

CITY OF BATH, MAINE

Request for Proposals

MUNICIPAL LEGAL SERVICES

The City of Bath is soliciting proposals from legal firms to represent the City for comprehensive municipal legal services.

Long known as the “City of Ships”, the City of Bath is home to 8,766 (as of the 2020 U.S. Census) and located in Sagadahoc County. The City is a municipal corporation of the State of Maine and operates under a Manager–Council form of Government. The selected firm will serve as City Solicitor for the City of Bath. Per City Charter §403, the City Solicitor shall be filled by joint appointment of the City Manager and the City Council. The City employs 110 full-time and 40 part-time employees. There are four unions, representing fire fighters, fire captains, police and public works employees. The City has five TIF (tax increment finance) districts.

Proposals will be accepted electronically until Friday June 2, 2023, at noon, by e-mail to mmeyers@cityofbath.com. All proposals are to be submitted and to remain open for 90 days after their opening. Late proposals shall not be accepted.

SCOPE

Qualifications

The legal firm shall include attorneys and counselors at law of the courts of the State of Maine. The legal firm shall include within their proposal: the resumes of the lead attorney(s), and of the backup attorneys, with whom the City will be working; the firm's expertise in municipal governance, municipal finance, personnel, labor negotiations, tax assessment and abatement, tax collection, codes enforcement and planning/zoning land use; and a listing of municipal clients and other references including contact information.

Services

A proposal should include acknowledgement of the following services:

- Advise the City Council, City Manager and Department Heads upon all legal questions arising in the conduct of City business.
- Prepare and/or review ordinances when requested by the City Council or City Manager.
- Provide verbal and/or written legal opinion upon any municipal legal matters or questions submitted by the City Manager.
- Attend monthly City Council meetings or Special City Council meetings as requested.
- Prepare for execution all contracts and agreements to which the City is a party when requested by the City Council and/or City Manager.
- Prepare all charges and complaints against and appears in the appropriate court in the prosecution of, every person charged with the violation of a City Ordinance.

- Provide defense for City and City officials in any action or claim against them in their official capacity and make recommendations regarding defense or settlement of such litigation.
- Immediately report to the City Manager and City Council the filing of any litigation against the City as well as the final outcome of any such claims and provide regular reports regarding ongoing litigation.
- Prepare deeds, easements and contracts pertaining to real estate and render title opinions on property being acquired or sold by the City.
- Advise the City relating to financial matters, including issuing municipal bonds and establishing/maintaining TIF districts.
- Advise the City relating to personnel matters, including labor negotiations.
- Keep a complete record of all suits in which the City had or has interest, giving the names of the parties, the Court where brought, the nature of the action, the disposition of the case, or its condition, if pending, and the briefs of counsel.
- Keep a complete record of all written opinions furnished by the legal firm for the City and of all certificates or abstracts of titles furnished by the legal firm to the City, or any department or official thereof.
- Other duties of the City Solicitor include orientation for City Council, counseling department heads and elected officials, instructing officers and employees in the elements of public law, and examining intergovernmental activities.

Please indicate in your proposal if you agree to provide these services. Explain any exceptions.

Insurance

The selected firm shall be required to carry Professional Liability Insurance and General Liability Insurance. Proposals must specify the carrier and coverage limits of no less than \$1,000,000 per occurrence. A certificate of insurance shall be provided to the City, indicating that coverage shall not be cancelled without thirty days' notice.

Availability

The firm must also provide advance notification to the City Manager of times when counsel will be unavailable and the name(s) of legal counsel who will handle City legal affairs in their absence.

Compensation

The City anticipates payment on an hourly basis. However, alternate proposals will be entertained including a lump sum retainer, a lump sum/not to exceed, payment on an hourly basis with an upper limit, or any combination thereof. Requests for payments must be submitted to the Finance Department monthly and shall, if on an hourly basis, itemize the bill by staff member, hourly rate, number of hours, subject matter and the nature of the service. The proposal should specify hourly rates for specialized counsel and paralegals.

Billable Expenses

It is understood that the selected legal firm will supply at no additional cost their own administrative services, telephone, stationery, postage, supplies, library, and equipment required to provide a

satisfactory level of performance. The City shall agree to reimburse court costs and other similar out-of-pocket expenses. Please specify how mileage and travel time will be charged.

PROPOSAL

Your proposal must include the following information at a minimum:

- A brief description of your firm and its municipal experience and a description of the primary personnel to be assigned to the engagement, including their resumes.
- Firm representatives and contact information, including the name(s) of the person(s) authorized to represent the company in any negotiations; name(s) of the person(s) authorized to sign any contract that may result; contact person's name, mailing or street address; telephone and e-mail address(es).
- Fee schedule, including hourly rates for specialized services. If suggesting a "lump sum/not to exceed" contract, your proposal must indicate the maximum fee your firm will charge annually for the requested services.
- The proposal must be signed by the person submitting the proposal or a duly authorized representative of the firm submitting the proposal. The title of the individual signing the proposal shall be included beneath the signature.

EVALUATION

The City will evaluate and rank the written proposals based upon the following considerations, giving approximately equal importance to all categories:

- Qualifications
- Services
- Availability
- Compensation

SELECTION AND AWARD

All proposals shall remain firm, irrevocable, and subject to acceptance for at least 90 calendar days after the submission deadline. Any legal firm whose proposal is selected will be expected to sign a contract with the City.

The selected firm will be able to commit to a contract for five (5) years commencing July 1, 2023, and terminating on June 30, 2028, unless renewed by mutual agreement. Nothing in the executed contract for services shall prevent, limit, or otherwise interfere with the right of the contracted legal firm or the City to terminate the contract subject to 30 days written notice.

The City reserves the right to reject any or all of the proposals and to waive any deviations or irregularities at its sole discretion.