

Request for Proposals

Legal Services

for the

City of Benton Harbor, Michigan

The City of Benton Harbor, Michigan hereby solicits proposals from legal firms for the purpose of reviewing Medical Marijuana Applications.

Proposal Submittal: Proposals will be received by the Office of the City Clerk, 200 East Wall Street, Benton Harbor, Michigan 49022, until 4:00 PM on Thursday, January 24, 2019. The proposals will be publicly opened Monday, January 28, 2019. Proposals must be sealed and clearly marked, "**Proposal for Legal Services-Medical Marijuana Review**". Respondents must submit an original proposal and five (5) copies.

Miscellaneous Requirements: The City will not be responsible for any expenses incurred by an attorney or firm in preparing, submitting or presenting a proposal. All proposals shall provide a straightforward, concise delineation of the attorney's or firm's capabilities to satisfy the requirements of the request. Any attorney or firm who submits a proposal in response to this RFP may be required to make oral presentations of their proposal upon request.

Questions: All questions should be directed to City Manager Darwin Watson at (269) 927-8457 or dwatson@cityofbentonharbormi.gov.

Selection: The City of Benton Harbor's selection will be based on its evaluation of the written proposal, the firm's qualifications and experience, client references, and overall fee structure. The City reserves the right to reject any or all proposals and to select the legal firm deemed to have submitted the most qualified proposal (fee and other factors considered), when in the judgement of the City such an award is in the best interest of the general public. The City further reserves the right to negotiate separately in any manner necessary to serve the best interests of the City. Attorneys or firms whose proposals are not accepted will be notified in writing.

Background

The City of Benton Harbor has a City Meeting/Council/Manager form of government. The population of the City is approximately 10,038 with a land area of four square miles and an annual general fund budget of approximately \$7,000,000, excluding sewer and water enterprise funds.

Like most cities, Benton Harbor is involved in a variety of activities which require a diversity of legal services, but land use/planning/zoning matters and human resources represent a majority of them.

Qualifications of Legal Counsel

The Attorney shall be an attorney qualified to practice in the State of Michigan. The legal firm

shall incorporate within their proposal an outline of the size and experience of the law firm to include resumes of legal staff with whom the City will potentially be working with, as well as a listing of municipal clients and other references (with addresses and phone numbers). The proposal should make particular note of the firm's expertise in municipal law and land use.

The proposal must indicate the key lawyer to be appointed for medical marijuana application review and include an estimate of the percentage of time he/she spends on other municipal affairs. In addition, it should include an explanation of how your firm envisions the legal transfer of authority and responsibility in the absence or inability to act.

Contract for Services

It is anticipated that the City and the legal firm will enter into a one year contract for services after appropriate negotiations. The contents of this RFP and the representations made in the proposal will become part of any contract awarded. In addition, the City anticipates that the following provisions will become a part of that contract.

Compensation: The City anticipates payment on an hourly basis. However, alternate proposals will be entertained including a lump sum retainer, a lump sum/not to exceed, payment on an hourly basis with an upset limit, or any combination thereof.

Request for payments must be submitted to the City Manager monthly and shall, if on an hourly basis, breakout the bill by staff member, hourly rate, number of hours and subject matter. The proposal should specifically address how the City will be billed for consultations between two attorneys who are both members of the legal firm. (i.e. will the City be billed twice for the same time?)

The City typically pays bills within thirty (30) days of receipt of invoice.

Billable Expenses: It is understood that the proposed Legal Firm will supply at no cost secretarial services, telephone, stationery, postage, supplies, library, and equipment required to provide a satisfactory level of service. Please note if that is not the case. The City shall agree to reimburse court costs, and other similar out-of-pocket expenses. Requests for payment must be submitted monthly in an itemized bill (e.g. - 46 copies @ \$0.25) to the City Manager and shall breakout the bill by subject matter. (e.g. - Planning Board Meeting, John Doe v. City)

Supervision and Control: The Attorney(s) shall be under the general supervision of the City Manager.

Termination: The contract may be terminated with thirty (30) day notification by either party upon written notice to the other party; but if any work or services hereunder is in progress, but not completed as of the date of termination, then the contract may be extended upon written approval by the City Council until said work or services are completed and accepted.

Assignment

The selected attorney or firm will be prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this agreement or its rights, title or interest therein or its power to execute such agreement to any other person, company or corporation

without the previous consent and approval in writing of the City Manager.

Hold Harmless Clause: The Legal Firm shall indemnify the City from all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person in consequence of any negligence in performing contract work, or on account of any act or omission by the attorney or the firm or its employees, or from any claims or amounts arising or uncovered under any law, bylaw, ordinance, regulation, or decree, violated by such attorney or firm.

Insurance: The legal firm shall be required to carry Professional Liability Insurance. Proposals must specify the carrier and coverage limits. The Council may award the position to a firm on the condition that the firm's existing coverage limit be increased to a limit deemed adequate by the Council, which in any event shall be no less than \$1,000,000 per occurrence. A certificate of insurance shall be provided to the City, providing that coverage shall not be cancelled without thirty days' notice.

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Proposal Form

In order to facilitate comparison of competing proposals, the City respectfully requests proposers to answer the following questions. Please feel free to attach additional sheets where the information requested is more extensive than the space provided.

Contact Information

Name of proposing firm: _____

Mailing Address: _____

Physical Address: _____

Phone: _____

E-mail: _____

Name of lawyer proposed: _____

Estimated percentage of time he/she spends on municipal legal affairs: _____%

Professional Liability Insurance

Insurance Carrier: _____

Limits: _____

Financial Considerations

Proposed Cost per Hour: _____

Attachments: Please attach the following:

Required:

- Outline of the size and experience of the law firm
- Resumes of legal staff with whom we will be working
- An explanation of how the City will be billed for consultations between two attorneys who are both members of your legal firm.
- Listing of municipal clients and other references (with addresses and phone numbers).