

REQUEST FOR PROPOSALS FOR LEGAL SERVICES
ATTENTION ATTORNEYS

SECTION ONE

The City of Biloxi is seeking proposals from qualified attorneys and law firms for rendering certain legal services from time to time to the City of Biloxi, Mississippi as special counsel under the supervision and direction of the City Attorney. The Scope of Services is specified in this RFP below in SECTION TWO, labeled, "Scope of Services." The submitting attorney or firm of attorneys may submit proposals for one, more than one, or even every category of work, provided all of the information requested for each individual category is supplied. The attorney or firm, if selected by the Administration and approved by resolution of the City Council, will perform legal services in tasks or cases as assigned by the Mayor or the City Attorney. The attorney or firm will provide legal services as an independent contractor, under the supervision of the City Attorney and under the terms and conditions of a formal agreement approved by the City Council.

Proposals must contain all information requested in the Scope of Services and in each of the required components below:

- 1) **Qualifications and Proposed Hourly Rates; Alternative Fee Structures:** Identify by Mississippi Bar Number and state the qualifications of each attorney who will be providing service and state the proposed hourly rate for each attorney. The proposal may specify different rates for counseling, transactions, and litigation. The proposal shall state the hourly rate for service by paralegals (aka legal assistants), if any, or an alternative fee structure as defined below. For your information: the current hourly rate for the City Attorney and all currently approved special counsel is \$135.00 per hour for attorneys and \$55.00 per hour for paralegals.

Alternative Fee Structures: For any category or part of a category, the proposer may offer an alternative fee structure designed to reduce annual costs to the City for legal services and payment of claims and/or increase the City's annual collections of claims and/or increase the city's revenue from development financing through investments, grants and loans – for instance:

- fee structures based on fixed fees and expense limits for certain types of work,
- adjustments up or down to fees based on success or failure,
- maximum costs of legal services in relation to final money judgments,
- sliding scales of percentage fees for opinions involving long term risk for the attorney (as in bond issues and other debt instruments), or
- other alternative fee structures that the proposer shows for the category would
 - likely reduce the City's annual costs of legal services, expenses and payment of claims without reducing quality of service; or
 - likely increase the City's net financial gain on its
 - civil claims and collections and/or
 - applications to public and private agencies and institutions for development investments, incentives, grants and loans.

- 2) **Experience:** Describe the experience of the individual attorney or the firm and all members of the firm that are to be assigned to each category of the work in the submission, including a reference list of one or more clients with client's contact information. The referenced clients may be related to work not pertaining to the specified category.
- 3) **Community Commitment:** Describe location of office or offices to be used when serving the City of Biloxi, number of attorneys located full time at that office, the number and positions of other full time and part-time employees assigned to that office, any other relevant factor indicating commitment to, involvement with, and familiarity with the citizens of the City of Biloxi and City of Biloxi government.

The City of Biloxi is an equal opportunity employer.

Proposals should include a proposed, written engagement letter or agreement containing the attorney or firm's proposed terms and conditions in compliance with the terms of this RFP and shall include, among other terms, the following terms:

- (a) A commitment to provide proof of errors and omissions professional liability insurance in an amount acceptable to the City and proof of workers compensation insurance as provided by law for independent contractors, within a reasonable time after execution;
- (b) Assurance that the attorney or firm will not assign the agreement nor sub-contract any legal services under the agreement without the prior, written consent of the Mayor;
- (c) Recognition that the intended period of performance of the contract will end no later than June 30, 2017, with reasonable extension of the term in the City's discretion for matters in process at the date of termination;
- (d) Commitment to provide the City reasonable notice of intent of the attorney or firm to terminate the contract prior to June 30, 2017, and acceptance of the City's right to terminate the contract at any time without cause.

All proposals shall be the property of the City.

Proposals should not include any proprietary information of the proposer or any information requiring confidentiality by the City.

Response to this RFP does not constitute acceptance of the proposal by the City.

Proposers should identify any known, current conflicts the proposer may have with the City or any of its personnel, with a request for waiver of the conflict consistent with Mississippi law and applicable rules pertaining to attorneys.

Sealed proposals will be received until 10:00 AM Monday, July 13, 2015. Please forward one (1) original and three (3) copies of the proposal in an envelope marked, "PROPOSALS FOR LEGAL SERVICES", to: Mayor's Office, City Hall, second floor, 140 Lameuse Street, Biloxi, Mississippi (228-435-6252) or mail to Mayor's Office, City of Biloxi, P. O. Box 429, Biloxi, MS 39533.

Proposals may be reviewed by the Mayor, City Attorney and Chief Administrative Officer, who may consider, evaluate and weigh any factors deemed by them, in their sole and absolute discretion, to be in the best interests of the City in selecting the attorneys and firms and in finalizing terms and conditions for agreements. The Mayor may in his discretion authorize the City Attorney to negotiate terms and conditions with any one or more respondent(s) and to interview any one or more of them, in order to make recommendations of final terms and conditions to the City Council. The Administration may recommend to the City Council one or more agreements to engage legal services proposed in response to this RFP.

The City reserves the right to reject any and all proposals and to waive any informality in the proposals accepted. The City reserves the right to award a contract for service in multiple categories to a single individual or firm and reserves the right to award contracts for each category to multiple individuals or firms. All service to the City of Biloxi will be at the will and pleasure of the Mayor.

SECTION TWO SCOPE OF SERVICES

I. BACKGROUND

The City of Biloxi, Mississippi ("City"), requires the services of individual attorneys and/or firms of attorneys to assist in the performance of necessary legal services. These services shall be for the limited area of legal representation identified in each category set out herein. An attorney or firm of attorneys may be engaged for more than one category at the same time, and the City may engage more than one attorney or firm of attorneys in the same category.

II. FEES

The fee schedule for each attorney or firm shall be determined by written engagement agreement(s) that the City may enter with one or more attorneys or firms in response to this Request for Proposals.

Fees may be charged only for services rendered at the direction and authorization of the City Attorney or the Mayor and under the terms and conditions of the written agreement with the specific attorney or firm. Fees and expenses should be billed on a monthly basis in written invoices addressed to the Mayor and City Attorney at City Hall. Payment is subject to approval of each invoice by the City Attorney and Mayor, who will submit approved invoices to the City Council for final approval in a docket of claims typically within thirty (30) to ninety (90) days of receipt of the invoice. However, regardless of the date of payment, no interest shall accrue on unpaid fees and expenses.

The City may terminate the engagement at any time, without cause. When the engagement is terminated, the attorney will be paid for services rendered to the date of termination and reasonable expenses.

III. SPECIFIC ASSIGNMENTS

The City Attorney, under the direction of the Mayor, may from time to time make assignments of tasks and/or cases to engaged attorneys and law firms in the category or categories for which they have been engaged for legal services, to be carried out under the supervision and direction of the City Attorney.

IV. CATEGORIES OF LEGAL SERVICES

All categories shall include counseling the Administration and City Council, transactional matters, drafting of instruments and contracts, representation in regulatory matters, and representation in litigation matters relating to the category, all as, if and when directed by the Mayor or the City Attorney—to wit:

1. Annexation and redistricting: counsel and litigation.
2. Architectural, engineering, planning and other professional service contracts: counsel, drafting agreements, transactions, and litigation.
3. Bankruptcy: counsel and litigation.
4. Bond Counsel for General Obligation bonds.
5. Bond Counsel for Tax Increment Financing bonds.
6. Business and general liability litigation: counseling and representing City as plaintiff or defendant, with and without insurance coverage; representation under this category may include litigation in other categories specified herein, if directed by the Mayor or City Attorney.
8. Cemetery issues: counsel and litigation.
9. City contracts (non-construction): counsel, drafting contracts, transactions and litigation.
10. Civil service and personnel: counsel and litigation.
11. Collection of debts due the City or City Court: counsel and litigation.
12. Construction contracts: counsel and drafting contracts; transactions and litigation.
13. Development incentives, grants and loans (public and private sources): Drafting applications and contracts, counsel, transactions, litigation.
14. EEOC: counsel and litigation.
15. Elections: counsel and litigation.
16. Eminent domain: counsel, pre-acquisition negotiations and litigation.
17. Environmental permitting: counsel and litigation.
18. Ethics in government and professional services and transparency issues (open meetings and public records requests and appeals): counsel, drafting ordinances and litigation.
19. Financial Advisor: for bonds and other debt instruments and for investments of city funds.
20. Hurricane or disaster assistance: drafting pre-storm preparation contracts per FEMA guidelines, post-disaster issues, counsel, and litigation.
21. Intellectual property: counsel, drafting instruments and contracts, and litigation.
22. Motor vehicles for hire regulation: counsel, drafting ordinances and documents, and litigation.

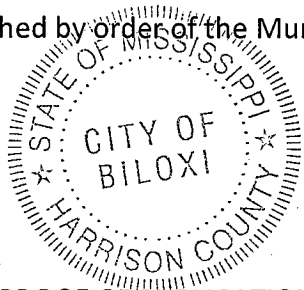
23. Non-profit organizations: general and tax counsel and drafting organizational documents and applications for tax exempt status with the IRS and State Department of Revenue for non-profit organizations created by or affiliated with the City.
24. Planning & Zoning: counsel to City Planning Commission, Building Board of Adjustments and Appeals, and administrative staff; attend meetings of Planning Commission, Building Board of Adjustments and Appeals, and City Council when requested; drafting ordinances; representing City in Bills of Exceptions and other appeals and litigation.
25. Private utilities (cable, power, and other private utilities): drafting franchise and other agreements, counsel, transactions, litigation, and regulatory matters.
26. Public utilities (water, sewer, other public utilities): counsel, drafting agreements, transactions, litigation, and regulatory matters.
27. Real estate: counsel, drafting contracts and other instruments (deeds, leases, etc.) for sales, purchases, closings, and transactions, and serving as closing attorney.
28. Real estate title searches, opinions, and title insurance (specify title insurance rates separately from hourly services and expenses).
29. Tax appeals (ad valorem, sales tax, gaming tax) and tax exemptions and abatements: counsel and litigation.
30. Telecommunications and Internet: counsel, drafting franchise and other agreements, transactions, litigation, and regulatory matters.
31. Tidelands leases and other issues: counsel, drafting instruments, transactions and litigation.
32. Tort Claims that are subject to State Tort Claims Act: counsel to Administration prior to formal assertion of claim against City, and counsel and litigation after formal assertion
33. Workers compensation: counsel and litigation; management training and risk management seminars for city personnel and contractors.

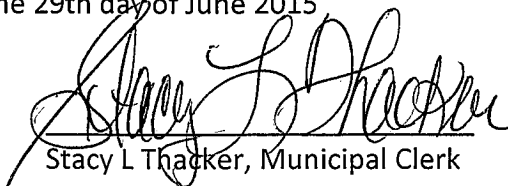
V. TYPES OF PERMITTED EXPENSES

It is anticipated that certain expenses may be reimbursable in conjunction with the engagement of an attorney or firm of attorneys. Categories of anticipated expenses should be specified in the response to this RFP, both by a description of the anticipated expense and a proposed reimbursable rate for that expense. Reasonable expenses other than those specified in the engagement agreement shall not be reimbursable unless approved in writing in advance by the Mayor or City Attorney.

The sealed proposals will be opened at 10:00 AM, Monday, July 13, 2015, in the City Hall Council Chambers, 2nd floor, 140 Lameuse Street, Biloxi, MS 39530.

Published by order of the Municipal Clerk, this the 29th day of June 2015




Stacy L Thacker, Municipal Clerk

(SEAL)

SEND PROOF OF PUBLICATION.

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