



**CITY OF McLENDON-CHISHOLM**  
**1371 W. FM 550, McLendon-Chisholm, TX 75032**  
**972-524-2077**

**RFP NO. 2018-03**

**REQUEST FOR PROPOSALS FOR CITY ATTORNEY SERVICES**

Respondents to this RFP shall submit completed proposals in a sealed envelope, clearly marked with **RFP NO. 2018-03, PROPOSAL FOR CITY ATTORNEY SERVICES** and the name of the firm submitting the proposal. Seven (7) copies and one electronic version of the proposal must be submitted by 2:00 p.m. on Monday, November 26, 2018, to the following address:

McLendon-Chisholm City Hall  
1371 W. FM 550  
McLendon-Chisholm, TX 75032  
Attn: Lisa Palomba, Assistant City Administrator/City Secretary

The City of McLendon-Chisholm reserves the right to reject any and all proposals and to waive any informality in proposals received. The City of McLendon-Chisholm pays for goods and service according to the provisions of Chapter 2251 of the Government Code.

RFP documents are available for review and inspection or can be picked up during regular business hours at McLendon-Chisholm City Hall, 1371 W. FM 550, McLendon-Chisholm, TX. RFP documents may be sent via email by sending a request to the following email address: [lisa@mclendon-chisolm.com](mailto:lisa@mclendon-chisolm.com).

If you have questions about the RFP, please submit your inquiries in writing and preferably via email to:

Lisa Palomba, Assistant City Administrator/City Secretary  
[lisa@mclendon-chisolm.com](mailto:lisa@mclendon-chisolm.com)

**City of McLendon-Chisholm, TX**

**Request for Proposals**

**City Attorney Services**

**Proposal Due Date: November 26, 2018**

The City of McLendon-Chisholm invites proposals for contracted City Attorney services. Sealed proposals are due to the Assistant City Administrator/City Secretary's Office by 2:00 p.m. on Monday, November 26, 2018. The City seeks services encompassing the traditional scope of work including legal counsel and rendering of opinions to the City Council and staff, and consultation and coordination with special counsel. Attendance at a variety of meetings will be required, including staff meetings and Council meetings as specified. A more detailed statement of the services expected is provided in the scope of work, described below.

**Background Information.**

The City of McLendon-Chisholm is located in Rockwall and Kaufman Counties. Incorporated in 1969, the City has maintained a semi-rural environment but is positioned for growth.

The City of McLendon-Chisholm has a population of approximately 2,300 people. It is a Type A General Law City form of government. The City Council consists of the Mayor and five Council Members elected at-large to staggered, two-year terms. Annually, the City Council selects one of its members to serve as Mayor Pro Tempore.

**The position of City Attorney is established by Sec. 1.02.031 of the City Code of Ordinances and states:**

There is hereby created the office of city attorney, which shall be filled by some suitable person who possesses all of the qualifications provided by the city council. Said official shall be selected by the mayor and approved by the city council, and shall hold office at the will of the city council

**Sec. 1.02.032 describes duties of the City Attorney as follows:**

It shall be the duties of the city attorney to advise the city council on the laws on federal, state, and local laws and ordinances, and to represent the city in municipal court, and to perform such other duties as the city council may require.

**Communications.**

All communications related to responding to this Request for Proposals are to be directed through the Assistant City Administrator/City Secretary's Office.

## **Scope of Work**

1. Provide legal advice, counsel, training, consultation, and opinions to the City Administrator/City Secretary, City Council, Board of Adjustment, Planning and Zoning Commission, and all levels of the City Government, on a wide variety of civil assignments including, but not limited to land use planning, employment law, labor law, construction of public works, purchasing and procurement, purchase and sale of property, interlocal agreements, and public disclosure issues. The City Attorney's advice includes methods of effectively avoiding civil litigation.
2. When requested, furnish legal representation at City Council meetings, Planning and Zoning Commission meetings, and at other meetings.
3. Provide representation of the City before courts and administrative agencies to represent the City's interests. This includes both preparation for trial and actual courtroom time for all litigation filed by or against the City, Planning and Zoning Commission hearings, and condemnation proceedings. This category also includes full administrative hearings.
4. Prepare and review ordinances and resolutions, contracts, and other documents for legal correctness when requested by the City Council or staff.
5. Work cooperatively with special legal counsel retained by the City for special projects.
6. Coordinate with other special counsel as needed to ensure proper management of legal issues and proper coordination and transition of legal issues among legal counsel.
7. Assist City officials and staff to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions, and appearance of prohibited transactions.
8. Assist City officials and staff to understand the legal roles and duties of their respective offices and interrelationships with other jurisdictions.
9. Provide the Mayor and City Council with guidance as to Robert's Rules of Order and related procedural matters relating to Council meetings.

10. Performs other legal services and tasks as assigned by the City Council.
11. The City Attorney, either in person or by deputy, shall represent the City in the prosecution of each and every complaint.

**Avoidance of Conflict of Interest.**

As part of the exchange of value between the City of McLendon-Chisholm and the selected legal services provider, and in pursuit of implementing a "best practices" philosophy, the City wants its legal support to be free of conflicts of interest in fact and in appearance. As such, responders are requested to answer the following question so that the City may determine the degree of separation between clients the firm is willing to achieve to fulfill this City goal. This answer shall be provided as Attachment G in the written response to this Request for Proposals (see page 7 below). In answering this question, please identify those steps, if any, the firm would be willing to undertake to eliminate or reduce the potential for conflict of interest. As an example, please identify how the firm would handle a situation where one attorney in the firm represents the City as the contract City Attorney, and another attorney in the same firm represents a developer seeking approval of a project within the city limits of McLendon-Chisholm.

In responding to the foregoing question, please be aware that the City of McLendon-Chisholm does not contemplate granting any release that would waive restraint from participation in a conflict of interest situation.

**Specifications.**

1. The City Attorney may be asked to attend City Council business meetings. These are routinely scheduled on the second and fourth Tuesday of each month beginning at 6:30 p.m. until the meeting is adjourned.
2. The City Attorney may be asked to attend City Council work sessions on occasion which could be schedule prior to the start of a Council Meeting or even on an occasional Saturday.
3. The City Attorney may be asked to attend Board and Commission business meetings.
4. The City Attorney may be called upon to attend occasional community meetings and may be called upon to attend meetings related to specific projects in which the City is involved.

5. The City Attorney shall represent the city in the prosecution of each and every complaint.
  
6. The City Attorney must be available by phone, cell phone, fax and e-mail.

Timeliness of response and accessibility to the City Attorney by the McLendon-Chisholm Mayor and City Administrator is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of greatest importance.

Accessibility includes the ability to be generally available to attend meetings in person on short notice and/or by teleconference and the ability to be reached promptly by telephone. The City does not offer space for offices in a City location. The City Attorney is expected to coordinate with the staff in a way that will promote efficient and effective production of work.

**Contract Term.**

The City anticipates a one-year contract, with options for unlimited renewals, per the discretion of the McLendon-Chisholm Mayor and City Council. Renewal of the contract will require a recommendation from the Mayor and an affirmative action by the City Council. Any contract may be terminated by the City Council at any time with or without cause and without penalty.

**Schedule.**

The City provides the following anticipated schedule for completion of this process. This anticipated schedule is for information purposes only and may be adjusted as needed by the City.

RFP Ready for Distribution	November 5, 2018
Proposals Due	November 26, 2018
Mayor Begins Review of Proposals	November 27, 3018
Mayor & Council Interviews and Possible Approval of Contract	December 11, 2018

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**How to Respond.**

Seven (7) copies of sealed proposals must be submitted in writing (no facsimiles, please) and one (1) electronic copy on or before 2:00 p.m. on Monday, November 26, 2018, to the following address:

McLendon-Chisholm City Hall  
1371 W. FM 550  
McLendon-Chisholm, TX 75032  
Attn: Lisa Palomba, Assistant City Administrator/City Secretary

The electronic copy only does not solely meet the conditions of the proposal. The preferred format for the electronic copy is Microsoft Word or as a .pdf file by the aforementioned deadline.

The sealed envelope must clearly state that it is a proposal for **RFP NO. 2018-03, CITY ATTORNEY SERVICES.**

Please provide one (1) copy of a written response per sealed proposal submitted, responding to each inquiry in the order presented below.

1. **Scope of Work: Include as Attachment A**  
Identify any or all of the City's outlined 'Scope of Work' that will be provided and identify any that cannot be provided.
  
2. **Vendor Business History: Include as Attachment B**  
Provide a narrative description of the firm's business history and areas of practice.
  
3. **Firm experience: Include as Attachment C**  
Provide a narrative description of the firm.  
Identify other municipal clients the firm or attorneys in the firm have had. Identify experience with municipal law issues, including land use, zoning, growth management, contract law (including interlocal agreements), election issues, personnel and other municipal specialties.
  
4. **Proposed City Attorney, Team: Include as Attachment D**  
Name and describe the attorney(s) and/or team proposed, including the designated City Attorney. For each attorney on the team proposed, please identify the law school attended, year of graduation, and year in which each passed the bar examination in Texas.  
Provide a resume for each attorney, with considerable detail in the experience and qualifications of the designated City Attorney, and any

significant assisting attorneys. If specialty attorneys or additional resources are available through your firm (in addition to the named team) to meet special needs, please identify them and their specialties as well.

5. Accessibility and responsiveness: Include as Attachment E

Identify the accessibility of the proposed designated City Attorney, and the response time that the individual offers to the City. Specifically, identify the lead time required for attending scheduled or ad-hoc meetings. Identify the physical location of the City Attorney's primary offices.

6. Proposed fee structure: Include as Attachment F

Propose a compensation package, inclusive of all service costs. The City is open to a variety of approaches, including retainer agreements, hourly rates or a flat monthly rate with add-ons. The City will select the finalist by considering the proposed compensation as a "best and final offer," although the City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including cost.

7. Avoidance of Conflict of Interest: Include as Attachment G

Answer the following question:

How would your firm handle representation of any other client engaged in development activity within McLendon-Chisholm?

In answering this question, please identify how the firm would handle a situation where one attorney in the firm represents the City as the contract City Attorney, and another attorney in the same firm represents a developer seeking approval of a project within the city limits of McLendon-Chisholm.

In answering this question, please identify those steps, if any, the firm would be willing to undertake to eliminate or reduce the potential for conflict of interest.

8. References: Include as Attachment H

Provide three references for the designated City Attorney. Please note that the City prefers references relating to municipal experience. Naming of a reference is considered permission to contact the reference. The City may contact outside individuals, whether offered as references or not. The City retains the right to use such information in its decision. Submittal of a proposal is agreement that the City may contact and use such information.

**Evaluation and Selection.**

Evaluation process - The city reserves the right to award the contract to that proposal that best meets the needs and interests of the City. The following steps are anticipated:

- Step 1. Receive and review of qualifications and written proposals
- Step 2. Initial reference and information check
- Step 3. City interview of finalists by the Mayor
- Step 4. City Council interviews of finalists and approval of contract by City Council

Evaluation of the written proposal - Written proposals will be evaluated by the City as set forth immediately below.

- 1. Applicable experience of proposed designated City Attorney
- 2. Depth and stability of firm or practice
- 3. Interpersonal match and philosophical concurrence with City core beliefs, practices and personnel
- 4. Accessibility and responsiveness of both the proposed designated City Attorney and any assisting attorneys
- 5. Cost

The City will identify and notify those applicants that will be invited to interview. The City reserves the right to utilize new or revised evaluation criteria.

Interviews - Interviews will be held at the sole option of the City. If interviews are conducted, firms should plan to have key personnel on their interview teams who will be assigned to the work specified in the proposal. Short listed firms may be asked to provide supplemental or additional information for review by the City prior to the interviews.

Contract negotiations - The City of McLendon-Chisholm reserves the right to negotiate all elements which comprise the apparent successful proposal. City representatives and the selected finalist will review in detail all aspects of the requirements and the proposal. During the review of the apparent successful proposal, the respondent may offer, and the City may accept, revisions to the proposal.

Rejection of proposals - The City reserves the right to reject any or all proposals, portions or parts thereof. Without limiting the generality of the foregoing, the City may reject any proposal which is incomplete or not responsive.