

**CITY OF CARO  
REQUEST FOR PROPOSALS  
LEGAL SERVICES (CITY ATTORNEY)**

The City of Caro, Michigan is accepting bids from firms and/or individuals interested in providing legal services (city attorney). Sealed bids must be submitted to City Manager Matthew Lane, City of Caro located at 317 S. State Street, Caro, MI 48723 **on or before 11:00 a.m. on March 5, 2021**. The bids will be opened and read aloud at that time. Please mark the sealed envelope as "LEGAL SERVICES (CITY ATTORNEY)". Request for Proposal document package containing bid guidelines may be obtained on the city's website at [www.carocity.net](http://www.carocity.net) under "Announcements" or may be arranged to obtain by mail/email or in-person appointment by contacting the City Clerk at (989) 673-7671 or via email at [ssavage@carocity.net](mailto:ssavage@carocity.net).

CITY OF CARO  
TUSCOLA  
COUNTY

REQUEST FOR PROPOSALS  
LEGAL SERVICES  
(CITY ATTORNEY)

PROPOSALS DUE: ***FRIDAY  
MARCH 5, 2021 AT 11:00 AM***

**CITY OF CARO, TUSCOLA COUNTY**  
**REQUEST FOR PROPOSALS**  
**LEGAL SERVICES**

**Background**

The City of Caro is a hub of Michigan's Thumb region. The economic center and county seat of Tuscola County, the community is home to an ethanol bio-refinery, sugar beet processing plant, many small businesses focused on retail, professional, industrial and agricultural services. While the City contains small medium-to-high density neighborhoods, it is surrounded by agricultural lands and many active farms. The City is involved in a number of development activities and is working on high profile projects within the city and outside the city in partnerships with the surrounding townships, school districts and the State of Michigan. The city is governed by a six-member council and an independently elected mayor operating under the Council-Manager form of government. The city was incorporated in 2009 with the adoption of its current city charter. The rural community of over 4,000 residents is a full-service community with Police, Fire, Water, Wastewater, and Public Works services. The city has two collective bargaining units representing police officers (POLC) and administrative staff, DPW and Wastewater employees (AFSCME). The city manager is the chief administrative officer and is responsible for the day-to-day operations of the city government. The city manager will be the main point of contact for the city attorney.

**Overview of the Process**

The City Council has determined that it wishes to seek a Request for Proposal for Legal Services (City Attorney). The City will receive sealed proposals for Legal Services consistent with the outline and request for information contained herein. Sealed bids must be submitted to City Manager Matthew Lane, City of Caro located at 317 S. State Street, Caro, MI 48723 on or before 11:00 a.m. on March 5, 2021. The bids will be opened and read aloud at that time.

A five-member review committee consisting of the City Manager, City Clerk, City Assessor and two members of City Council will review all submittals in response to the Request for Proposals for Legal Services. If necessary, the committee shall meet to review and/or discuss said submittals and, at their discretion, may schedule and conduct interviews of one or more submitting firm(s) or individual(s). Within thirty days of receiving the proposals or as soon thereafter as possible, the committee will bring to the entire City Council its recommendation of the most qualified and appropriate candidates for legal services. At that time, the City Council may conduct any further investigation deemed necessary. The City shall not be obligated to accept the lowest price proposal but will make an award to the firm or individual it believes is in the best interest of the City after all factors have been evaluated. Selection of the City's law firm or attorney will be made by a majority (at least 4) vote of the City Council.

The City of Caro reserves the right to reject any or all proposals, waive technicalities, and make the award which is in the best interest of the City.

### **Scope of Work**

The City of Caro is seeking a qualified, experienced law firm or individual to provide legal services in the following area: General City Legal Services (City Attorney). While it is the City's desire to consolidate as much of its legal services with one law firm or individual, the City reserves the right to select and/or retain separate counsel for particular areas of expertise and/or projects (i.e. labor attorney). All submittals should indicate which of the legal services the firm or individual is submitting a response and quote. However, the anticipated scope of work which should be addressed in the submittal for legal services, include but are not limited to:

1. At the direction of the City Manager and/or City Council, attend regular and/or special City meetings, executive sessions, special meetings, and meetings of various boards, departments, and commissions. Regular City Council meetings generally occur on the first and third Monday at 7:30 p.m. of each month; the City Attorney should be available to attend at least one meeting per month or on an as-needed basis. Meetings typically last between 1 and 3 hours.
2. The city attorney shall prepare or review all ordinances, regulations, contracts, bonds, and other such instruments as may be required by city charter, city council, or the city manager, and shall promptly give his or her opinion as to the legality thereof.
3. Prepare and/or review all contracts for professional service agreements and any other contracts entered into on behalf of the City; including collective bargaining agreements.
4. The city attorney shall prosecute ordinance violations and shall represent the city in cases before the courts and other tribunals. In such instances as the council shall direct, he or she shall defend officers and employees of the city in actions arising out of the performance of their official duties.
5. Represent the City in all matters related to environmental regulation, intergovernmental relationships, zoning and development issues, and all other matters related to proposed developments before the City Council, Planning Commission or any other Board of the City;
6. Prepare, review, and otherwise consult the City regarding all issues regarding bonds, annuities, election law, property tax law, assessing, personnel, collective bargaining and financial matters of the City;
7. Other duties include: review and prepare all resolutions for special assessments; assist Assessor when necessary including appearance, prosecution, and defense of cases before the Michigan Tax Tribunal and/or State Tax Commission; advise in matters of the various Boards and Commissions at the request of the City Council or City Manager; represent the City as directed by the City Council or City Manager; review and provide consultation to the City on various insurance matters; and otherwise represent the City as specifically requested and/or approved by the City Council or City Manager.
8. Assist the City Clerk Treasurer, when necessary, in responding to Freedom of Information Act requests.

9. Represent the City in all legal matters not handled by the City's insurance carrier before all State and Federal Courts including Trial and Appellate representation.
10. The city attorney shall comply with the Michigan Rules of Professional Conduct.
11. If a firm is appointed to provide legal services as the city attorney, they shall designate one main contact to be named as city attorney, regardless of who will be conducting a majority of the work on behalf of the City.
12. The city attorney serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members.

### **Minimum Qualifications for City Attorney**

Successful candidates for City Attorney shall, at a minimum, possess the following qualifications:

1. Possess a Juris Doctorate degree from an American Bar Association accredited college or university.
2. Possess a valid license to practice law within the State of Michigan. Shall be licensed in Michigan for a minimum of ten (10) years.
3. Possess considerable knowledge and experience in municipal law and municipal legal issues.
4. Possess considerable knowledge and experience in contract law.
5. Possess considerable litigation and jury trial experience.
6. The law firm or individual must disclose any conflicts of interest to their accepting an award of the contract, and if a conflict of interest exists, the manner in which said conflict of interest would be rectified, if said contract is awarded to the law firm or individual.

### **Elements to be Included in Proposals for Legal Services**

At a minimum, the following information must be included in the proposal for services. Please provide the firm's or individual's response to each of the following elements on a separate page(s) of your response and in the order stated:

1. Scope of services to be provided to the City (should be the same as those outlined under the "Scope of Work" section of this RFP). If for any reason the law firm is unable or unwilling to perform any particular duty required under the "Scope of Work" section, please specify the area not being submitted as part of the RFP. Please note, the City Council may decide to retain its current counsel or select different counsel for the different areas of services requested (i.e., labor, prosecutions). If for any reason the City's decision to select or retain multiple firms for specific services

will affect your overall proposal/submittal, please specify how your proposal will be so affected.

2. Background of the law firm or individual, including areas of specialty, number of years in business, and other relevant information. Please specify the number of qualified lawyers who may be performing services on behalf of the City and attach resumes for same.
3. Complete professional resume and work-related references (preferably municipal references) for the individual(s) being proposed to serve as City Attorney(s).
4. Synopsis of at least five documented cases relevant to the City's scope of services argued by the proposed personnel and status of outcome.
5. A sample statement that the firm will provide to the City of Caro detailing its billing. Said statement should break down the legal services costs by legal issue, time spent on each issue, prosecution and defense time spent in district court, circuit court, and on general legal work, and other relevant billing detail. Billing shall be prepared and submitted to the City on a monthly basis.
6. A statement of the hourly fee schedule for providing legal services and all other fees, including travel and other expenses to include at a minimum: all administrative fees, copier and facsimile fees, phone or other service related fees, and any and all other fees required to perform the duties of City Attorney.

The City encourages applicants to be creative in providing the most cost effective service. If an applicant can reduce its hourly rate based on more than one service being awarded, please specify what services must be awarded to permit the reduced hourly rate. Furthermore, any proposals for a flat fee arrangement must specify all conditions of the arrangement.

7. A statement that the City attorney will attend and be available for meetings of the City Council and the City's Boards as requested by the City Council, City Manager or their designee.
8. A statement that the law firm guarantees to maintain worker's compensation and unemployment compensation insurance coverage for its employees at all times while providing legal services to the City of Caro.
9. A statement that the law firm guarantees to maintain general liability and professional liability malpractice coverage for its employees of not less than \$1 million at all times and general liability insurance for not less than \$1 million per occurrence while providing legal services for the City of Caro.

### **Fee Structure**

In addition to the above, the City remains open to a variety of compensation approaches, including hourly rates and/or retainer rates with "add-ons." If the applicant wishes to provide a proposal for any definable service on a flat rate yearly basis, please specify in your proposal. Such a proposal should specify and define the specific work to be performed on a flat rate, the amount on an annual basis, and specify in detail any add-ons, additions or reductions contemplated within the proposal.

**THE CITY RESERVES THE RIGHT TO NEGOTIATE THE TERMS AND SCOPE OF LEGAL SERVICES IN THE BEST INTEREST OF ITS NEEDS. IT IS CONCEIVABLE THAT ONE ATTORNEY OR LEGAL FIRM COULD BE SELECTED FOR GENERAL LEGAL SERVICES AND A DIFFERENT ATTORNEY OR FIRM COULD BE SELECTED FOR A SPECIFIC SERVICE, SUCH AS LABOR AND/OR PROSECUTION SERVICES.**

**SUBJECT TO THE ABOVE, THE CITY ANTICIPATES ENTERING A FEE BASED AGREEMENT FOLLOWING SELECTION OF A QUALIFIED FIRM OR INDIVIDUAL FOR AN INDEFINITE PERIOD. THE AGREEMENT WOULD BE TERMINABLE UPON 30 DAYS WRITTEN NOTICE BY EITHER PARTY, WITHOUT CAUSE. BILLABLE TIME AND EXPENSES WOULD BE PAID IN ACCORD WITH THE CITY'S CURRENT POLICY. A PROPOSAL MAY INCLUDE A SUMMARY OF THE ANTICIPATED TERMS OF AN AGREEMENT, INCLUDING A STATEMENT OF GENERAL PHILOSOPHY ON THE ATTORNEY CLIENT RELATIONSHIP THE CITY MAY EXPECT.**

**FIVE (5) COMPLETE COPIES OF THE PROPOSAL MUST BE RECEIVED IN CITY OFFICES BY 11:00 A.M. ON MARCH 5, 2021. THE ORIGINALS AND COPIES MUST BE ADDRESSED TO MATTHEW LANE, CITY MANAGER, CITY OF CARO, 317 S. STATE STREET, CARO, MI 48723. EACH SEALED BID SUBMISSION MUST BE CLEARLY LABELED ON THE EXTERIOR OF THE ENVELOPE "LEGAL SERVICES (CITY ATTORNEY)"**

## NON-COLLUSIVE PROPOSAL CERTIFICATION

By submission of this proposal, the law firm certifies that:

1. This proposal has been independently arrived at without collusion with any other law firm or with any competitor or potential competitor.
2. This proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of proposals for this service, to any other law firm, competitor or potential competitor.
3. No attempt has been or will be made to induce any other person, partnership or corporation to submit a proposal.
4. The person signing this proposal certifies that he/she has fully informed themselves regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the law firm as well as to the person signing on its behalf.

**By:** \_\_\_\_\_

Its:

Address:

Contact:

On behalf of the City of Caro, thank you for responding to our request to provide legal services.

As you know, there are many qualified law firms and individual lawyers who are capable of providing the City with legal services. While your full response to the Legal RFP will be reviewed in its entirety, we are requesting that all responding firms provide a summary of their proposal for ease of review by the City Council. The requested document should be marked as "Addendum 1" and address each of the following topics:

|  |  |
|--|--|
| Firm/ Attorney Name:   |  |
| Primary/ Lead Attorney:  |  |
| Hourly Rate:<br>General City Services  |  |
| Alternate rate options:  |  |
| Additional Costs (copying charges, mileage, phone, etc.)   |  |
| Size of Firm:  |  |
| Primary/ Lead attorney's relevant experience and years of practice:                                  |  |
| State the areas of legal expertise in which the firm can provide a specialized attorney(s):          |  |
| State any conflict or other failure to meet the conditions of the Legal RFP (req'd insurance, etc.): |  |
| Brief Statement of firms' unique qualifications and benefits to the City of Caro:                    |  |
| References :   |  |

Please provide your response in the order and format provide above.

Again, thank you for providing a proposal for legal services. If you have any questions, please contact City Manager Matthew Lane at 989-673-7671 Ext 5225 or via email at [mlane@carocity.net](mailto:mlane@carocity.net)