



CITY OF PLATTSMOUTH, NEBRASKA

**REQUEST FOR PROPOSALS
CITY ATTORNEY LEGAL SERVICES**

RFP Release Date: March 18, 2024

Response Required by: April 5, 2024

Respond to:

**Sandra Meyer, City Clerk
smeyer@plattsmouth.org
City of Plattsmouth
136 North 5th Street
Plattsmouth, NE 68048**

I. OVERVIEW

The City of Plattsmouth is seeking proposals from individual attorneys and/or law firms to serve as its City Attorney. The attorney and/or law firm submitting a proposal (“**Applicant**”) must be in good standing and licensed to practice law before all courts and administrative agencies of the State of Nebraska. The Applicant selected by the City would serve as the appointed City Attorney and provide the legal services described in Part III below (“**City Attorney Legal Services**”).

The City’s selection will be based on its evaluation of the information provided in each Proposal and during an interview, if requested, between the Applicant and the Mayor and City Administrator. The City may engage more than one Applicant for legal services should that be in its best interests. Each successful Applicant will be required to enter an engagement letter with the City on terms reflective of this proposal, the City’s standard service agreement terms as applicable, and any subsequent negotiations between the City and Applicant.

The City anticipates that the City Attorney will frequently attend work sessions, meetings, and similar activities onsite at City offices. However, the City does not have an office or technical support for the work of the City Attorney, so the City Attorney will be required to provide the services at the City Attorney’s own offices and to utilize the City Attorney’s own office, technical, and other equipment.

II. BACKGROUND

Plattsmouth is located in Cass County, just south of the Omaha Metro area and has a population of 6,642. Plattsmouth is a Nebraska city of the first class and has a municipal government organized pursuant to the provisions of Chapter 16 of the Nebraska Revised Statutes. The City is governed by the Mayor and an eight-member City Council, and the City Administrator serves as the non-elected head of City government. The Mayor, with the consent of the City Council, appoints the City Attorney, and the term of the City Attorney will run through December 2024 unless otherwise terminated or extended by the Mayor and City Council. The Mayor and City Council also have the right to pay the City Attorney for additional legal services performed for the City and to procure legal services from other attorneys.

III. SCOPE OF SERVICES

The following is a general description of the City Attorney Legal Services. This description is not exhaustive. The Applicant may be requested to perform additional legal work in other areas and/or the City may engage other attorneys for such additional legal work.

A. Legal Advisor. The City Attorney is the legal advisor to the City Council and other City officers and also provides legal advice to the City’s boards, commissions, committees, and other bodies. The City Attorney attends meetings of the Plattsmouth City Council (first and third Mondays at 7:00 p.m.) and, at the direction of the City Administrator, also attends meetings of the Planning Commission (third Thursdays at 7:30 p.m.) and other boards, commissions, and committees. The City Attorney renders legal opinions on any municipal legal matter or question submitted by the Mayor, City Council, or City Administrator.

B. Civil, Administrative, and Criminal Proceedings. The City Attorney commences, prosecutes, and defends all suits and actions as may be ordered by the City Council. In civil matters where the City’s insurance company has appointed legal counsel, the City Attorney acts

as liaison for the City. The City Attorney also prosecutes misdemeanor violations of the City's municipal code and updates the Mayor and City Administrator on pending litigation as needed.

C. Preparation of Documents. The City Attorney prepares ordinances, resolutions, policies, forms, and other documents as requested by the City Administrator or his/her delegee.

D. Public Ways and Municipal Property. The City Attorney advises the City on the management and operation of public ways and property and on the acquisition, lease, sale, and license of all real property interests and improvements. He/she also drafts, reviews, negotiates, and/or administers real estate purchase agreements, leases, deeds, easements, franchise agreements, license agreements, right of way occupation permits, and other documents as requested by the City Administrator or his/her delegee.

E. Land Use and Zoning. The City Attorney advises on building, land use, development, zoning applications, and other matters as requested by the City Administrator or his/her delegee. He/she also drafts, reviews, negotiates, and/or administers development agreements, subdivision agreements, and similar documents as requested by the City Administrator or his/her delegee.

F. Procurement. The City Attorney advises the City's purchasing agent on the procurement of goods and services and drafts, negotiates, and administers contracts and other agreements for the same. The City Attorney also advises on the procurement, contracting, and other legal and regulatory standards applicable to City projects involving state and/or federal funds.

G. Compliance. The City Attorney advises the City on compliance with applicable Nebraska laws and regulations, such as the Open Meetings Act, Public Records Laws, and Interlocal Cooperation Act.

H. Human Resources. The City Attorney advises the City on employee disciplinary issues and other matters of employment and human resources law.

IV. PROPOSALS

Proposals must be submitted in writing and should be no longer than 5 single-sided pages, excluding individual attorney resumes or CV's, billable rate and expense schedule(s), and insurance information. Proposals should include the following information:

A. Introduction. Provide an introduction, background, and contact information for the Applicant. If the Applicant is a firm, designate the individual who will serve as the principal contact of the firm for this RFP.

B. Service Approach. Describe the Applicant's proposed approach to providing the City Attorney Legal Services. Include the Applicant's ability to regularly attend meetings, work sessions, and similar functions onsite at City Offices and other municipal locations. Include a resume and/or CV for each attorney who will be primarily responsible for providing the City Attorney Legal Services.

C. Relevant Experience. Describe the Applicant's experience providing legal services to Plattsmouth or any other Nebraska city of the first class. Describe any recent experience providing legal services to other cities, villages, counties, and other political subdivisions in Nebraska. Describe any other significant recent experience relevant to the provision of the City Attorney Legal Services.

D. Compensation. Provide the hourly billable rates for each attorney included in Section B. Provide an itemized schedule with the amounts of all fees, costs, and expenses associated with the City Attorney Legal Services which the Applicant proposes to charge for services in addition to the Applicant's hourly billable rates.

E. Conflicts. Disclose any relationship and all compensation arrangements that the Applicant has or has had within the past thirty-six (36) months that could create or appear to create a conflict of interest if the Applicant is selected to serve as City Attorney. Include sufficient information about the potential conflict or the representation of a client in matters adverse to the City so that the City may determine if such conflicts are so significant as to warrant representation not to be considered. Describe how Applicant would mitigate potential conflicts in providing the City Attorney Legal Services and whether, if selected, the Applicant will certify that it will not take any engagement which could result in a conflict of interest without first receiving the informed consent, confirmed in writing, of the Mayor or City Administrator.

F. Insurance. Provide the form and amount of the Applicant's malpractice insurance coverage.

G. Optional. Describe Applicant's experience and qualifications in any areas of law, other than those described in Part III above, relevant to the City's operations for which Applicant would be available to provide additional legal services.

Proposals will be evaluated using the following methodology: qualifications and experience of legal counsel (40%); method of service delivery and availability (30%); and compensation (30%). The City shall have the right at its sole discretion to waive any deficiency in any response to this RFP and to reject any or all responses to this RFP. The issuance of this RFP in no way constitutes a commitment by the City to select any Applicant. Finalists may be contacted for an interview. The City reserves the right to engage legal counsel without interviews or further discussion.

V. INSTRUCTIONS FOR SUBMITTING PROPOSALS

Each Proposal must be received on or before **April 5, 2024**. Proposals must be submitted to Sandra J. Meyer, City Clerk, either via email at smeyer@plattsmouth.org or via mail or hand-delivery to City of Plattsmouth, 136 North 5th Street, Plattsmouth, Nebraska 68048.

Questions regarding this Request for Proposals may be directed to:

Emily Bausch
City Administrator
City of Plattsmouth
136 North 5th Street
Plattsmouth, NE 68048
402 296 2522 ext 102
ebausch@plattsmouth.org