



REQUEST FOR PROPOSALS

FOR

**CRIMINAL PROSECUTORIAL LEGAL
SERVICES**

SEPTEMBER 2009

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The City of Northfield is soliciting proposals for criminal prosecutorial services from qualified law firms. Preference will be given to those submittals demonstrating experience in this area of municipal law. The successful applicant(s) shall possess sufficient resources to ensure that the demands for the City's legal needs will be met on a timely basis. The relationship would be on a consulting or contractual basis, as opposed to a staff position. The City will be awarding a three-year contract, with two one-year renewal options for these services.

Included in this RFP are a more detailed description of the services to be provided, an outline of the proposal requirements, a description of the proposal review process, and a description of required contract ethics.

In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts with City staff or City Council regarding these proposals. Failure to comply with this request may result in disqualification of the proposal. If there are questions regarding this process, they should be directed to: Joel Walinski, City Administrator, 801 Washington Street, Northfield, MN 55057 (507) 645-3009 or joel.walinski@ci.northfield.mn.us. Written questions regarding this RFP may be sent via e-mail to joel.walinski@ci.northfield.mn.us prior to the submission deadline. Responses to the questions will be shared with all interested responders who have requested an RFP.

Proposals received after the deadline will not be accepted. It is neither the City of Northfield's responsibility nor practice to acknowledge receipt of any proposal. It is the responder's responsibility to assure that a proposal is received in a timely manner.

The City will not reimburse any expenses incurred by the responder including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

The City of Northfield reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interests of the City.

Public Records and Proprietary Material

Respondents are required to complete the attached Form Of Consent For Release Of Response Data (Exhibit "A"). Respondents should be aware that any records they submit to the City, or that are used by the City even if the respondents possess the records may be public records. The City will promptly disclose public records upon request unless a statute exempts them from disclosure. Proponents should also be aware that if even a portion of a record is exempt from disclosure, generally, the rest of the record must be disclosed. *Exemptions, including those for trade secrets and "valuable formula," are narrow and specific. Proponents should clearly mark any record they believe is exempt from disclosure.*

Upon receipt of a request for public disclosure, the City will notify the proponent of any public disclosure request for the proponent's submittal. If the proponent believes its records are exempt from

disclosure, it is the proponent's sole responsibility to pursue a lawsuit to enjoin disclosure. It is the proponent's discretionary decision whether to file such a lawsuit. However, if the proponent does not timely obtain and serve an injunction, the City will disclose the records, in accordance with applicable law.

COMMUNITY/POSITION HISTORY

Northfield is a rapidly growing, full service city of approximately 19,859 people located within a forty-five minute drive of downtown Minneapolis/St. Paul. Northfield is a Charter City under Minnesota State Law. The City Council, which governs the city, is made up of a Mayor and six Council Members; each have one vote on the City Council and each serve a four year term with two Council members being at large and four being ward representatives. The City Administrator reports to the City Council and is responsible for managing the operations of the city.

The city employs approximately 90 full time/part time benefited employees and approximately 50 part time/seasonal non-benefited employees. Police protection is provided by 23 licensed peace officers and fire protection is provided by 36 paid on-call firefighters. Unionized employees are represented by four (4) separate bargaining units.

The total 2009 budget for the City is \$26,282,265 million, with the General fund budget at \$10,810,995.

The City has 17 boards and commissions including a Charter Commission, Design Advisory Board, Economic Development Authority, Environmental Quality Commission, Grace Whittier Fund Committee, Heritage Preservation Commission, Hospital Board, Housing and Redevelopment Authority, Human Rights Commission, Library Board, Park & Recreation Advisory Board, Planning Commission and Zoning Board of Appeals, Rental Housing Board of Appeals, Building Code Board of Appeals, Arts & Culture Commission, Mayors Youth Council, and Mayor's Task Force on Youth Alcohol & Drug Use.

The City of Northfield currently uses the following firms/individuals for legal services:

- Maren Swanson, City Attorney & Tim Morisette, City Prosecuting Attorney, Lampe Law Group
- Mary Dyrseth, Briggs & Morgan - Bond Counsel
- Steve Bubul, Kennedy & Graven - Tax Increment Financing
- Roger Knutson, Campbell Knutson and Frank Madden, Frank Madden & Associates, for labor relations and employment law

SECTION ONE: SCOPE OF GENERAL LEGAL SERVICES

The law firm/attorney(s) are required to be knowledgeable in a variety of legal areas, including but not limited to:

- General municipal laws
- General state and federal laws relating to municipal government
- Ordinance and resolution development and interpretation
- Government Data Practices
- City Code issues
- Trial activity
- Criminal Prosecution

CRIMINAL PROSECUTION SERVICES COVERED BY RETAINER - The services and qualifications that are required by the City for criminal prosecution services covered by a fixed retainer fee include, but are not limited to, the following areas:

General

1. Meetings and/or telephone conversations with and advising Mayor, Council Members, City Administrator, Police Chief, and other authorized staff on general criminal legal matters.
2. Research and submission of legal opinions on municipal or other criminal legal matters requested by City Administrator, Police Chief or other authorized staff; availability to answer staff questions by telephone.
3. Legal consultation and general support for Mayor, Council Members, City Administrator, Police Chief and other authorized staff on general criminal legal matters.
4. Provide high level of customer service by responding in a prompt manner.
5. Prosecute all petty misdemeanor, misdemeanor and statutorily delegated gross misdemeanor offenses committed within the corporate limits of the City. This includes all such cases initiated by any law enforcement agency and citizen complaints including, but not limited to, traffic violations, DWI cases, theft and City Code violations.
6. Provide advice, consultation and training where required to the City's Police Department and to all other departments of the City in the interpretation and enforcement of statutes, ordinances and investigations of violations in connection with the prosecution of criminal cases.
7. Prepare criminal complaints where facts warrant.
8. Evaluate all cases where a plea of not guilty is entered and prosecute where warranted.
9. Prepare appropriate pre-trial notices as required.
10. Seek such additional investigation as required.
11. Negotiate and enter plea bargains where deemed advisable.
12. Represent the City at all pre-trial motions.
13. Perform all legal research and prepare briefs when required.
14. Try all jury and court cases.
15. Examine, evaluate and provide representation for all appeals to Appellate Courts.
16. Draft ordinances, ordinance amendments, resolutions, and correspondence as requested.
17. Review ordinances as requested.
18. Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.
19. Ensure proper notification and preparation of police officers and staff for trial.
20. Investigate and evaluate all claims by the City against others and recommend appropriate course of action, including, but not limited to: code enforcement issues and administrative citations.

21. Attempt collection of all proper claims including litigation where necessary and authorized by the City.
22. Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) administrative actions and administrative citations; and (2) code enforcement issues.
23. Assist in resolving claims not resulting in litigation.

SECTION TWO: INSTRUCTIONS TO PROPOSERS

1. Proposals should be submitted to Deborah Little, City Clerk, City of Northfield, 801 Washington Street, Northfield, MN 55057. Proposals should be received no later than 4:30 p.m. on September 30, 2009.
2. Eight (8) copies of each proposal should be submitted.
3. All proposals submitted must provide complete information as indicated in this request. Any other information that the respondent wishes to include for evaluation and consideration by the City as part of the proposal may also be included.
4. Questions regarding this request should be directed to City Administrator Joel Walinski, City of Northfield, 801 Washington Street, Northfield, MN 55057, 507-645-3009 or joel.walinski@ci.northfield.mn.us. In order to ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with City staff or City Council regarding their proposals.

SECTION THREE: REQUIRED CONTENTS FOR PROPOSALS

1. **Title Page** - Show the RFP subject: Provision of Criminal Prosecutorial Legal Services, the name of the respondent's firm, address, telephone number, e-mail, name of contact person, and the date.
2. **General Information**
 - Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
 - Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.
 - Include a current resume for each attorney who will be primarily assigned to City of Northfield. 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 your proposal.
 - Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
 - Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail address, and FAX number(s) of the firm.
 - Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of Northfield.
 - Provide an assessment of the availability of the attorney and other professional staff to be assigned to a contract with the City of Northfield. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
 - Provide a statement of how the workload of the City of Northfield would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of services section. The proposal should expand upon each item and set forth the firm's approach/ability to carry out each activity. Include a description of the proposed allocation of

work between the attorney(s) and support personnel identified (i.e. who will be the lead attorney and what work will be handled by junior partners, associates, or paralegals).

- Describe your legal library and research capabilities, with specific emphasis on municipal law publications, computer links, and the firm's capability to maintain a proposed response time for legal reports and memorandums.
- Describe malpractice insurance coverage: carrier, limits, and exemptions

3. **Knowledge and Experience** - Provide information demonstrating the knowledge and experience of the primary attorney that will be assigned to the City of Northfield in the following areas:
 - a. General municipal laws
 - b. General state and federal laws relating to municipal government
 - c. Ordinance and resolution development and interpretation
 - d. Government Data Practices
 - e. City Code issues
 - f. Trial activity
 - g. Criminal Law
 - i. Experience as a prosecuting attorney prosecuting criminal complaints on behalf of a unit of local government
 - ii. Knowledge of Police Authority issues
 - h. Municipal Litigation - Describe any municipal litigation handled in the last five years. Indicate the types of cases tried.
4. **Specialized Issues** - Any areas of specialty that may relate to municipal law may be outlined in this section.
5. **References** - Provide a reference list of three (3) recent (within five years) municipal clients. If municipal clients are not available, other major clients may be submitted. Particular attention will be given to municipal client references. Please provide contact information including, address, phone number and e-mail address.
6. **FEES** - Identify in your proposal the amount your firm proposes to charge for the following: Please provide billing information for a period of three years on the attached form. Fees for the two one-year extensions will be negotiated. Please note that the City of Northfield is requesting fees to be submitted with two options: Options "A": retainer plus hourly fees and Option "B" hourly fees for all work without a retainer.

OPTION "A" – RETAINER + HOURLY FEES:

RETAINER – Please quote a retainer fee to be charged for criminal prosecutorial services and the items noted herein that are to be covered by the retainer. 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.). Clearly note any "retainer" 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.

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Northfield covered by your proposal that fall outside the duties covered by the Retainer. 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.

OPTION “B” – HOURLY FEES ONLY:

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Northfield 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.).

The City requires detailed monthly billing statements that shall include but are not limited to the following items:

- a. Itemize the date of services
- b. Identify the attorney and/or support personnel providing the services.
- c. List the time spent for each service or activity by tenths of an hour.
- d. Provide a detailed description of the services performed.
- e. State the fees for those services.
- f. Organize billing for general corporate work by department, type of services, and/or project.
- g. Itemize all associated costs and expenses related to the services performed.

7. CONFLICT OF INTEREST STATEMENT

- Indicate whether your firm currently represents, or has represented any client where representation may conflict with your ability to serve as City Attorney for the City of Northfield.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Northfield.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Northfield.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

SECTION FOUR: SELECTION PROCESS/PROPOSAL EVALUATION AND CONTRACT AWARD

The City intends to award a contract to the respondent best qualified to perform the work for the City, cost and other factors considered. The City of Northfield reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal which furthers the best interest of the City.

The approval of the firm selected and the contract award will be made by the City Council.

A contract will be developed based on the information in the Request For Proposal.

Once a contract is awarded, the term of contract duration shall be subject to ongoing review and evaluation by the City Council and City Administrator.

Timeline

Action	Date
City Council Approval of RFP	September 14, 2009
Advertisement of RFP begins	September 15, 2009
Deadline for RFP	September 30, 2009 – 4:30 p.m.
Interviews	Week of October 5, 2009 *
Update to City Council at Work Session	October 12, 2009 *
Consideration of approval of selected firm and award of contract by the City Council	October 19, 2009 *
New contract begins	January 1, 2010

* Proposed dates

SECTION FIVE: CONTRACT ETHICS

1. No elected official or employee of the City who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.

2. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or council member, or for any City employee or council member to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
3. The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
4. The firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Northfield. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.

Exhibit A
REQUEST FOR PROPOSAL (RFP)
FORM OF CONSENT FOR RELEASE OF RESPONSE DATA

_____, 2009

City of Northfield
City Clerk
801 Washington Street
Northfield, MN 55057

Re: Request for Proposal: Attorney Services

Consent for Release of Response of Data

_____, on behalf of _____,
hereby consents to the release of its proposal in response to the Request for Proposals for Attorney Services and waives any claims it may have under Minnesota Statutes Section 13.08 against the City of Northfield for making such information public. The foregoing consent and waiver does not extend to financial statements, if any, submitted under separate confidential cover. Such information provided under separate cover may be public data, but will be treated by the City consistent with Minnesota Statutes Chapter 13.

Signature

Printed Name

Title

**Exhibit B
REQUEST FOR PROPOSAL (RFP)
PROPOSED FEES**

OPTION “A” – RETAINER + HOURLY FEES:

RETAINER – Please quote a retainer fee to be charged for legal services and the items noted herein that are to be covered by the retainer. 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.). Clearly note any “retainer” 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.

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Northfield covered by your proposal that fall outside the duties covered by the Retainer. 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.

	2010	2011	2012
Retainer fee (monthly amount)			
Hourly Rate for Primary Attorney			
Hourly Rate for Other Attorneys (Please name):			
Hourly Rate for Support Personnel (Name or title):			
Itemized fees (please describe):			
Minimum increments of time billed for each service (list):			

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
- Any other items related to fees that you feel are pertinent in the consideration of your proposal

OPTION “B” – HOURLY FEES ONLY:

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Northfield 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.).

	2010	2011	2012
Hourly Rate for Primary Attorney			
Hourly Rate for Other Attorneys (Please name):			
Hourly Rate for Support Personnel (Name or title):			
Itemized fees (please describe):			
Minimum increments of time billed for each service (list):			

Feel free to attach additional sheets to note:

- Description of other costs items, if needed
- Any other items related to fees that you feel are pertinent in the consideration of your proposal