



REQUEST FOR PROPOSALS

SEALED PROPOSALS will be received in the Office of the City Manager at 5555 Perimeter Drive, Dublin, Ohio 43017 until **2:00 P.M. ET, April 12, 2024**. All qualified firms are invited to submit proposals to the City of Dublin for the following:

Legal Services

SUBMIT: Three (3) bound copies OR a digital .pdf format file of all requested documentation must be received on or before 2:00 P.M. ET, April 12, 2024

ADDRESS BOUND COPIES TO: City of Dublin
Office of the City Manager
Attention: Megan O'Callaghan
5555 Perimeter Drive
Dublin, Ohio 43017

E-MAIL DIGITAL COPY TO: mocallaghan@dublin.oh.us

MARK OUTSIDE OR SUBJECT LINE: **RFP – Legal Services**

Purpose of Request

The purpose of this Request for Proposals (RFP) is to solicit resumes from qualified attorneys and/or law firms who desire to serve the City of Dublin in the capacity of the director of law. Presently, the city contracts with a law firm for law director services.

The City of Dublin

FORM OF GOVERNMENT

The City operates under a Council-Manager Plan form of government. The City Manager is the chief administrative and law enforcement officer of the City. City Council performs the legislative

functions of government and consists of seven members. Council members are elected by residents to four-year terms, with three at-large seats and four ward seats. Council elections are held in November of odd-numbered years and are non-partisan.

City Council members have been granted certain powers by the Ohio Constitution, the laws of the State of Ohio and Dublin Revised Charter. Council exercises those powers by or through the adoption of ordinances and resolutions. Among other things, the Charter gives City Council the authority to create and abolish departments; audit city accounts and records; conduct inquiries and investigations; levy taxes; enact ordinances establishing police, sanitary and other regulations contemplated by Article XVIII, Section 3 of the Ohio State Constitution; adopt a budget; and appropriate funds.

Under the Charter, the City Manager appoints the director of law, subject to the consent and approval of Council.

Responders are encouraged to visit the City's website at <http://www.dublinohiousa.gov> to learn about the City's history, events, activities, projects and initiatives.

Scope of Services

In accordance with Section 6.04 of the Charter and Section 31.03 of the Dublin Codified Ordinances, the director of law shall be the legal counsel for the City and all offices, departments, boards and commissions thereof in matters relating to their official duties, including representation of the City and its elected officials, public officials, or employees in any civil claim, demand, or cause of action arising out of such official's or employees' service to and for the City. The director of law also performs other duties as required by the Charter, by ordinance, by Council, or by the City Manager.

When required to do so by City Council, the director of law shall prosecute or defend for and on behalf of the city on complaints, suits and controversies in which the City is a party, and such other suits, matters and controversies as directed by ordinance or resolution to prosecute or defend.

The director of law or designee shall attend all regular and special meetings of City Council, Council committees, and the Planning and Zoning Commission. The director of law shall also attend meetings of the Board of Zoning Appeals, Architectural Review Board, and other board and commission meetings and/or other meetings related to the City as requested or directed by the City Manager.

Additional duties of the director of law not specifically set forth in the City Charter or ordinance, shall include but not be limited to the following, as may be determined, updated or revised by the City Manager:

- Provides routine legal advice, electronic communication, telephone, and personal consultations with City Council, the City Manager, deputy city managers, department heads, and other City staff.
- Performs research and interprets laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the City Council, City Manager, and other City staff.
- Prepares and reviews ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds and other documents as necessary and required by the City.
- Prosecutes cases in Mayor's Court and municipal court; appears on the City's behalf in court at all stages including trials and appeals; advises police as to the legal questions regarding enforcement of criminal and traffic laws; advises the director of court services as to the legal questions covering the handling of criminal and traffic cases.
- Advises on matters relating to risk management.
- Advises on all State and Federal laws, legal matters, etc.
- Performs legal work pertaining to property acquisition, property disposals, public improvements, easements, right-of-way vacations, eminent domain, annexations, etc.
- Performs legal work pertaining to legal documents as required by the City's zoning code.
- Represents the City in enforcement of City codes and zoning regulations through administrative and judicial actions.
- Attends meetings with the development community and staff and drafts agreements related to development.
- Defends the City in litigation that is not covered by liability insurance, as necessary.
- Initiates litigation on behalf of the City, as requested by City Council.
- Attends meetings and discussions with the city, county, state, and federal officials and other governmental officials.
- Provides guidance and advice on City labor and employment-related personnel matters, including, but not limited to, labor agreements, personnel policies, handbooks and administrative orders, training, FLSA, FMLA and leave management, Workers' Compensation, Veterans' Preference, employee investigations, OPERS, employee disciplinary and grievance matters as well as the handling of interest and grievance arbitration. May include labor negotiations as requested by the City Manager.
- Performs all legal services incident to public improvements and issuance of notes and bonds in payment thereof or makes arrangements for the hiring of special counsel.
- Advises on matters relating to economic development.

PROPOSAL SUBMITTALS

- I. All Proposals must include the following:
 - A. General overview of the attorneys and/or Firm.
 - B. Name of the partner/principal who will be designated director of law and the person likely to be the principal deputy (substituting when the director of law is not available).

- C. Names of attorneys to serve as assistant directors of law, corresponding to subject areas of: planning and zoning; labor and employment; economic development and development; finance and taxation; public records and open meetings; police legal advisory; eminent domain; real estate; environmental; construction; and prosecution.
- D. With respect to individual attorneys identified in (B) and (C), biographical information including but not limited to:
- Name of individual(s), with resumes;
 - Length of employment with firm;
 - Specialization;
 - Legal training;
 - Scholastic honors and professional affiliations;
 - Date of admittance to the Ohio Bar;
 - Years of practice;
 - Municipal or other local public sector experience;
 - Years of experience as a director or law or similar position, with cities represented and references for each;
 - Knowledge of, and experience with Ohio Revised Code; Ohio Constitution; federal laws applicable to municipalities (e.g., ADA; FHAA; 42 U.S.C. §1983);
 - Litigation experience and track record;
 - Whether the partner/principal or likely associates have ever been successfully sued for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results of the situation.
- E. Description of preferred working relationship between the director of law and the City Council, City Manager, department heads, and other members of the City staff.
- F. Detailed assessment of office space and technology needs to be on-site and accessible to the City Manager and staff.
- G. References, preferably from past local government or local public sector clients/employers. Please include name, address, email address, and work telephone number for each reference.
- H. Detailed information regarding the firm or attorney's proposed fee schedule for routine legal services and for any variation for non-routine/special services. Also, please include any specific expenses for which the firm or individual attorney will claim reimbursement from the City including type and unit rate (i.e. mileage, reproduction of documents, travel expenses, conference registrations or professional association memberships, etc.). The Proposal shall include cost proposals for the following services:

1. Routine Services (Included in Retainer):

- Attending all regular and special Council meetings.
- Attending all regular and special Planning and Zoning Commission meetings.
- Attending other Council committee or board and commission meetings upon the request of the chair or City Manager, or applicable department head.
- Drafting ordinances and resolutions arising in the normal course of municipal operation upon request of the City Manager or Council.
- Drafting all other routine documents, legal memoranda, and legal opinions as requested by the City Manager, Council, or department head.
- Providing legal advice relating to matters of public law to City officials as necessary or upon request and attending meetings and/or conferences as requested by City officials.
- Responding to the City Manager, Council members, board and commission members, and staff about legal matters.
- Attending meetings and discussions with City, County, Township, State and Federal officials and other governmental officials.
- Attending meetings with the development community and staff.
- Attending meetings with senior staff, including but not limited to weekly department head meetings and Council agenda meetings, and biweekly Planning and Zoning Commission agenda meetings.
- Preparing and updating standard contract/bid forms for use by all City departments.
- Providing legal updates and training for boards and commissions.
- Providing legal updates and training for City departments, e.g., police training.
- Overseeing the representation of the City in any case where insurance counsel is retained by the carrier.
- Representing the City in all matters related to annexation.
- Representing the City in the court of common pleas or Franklin County Environmental Court in appeals from quasi-judicial proceedings on administrative matters, under Chapter 2506 of the Revised Code or similar provision.
- Land acquisition shall be a part of routine services on matters defined as normal real estate contractual issues. Regarding ROW land acquisition being carried out under the City's Eminent Domain authority, all steps in the ROW acquisition process through the presentation of an offer(s) to purchase, the receipt of counteroffer(s), and all early negotiations up to the filing and prosecuting an appropriation case will be considered routine services.
- Termination counseling, FMLA, ADA, ADEA, FLSA, Title VII, PPACA, Ohio Revised Code, Workers' Compensation statutes, Collective Bargaining statutes, USERRA, COBRA, and HIPAA related questions, and other general legal advice related to labor and human resource matters shall be included as routine services.

2. Non-Routine/Special Services
3. Please provide specifics as to definitions of routine legal services versus non-routine tasks, what is fixed as opposed to variable, and how costs are adjusted according to that classification.
4. In addition, the Proposal shall include annual cost proposals for the following services:
 - a) Dublin Mayor’s Court Prosecution – Dublin Mayor’s Court meets every Tuesday starting at 3:30 p.m. There are also special sessions for prisoners requiring immediate hearings on Monday and Friday mornings.
 - b) Franklin County Municipal Court Prosecution – Prosecuting City of Dublin cases in Municipal Court daily. As of February 2024, the City had approximately 125 active cases in municipal court and approximately 250 in order in/warrant status.
5. The City of Dublin reserves the right to negotiate an agreement to include any portion or portions of the services covered by the RFP. The City of Dublin reserves the right to reject any and all responses in total or by components.
6. Specifically for contract option: Payment by the City of Dublin for the services will only be made after the services have been performed, an itemized billing statement is submitted in the form specified by the City of Dublin and approved by the Director of Finance and City Manager, which shall specifically set forth the services performed, the name of the person performing such services, the hourly charge rate for such person and/or monthly retained fee for any and all services. Payment shall be made on a monthly basis, thirty (30) days after receipt of such billing statement.

QUESTIONS AND COMMUNICATION

All inquiries regarding this RFP must be submitted by email by 5:00 P.M. on April 9, 2024, and be addressed to the City Manager at the address or email set forth on page 1.

TIME SCHEDULE

The City will use the following timetable to select a successful attorney and/or law firm:

Deadline for questions by 5 P.M.

April 9, 2024

Deadline for submittal by 2 P.M.	April 12, 2024
Applicants notified of City’s intent to move forward with the interview process	April 19, 2024
Anticipated contract commencement	July 1, 2024

CRITERIA

A selection team will review and evaluate the proposals. The City of Dublin reserves the right to reject any and all Proposals, and/or to waive minor irregularities in any Proposals.

Understanding that no Responder may completely meet all requirements of the specifications, the City of Dublin reserves the sole right to determine whether a Proposal substantially complies with the specifications; accept, negotiate modifications to, or reject the terms of any application; and waive the right to accept a part, or parts, of an application, unless otherwise restricted in the Proposals.

The City of Dublin reserves the right to request clarification of information submitted, and to request additional information from any responder.

The City of Dublin reserves the right to award any agreement to the next most qualified Responder, if the successful Responder does not execute an agreement within thirty (30) days after the award of the Proposals.

The contract resulting from the acceptance of a Proposal by the City of Dublin shall be in a form supplied and approved by the City of Dublin and shall generally reflect the specifications in this RFP. The City of Dublin reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP, or which is not approved by the City’s law director.

The City of Dublin shall not be responsible for any costs incurred by the firm or individual in preparing, submitting or presenting its response to the RFP.

The City of Dublin will evaluate the performance of the contract services after completion of the first six (6) months and reserves the right to terminate the contract at that time if performance by the Law Director is not acceptable for any reason, with or without cause, as determined in the City’s sole discretion.

The City is committed to full compliance with Ohio Public Records Act and as such retains the right to disclose both the name and applications submitted by all respondents in response to a public records request. It is the responsibility of all respondents to exclude any and all information, which if disclosed pursuant to a public records request could have a negative impact on the respondent.