



REQUEST FOR PROPOSAL (RFP)
CITY OF YPSILANTI WASHTENAW COUNTY, MI

FOR

Attorney Services

ISSUED BY:

Andrew Hellenga, City Manager
City of Ypsilanti
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July 22, 2024

PROPOSAL DUE DATE

August 22, 2024
3:00 p.m. EST



Overview

The City of Ypsilanti is requesting proposals (RFP) from qualified firms of attorneys licensed to practice law in the State of Michigan to act as legal officer for the city and perform legal services as set out in the City Charter [Section 4.07] and this RFP.

The City of Ypsilanti is a Michigan Home Rule City. The City has a City Charter and City Code of Ordinances. The City Charter provides for a City Manager form of government. The City Council is comprised of a Mayor elected at large, and six council members elected by ward. The city has a population of 19,435 and more residents. The City Charter provides for a legal officer as follows:

Legal Officer:

There shall be a legal officer of the City appointed by the City Manager subject to confirmation by the City Council and not subject to the requirements of the merit system. The legal officer shall serve as chief legal adviser to the Council, the Manager, and all City departments, offices, and agencies, shall represent the City in all legal proceedings, and shall perform any other duties prescribed by State law, by the Charter, by ordinance, or by resolution.

The successful applicant will start as Ypsilanti City Attorney, legal officer September 15, 2024. The contract will be for three (3) years, with the option of a one (1) or two (2) year extension if agreed upon by both parties.

The retainer of the legal officer shall include both general legal services and prosecution legal services, which are specifically defined below:

General Legal Services:

The legal officer shall provide a wide range of civil counsel services, including representation in court and administrative hearings, conducting legal research, drafting ordinances, regulations and resolutions, preparing and reviewing various contracts and other legal documents and serving as general civil counsel on behalf of the City of Ypsilanti, City Council, departments and agencies.

1. Provide general legal advice and support to the City Manager, City Council, Department Heads, Boards and Commissions, as required. The city legal officer works closely with the city manager.
2. Act as general legal counsel to the City Manager, City Council, Departments and Agencies on various , on various items, including, but not limited to, real estate, labor & employment, regulatory, contracts, construction, professional services, personal property purchases, easements, licenses, and related matters. The legal officer may be required to prepare and review contracts in these areas as well.
3. Prepare and provide formal and informal written opinions and advice to the City Manager, City Council, Department Heads, Boards and Commissions, as required.
4. Provide training to Department Heads, City Council, Boards and Commissions, as required.



5. Research and draft ordinances and resolutions as needed.
6. Attend all regular and special City Council meetings, Department Head meetings and goal setting meetings. Review agendas in advance and be prepared to provide legal advice for any questions during the meetings. Act as meeting parliamentarian.
7. Attend Board and Commission meetings and neighborhood meetings as other citizen meetings as required.
8. Act as Freedom of information Coordinator and answer Freedom of information requests as needed. Be familiar with and give opinions and direction with regard to the Michigan Open Meetings act, Freedom of information Act and Home Rule City Act.
9. Provide a monthly written report summarizing the actions completed and on-going concerns of the City. Reflect the nature of all actions taken during the month and specify the departments served personnel within the department contacted, council members advised, and time spent.
10. Review and advise City on all Contracts. In some instances, the legal officer will be required to draft City contracts.
11. Provide own library and continuing education.
12. The legal officer shall represent the City of Ypsilanti and its staff on all matters, but, when necessary, the legal officer is responsible for coordinating potential law suits and contractual services with other legal consultants, including, but not limited to, labor counsel, bond counsel, workers compensation counsel, liability litigation attorneys, risk management attorneys, real estate attorneys, and administrative hearings.

City Prosecution Legal Services:

1. Provide legal and support services for the City in 14A- District Court to prosecute all city ordinance violations and civil infractions. Organize and maintain all police reports, tickets, complaints, related correspondence, pleadings, etc. Review police reports, tickets and other materials and authorize complaints and warrants as required. Review facts and prepare administrative search warrants as necessary. Appear in court for all necessary pre-trial hearings and motions. Provide discovery for defendants and defense counsel. Prepare for and conduct arraignments/pretrials, motion hearings, evidentiary hearings, formal hearings, bench trials settlement conferences, jury selection and jury trials as needed. Research and answer all motions and briefs. Review discovery and FOIA requests regarding city cases.
2. Provide legal services to defend the City in all 14A-1 court cases.
3. Act as chair of quarterly Bench-Bar meetings. Keep records and assign hosts. Prepare monthly agendas.
4. Manage the city court docket and receive telephone calls and requests from defendants and attorneys, discuss cases, approve or disapprove requests for adjournments and other matters.



5. Attend building enforcement meetings where City enforcement issues are addressed as part of a team approach including building, fire, police, planning and attorneys.
6. Train police officers as needed (Minimally, each new officer receives training within the first two weeks of their employment).
7. Street Outreach Court - Review, telephone conferences, and court appearances as necessary. The Street Outreach Court is an alternative court located downtown Ann Arbor which assists needy persons in getting back on track. *All participants (judges, staff, prosecutors, etc...) in Street Outreach Court are volunteers.* The City is not billed for the work done by the City Attorney's office in participating in the Street Outreach Court although the cases would otherwise be 14A-1 cases.
8. Administrative Hearings Bureau- Appear at hearings, as needed, to represent the City in enforcement matters. Review AHB files and pleadings. Prepare for and conduct AHB trials, as required. Research and answer all motions and briefs related to AHB cases. Research and prepare updates to AHB ordinances, as needed.

Litigation Legal Services

1. Represent the City in all non 14A-2 litigation and monitor insurance cases.
2. Represent the City in all appeals from District to Circuit Court and in the Court of Appeals and Supreme Court.
3. Represent the City in all administrative tribunals and the tax tribunal.
4. Represent the city in all arbitration matters.
5. Represent the City in all pre-litigation and matters involving attorneys.

Billable Hours

I. General Legal Services

- Billable Hours included in retainer: 1200

II. Prosecution Legal Services

- Billable Hours included in retainer: 1200

III. Litigation

- Estimated hours 750 annually

Note: These totals only include litigation hours billed by the Legal Officer and exclude other contractual litigation services.

Proposal Requirements:

Applicants must furnish a sealed written proposal for legal services in accordance with this RFP with 5 paper copies and an electronic copy delivered with the proposal.



Applicants must deliver the proposal and copies to the office of Ypsilanti City Clerk, 1 South Huron Street not later than 3:00 p.m. EST on the 22th day of August 2024. Applicant is responsible to have the City Clerk date stamp the proposal envelope. Proposals must be in the City Clerk's office on the date and time specified and late proposals will not be considered.

Post marks will not be considered.

Proposal must be signed by responsible attorney and must be valid for 120 days. In the proposal please provide the following information (a fillable Proposal Worksheet is attached for your convenience):

1. Name, address, telephone number, fax number and email address of the firm.
 - a. Length of time at present location.
2. Name, email and telephone number of firm contact attorney.
3. Number of years the firm has been in practice.
4. Brief history of the firm and practice areas.
5. Experience of the firm in representing municipalities.
 - a. Indicate any continuing legal education in the past two years relevant to municipal law.
6. Municipalities currently represented.
7. Municipalities represented in the past.
8. Experience of the firm in labor law.
9. Experience of the firm in real estate law.
10. Court experience of the attorneys who will be assigned to City matters
11. Location of firm offices
 - a. Proximity to Ypsilanti City Hall (distance)
 - b. Travel time from firm office to City Hall
 - c. Description of office facilities with description of number of offices and conference rooms available for consultation, depositions, meetings, etc.
 - d. Description of firm computer capability.
 - e. Describe name of word processing and other programs used.
12. Firm composition.
 - a. Names of attorneys who will be assigned to City matters
 - b. Number of support staff who will be assigned to City matters
13. Firm practice. List any features of your firm that would recommend your firm to provide legal services to the City of Ypsilanti.
14. Resumes. Attach a current resume for each firm attorney who will be handling City matters.
15. Insurance. Does the firm have mal-practice insurance? If so, attach a copy of the declaration page.
16. Discipline. Indicate for each firm attorney if there has ever been any disciplinary case against the attorney that resulted in a finding of misconduct.
 - a. Indicate whether the license to practice law of any firm attorney has ever been suspended. Provide details of dates and causes.
17. Conflict of interest. Indicate if the applicant firm or any attorney has ever brought or threatened legal action against the city of Ypsilanti. If so indicate when, the nature of the proceedings and the result.
 - a. Indicate if the applicant firm represents any client with a contract with the city. If so indicate the party and nature of the contract.
 - b. Indicate if you have any relative working for the city.



- c. Indicate if you have ever worked for the city and describe your present relationship to the city.
- d. Indicate if you have any adverse interest to the city.
18. Give the name, address and telephone number of three references.
19. Include an executive bid summary of not more than two pages.
20. Letter of Transmittal. The letter of transmittal should contain the following information:
 - a. A clarification of which legal areas you are submitting a proposal
 - b. A positive commitment that should you be selected you are able to perform the services requested
 - c. The names of the persons authorized to represent the respondent, their titles, addresses and telephone numbers. This may be important if different from the individual who signs the transmittal letter.
21. Any additional data the proposer feels may be helpful in the selection process.
22. Bid Amount (see below for requirements)
 - a. Annual Retainer Amount
 - b. Hourly Rate above retainer
 - c. Litigation Hourly Rate
 - d. Provide a breakdown of any additional costs that would be billed to the City. Indicate if the additional costs are actual or if there is a charge added for overhead.

Bid Amount Requirements

- A. **Annual Retainer Amount:** shall be an annual, fixed amount that includes both General Legal Services and Prosecution Legal Services. The retainer will be prorated and billed to the City on a monthly basis.
- B. **Litigation Hourly Rate:** an hourly rate for all litigation services, as defined in this RFP, performed by the Legal Officer and not contracted to other firms.

Note: Non-Litigation hours billed in addition to the Annual Retainer Amount will not be permitted without prior, written consent of the City Manager or City Council. Additional billable hours will only be approved in exceptional circumstances that were unforeseen by both the City and Legal Officer at the time of entering into the contract.

Submission Requirements

Submit the proposal on letter size paper using at least a font size of 12 points. Print on one side only. Proposals shall be limited to 10 pages plus an executive summary and transmittal Letter. Provide tabs for each major section. Submit 5 paper copies of the proposal and an electronic copy in Word format in a sealed envelope addressed to City Legal Services, c/o Ypsilanti City Clerk, 1 South Huron Street, Ypsilanti, MI 48197 before 3:00 pm, Eastern Standard Time, August 22, 2024. There will be no formal bid opening. Bids will be opened August 22, 2024 at 4:00 pm EST, at the office of the Ypsilanti City Clerk.

The City of Ypsilanti reserves the right to accept or reject any and all bids or parts of bids and to waive any and all irregularities, informalities, inconsistencies, and to negotiate contract terms with the successful applicant(s), and to disregard all non-conforming, non-responsive or conditional proposals. The City reserves the right to accept any bid and price shall not be the sole determining factor.

The City reserves the right to accept part of a bid and reject other parts. Acceptance of any proposal



will be based on level of experience, qualifications, costs and other factors. The City of Ypsilanti reserves the right to accept a proposal, which it determines in its sole discretion, to be in its best interest.

The City reserves the right to interview any of the bidders prior to accepting a proposal.

Successful applicant must agree for all members and employees of the applicant law firm to not become involved in the advocacy of the political campaign of any candidate for election to the Ypsilanti City Council. In addition to not make any contribution of any kind designed to further the candidacy of any individual seeking election to the Ypsilanti City Council. Public or private participation in the advocacy of political candidates for the office of Ypsilanti City Council (including the Mayor) shall be prohibited as a condition of employment.

Successful applicant must certify that it will notify the City in writing of any changes to the law firm's composition as listed in the bid. Bidding on this RFP is such certification. The City reserves the right to modify or terminate the contract based on significant firm changes.

Pursuant to the Iran Economic Sanctions act, MCL 129.313, before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Contractor, the Contractor must first certify that it is not an "Iran Linked Business" as defined by that law. Bidding on this RFP is such certification.

Method of Evaluating Proposals

Proposals will be evaluated with a strict emphasis on quality. Attributes which will be analyzed include:

1. Firm's experience with governmental entities
2. Firm's governmental resources available
3. Involvement in municipal government activity and organizations
4. Demonstrated knowledge of legal standards in each area of interest, specifically issues related to government
5. Quality of staff included in assignment
6. Reference responses

After technical qualities have been evaluated, a firm or firms will be selected based on subjective determination of the best interest(s) of the City of Ypsilanti.

Please note that should the City of Ypsilanti receive more than 10 proposals the City will narrow the scope of proposers to begin with those having city government experience.