

City of West Linn

Announcement

City Attorney Services - Special Counsel

Applications Due: Monday, May 4, 2015, by 12:00 p.m.

Introduction

The City of West Linn is an Oregon Municipal Corporation with a city manager form of government that operates under authority of the City's Charter. The City Council is requesting proposals to provide city attorney services to the City as Special Counsel to address particular land use issues associated with the City's approval of two conditional use permits. This position will be supervised by the City Council.

West Linn City Attorney Services

The City Attorney for the City of West Linn is Jordan Ramis, PC. The City Attorney is a charter officer under Section 23A of the City Charter. In addition, the City employs an in-house Assistant City Attorney, and the City Council obtains additional legal services to address conflict issues and obtain expertise when necessary.

Professional Requirements

- Receipt of a Juris Doctorate from an accredited law school;
- Active member of the Oregon State Bar, in good standing with no pending or unresolved disciplinary matters; and
- Valid insurance coverage under the Professional Liability Fund.

Experience and Knowledge Required

- A minimum of 5 years in the practice of law.
- Representation of government clients in local land use proceedings and before the Land Use Board of Appeals (LUBA).
- Expertise in Oregon Land Use law, including the practices of LUBA.
- Knowledge of enforcement procedures related to zoning code violations or violations of conditions of approval.

Skills Required

- Establish working relationships with city officials and employees.
- Effectively communicate and give legal advice to city officials and employees in both oral and written form.
- Analyze and apply laws and legal precedent to develop reasoned legal memoranda.

Additional Performance Expectations

- Attendance and Dependability. Special Counsel will be expected to return phone calls and emails within 24 hours on weekdays, and he or she will occasionally be required to attend Council Meetings on Monday evenings.
- Oregon State Bar Statement of Professionalism. Contractor is expected to abide by the Statement of Professionalism adopted by the Bar, available at this link and incorporated by reference into this RFP: http://www.osbar.org/_docs/forms/Prof-ord.pdf.

Scope of Services

West Linn seeks Special Counsel to perform the following tasks:

- Prepare a minimum of one legal memorandum addressing whether the City can enforce a construction schedule, and if so, the process for enforcement and the risks associated with enforcing or not enforcing a construction schedule.

- Evaluate the record of the Lake Oswego Tigard Water Treatment Plant and Pipeline conditional use permits, which consist of approximately 12,000 pages and multiple hours of hearings, to the extent necessary to respond to legal issues.
- Meet with city staff if necessary to obtain additional information about the land use proceedings.
- Attend Council Meetings on Monday evenings when necessary.
- Respond to questions from city officials and employees.
- Document work using an itemized statement of work done during the billing period on monthly invoices.

Contract Duration

The term of the awarded contract will end when the scope of work and any related tasks are completed. The initial term of the contract shall be for six months, and it may be extended in six month increments if mutually agreed upon by both parties. At the very latest, the contract shall terminate upon completion of the Lake Oswego Tigard Water Treatment Plant and Pipeline.

Application Requirements

In order to maintain the fairness and integrity of the selection process, it is important that proposals conform to the requirements of this section. Any information that is not specifically requested must be submitted separately as supplemental materials; supplemental materials are in addition to the application requirements and such materials may not be submitted in lieu of any of the requirements listed below. Please clearly label or number your responses to correspond with the label or numbers below:

1. Transmittal letter (maximum 2 pages). The transmittal letter should include:
 - a. Name, address, title, telephone, and e-mail address of the person or law office that would be responsible for the City contract.
 - b. The entity under which you practice law (i.e. sole practitioner, member of a firm, etc.). If a member of a firm, please state how many attorneys currently practice in your firm and the scope of your firm and its services.
 - c. Identify the main areas of law in which you practice.
 - d. Include a statement disclosing or denying any interest, financial or otherwise, that any employee or official of the City of West Linn may have in the proposing agency or proposed project.
 - e. A statement indicating the terms of your proposal will be valid for a minimum period of 90 days.
2. Memorandum (maximum 5 pages). The memorandum should state:
 - a. How you meet the experience, knowledge, skills, and performance expectations listed above in connection with this position, and any reasons you are particularly qualified to serve the City of West Linn given the information included in this announcement.
 - b. If there are any requirements or provisions contained in this Announcement that you believe are unfair, prejudicial, or limit competition, please explain your position.
3. Resume. Provide resume(s) demonstrating the experience, professional qualifications, and any certifications for each of the individuals who would be assigned to the City contract. Indicate whether you and/or your firm are licensed in Oregon.
4. Cost and budget. Prepare the cost you propose charging if awarded this contract. Please estimate the number of hours necessary to complete the tasks in the scope of work and any other legal tasks you think would be required. Requested expenses should also be listed.
5. References. Provide at least three references and contact information.

Announcement/Contract Limitations

1. Limitation and award: This Announcement does not commit the City of West Linn to award a contract, nor to pay any costs incurred in the preparation of the application. The City reserves the right to waive minor irregularities, accept or reject any or all applications received as a result of this Announcement, negotiate with qualified applicants, or cancel all or part of this Announcement, with no penalty to the City of West Linn, if doing so is in the public interest. Any protest or objection of award must comply with LCRBR 30.135 and/or 30.140.
2. Billing: The Contractor shall submit an invoice to the Finance Director or electronically to acctspayable@westlinnoregon.gov. Invoices may not be submitted more frequently than once per month. West Linn will make payment on a Net 30-day basis upon approval of the invoice for payment.
3. Validity period: Applications submitted to the City in response to this Announcement must contain a statement that the offer is valid for 90 days.
4. Conflict of interest: By submitting an application, the applicant certifies the following:
 - a. No officer, agent, or employee of the City of West Linn has a pecuniary interest in the announcement or has participated in contract negotiations on the applicant's behalf; that the application is made in good faith; and that the applicant is competing solely on his or her own behalf, or on behalf of a law firm or office listed in the application, and that the applicant has no connection to an unlisted lawyer or law office.
 - b. That the applicant has reviewed Oregon Rules of Professional Conduct 1.7 through 1.11 and certifies that accepting a contract under this Announcement will not present a conflict of interest with a current or past client.
5. Equal employment / nondiscrimination clause: Neither the City of West Linn nor its contractors will discriminate against a person, employee, or applicant based on race, color, religion, sex, national origin, marital status, familial status, gender identity, sexual orientation, disability that can be reasonably accommodated, or any other status protected by law. The City of West Linn fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. Please contact the City's Human Resources department for more information about Title VI compliance.
6. Exceptions to standard agreement: Attached to this Announcement is a copy of the City's standard personal services contract. It is provided for your information and should not be completed prior to contract award. Any suggested revisions to these contract terms must be explained in clear language, and you must draft and submit proposed alternative clauses in your application. The City is not required to consider exceptions to the standard agreement during contract negotiation and award.

Addenda and Selection Procedure

1. Addenda. Any amendments to this RFP will be in writing and will be issued to all persons or businesses that have indicated an interest to receive RFP addenda or have obtained the proposal materials. The addenda will be posted on the City's website and issued by email to the address furnished to the City by those responding to this announcement. Your proposal must acknowledge receipt of all addenda issued either when you submit your proposal or separately prior to opening. No proposal will be considered that is not responsive to any issued addenda.
2. Applications. The City will accept applications until Monday, May 4, 2015, at noon. The application must include all the requirements listed above.
3. Initial screening. The City shall evaluate the qualifications of all applicants responding to the announcement by the closing date and select qualified applicants to interview.

4. Interviews. Selected applicants will be interviewed by a selection team to determine capability, experience, and qualifications before making a final selection. The selection team will then select the most qualified proposal based on the evaluation criteria listed below.
5. Recommendation. On behalf of the selection team, City staff will make a recommendation to the City Council, in its capacity as the Local Contract Review Board (LCRB), for award of the contract based on the application and the interview.
6. Contract execution. If necessary, the City and the selected applicant shall refine the scope of services and negotiate any additional conditions. If the City and the selected applicant reach an agreement, the selected applicant will execute a professional services contract in substantially the same form as the contract attached to this announcement. However, if an agreement cannot be reached, the City may enter into negotiations with the next most qualified applicant.

Evaluation Criteria

Evaluation Criteria	Weight
1. Experience and ability to successfully deliver the scope of services	30%
2. Resume, licensing, professional training and certification	20%
3. Interview and References	20%
4. Cost of Services	20%
5. Adherence to specified application format	10%

Anticipated Timeline

The proposed timeline is subject to change at the City's sole discretion.

- All applications must be submitted by May 4, 2015, at noon.
- Review of applications will begin the week of May 4, 2015.
- Applicants will be contacted for interviews the week of May 4, 2015.
- The selected applicant will be recommended to the LCRB at the next available Council Meeting after interviews are completed.
- Execution of the contract will take place following the Council Meeting.

Sample Contract

A copy of the contract the selected contractor will be required to sign is watermarked "Sample" and available at <http://westlinnoregon.gov/citymanager/sample-long-form-personal-services>. The contract terms will include the scope of services and any special terms and conditions. The contract is not negotiable. Submission of a proposal constitutes agreement to the terms of the contract.

Application

Please email a copy of your application responding to this announcement no later than May 4, 2015, at noon to webmaster@westlinnoregon.gov with the subject line "Application for Special Counsel Services."

Deadline

Submittals are due on or before noon on May 4, 2015. Only email submissions will be accepted. The date stamp on the email will reflect the time your submittal is received by the City of West Linn. ###