

Dane County Towns Association  
Request for Proposals  
Legal Services  
July 20, 2017

## **NOTICE**

The Dane County Towns Association (“DCTA”) is currently seeking proposals from qualified legal firms or attorneys interested in providing comprehensive legal services. The DCTA desires general counsel, addressing municipal law issues and defending the DCTA in any claims filed against it, which are not covered by insurance policies. The primary objective of requesting qualifications is for the DCTA to determine which legal firm or attorney can offer the highest quality of services at the most reasonable cost. Sealed proposals will be accepted through August 24, 2017.

## **BACKGROUND**

### *DCTA Background*

For more information about the DCTA visit [www.danecotowns.net](http://www.danecotowns.net)

### *Current and Past Legal Representation*

The current DCTA Attorney is retiring soon after many years of service. The DCTA Attorney will not have set office hours and will only be consulted as needed. The DCTA Attorney is appointed by the DCTA Executive Board. The DCTA Attorney will provide general legal counsel and legal services to the DCTA.

## **SCOPE OF LEGAL SERVICES**

The DCTA Attorney shall perform the duties as needed by the DCTA. The primary legal services needed by the DCTA are broad and varied. The selected law firm will be expected to serve as general counsel to the DCTA addressing municipal law issues and defending the DCTA in any claims filed against it, which are not covered by insurance policies.

The DCTA Attorney will be expected to provide the following services, but are not limited to:

1. Meetings - The DCTA Attorney may be requested to attend regularly scheduled meetings of the DCTA, usually once per month including Executive Board and membership meetings. The DCTA Attorney will also, on an as-needed basis, attend meetings of other government committees, boards, commissions and bodies as well as staff meetings. The DCTA Attorney is expected to have reviewed materials in advance of meetings and otherwise prepared for likely questions and legal issues.

2. Advice and Legal Opinions - In addition to those services specifically described in this Request, the DCTA Attorney will consult with and provide advice to DCTA officials and staff on a broad range of legal issues. Examples include interpretation of ordinances and state/federal laws, public records law, liquor and other licensing issues, zoning enforcement, extraterritorial zoning, condemnations, tax and special assessment issues, tax incremental financing law, annexations and municipal bidding. Additionally, when requested will render legal oral or written opinions to the DCTA.
3. Legislative Assistance - Review and/or drafting of ordinances and resolutions. Additionally, the DCTA Attorney will assist with or suggest revisions to the State or Federal Law, or suggest revisions to Town laws to ensure consistency, and to reflect changes in applicable law.
4. Land Use/Planning Law - The DCTA Attorney should be knowledgeable of state and federal constitutional requirements as they relate to planning and zoning; knowledge of local government municipal codes as they relate to planning and zoning; knowledge in areas of development planning ordinances, code enforcement, cooperative boundary agreements, and agreements between municipalities and private developers.
5. Transaction and Contract Representation - The DCTA Attorney will prepare or review contracts and assist in the negotiation of various transactions and contracts for the DCTA as needed.
6. Civil Litigation - Represent the DCTA as needed concerning court actions, handling matters on the DCTA's behalf before the state or county, preparation of pleadings and briefs, trial of court cases, preparation of legal opinions, and handling real estate transactions brought before the DCTA when there is no insurance coverage by private carriers or when appointed to do so by the DCTA's insurer.
7. Other Advice - Appraise the DCTA as needed about changing laws and other legal matters that may be of interest and/or concern to the DCTA. Conduct other legal matters by the DCTA. Provide the DCTA with guidance as to Robert's Rules of Order and related procedural matters at meetings.

The DCTA reserves the right to employ any legal counsel when there is a conflict of interest or if an attorney with special expertise in a given area is needed (i.e., special litigation and personnel). A determination as to when this should occur shall be at the sole discretion of the DCTA Executive Board.



## **SUBMISSION PROCESS**

### *Proposal Submission*

**Written sealed proposals will be accepted until 5:00 p.m. on Thursday, August 24, 2017.**

Responses must address all of the items listed in this request for proposal and submitted by email to lauberconsulting@gmail.com, AND in a sealed envelope marked "Legal Service Proposal" and submitted to:

Renee Lauber, DCTA Planner  
Dane County Towns Association  
1252 Morrison Court  
Madison, WI 53703

The mailing should please include the one (1) original and eight (8) copies. Questions or requests for clarification may be directed to Renee Lauber, DCTA Planner, by email at lauberconsulting@gmail.com.

### *Proposal Requirements*

The following lists information that the legal firm must submit with proposal forms:

1. Description of engagement terms including hourly billing rates, billing time increments, frequency of invoicing, format of invoices and an itemization of expenses, if any, for which the applicant would charge the DCTA or would expect the DCTA to incur. Other billing arrangements would be considered (e.g. flat rate, retainer, annual fee/salary), and their proposal is encouraged, even if it is in the alternate.
2. Provide a brief background history of the firm, and number of attorneys employed. Indicate the location of the primary office and attorneys assigned to service this account.
3. Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.

4. Include a current resume for each attorney who will be primarily assigned to the DCTA. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, and other background or experience which may be helpful in evaluation of your proposal.
5. Provide a statement of how the workload of the DCTA would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of service section. The proposal should expand upon each item and set forth the firm's approachability to carry out each activity. Include a description of the proposed allocation of work between the attorney(s) and support personnel identified (i.e. who will be the lead attorney and what work will be handled by junior partners, associates, or paralegal).
6. Description of the logistical capabilities of the applicant's law office such as secretarial support; staff backup during vacations and other absences, or in response to unusual workloads; availability for timely response to DCTA officials' inquiries; resource materials; and similar information.
7. Provide examples of work to demonstrate quality and clarity of legal advice provided to municipal clients on complex issues.
8. Provide a description of any potential conflicts of interest that the applicant foresees and the method the applicant would anticipate using to deal with such conflicts.
9. Provide confirmation that neither your firm nor any individual attorneys who will be performing work for the DCTA have any violations, or other marks or limitations on their attorney licenses or ability to practice law.
10. Provide a list of municipal client references. This list may contain municipalities that you are currently representing or have represented in the past. This list should contain information related to the duration of service provision, a general description of the scope of legal work performed, and general contact information for the municipality.
12. The DCTA seeks a three-year agreement with the selected firm(s) and proposals should reflect a three-year service contract quote with the ability to terminate upon 60 days written notice given by the DCTA or the Attorney.

### *Evaluation Criteria*

Submittals will be evaluated based on the following criteria:

- A. Qualifications and experience of the attorney and/or firm in working with municipal governments and associates.
- B. Experience and availability of staff assigned to serve the DCTA.
- C. Scope and cost of services.
- D. Interviews
- E. References

### **GENERAL PROVISIONS**

1. Proposal Cost: The DCTA shall not be liable for any costs you incur to prepare or submit a proposal for this project.
2. Withdrawal of Proposals: Proposals may be withdrawn by the proposer upon submission of a written request.
3. Rejection of Proposals: The DCTA reserves the right to reject any or all proposals, to divide responsibilities among one or more applicants or firms, to waive formalities, and to select the individual or firm which, in the DCTA's sole judgment, can best perform the scope of services required.

## **TENTATIVE SELECTION PROCESS/SCHEDULE**

The following tentative schedule will be followed for selection of an attorney (however the DCTA may make changes to the timetable and proposed process at its discretion):

1. July 24-28, 2017 - Request for proposals distributed.
2. August 24, 2017 - Proposals due to DCTA.
3. September 8, 2017 by 4:00 PM - Firms notified if selected for interview.
4. September 11-14 - DCTA Executive Board interviews selected firms. Final selection will occur after the interviews are complete.
5. September 21, 2017 or later date as agreed, firm notified of selection. Term of contract commences after contract finalized (October 1, 2017 anticipated).