



# Request for Proposals

## Canby City Attorney Services

City of Canby  
222 NE 2<sup>nd</sup> Avenue  
Canby, OR 97013  
502-266-4021

**SUBMISSIONS DUE BY: Friday, September 20, 2024, 11:59 pm**

# REQUEST FOR PROPOSALS

The City of Canby is accepting proposals for City Attorney Services to support the general legal needs of the City of Canby elected officials and city staff. Proposals will be received until **11:59 p.m. on Friday, September 20, 2024.**

## **Background**

The City of Canby, population 19,045, is a municipal governmental entity providing a diverse range of community services including police protection; current and long-range planning; construction and maintenance of streets, sewers, parks, cemetery, and stormwater infrastructure; transit services; library services; municipal court; aquatics and recreation; and special events. Canby also has an Urban Renewal Agency which undertakes projects in a designated Urban Renewal District.

The City of Canby is governed by a City Council comprised of a mayor and six councilors and employs approximately 110 staff. The city employs a full-time City Administrator who oversees the day-to-day activities of the city organization. The City Attorney and a Municipal Judge, join the City Administrator in reporting directly to the Mayor and City Council. All Directors report to the City Administrator.

In 2023, the in-house City Attorney resigned. In response, the City contracted with an outside firm on an interim basis while the City Council assessed its legal needs and decided whether to replace the in-house City Attorney or to contract out those services. The City Council decided to continue to contract these services and is now looking for a permanent replacement. The existing interim provider is interested in being re-considered and is expected to submit a proposal. The Council decided to see which firms or individuals could be a good fit for the City of Canby. The City Council also decided to keep its current contract arrangement with an outside City Prosecutor, so those services are not part of this scope of work.

The selected City Attorney will report to the Mayor and City Council, and work closely with the City Administrator and City staff on various City issues including, but not limited to providing legal aspects of general administration of City business; preparing and providing legal opinions; assisting with establishment of procedures; drafting and reviewing ordinances, resolutions, contracts, intergovernmental agreements, and other legal documents; advising the City with respect to the City Charter, City Code, Oregon land use law, and other aspects of the City's legal needs. Attached to this RFP is a list of the City Council's goals and objectives for 2024 to 2026 to see what is important to the City Council over the next couple of years.

## **1. REQUEST FOR PROPOSAL SUBMISSIONS**

### **1.1 Invitation**

The City of Canby is requesting Proposals from qualified members of the Oregon State Bar (hereinafter referred to as the "City Attorney") and interested in serving as the City Attorney for the City of Canby. This RFP contains the necessary information to understand the scope of work and responsibility, the selection process, and the required documentation for submitting a

Proposal. The RFP and related documents and addendum (if any are subsequently issued) may be obtained via the City’s website at [www.canbyoregon.gov](http://www.canbyoregon.gov).

### **1.2 Responses to Proposals**

All responses must follow the directions stated within this RFP. Adherence to these rules will ensure a fair and objective analysis of the Proposals. Proposals should be prepared simply and economically. Special bindings, colored displays, promotional materials, etc., are not necessary. Emphasis should be on completeness, brevity, and clarity of content. Proposals shall be submitted as detailed in Section 3.1 below.

### **1.3 Schedule**

|  |                                 |
|--|---------------------------------|
| Proposals Due:                         | September 20, 2024, at 11:59 pm |
| Initial Proposal Review:               | September 23 – 27, 2024         |
| Identification of Finalists:           | October 2, 2024                 |
| Finalists Interviews:                  | October 9, 2024                 |
| Notice of Intent to Award:             | October 23, 2024                |
| Contract Negotiations:                 | October 25, 2024                |
| Contract/Ord (1 <sup>st</sup> Reading) | November 6, 2024                |
| Contract/Ord (2 <sup>nd</sup> Reading) | November 20, 2024               |

\*These dates are approximate and subject to change at the sole discretion of the City.

### **1.4 Issuing Office**

All correspondence and questions pertaining to this RFP should be directed to Maya Benham, Administrative Director/ City Recorder, City of Canby, 222 NE 2<sup>nd</sup> Avenue, Canby, OR 97013, [benhamm@canbyoregon.gov](mailto:benhamm@canbyoregon.gov), 503-266-0720. If necessary, interpretations or clarifications will be made by issuance of addenda posted to the City’s website.

### **1.5 Addenda**

The City may issue addenda to this RFP that update or modify RFP requirements. Agents are responsible for checking the City of Canby website, [www.canbyoregon.gov](http://www.canbyoregon.gov) to determine if addenda have been added. Any addenda issued must be acknowledged by submitting a Mandatory Addenda Form which will be attached to each Addenda. Only questions answered by formal written addenda are binding. Oral and other interpretations or clarifications will be without legal effect.

### **1.6 Proposal Withdrawal**

Any Proposal may be withdrawn at any time before the “Proposal Due” date and the time specified in Section 1.3, Schedule, by providing a written notice of the withdrawal of the Proposal to the City. A duly authorized representative of the firm shall provide the notice. Withdrawal of a Proposal will not prejudice the right of the Proposer to file a new Proposal on this or future projects.

### **1.7 Rejection or Acceptance of Proposals**

The City may reject or accept any or all Proposals or parts thereof, submitted in response to this RFP. The City expressly reserves the following rights to:

- Disregard any or all irregularities in the Proposals.

- Reject any or all of the Proposals or portions thereof upon finding it is in the public interest to do so.
- Base award with due regard to the quality of services, experience, compliance with the RFP, and other factors as may be necessary under such circumstances.
- Reject all Proposals and re-advertise at the City’s sole discretion.

**1.8 Selection of City Attorney**

Minimum Qualifications

The most senior individual must have at least 5 years of legal experience in the field of municipal government, or similar field. All members of the team assigned to the City must be members in good standing with the Oregon State Bar.

Evaluation Process

The successful City Attorney shall be selected by the following process:

- The City Council will evaluate submitted written Proposals.
- The Council will evaluate the written Proposals based on information submitted according to the evaluation criteria and minimum qualifications.
- A short list of City Attorneys may be selected for interviews.
- Council will review materials and follow the dates listed in Schedule 1.3, to appoint a City Attorney.

Evaluation Criteria

- Overall experience, background, qualifications.
- The ability to understand the legal requirements of the City of Canby, state agencies, and other entities whose laws and requirements affect City business.
- The approach in the Proposal and extent to which it is thorough, original, comprehensive, and tailored to the needs of the City.
- The nature and extent of prior experience in performing legal services for general purpose local governments.
- Relevant expertise outside traditional municipal legal functions.
- Demonstrated skill in establishing and maintaining effective working relationships with elected officials, local government staff, and the public.
- Firm and assigned member qualifications.
- Fee proposal and structure.

Proposals will be ranked according to the following:

- |                               |                         |
|-------------------------------|-------------------------|
| • Management and Organization | 25 Points               |
| • Key Personnel               | 25 Points               |
| • Public Sector Experience    | 25 Points               |
| • Fee Structure               | 15 Points               |
| • Other Relevant Experience   | 10 Points               |
|                               | <b>Total 100 Points</b> |

The City Council reserves the right to select a short list of the highest scoring proposers for interviews. Interviews will be ranked based upon the following:

- |                              |           |
|------------------------------|-----------|
| • Understanding and Approach | 50 Points |
|------------------------------|-----------|

- Law Firm/Attorney capabilities

50 Points  
Total 100 Points

### Review

Following the Notice of Intent to Award, Proposers who are not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the City Council.

### Protest of Contract Awards

Protests may be submitted to the City Administrator only from those Proposers who would be awarded the contract if their protest was successful. Protests must be in writing and received by the City Administrator within seven (7) calendar days, UNLESS OTHERWISE NOTED, following the issue date of the City's Notice of Intent to Award. The protest must specifically state the reason for the protest and show how its Proposal or the winning Proposal was mis-scored or show how the selection process deviated from that described in the solicitation document. No contract will be awarded until the protest has been resolved.

### **1.9 Insurance**

All attorneys assigned to the City must provide insurance from the Oregon State Bar's Professional Liability Fund in an amount no less than \$2 million. Attorney/firm must maintain Commercial General Liability, Automobile, and Professional Liability Insurance appropriate to the legal profession.

### **1.10 Execution of Contract**

Any contract stemming from this RFP process will require authorization by City Council. The contract should be signed within a week of Council award of the contract. A copy of the City's standard attorney services contract is included with this RFP. The final contract will incorporate the terms and conditions from this RFP document and the successful Proposer's response documents. The term of the contract shall be negotiable but will be at will. The contract may be terminated by either party with 30-days' notice of termination.

### **1.11 Public Records**

Any materials submitted by the Proposer shall become the property of the City unless otherwise specified. During the evaluation of Proposals and the selection of the City Attorney, the Proposals shall be confidential. After the selection process has been completed, the Proposals shall be open to public inspection. Proposals should not contain any information which the Proposers do not wish to become public. If it is necessary to submit confidential information in order to comply with the terms and conditions of the RFP, each page containing confidential information should be clearly marked "NOT FOR PUBLIC DISCLOSURE CONFIDENTIAL TRADE SECRETS." The City accepts no liability for the inadvertent or unavoidable release of any confidential information submitted, and any claims arising out of any public record request for such information shall be at the Proposer's expense.

### **1.12 Federal/State/Local Requirements**

The selected Proposer shall comply with all Federal, State and local laws, regulations, executive orders and ordinances applicable to the work under this contract. In addition, the Proposers agree to comply with:

- Title VI of the Civil Rights Act of 1964;
- Section V of the Rehabilitation Act of 1973;
- The Americans with Disabilities Act of 1990 and ORS 659.425;
- All regulations and administrative rules established pursuant to the foregoing laws and;
- All other applicable requirements of Federal and State civil rights and rehabilitation statutes, rules, and regulations Proposer is subject to the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires the provision of Worker's Compensation coverage for all employees working under this contract. The City's programs, services, employment opportunities and volunteer positions are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, disability, or political affiliation.

### **1.13 Payment**

The City will pay the City Attorney under contract for services performed based on the approved rates, the scope of work completed and anticipated reimbursement expenses. The City will make monthly progress payments within thirty (30) calendar days following receipt of properly itemized invoices. Payment for extra work not described in the scope of services will only be made when authorized in advance and in writing by the Administrative Director/ City Recorder prior to such work being performed by the City Attorney.

### **1.14 Incurred Costs**

The City is not liable for any costs incurred by Proposers in the preparation and/or presentation of their Proposals.

## **2. SCOPE OF WORK**

### **2.1 Employment Relationship**

The City Attorney will not be eligible to receive any benefits, vacation, sick leave, or other benefits of City employees. The applicant and all team members assigned to the City will be subject to any necessary and appropriate investigations to verify their information, including but not limited to criminal history, educational history and/or personal financial history, as well as other background checks, and a check on their history with the Bar, including disciplinary history and any pending claims filed with the Bar.

### **2.2 Services**

The City will accept and review proposals from firms to provide services at either an hourly rate or on retainer. The City Attorney shall provide adequate personnel and resources to accomplish the responsibility of being the City Attorney. The City Attorney will be responsible for City legal representation as authorized by City Council. Authorization to perform specific tasks will come from the Mayor, City Council, City Administrator, or other persons directly authorized by the same.

#### Routine Legal Services

The City Attorney will provide City with the following routine services under a monthly retainer or at an hourly rate.

- Attend regularly scheduled Canby City Council meetings. A preference will be given for Proposers with experience in parliamentary procedures; please note this experience in the Proposal.
- Attend other meetings of the Canby City Council, Urban Renewal Agency (URA), and Planning Commission.
- Provide legal counsel to City staff, Planning Commission, and City Councilors in areas of administrative law, contract law, land use law, municipal court and other areas of municipal law.
- Prepare or assist in the revision of City ordinances, resolutions, contracts or other legal instruments or documents of the City.
- Assist law enforcement and administrative staff in enforcing municipal ordinances.
- Represent the City in intergovernmental relations as appropriate.

### Non-Routine Services

The City Attorney will provide the City additional legal services outside monthly retainer, which include but not necessarily be limited to:

- Litigation and threatened litigation.
- Proceedings before state and federal courts, and administrative tribunals.
- Proceedings before state and federal administrative agencies.
- Proceedings before LUBA and other state administrative units.
- Labor/Employment law (if the firm provides these services)

Special services will be those services not contemplated in the ordinary course of the general retainer agreement but will be mutually agreed upon by the parties during the course of the contract.

Services performed by Attorney for City do not include:

- Work involving bond issues.
- Areas of special expertise requiring outside counsel as the parties may mutually agree.

### **2.3 Attorney Evaluations**

The performance of the City Attorney may be evaluated at the request of City Council.

Evaluations will be based upon a review of the following:

- Accessibility.
- Timeliness.
- Understanding and addressing staff and Council needs.
- Communication of legal information.
- Clarity of the work product.
- Assistance to staff in addressing legal concerns.

## **3. PROPOSAL REQUIREMENTS**

### **3.1 Proposal**

Proposals for the City Attorney position will be received by the City of Canby until Friday, September 20, 2024, at 11:59 pm, local time. Proposals will not be received after such date and time. Proposals shall be submitted electronically.

Electronic submittals shall be sent in pdf format to [benhamm@canbyoregon.gov](mailto:benhamm@canbyoregon.gov), with a subject line: "Proposal for City Attorney Services".

In the event that electronic Proposals are too large to email, a file transfer protocol (FTP) or similar file sharing service shared to the email listed will above, or a USB Drive mailed, or hand delivered, to the physical address above will suffice. All Proposals must be received by the date and time listed above to be considered responsive.

To receive consideration, submit Proposals in accordance with the following instructions. Proposals should be prepared simply and economically, providing a straightforward, concise description of Proposer's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.

The City recognizes that in the submittal of Proposals, certain information may be proprietary to the City Attorney and that the safeguarding of such information is necessary. Accordingly, the City will make every effort to prevent any disclosure of data supplied by any City Attorney where the Proposer identifies those portions of its Proposal that are proprietary. See Section 1.11, Public Records.

All requested forms and attachments must be submitted with the Proposal and in the required format. The submission and signing of a Proposal shall indicate the intention of the firm to adhere to the provisions described in this RFP.

### **3.2 Proposal Format**

Electronic Proposals shall be submitted as described in Section 3.1. Respondent's Proposal should include the following items in the following sequence and any additional information you deem relevant:

1. Cover letter addressed to the Canby City Council, signed by a duly authorized representative. The cover letter should include contact information for the person or persons authorized to execute a contract with the City.
2. An executive summary stating the professional experience and qualifications that qualify the Proposer to provide City Attorney services to the City of Canby, including:
  - A statement of the Proposers understanding of the services to be performed.
  - Qualifications and experience the Proposer has with providing City Attorney services to municipalities, specifically in Oregon; familiarity with Federal, State, and Local laws and regulations; familiarity with Oregon Land Use Law and experience handling land use matters; familiarity with the Canby Municipal Code, Ordinances, and Resolutions; and other applicable qualifications and experience that qualify Proposer for this position.
  - Background of the Proposer. This should include a history of the Proposer and types of services they are qualified to perform and experienced in performing.
  - Attorney qualifications and experience for the individual or team that is anticipated to be assigned to the City, including education, training, and experience. Resumes for these individuals should be included.



3. Describe Proposer's capability and availability to provide services to the City; this includes availability to attend Council, URA, and Planning Commission meetings in-person or remotely.
4. Provide at least two examples of complex issues you or your firm has successfully handled for municipal or other public agency clients.
5. Names and phone numbers for references. Please list at least three, preferably local government agencies that the Proposer has worked with in the last five years. Include:
  - Name, address, and contact information for the organization.
  - Name, address, and contact information for the primary point of contact the Proposer worked with at the organization.
  - A general description of services provided to the organization.

Following City Council Proposal review and interviews, the City will be contacting references regarding performance of services, compliance with contractual obligations, working relationship, and other items related to performance under the contract and experiences working with Proposer.

6. Complete fee structure, including travel time, billing rates, and minimum billable hours (the minimum increment of time at which the Proposer bills). Please include hourly billing rates, individual rates for each team member assigned to the City and reimbursables for non-legal services. Alternatively, if a retainer is proposed, the amount and any exceptions to the retainage.
7. Any signed Mandatory Addendum Form(s) issued.
8. Provide any other information or comments which you believe are relevant and will assist the City in making its selection.

Note: Additional information may be requested to conduct a criminal background check, including an entire history check, disciplinary history and any pending claims filed with the Bar.