted license to practice law in the State of Louisiana.

Appropriate malpractice insurance must be maintained with proof of same to the COA. Although negotiable, a minimum of \$500,000 is preferred, with at least \$1,000,000 optimal. However, for certain work applied for, the minimal limits may be less than \$500,000, but this may determine the types of case assignments which in turn might affect earning capacity with the COA.

Internships and clerkships are not fully embraced by this RFQ although those opportunities are available with the COA. Any attorney or trained legal professional not yet possessing a license may submit and request consideration for externships, internships, and clerkships, to the extent any of those are available.

4.2 Qualification Format.

To achieve a uniform review process and obtain the maximum degree of comparability, the qualification shall be organized in the manner specified below.

Qualifications shall not exceed five (5) pages in length (excluding resumes, title page(s), index/table of contents, attachments, or dividers). Information in excess of that allowed will not be evaluated. One page shall be interpreted as one side of single-spaced, typed (minimum 12-point font size) 8 ½" X 11" sheet of paper.

4.3 Title Page (1 Page).

Show the RFQ title, the name of your firm, address, telephone number(s), name of contact person, and date.

4.4 Letter of Interest (Limited to 1 page).

A. Identify the RFQ project for which qualification has been prepared. Affirm your compliance with Section 4.1.

B. Briefly state your understanding of the services to be performed and make a positive commitment to provide the services as specified. You may include representative clients, but, if so, please ensure they are aware and will answer general questions about your engagements.

C. Provide the name(s) of the person(s) authorized to make representations for you, their title(s), address, and telephone number(s).

D. The letter of each qualification must be signed by a corporate officer or their individual who has the authority to bind you. The name and title of the individual(s) signing the qualification must be clearly shown immediately below the signature. The initial response, or letter of interest (LOI), shall contain a statement of intent, purpose, and attestation of understanding of Sections 1.3 and Section 2.

4.5 Curriculum Vitae (No Page Limit)

Please provide with the LOI your current resume/C.V.

4.6 Qualifications Submission (Five Pages)

Applicants wishing to provide additional information to Sections 4.4 and 4.5 may do so as provided for in this RFQ. Although not required, the additional submission of a full Qualifications statement will enable the COA to make value judgments beyond the LOI and your C.V. All applicants should organize the Qualifications (and LOI) in a manner maximizing address of the four key areas in Section 2.1.

Proprietary information must be noted as such, clearly marked in ALL CAPS and segregated from the rest of the material. You may wish to note this in your application for easier reference. A full Qualification response (or LOI) might include additional address of:

- Municipal history and representation experience
- Statements from representative clients
- Firm capacity and personnel highlights
- Various forms of electronic media familiarity and expertise
- Representative trials of special note
- Board certified expertise
- Other local contributions
- Civic and charitable work
- Special fee commitments and incentives to gain commitment of public employer/cost containment and reduction methods
- Initial reduced rate for trial period
- Statement of Competitive Advantages



Charles E. "Chuck" Johnson Jr.
City Attorney, City of Alexandria
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**CERTIFICATION #1
(Policy for Consulting)**

There exists a declared need for professional services outside the scope of what the city can provide regarding legal services as currently on staff with the City.

There is a council directive to engage in a study of in house counsel versus the use of outside attorneys. This RFQ process and surveys will aid in these determinations.

There is a need for professional services for a highly specialized and particular need within the City, that of legal services.

The City is under further directive to reduce legal costs and utilize across-the-board cost cutting measures with regard to all professional consultants.