Ephraim City is soliciting Request for Proposals (RFP) for Legal Services, Civil and/or Criminal, for Ephraim City. The RFP can be found on the home page at www.EphraimCity.org or by emailing shaun.kjar@ephraimcity.org.

The RFP describes and outlines the scope of work requested. The RFP must be submitted by November 11, 2022 at 5:00 p.m. to:

Ephraim City  
Legal Services RFP  
5 South Main Street  
Ephraim, Utah 84627

An evaluation committee comprised of Ephraim City Staff and City Council Members will review the proposals and, if necessary, will schedule candidates to interview with the committee. For questions, please feel free to call Shaun Kjar at (435) 283-4631 or via email at shaun.kjar@ephraimcity.org.
REQUEST FOR PROPOSALS

FOR

LEGAL SERVICES - CIVIL AND/OR CRIMINAL

SEALED PROPOSAL SUBMISSION DEADLINE
NO LATER THAN 5:00 PM MOUNTAIN TIME ON NOVEMBER 11, 2022
Introduction
Ephraim City is inviting interested law firms with a minimum of 5 years of municipal law experience to submit written proposals to provide legal services, civil and/or criminal, for the City. An evaluation committee comprised of City Council members and City Staff will select the City Attorney and/or City Prosecutor. The City Attorney is expected to work closely with the Mayor, Council, City Manager, and other City Staff. The City Prosecutor is expected to work closely with Ephraim City Police and Ephraim City Municipal Court.

Background
Ephraim City operates in a six-member council form of government. The Council appoints the City Manager, who is responsible for the daily activities of the City and is the Chief Executive Officer.

Ephraim City is a rural, incorporated municipality located in Central Utah in Sanpete County. Ephraim City has seen consistent growth and is home to Snow College.

Ephraim City is a full-service city offering multiple public services to its residents. Notable functions include the delivery of power and water to the residents and treatment of wastewater. The City is responsible for public safety services including Police and Fire. Ephraim shares the responsibility for the Manti-Ephraim Airport with Manti City.

This contract for Legal Services is scheduled to start November 25, 2022.

General Instructions
- Responses must provide complete information as described in this request. Documents shall be submitted by 5:00 pm MT on Friday, November 11, 2022. The proposals shall be marked: “Ephraim City, Legal Services RFP” and emailed to shaun.kjar@ephraimcity.org or sent to:

  Ephraim City
  Legal Services RFP
  5 South Main Street
  Ephraim, Utah 84627

- To ensure fairness and uniformity, firms submitting responses are requested to not contact City staff or the City Council: Questions about this RFP may be made to Shaun Kjar, City Manager prior to submission deadline.
- The City will not reimburse any expenses incurred by the firm submitting responses including but not limited to, expenses associated with the preparation and submission of the response and attendance at interviews.
- The City reserves the right to reject any and all proposals, to request additional information from any or all Proposers, and to suggest modifications to the terms and conditions or a retainer agreement from that offered by a Proposer.
Term of Agreement
This contract is for two (2) years beginning November 25, 2022 and terminating on November 25, 2024. The City shall have the right to extend this contract for one (1) additional two (2) year term. Renewal of the appointment/contract will require reauthorization by the City Council. If both parties cannot agree on prices for a contract extension, the existing contract will be allowed to expire and the legal services will be rebid.

City Attorney Legal Services Requirements
The following are the primary responsibilities for legal services the City will require from the City Attorney on a fixed-fee arrangement:

- Attend all regularly scheduled City Council meetings; attend other City Board, Commission, or Committee meetings as requested by the City Council or the City Manager.
- Draft and/or review ordinances, resolutions and correspondence, as requested.
- Advise the Mayor, City Council, City Manager, City Department Heads and other city staff on city legal matters.
- Prepare and/or review municipal contracts, development agreements, and other agreements and contracts entered into by the City.
- Research and submit legal opinions on municipal or other legal matters as requested by the City Council or the City Manager.
- Provide written and periodic in-person training session updates on new State or Federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
- Provide advice on open meeting law, data practice, records retention and privacy issues.
- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, and right-of-way vacations.
- Legal work pertaining to economic development.
- Coordination of outside legal counsel, as needed and as directed by the City Council or the City Manager.
- Performs other legal services and tasks, as requested.

City Prosecutor Legal Services Requirements
The following are the primary responsibilities the City will require from the City Prosecutor on a fixed-fee arrangement:
- Enforcement of City codes, zoning regulations, and building standards through administrative and judicial actions.
• Legal work pertaining to criminal matters of the City such as prosecution and initial proceedings.

• Availability to City officers for legal guidance throughout the day and night.

• Consistently connect and communicate with Police Department and individual officers each step of the way from initial contact throughout entire court process.

• Provide periodic training regarding legal updates, trial preparation, and case studies to help department improve how investigations are conducted.

• Proactive approach to investigation of complex cases and problems within the city.

• Must be able to keep many cases organized and able to prompt officers and department toward resolution.

• Represent and prosecute all criminal law matters within Ephraim City jurisdiction that are not the responsibility of the County Attorney, included, but not limited to, attendance at all Court appearances as scheduled by the Sanpete County District Court, assist with coordinating scheduling of officer appearances, reviewing all criminal cases presented for purposes of prosecution, writing complaints, act as a resource to the City’s law enforcement agency in development of criminal cases and provide reports to the police department summarizing the prosecution activities/dispositions conducted on behalf of the City.

• Performs other legal services and tasks, as requested.

Proposal Submission
Proposals received after the deadline will not be accepted. It is the responder’s responsibility to assure that a proposal is received in a timely manner.

All interested firms should provide a written proposal, responding to each inquiry in the order below.

Each proposal shall be considered binding and in effect for a period of ninety (90) days following the proposal opening.

Describe the nature of your law firm’s practice and the firm’s qualifications for providing legal services. Include a professional chronology for the individual who will be designated to serve as City Attorney or Prosecutor for Ephraim City, as well as for others whom you anticipate being involved with providing legal services to the City.

Provide the overall capabilities, qualification, training, and areas of expertise for each of the principals, partners, and associates of the law firm, including the length of employment for each person and her/his area of specialization, including criminal prosecution. Provide the following for the person whom you propose to designate as City Attorney or City Prosecutor and for each person you propose to designate as a deputy or back-up.

• Legal training and number of years of practice, including date of admission to the Utah
Bar Association, number of years of municipal or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in local government.

- Professional affiliations.
- Knowledge of, and experience with, Utah Municipal Law or other public sector experience, and redevelopment law.
- Knowledge and practice of law relating to land use and planning, environmental law, risk management, redevelopment, general plans, real estate, and other related law.
- Knowledge of, and experience with, law relating to criminal prosecution and civil issues related to such prosecution.
- Experience in the area of development agreements, contracts and franchises.
- Experience in the preparation and review of ordinances and resolutions.
- Types of clientele represented and years representing each.
- Office location and accessibility to the City

If your firm or any of the attorneys employed by the firm, have ever been sued by cities, or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information about the nature of the incident, the dates of when the matter began and was concluded, and the results of the situation.

Describe your office staffing, including all permanent and temporary employees, their general duties, and work schedules. Include any staffing changes you would propose should you be awarded the legal services contract.

**Clients/Conflict of Interest**

List all public clients for whom your firm currently provides services under a fee for services basis or on a retainer basis. Identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts. Identify any foreseeable or potential conflicts of interest that could result from any private representation and the manner in which you would propose to resolve such conflicts.

For the person to be designated as City Attorney, list all public clients that person presently represents as city attorney or general counsel, along with the meeting dates and times for each governing body.

**Ephraim City Office Hours**

Please describe the amount of time that the designated Attorney or Prosecutor will spend in Ephraim City outside of attendance at City Council meetings and other requested Boards and Commission meetings. The City requests that the designated City Attorney or Prosecutor be available to work at City Hall in Ephraim City at least **two days a week**. A space will be provided for the City Attorney to work at City Hall.
Professional References
Provide three (3) professional references for the individual designated as City Attorney or Prosecutor, including addresses and work telephone numbers. References should be currently employed public agency officials or agents.

Fee Proposal
Provide the pricing schedule you will use to charge the City for providing services as outlined in this Request for Proposals. Describe how the firm intends to provide legal services, either at an hourly or retainer rate. The City prefers a retainer rate for the aforementioned services in an effort to manage costs effectively.

Define what type(s) of work is considered to be extra or specialized work that would be billed in addition to basic services.

State the hourly rate for the designated City Attorney or Prosecutor, and associates for general work and for special services.

Identify the minimum increment of time billed for each service including phone calls, correspondence, and personal conferences.

Firms shall indicate all other costs and reimbursables including travel (per mile), telephone, printing, photocopying, etc.

Evaluation and Selection Process
Proposals will be screened and evaluated with the top candidates with the possibility to participate in an interview with the evaluation committee comprised of Ephraim City Council Members and Ephraim City staff. The criteria for evaluating the proposals are listed below and weight given to them in evaluating each proposal:

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<tr>
<th>Criteria</th>
<th>Maximum Points Allowed</th>
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<tbody>
<tr>
<td>Experience and Expertise</td>
<td>20</td>
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<tr>
<td>Qualifications of City Attorney</td>
<td>20</td>
</tr>
<tr>
<td>Ephraim City Hall Office Hours</td>
<td>20</td>
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<tr>
<td>Location of Firm’s Offices</td>
<td>10</td>
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<tr>
<td>References</td>
<td>10</td>
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<tr>
<td>Fee Proposal</td>
<td>20</td>
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<tr>
<td><strong>Maximum Points</strong></td>
<td><strong>100</strong></td>
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The contract will require that the law firm selected maintain general liability, automobile, workers’ compensation, and errors and omissions insurance. The contract will also contain provisions requiring the selected law firm to indemnify the City and provide that the City Attorney is an independent contractor serving at the will of the City Council.

Other required provisions will include the City Council’s right to terminate the agreement, at its sole discretion, upon the provision of notice.

The City anticipates the original contract will be two (2) years in length with an option to extend
one additional two (2) year period.

Submitting firms are expected to submit a proposed contract for services with their proposal that will govern the relationship between the firm and the City. This contract will be considered as an example of the work to be performed by the firm.

Submissions

Submissions should be emailed or be contained in a sealed package or envelope. The email or exterior of the package or envelope should clearly be labeled “Ephraim City, Legal Services RFP”.

The entire proposal and other components requested in this document should be received no later than 5:00 PM on November 11, 2022 at the Administrative offices on the Main floor of Ephraim City Hall or via email. Proposals received after this deadline will be considered late and not opened or considered.

Documents can be emailed to shaun.kjar@ephraimcity.org, mailed, or hand-delivered to:

Ephraim City  
Legal Services RFP  
5 South Main Street  
Ephraim, Utah 84627

Clarifications

Should any responder find discrepancies in or omissions from this request for proposals or should any responder be in doubt as to the meaning of any requirement or instruction, questions should be directed to:

Shaun Kjar, City Manager  
5 South Main Street  
Ephraim, Utah 84627  
(435) 283-4631  
Shaun.Kjar@EphraimCity.org

Clarifications of any questions received will be sent to all interested parties. Ephraim City shall not be responsible for any oral instructions. Interested parties must notify Ephraim City of any omissions or errors in this document prior to the submission deadline so a corrective addendum may be issued in a timely manner to all interested parties.