

**Request for Proposals
Legal Services
For the
Town of Islesboro, Maine**

The Town of Islesboro, Maine hereby solicits proposals from individual attorneys and/or legal firms to represent the Town as its legal counsel. The selected attorney or firm will provide a lawyer to serve as the Town Attorney.

Proposal Submittal: Proposals will be accepted electronically until **Friday, April 4th at noon, by e-mail to manager@townofislesboro.com**. Proposals should be marked "Proposal for Legal Services" in the e-mail subject line, and be packaged as one attached pdf document.

Miscellaneous Requirements: The Town 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 this RFP. 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 Town Manager Janet Anderson, 207-734-2253 or manager@townofislesboro.com.

Selection: The Town of Islesboro's selection will be based on its evaluation of the written proposal, the attorney or firm's qualifications and experience, client references, the areas of legal services which the attorney or firm are willing to provide, and overall fee structure. The Town reserves the right to reject any or all proposals and to select the attorney or legal firm deemed to have submitted the most qualified proposal (fee and other factors considered), when in the judgement of the Town such an award is in the best interest of the general public. The Town further reserves the right to negotiate separately in any manner necessary to serve the best interests of the Town. Attorneys or firms whose proposals are not accepted will be notified in writing. **The Town specifically reserves the right to accept more than one proposal and may select more than one attorney and/or law firm to serve as legal counsel to the Town.**

Background: The Town of Islesboro has a Town Meeting/Selectboard/Manager form of government. The population of the Town is approximately 650 (with a relatively larger seasonal population), with a land area of 14.2 square miles, an annual budget of approximately \$6.9 million, 17 full-time employees, and 10 part time employees.

Like most towns, Islesboro 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. Over the last two years, our Town Attorney has billed the Town for approximately 60 hours per year.

Qualifications of Legal Counsel: The Town Attorney shall be an attorney in good standing and licensed to practice law before all courts and administrative agencies of the State of Maine and before the U.S. District Court of the District of Maine. The successful candidate will demonstrate

substantial training and experience in all areas of municipal law including but not limited to land use, finance, civil and criminal litigation, real estate, risk management and environmental issues.

The attorney or legal firm shall incorporate within their proposal an outline of the size and practice areas of the law firm, including the names and resumes of the principal attorneys and legal staff who will be providing legal services to the Town. The proposal must also include a listing of municipal client references and other references (with address and phone numbers how may be contacted by the Town in connection with the proposal). The proposal should make particular note of the firm's expertise in municipal law and land use.

The proposal must indicate the principal attorney to be appointed Town Attorney and include an estimate of the percentage of time he/she spends on municipal legal 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 of the appointed Town Attorney.

Scope of Services: Illustrative examples of the anticipated services include:

1. **Advise the Town Manager and Select Board:** Advise the Select Board, Town Manager, Town Committees and Departments Heads upon legal questions arising in the conduct of Town business.
2. **Prepare Ordinances:** Prepare or revise Ordinances when requested by the Select Board, Town Manager, Town Committees and Department Heads.
3. **Give Opinions:** Give opinion upon any municipal legal matter or question submitted to him/her by the Select Board, Town Manager, Town Committees, Department Heads or Town Assessor.
4. **Attend Select Board and Committee Meetings:** As requested, attend, or have a knowledgeable associate attend, Planning Board, Appeals Board, and Assessment Review Board meetings, regular and special Town meetings, Select Board meetings and other municipal meetings.
5. **Prepare Legal Instruments:** Prepare for execution all contracts and instruments to which the Town is party when so requested by the Select Board or the Town Manager.
6. **Prosecute Offenders and Defend Officials:** When authorized by the Select Board, prepare all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a Town ordinance. Under the direction of the Select Board, defend Town officials in any action or claim against them in their official capacity. In those claims where the Town's insurance company has appointed legal counsel, the Town Attorney shall provide only those services requested by the Town Manager.
7. **Make Reports:** Immediately report to the Town Manager and Select Board the filing of any litigation against the Town, as well as the final outcome of any such claims.
8. **Collections:** When requested by the Select Board, collect unpaid taxes, fines and loans.
9. **Real Estate:** Prepare deeds, easements and contracts pertaining to real estate and render title opinions on property being acquired by the Town.
10. **Keep Records:** Keep a complete record of all suits in which the Town had or has an interest, giving the names of the parties, the Court where brought, the nature of the action, the disposition of the case, or its condition, if pending, and the briefs of counsel.

Keep a complete record of all written opinions furnished by him/her and of all certificates or abstracts of titles furnished by him/her to the Town, or any department or official thereof.

11. **Deliver Records to Successor:** Deliver all records, documents and property of every description in his/her possession, belonging to his/her office or to the Town, to his/her successor in office, who shall give him/her duplicate receipts therefore, one of which he/she shall file with the Town Manager.
12. **Informal Duties:** It is understood that added to this list of formal responsibilities are the informal activities expected of the Town Attorney, including counseling department heads and elected officials, instructing officers and employees in the elements of public law and examining intergovernmental activities.
13. **Unauthorized Activities:** It is specifically noted that answering inquiries from the general public and the press is outside the purview of the position of Town Attorney and that he/she shall refer such inquiries to the Town Manager, unless otherwise instructed by the Town Manager. Since individual committee and Select Board members have no legal authority to incur expenses on behalf of the Town, the Town Attorney is not authorized to provide legal counsel to them individually, with the exception of the Select Board Chair.

Contract for Services: It is anticipated that the Town and the attorney or firm will enter into a three-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 as well as any additional terms and provisions negotiated by the parties. In addition, the Town anticipates that the following provisions will become a part of that contract.

Compensation: The Town 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 Town Manager monthly and shall, if on an hourly basis, breakout the bill by staff member, hourly rate, number of hours, subject matter and the nature of the service. (e.g.- Attend Planning Board Meeting, Research: John Doe v. Town, Phone call to Manager: Main Street). The proposal should specifically address how the Town will be billed for consultations between two attorneys who are both members of the legal firm. (i.e.- Will the Town be billed twice for the same time?)

The Town typically pays bills within thirty days of receipt of invoice.

Billable Expenses: It is understood that the attorney or 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 Town 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 Town Manager and shall breakout the bill by subject matter. (e.g.- Planning Board Meeting, John Doe v. Town).

Supervision and Control: The Town Attorney shall be engaged by the Select Board, shall be under the day-to-day supervision of the Town Manager, although as specified in the Scope of

Services, the Town Attorney is expected to work cooperatively with and answer questions from the Select Board, town committees and department heads.

Termination: The contract may be terminated immediately by either party upon written notice to the other party; 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 Select Board 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, firm, company or corporation without the previous consent and approval in writing of the Town Manager.

Hold Harmless Clause: The attorney or firm shall indemnify the Town 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 Select Board 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 Select Board, which in any event shall be no less than \$1,000,000 per occurrence. A certificate of insurance shall be provided to the Town, providing that coverage shall not be cancelled without thirty days' notice.

Unavailability: The attorney or firm must also provide advance notification to the Town Manager of times when counsel will be unavailable (e.g.- vacations, professional conferences, etc.), and the name(s) of legal counsel who will handle Town legal affairs in his/her absence.

Specialized Counsel: The Town shall not be restricted from appointing specialized counsel when, in the judgement of the Town, the need arises. The Town also periodically obtains legal counsel from the Legal Services division of the Maine Municipal Association.

Proposal Form

In order to facilitate a comparison of competing proposals, please complete and submit the form below. 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:

Email:

Name of lawyer proposed as Town Attorney:

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

Professional Liability Insurance

Insurance Carrier:

Limits:

Financial Considerations

Proposed Cost per Hour:

Town Attorney:

Associate Attorney:

Paralegal:

Others:

Travel

How will your firm bill for travel time?

Attorneys' rates:

Mileage Rate:

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
- The applicant must indicate their availability to provide services in the evening between approximately 6:00 and 10:00 PM
- An explanation of how your firm envisions the legal transfer of authority and responsibility in the absence or inability to act of the appointed Town Attorney
- An explanation of how the Town 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).

Optional

- Alternate compensation arrangements

Thank you for your interest. We look forward to hearing from you.