



**REQUEST FOR QUALIFICATIONS
FOR
CITY ATTORNEY/LEGAL SERVICES
CITY OF FLATONIA, TX**

Submission Due Date: Friday, July 9, 2021, at 2:00 PM

**CITY OF FLATONIA
125 E. SOUTH MAIN STREET
P.O. BOX 329
FLATONIA, TX 78941**

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**REQUEST FOR QUALIFICATIONS FOR
CITY ATTORNEY / LEGAL SERVICES
FOR THE
CITY OF FLATONIA, TX**

SECTION 1 – GENERAL INFORMATION & REQUIREMENTS:

- 1.1 **GENERAL INFORMATION:** The City of Flatonia (“City”) is soliciting Statements of Qualifications from experienced legal firms or an individual attorney for the purpose of providing legal services to the City of Flatonia on a contractual basis. The firm/individual will be tasked with providing general municipal counsel, legal services, guidance on special projects, and advising the City. The City requests that one attorney be designated as the point of contact or as lead attorney.

The City is a council-manager form of government with a Mayor and five Council Members. The City Manager reports directly to the City Council and is responsible for the day-to-day affairs of the City. Flatonia’s current population is approximately 1,400 people.

The selected firm or individual (“Respondent”) shall be licensed to practice law in the State of Texas and be in good standing with the Texas Bar. Experience with Texas municipalities and knowledge of municipal law, municipal finance, personnel, law, land use, and regulation are preferred.

The City Attorney shall be neutral and impartial and expected to establish, develop, and maintain a close and trusted relationship with the Mayor, City Council, City Manager, and City Staff.

- 1.2 **REQUIREMENTS:** Collecting statements of qualifications in response to this RFQ is the first step in selecting a firm or individual. This RFQ provides the information necessary for respondents to prepare and submit statements of qualifications for consideration and initial ranking by the City. If the initial ranking of the respondents is reasonably conclusive, the City may make a “most qualified” selection based upon the written qualifications only. If not, then the City may conduct interviews with a “short list” of respondents.

1.2.1 The City may select up to five (5) of the top ranked qualified respondents to participate in an interview with the City to confirm and clarify the qualifications submitted and to answer additional questions. The City will then rank the interviewed respondents in order to determine a single most qualified respondent.

1.2.2 After selecting the most qualified respondent, the City will negotiate the detailed professional services to be provided by the Respondent and a suitable fee for those services. The City will request a fee proposal from the most qualified

respondent, with supporting information demonstrating that the requested fee is justified by the level of effort (and related personnel costs) required to provide the legal services.

- 1.3 PUBLIC INFORMATION: All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure under the Texas Public Information Act (*Texas Government Code*, Chapter 552.001, *et seq.*) after the solicitation is completed. The City strictly complies with all statutes, court decisions, and opinions of the Texas Attorney General with respect to disclosure of RFQ information.
- 1.4 TYPE OF CONTRACT: Any contract resulting from this solicitation will be in the form of the City's Standard Agreement, a copy of which will be provided to all firms selected for interviews or, in the case where no interviews are conducted, to the selected most qualified respondent.
- 1.5 CLARIFICATIONS AND INTERPRETATIONS: Any clarifications or interpretations of this RFQ that materially affect or change its requirements will be posted by the City as addenda. It is the responsibility of all respondents to obtain this information in a timely manner. All such addenda issued by the City before the proposals are due, are considered to be part of the RFQ, and respondents shall acknowledge receipt of each addendum in its qualifications. Respondents shall consider only those clarifications and interpretations that the City issues by addenda five (5) days prior to the submittal deadline. Interpretations or clarifications in any other form, including oral statements, will not be binding on the City, and should not be relied on in preparing qualifications. **ADDENDA AND AWARD INFORMATION WILL BE ISSUED BY THE CITY OF FLATONIA FOR THIS RFQ VIA THE CITY'S WEBSITE.**
- 1.6 SUBMISSION OF QUALIFICATIONS:
 - 1.6.1 The qualifications must be received **at the address specified below** prior to the deadline. The City will not consider any response to this solicitation that is not received at the address specified by the deadline, regardless of whether it has been received by the City.
 - 1.6.2 DEADLINE AND LOCATION: The City will receive qualifications at the time and location described below:

July 9, 2021 – 2:00 PM. (CT)

Heather Ambrose
City Secretary
City of Flatonia
125 E. South Main Street
PO Box 329
Flatonia, TX 78941

- 1.6.3 Qualifications received via mail after the deadline will be returned to the respondent unopened. Hand delivered qualifications will not be accepted after the deadline.
- 1.6.4 The City will not acknowledge or consider qualifications that are delivered by telephone, facsimile (fax), or electronic mail (e-mail).
- 1.6.5 Properly submitted qualifications will not be returned to respondents.
- 1.6.6 Qualifications must be enclosed in a sealed envelope (or box/container) addressed to the point-of-contact person; the package must clearly identify: the submittal deadline, the solicitation title, return address, and email address of the respondent contact on all envelopes.
- 1.7 POINT-OF-CONTACT: The City designates the following person as its representative and point-of-contact for this RFQ. Respondents shall restrict all contact with the City and direct all questions regarding this RFQ, including questions regarding terms and conditions and technical specifications, to the point-of-contact person:
- Sarah Novo
City Manager
City of Flatonia
125 E. South Main Street
PO Box 329
Flatonia, TX 78941 Phone: 361-865-3548
Email: manager@ci.flatonia.tx.us
- 1.8 OWNER’S RESERVATION OF RIGHTS: The City reserves the right to accept or reject any or all statements of qualifications or any part thereof, or waive all technicalities, and to accept the proposal(s) that are determined to provide the best benefit to the City. Failure to provide any requested information may result in rejection of a statement of qualifications, in whole or in part, at the City’s sole discretion. However, the City reserves the right to request additional or clarifying information from an Offeror after a statement of qualifications has been submitted. Such information may be used to further evaluate the Respondent’s statement qualifications.
- 1.9 ACCEPTANCE OF EVALUATION METHODOLOGY: By submitting its qualifications in response to this RFQ, the respondent accepts the evaluation process and acknowledges and accepts that determination of the “most qualified” Respondent will require subjective judgments by the City.
- 1.10 NO REIMBURSEMENT FOR COSTS: Respondent acknowledges and accepts that any costs incurred from the respondent’s participation in this RFQ shall be at the sole risk and responsibility of the respondent.

- 1.11 ELIGIBLE RESPONDENTS: Only individual firms or lawfully formed business organizations may apply. The City will contract only with the individual firm or formal organization that submits a qualification.

SECTION 2 – SCOPE OF SERVICES:

- 2.1 DESCRIPTION OF SERVICES: The general scope of services requested of the City Attorney functions are, but are not limited to:
- 2.1.1 Providing legal advice on a variety of legal matters to the Governing Body and designated staff of the City;
 - 2.1.2 Providing advice regarding government operations, elections, open meetings, public information, City Ordinances, State law, personnel matters, property matters, and real estate matters, including annexation, zoning, and condemnation;
 - 2.1.3 Preparing and/or review agreements, contracts, ordinances, resolutions, deeds, and other legal instruments as needed;
 - 2.1.4 Providing proactive legal counsel on issues pertaining to personnel policies and procedures and providing counsel in all compliance employment matters such as, but not limited to State and Federal employment law, Workers Compensation, EEOC, FLSA, FMLA, and OSHA requirements;
 - 2.1.5 Particular areas of knowledge and experience in Texas Municipal government law;
 - 2.1.6 Providing legal advice while attending Council meetings or other boards and commissions as requested, plus occasional special meetings or work sessions as needed. Regular Council meetings are set at 6:00 p.m. on the second Tuesday of each month;
 - 2.1.7 Staying abreast and informing the City of new or proposed State and Federal legislation affecting the City;
 - 2.1.8 Assisting the City Secretary in staying current on State and Federal Election Laws and administration of elections for the City;
 - 2.1.9 Knowledge of land use laws and abilities of the City to implement and administer such laws in conformance with State requirements and the City Council's desire to improve such land use planning;
 - 2.1.10 Knowledge of laws and methods to facilitate effective Code Enforcement to improve deteriorating areas of the City, including demolition procedures and property maintenance code provision;
 - 2.1.11 Knowledge of Texas Open Records and Open Meeting Laws;
 - 2.1.12 Knowledge of laws and experience in applying Chapter 380 provisions to

economic development;

- 2.1.13 Knowledge of laws and experience in working with utility districts, water supply corporations, and emergency services districts;
- 2.1.14 Knowledge of Police and Public Safety Specialty law;
- 2.1.15 Knowledge of the Texas Commission on Law Enforcement (TCOLE) requirements; the American Disabilities Act & Amendments Act, FEMA;
- 2.1.16 Knowledge of the local laws, ordinances, and the Texas Code of Criminal Procedure, §2.122;
- 2.1.17 Knowledge of the Texas Penal Code, Rules of Evidence, Civil statutes, Regulatory Agency Codes, Transportation Code, Health and Safety Code, and Family Code;
- 2.1.18 Assist, advise, and defend the goals and operations of the Police Department.

SECTION 3 – EVALUATION OF QUALIFICATIONS:

3.1 The evaluation of the qualifications shall be based on the requirements described in this RFQ. All properly submitted qualifications will be reviewed, evaluated, and ranked by a selection committee. The top five or fewer ranked respondents may be selected by the City for further consideration by participating in an interview wherein qualifications will be presented and examined in further detail and where questions will be posed by staff and answered by the respondent.

- 3.1.1 Qualification submittals should not include any information regarding respondent’s proposed fees, pricing, or other compensation considerations as these will not be a factor in the selection of the most qualified firm.
- 3.1.2 The City will select the most highly qualified proposer of the requested services based on the criteria below and then attempt to negotiate with proposer a contract at a fair and reasonable price. Evaluation factors and associated point values are listed below:

Item	Evaluation Factor	Points
1	Firm’s qualification	25
2	Firm’s availability and capacity to provide legal services	20
3	Firm’s experience	25
4	Understanding the requirement and quality assurance	20
5	General quality and adequacy of response	5

	Total	100
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SECTION 4 – FORMAT FOR STATEMENT OF QUALIFICATIONS

4.1 GENERAL INSTRUCTIONS:

- 4.1.1 Respondents shall carefully read the information contained in this RFQ and submit a complete response to all requirements and questions as directed. Incomplete qualifications will be considered non-responsive and subject to rejection.
- 4.1.2 To achieve a uniform review process and to obtain a maximum degree of comparability the City requires that proposals be submitted with a signed master (marked Original”) and **additional seven (7) proposals** (marked “Copy”) and one (1) electronic version of the proposal on a flash drive format.
- 4.1.3 The Statement of Qualifications shall be a maximum of forty (40) printed pages and could be entirely adequate with considerably fewer pages. The cover, table of contents, divider sheets, and Execution of Offer do not count as printed pages.
- 4.1.4 Qualifications shall be prepared simply, economically and in order of stated criterion, providing a straightforward, concise description of the respondent's ability to meet the requirements of this RFQ. Emphasis shall be on the quality, completeness, clarity of content, responsiveness to the requirements, and an understanding of City's needs.
- 4.1.5 Qualifications and any other information submitted by respondents in response to this RFQ shall become the property of the City.
- 4.1.6 The City will not compensate respondents for any expenses incurred in qualifications preparation or for any presentations that may be made, unless agreed to in writing in advance or required by law. Respondents submit qualifications at their own risk and expense.
- 4.1.7 Qualifications that are qualified with conditional clauses, alterations, items not called for in the RFQ documents, or irregularities of any kind are subject to rejection by the City, at its option.
- 4.1.8 The City makes no representations of any kind that an award will be made as a result of this RFQ. The City reserves the right to accept or reject any or all qualifications, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFQ when deemed to be in the City's best interest.
- 4.1.9 Qualifications shall consist of answers to questions identified in Section 5 of the RFQ. It is not necessary to repeat the question in the qualifications; however, it is essential to reference the question number with the corresponding answer.

4.1.10 Failure to comply with all requirements contained in this RFQ may result in the rejection of the qualifications.

4.2 PAGE SIZE, BINDING, DIVIDERS, AND TABS:

4.2.1 Qualifications shall be printed on letter-size (8-1/2" x 11") paper.

4.2.2 Additional attachments shall NOT be included with the qualifications. Only the responses provided by the respondent to the questions identified by this RFQ will be used by the City for evaluation.

4.2.3 Separate and identify the response to each of the criteria of this RFQ by use of a divider sheet with an integral tab for ready reference.

4.3 TABLE OF CONTENTS:

4.3.1 Submittals shall include a "Table of Contents" and page numbers for each part of the qualifications.

4.4 PAGINATION:

4.4.1 Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.).

SECTION 5 – REQUIREMENTS FOR STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information contained in the following criteria and submit a complete Statement of Qualifications responding to all questions in Section 5 and formatted as directed in Section 4. Incomplete qualifications will be considered non-responsive and are subject to rejection.

The City of Flatonia at its sole discretion, expressly reserves the right to request any additional information from a Respondent that is deemed relevant to this RFQ. All responses in the Statement will be reviewed for accuracy and Respondent(s) may be required to provide additional information in support of those Statements.

TAB #1

1.1 Table of Contents:

1.1.1 Both physical and electronic versions should include a Table of Contents.

1.1.2 Physical form must have tabs dividing the sections.

1.1.3 Number all pages of the submittal sequentially using Arabic numerals (1, 2, 3, etc.).

TAB #2

1.2 Letter of Transmittal:

- 1.2.1 Legal name of the company as registered with the Secretary State of Texas.
- 1.2.2 Address of the office that will be providing services.
- 1.2.3 Date of the proposal.
- 1.2.4 Provide a statement of interest, including a narrative of specialization of individual or firm, the size of the firm, areas of practice, years in business in public sector law, if any.

TAB #3

1.3 Respondent's statement of firm's qualifications in providing legal services:

- 1.3.1 Provide a statement describing the firm's unique qualifications to provide the legal services described above.
- 1.3.2 Provide a brief history of the firm, size, structure, and areas of practice.
- 1.3.3 Provide complete resume of individual person designated by the firm to be the City Attorney to provide legal services to the City.
- 1.3.4 Provide information on certificates or licenses, educational institution conferring law degree and year of degree, professional background, and professional associations.
- 1.3.5 Provide information about the range of services offered and available support staff.
- 1.3.6 Provide detail of any ethics violations or board actions within the past five (5) years against the Firm, its Attorneys, and employees, including its parent, sister, or subsidiary companies, and proposed sub-contractors.

TAB #4

1.4 Firm's availability and capacity to provide legal services:

- 1.4.1 Provide a statement describing how your firm proposes to provide legal services to the City. Address issues such as office location; accessibility to City Council members and City staff; the attendance of City Council, and occasional other meetings.
- 1.4.2 Demonstration of workload capacity commensurate with the level of service required by the City.
- 1.4.3 Provide information about the Attorney and Firm's availability and capability to perform on short notice and to ensure timely response and completion of the City's schedules and deadlines.

TAB #5

- 1.5 Evidence of experience in providing legal services to Texas municipalities or similar government entities:
 - 1.5.1 Provide statement of experience with Texas municipalities or similar government entities, and any other areas of specialty within the field of municipal law.
 - 1.5.2 Provide familiarity with laws and regulations governing municipal governments;
 - 1.5.3 Demonstrate expertise and experience in municipal law.

TAB #6

- 1.6 Understanding the required services and quality assurance:
 - 1.6.1 Provide a list of all local agencies the firm now represents that may cause a potential conflict of interest with your responsibility with the City of Flatonia.
 - 1.6.2 Describe how your firm protects client confidentiality. This applies to all information and communications, including electronic communications, unless available to the public through a public records request and otherwise not subject to a specific exemption.
 - 1.6.3 Describe the firm's approach to communicating with the City in regard to progress reports, status reports, recommendations, status of opinions, etc.

SECTION 6 – EXECUTION OF OFFER:

NOTE TO RESPONDENTS: SUBMIT ENTIRE SECTION WITH RESPONSE.

THIS EXECUTION OF OFFER MUST BE COMPLETED, SIGNED, AND RETURNED WITH THE RESPONDENT'S QUALIFICATIONS. FAILURE TO COMPLETE, SIGN AND RETURN THIS EXECUTION OF OFFER WITH THE QUALIFICATIONS MAY RESULT IN REJECTION OF THE QUALIFICATIONS.

SIGNING A FALSE STATEMENT MAY VOID THE SUBMITTED QUALIFICATIONS, ANY AGREEMENTS OR OTHER CONTRACTUAL ARRANGEMENTS, WHICH MAY RESULT FROM THE SUBMISSION OF RESPONDENT'S QUALIFICATIONS, AND THE RESPONDENT MAY BE REMOVED FROM ALL PROPOSER LISTS. A FALSE CERTIFICATION SHALL BE DEEMED A MATERIAL BREACH OF CONTRACT AND, AT OWNER'S OPTION, MAY RESULT IN TERMINATION OF ANY RESULTING CONTRACT OR PURCHASE ORDER.

- 6.1 By signature hereon, respondent acknowledges and agrees that (1) this RFQ is a solicitation for qualifications and is not a contract or an offer to contract; (2) the submission of qualifications by respondent in response to this RFQ will not create a contract between the City and respondent; (3) the City has made no representation or warranty, written or oral, that one or more contracts with the City will be awarded under this RFQ; and (4) respondent shall bear, as its sole risk and responsibility, any cost which arises from respondent's preparation of a response to this RFQ;
- 6.2 By signature hereon, respondent offers and agrees to furnish to the City the products and/or services more particularly described in its qualifications, and to comply with all terms, conditions, and requirements set forth in the RFQ documents and contained herein;
- 6.3 By signature hereon, respondent affirms that he has not given, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted qualifications.
- 6.4 By signature hereon, respondent represents and warrants that:
 - 6.4.1 Respondent is a reputable company regularly engaged in providing products and/or services necessary to meet the terms, conditions, and requirements of the RFQ;
 - 6.4.2 Respondent has the necessary experience, knowledge, abilities, skills, and resources to satisfactorily perform the terms, conditions, and requirements of the RFQ;
 - 6.4.3 Respondent is aware of, is fully informed about, and is in full compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances;

- 6.4.4 Respondent, if selected by the City, will maintain insurance as required by the contract and submitted and approved by the City. The required insurance must be written by a company approved to do business in the State of Texas at the time the policy is issued;
- 6.4.5 The Respondent shall not commence work until a written notice to proceed is issued by the City;
- 6.4.6 All statements, information, and representations prepared and submitted in response to this RFQ are current, complete, true, and accurate. Respondent acknowledges that the City will rely on such statements, information, and representations in selecting the successful respondent. If selected by the City as the successful respondent, the respondent will notify the City immediately of any material change in any matters with regard to which respondent has made a statement or representation or provided.
- 6.4.7 Execution of Offer: City of Flatonia - City Attorney/Legal Services

The respondent must complete, sign, and return this Execution of Offer as part of its submittal response. The respondent's company official(s) who are authorized to commit to such a submittal must sign submittals. Failure to sign and return this form will subject the submittal to disqualification.

Respondent's Name: _____
(Company's Name)

Submitted and Certified By:

(Respondent's Name)

(Title)

(Street Address)

(Telephone Number)

(City, State, Zip Code)

(Fax Number)

(Authorized Signature)

Email Address

(Date)

Proposed Schedule of Events*

June 24, 2021	1st Advertisement for RFQ
July 1, 2021	2nd Advertisement for RFQ
July 9, 2021	Request for Qualifications Due at 2:00 PM (Copies will be delivered to CC for review)
TBD	Interviews and Selection Dates TBD

*** Subject to change**