

BRING YOUR DREAMS.



REQUEST FOR PROPOSALS:

City Attorney Services

City of Brookings, South Dakota

Purpose

The City of Brookings, a Home Rule Municipality, seeks Request for Proposals (RFP) proposals from qualified law firms or individual attorneys to provide legal services, including acting as City Attorney, on a contracted basis. Proposals must address the qualifications, experience, and approach to fulfilling the City's legal needs. To be considered, proposals must address each of the points requested in this document, including rates and fees. Rates and fees will be considered based on qualifications after initial consideration.

The person serving as City Attorney must be a licensed, practicing attorney in good standing of the State Bar of South Dakota and a member of the South Dakota Municipal Attorneys Association. The City Attorney may be associated with a firm. However, one individual will be identified for this position or to oversee this position and will be accountable for the scope of services, notwithstanding the delegation of responsibilities within a firm.

Anticipated Timeline

January 1, 2025	RFP Posted and Distributed to Prospective Law Firms
February 13, 2025	Deadline for RFP Submission
March 14, 2025	EXTENDED Deadline for RFP Submission
March - April	Vetting of Firms and Interviews
April	Contract and Fee Negotiation
April 22, or May 13, 2025	Appointment of Selected Firm at City Council Meeting

Scope of Services

The City Council annually appoints the City Attorney. The City Manager will provide day-to-day direction to the City Attorney. Experience with South Dakota municipalities and knowledge of South Dakota Municipal Law, open meetings, personnel law, utility law, and land use and zoning regulations is preferred. The City Attorney will provide comprehensive legal counsel to the City of Brookings, including but not limited to:

1. General Legal Counsel

- Provide legal advice to the Governing Body, and designated staff of the City.
- Prepare and review ordinances, resolutions, contracts, agreements, deeds, City Council agenda items, and other legal documents.
- Ensure compliance with federal, state, and local laws, including open meetings, public records, and personnel laws.
- Counsel the City on personnel matters including, but not limited to, employee grievances, personnel actions, unemployment hearings, and other personnel matters.
- May be a spokesperson for the City.

2. Municipal Operations

- Meet regularly with the City Manager and, as needed, with other City staff.
- Counsel on zoning, land use, annexation, and development issues.
- Represent the City in legal proceedings, including weekly Magistrate Court appearances for ordinance enforcement, litigation and appeals.
- Attend regular City Council meetings (typically twice a month), work sessions, and other required meetings.
- Perform regular research and updates on general areas of municipal and governmental law.
- Review agenda materials of all City Council meetings, and where necessary, provide legal input for items on the agenda.

3. Prosecutorial Duties

- Prosecute violations of municipal ordinances.
- Assist with the preparation of legal complaints and other prosecutorial documents.
- Provide guidance to City law enforcement on legal matters.

4. Specialized Knowledge

- Demonstrated expertise in Home Rule governance and thorough understanding of the Brookings Charter or the National Civic League Model Charter.
- Expertise in South Dakota municipal law and familiarity with the activities of the South Dakota Municipal Attorney Association.
- Provide regular updates on changes in laws and regulations impacting municipal operations.

5. Effective Public Relations

- The City Attorney must demonstrate the ability to work effectively with a wide group of people including Council Members, City staff members, Courthouse staff and Judges, Police Officers, attorneys and members of the public.

6. Other

- Represent the City in civil actions, administrative proceedings and legislative matters.
-

The City Attorney will be required to provide detailed, itemized billing on a monthly basis. To avoid misunderstanding, the City Manager may engage other law firms from time-to-time, for additional legal services. The City Attorney must be familiar with general municipal law and keep abreast of legislation affecting cities outside the scope of billable services.

Qualifications

Proposals should address the following criteria:

1. Licensure and Standing

- Active license to practice law in South Dakota.
- Member in good standing with the State Bar of South Dakota and South Dakota Municipal Attorneys Association.
- Disciplinary proceedings found to be meritorious in the last five years.

2. Experience

- A minimum of five (5) years of municipal law experience is preferred.
- Demonstrated expertise in land use, zoning, personnel law, contract law, and litigation.

3. Team Approach

- Proposals must designate a lead attorney and identify additional firm members who may assist. Firms should ensure more than one attorney is available to represent the City as needed.

4. Accessibility

- Timely responsiveness to inquiries and availability for consultation outside of regular meetings.

5. References

- Provide references from municipalities or comparable clients where similar services have been provided.
-

Proposal Requirements

Respondents must compile submittals in the following sequence:

1. Firm or Individual Information

- A cover letter signed by the authorized representative of the firm committing to providing the legal services described above.
- Name, address, contact information, and years of practice.
- Resume(s) of the designated legal firm, including the person identified to serve as City Attorney and supporting attorneys detailing education, experience, and municipal law expertise.
- Provide the office location to be used to fulfill the duties of the position and when the hours the office will be staffed by the City Attorney and supporting attorneys.

2. Experience and Qualifications

- Provide a complete list of all past and present municipal clients, including email and phone contact information.
- Provide a brief summary of the firm's or individual's experience in each of the following areas and your strategy for managing those areas in which your firm does not have experience and would need to outsource, such as:
 1. Business contracts and agreements.
 2. Ordinances and resolutions.
 3. Real estate matters, including deeds, easements, annexations, and condemnations.
 4. Open meetings and open records.
 5. State law as it pertains to municipalities.
 6. Personnel matters.
 7. Zoning and development processes.
 8. Public Safety.
 9. Public Utilities.
- Within the past five (5) years, have any disciplinary investigations or inquiries commenced, or has any disciplinary complaint been made against any attorney in the Firm before any court or State Bar Disciplinary Board?

3. Conflict of Interest Statement

- Please advise if you represent a contractor, developer or other client for whom you do substantial legal work that could cause a potential conflict and /or be a potential litigant against the City of Brookings. Describe how you would resolve these current or future potential conflicts of interest.
- If you or your firm has represented any client in the past five (5) years against the City of Brookings or one of its employees, please describe the case(s).
- If you or your firm have participated in any litigation in the last five (5) years in which the City of Brookings or one of its employees was named as a defendant, please describe the case(s).

4. Compensation

- Provide a desired compensation schedule as a monthly, flat rate and breakdown of the firm's anticipated hourly rates for specialty billing.
- The applicant may select one of the following three options it intends to use if selected as the Brookings City Attorney:

Option 1: Retainer/Fixed Fee Cap Plus. The Firm, or individual will bill a monthly retainer for General Government Services plus hourly fees for litigation, special projects, or both, if not covered by a retainer. Please quote the monthly fixed retainer fee to be charged for general governmental services and identify the items that are to be covered by the retainer. Also, clearly note any items the Firm, or individual attorney would not provide as part of the retainer services wherein the Firm, or individual attorney will bill on an hourly basis. State separately the applicable hourly rate(s) and for any other cost items proposed to be itemized and billed (e.g., use of paralegals, photocopying, Westlaw, or Lexis fees, etc.).

Option 2: Hourly Fees for All Work. The Firm, or individual attorney will use hourly rates to bill for the legal services the Firm, or individual attorneys provide to the City. Identify the minimum increment of time billed for each service (e.g., telephone calls, correspondence, and conferences). The City seeks billing increments of one-tenth of an hour or greater. If there are any services routinely performed at no cost, list those services.

Option 3: Respondent's Choice. Any billing methodology Respondent wishes to propose. Clearly and thoroughly explain any billing methodology Respondent wishes to propose.

No matter which of the preceding options the Firm, or individual selects, it should provide monthly bills to the City and maintain auditable records to account for all expenses billed. These records must be kept in accordance with generally accepted accounting principles, and the City reserves the right to determine desired record-keeping methods in the event of non-conformity.

5. Professional Liability Insurance

- Provide proof of professional liability insurance coverage, including limits.

6. References

- List references and contact information.
-

Selection Process

The Request for Proposals due date is Thursday, ~~February 13, 2025~~, **March 14, 2025** at Noon. Based on the staff's review of submittals.

The City of Brookings will evaluate proposals based on:

- Relevant municipal law experience.
- Depth of expertise within the firm or individual attorney.
- Responsiveness and thoroughness of the proposal.
- References and demonstrated ability to meet municipal legal needs.
- Compensation, to include hourly rates beyond the Scope of Services.
- Any factor deemed relevant by the City.

The City reserves the right to reject any or all proposals or request interviews with finalists and negotiate contract terms before appointment.

Submission Instructions

Submit proposals electronically or by hard copy by **Noon on March 14, 2025**, to:

City Manager Paul Briseno

City of Brookings

520 3rd Street, Suite 230

Brookings, SD 57006

Email: pbriseno@cityofbrookings-sd.gov

Questions regarding this RFP should be directed to Paul Briseno, City Manager or Steve Britzman, City Attorney, at 605-692-6281 or pbriseno@cityofbrookings-sd.gov and britzmanlaw@brookings.net .

The City of Brookings appreciates your interest and looks forward to reviewing your proposals.