

# McCordsville

ESTD  1988

INDIANA

## Town of McCordsville Request for Proposal (RFP) for Legal Services

Inquires and proposal submittals should be directed to both:

Tim Gropp, Town Manager, [tgropp@mccordsville.org](mailto:tgropp@mccordsville.org) 317-335-5146

Greg Brewer, Town Council President, [gbrewer@mccordsville.org](mailto:gbrewer@mccordsville.org)

### General Information

Purpose: This Request for Proposal (“RFP”) is to contract for legal services to be provided to the Town of McCordsville (the “Town”). An attorney or law firm shall be selected based upon demonstrated competence and qualifications.

The Town acknowledge that legal services are professional services under I.C. 5-22-6 et. seq. The Town may purchase services using any procedure the Town considers appropriate. The Town reserves the right to reject any or all proposals received in response to this RFP. Further, the Town reserves the right to select a proposal based on the factors stated herein or any other factors that they determine to be reasonably appropriate. A contract will be negotiated with the successful proposer for the services described in this RFP.

Who May Respond: Attorneys currently licensed to practice law in Indiana, or law firms including such attorneys, may respond to this RFP.

### Instructions on Proposal Submission

**Closing Submission Date:** Proposals must be submitted by email no later than **12:00 PM on 8/04/23** to Tim Gropp ([tgropp@mccordsville.org](mailto:tgropp@mccordsville.org)). The Town will open and announce the names of attorneys or law firms who submitted proposals at their monthly Town Council meeting on **8/8/23 at 7:00 PM**.

The proposal shall not exceed twenty (15) pages (8.5” x 11”) in length. The font must not be smaller than 12-point font type. The estimated fees for the services provided and qualifications shall both be included in the proposal. A summary page should be included at the beginning of the proposal.

**Inquires:** Written inquiries concerning this RFP should be made by **7/21/23** COB to:

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Tim Gropp, Town Manager, [tgropp@mccordsville.org](mailto:tgropp@mccordsville.org) 317-335-5146

Responses to inquiries received on or before 7/14/23 will be made via email to requestors and posted on the Town website as an addendum to the RFP.

**Conditions of Proposal:** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the proposer and will not be reimbursed by the Town.

**Right to Reject:** The Town reserves the right to reject all proposals received in response to this RFP.

**Notification of Award:** It is anticipated that a decision selecting the successful proposal will be made at the Town Council meeting on **9/12/2023**. Prior to the final decision, the finalists will be asked to meet with the Town Council on a date to be determined for 45 minutes to 1 hour. Upon Town Council selection of the successful proposal, all other proposers will be informed of the final decision.

### Scope of Services

A primary attorney is expected to be assigned as the main point of contact for this contract. The firm should assign a primary and secondary attorney to prepare for, advise, consult, and attend the monthly meetings for each Board or Commission listed below. With notification a backup/secondary attorney may attend meetings if the primary is unavailable. The proposer must be readily available to perform the following legal services as requested by the Town:

- A. Attend regularly scheduled monthly meetings (as described below) and advise the Town on all applicable governance, constitutional matters, and in decision making matters.
  - Town Council (second Tuesday of each month; 7:00 pm)
  - Redevelopment Commission (first Tuesday of each month; 6:30 pm)
  - Plan Commission (third Tuesday of each month; 7:00 pm)
  - Board of Zoning Appeals (first Wednesday of each month; 6:30 pm)
  - Metropolitan Board of Police (third Monday of each month; 6:00 pm)
  - Advise, prepare documents, or attend as needed for the following:

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Economic Development Commission; McCordsville Municipal Building Corporation; Parks Board; Public Works Committee

- B. The assigned Attorney will be reasonably available to consult over the telephone, by email or in person when requested by the Town in a reasonable timeframe.
- C. The assigned Attorney or associate will make visits, arrange conference calls, or attend meetings in person with the Town Council, Town Manager, or Department Head level staff at such other times as may be deemed reasonably necessary by both parties.
- D. The assigned attorney or associate will represent the Town in any legal matters in which such representation is requested by the Town Council or Town Manager.
- E. Advise the Town on any day-to-day administration items of the Town.
- F. General consultation to identify if further legal review/ action is warranted.

**Annual Retainer Scope:** The services provided by proposer in consideration for the annual retainer shall include:

- routine conferences with Town Council, Board Members, and Administrative Staff,
- preparation of notices for legal publication upon request,
- legal research,
- general correspondence,
- attendance at all regular monthly meetings, special meetings, executive sessions, and committee meetings as needed,
- preparation of ordinances, resolutions, economic development agreements, and proclamations,
- review of policies,
- contract review and editing,
- consultation on matters related to open door law, meetings, postings, crafting or reviewing responses to FOIA/APRA requests,
- general consultation to identify if further legal review was warranted.

There are 12 regular Town Council meetings which should be budgeted for 3 hours each. In addition, include attending on average of three special meetings/executive sessions per year, and possibly finance committee meetings where the attorney would be asked to be present. These additional meetings should also be budgeted for 2 hours each. The proposer should also expect to spend approximately 20-25 hours/month performing all duties including meetings, travel, answering phone or email questions from Staff, and drafting documents as part of the retainer;

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however, the number of hours may vary month-to-month.

The proposer shall not be entitled to reimbursement for its own mileage, copying, fax transmissions, long-distance telephone bills, travel time to meetings or technology equipment or services. Instead, such routine expenses of the proposer shall be covered by the annual retainer.

**Activities beyond the Scope of the Retainer:** At times, services may be required beyond the miscellaneous support listed in the retainer. In these instances, such as work associated with litigation and /or the issuance of bonds, bond anticipation notes or other forms of indebtedness, the Town reserves the right to hire the firm or attorney of their choice based on the project or situation. The firm on retainer will continue to act as local legal representation in these matters. Local representation fees on Bond/BAN issues may not exceed the bond attorney fees for cost of issuance. If the Town chooses to use the selected firm on retainer, the attorney may bill additional time at the agreed-upon hourly rate to be outlined in this proposal with prior notice to, purpose, and awareness of the Town Manager and Town Council President.

### Billing Process

The retainer is to be paid in 12 equal monthly installments. The Firm shall provide a bill each month. If additional services beyond the scope of the retainer were agreed upon and performed, those items must be itemized along with the retainer.

### Proposal Contents

The proposer, shall at a minimum, include the following in their proposal:

**Organization/Attorney Legal Experience:** The Proposer should describe its experience related to the areas outlined in the scope of services above. There is a particular interest in the following topic areas:

- Governance of a government board/non-profit board.
- Constitutional matters
- Public meeting governance (include Roberts Rules)
- Public Record Act and public record requests, and Indiana Open Door Law matters.
- Construction and Bond Issues
- ADA/ Title IV matters
- Zoning Laws, Land-Use Laws, and Code Enforcement

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- Economic Development Agreements and Contracts

**Organization, Size, Structure, and Areas of Practice:** The proposer should describe its organization in terms of the following:

- Size
- Structure
- Areas of practice
- Office locations (Central Indiana)
- Examples of experience
- Litigation experience
- Public meetings – addressing the public as well as the government body.
- Attorney Qualifications: The proposer shall include a description/resume of the qualifications of the primary attorney and the backup/secondary attorney to be assigned to this contract related to the experience listed above. The proposer should also state where the lead attorney and back-up attorneys are located and how they will be available for consultation with the Town Council and Staff.

### **Cost Estimates Requested**

The proposer will provide a cost estimate for both the activities covered under a yearly retainer and an hourly rate for those activities outside of the activities covered by the retainer.

The proposer should include an estimate for:

1. The yearly retainer fees.
2. The hourly rate for the primary attorney assigned to the contract, backup/secondary attorney, and the billing rate for any paralegal services provided.
3. For any services rendered in connection with litigation
4. For all services related to the issuance of bonds, bond anticipation notes or other forms of indebtedness.

Activities will be billed monthly in an itemized invoice. Additionally, we want to know what is the minimum time billed, ¼ hour? And what is the minimum time that is billed at a full hour?

### **Proposal Evaluation**

**Evaluation Procedures and Criteria:** The Finance Committee will review the proposals, and make a recommendation to the Town Council of Firms to Interview. The Town Council will interview the proposers and make the final approval. The Town Council

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may conduct interviews with all or some of the qualified proposers prior to a final selection.