

**TOWN OF DELAFIELD
REQUEST FOR PROPOSALS (RFP)
LEGAL SERVICES**

Proposals Due by 3:00 p.m. on Thursday, October 12, 2017

The Town of Delafield is seeking proposals from qualified legal firms or private practice attorneys interested in providing contract legal services to the Town. The Town's primary objective is to secure a contract with a legal firm offering the highest quality of service at the most reasonable cost.

If chosen, the intended contract term is for three (3) years, beginning January 1, 2018. The Town reserves the right to offer an additional two (2) year renewal of the contract. Legal Services required include, but are not limited to, those Services listed in Section B – Scope of Services.

Written proposals will be accepted until 3:00 p.m. on Thursday, October 12, 2017 at the location specified below:

Town of Delafield
c/o Town Clerk, Ms. Mary Elsner
W302N1254 Maple Avenue
Delafield, WI 53018

If provided by mail, please include the one (1) original and five (5) copies. Responses must address all of the items listed in this RFP and must be submitted in a sealed envelope marked "Legal Services Proposal.

Questions or request for clarification may be directed to Ms. Mary Elsner, Town Clerk, by phone at: 262-646-2398.

The oral interview process will commence within 30 days of receipt of Proposal.

SECTION A - GENERAL INFORMATION:

The Town is organized with Village powers as prescribed by Wis. Stat. 60.10(2) (c) and is populated with approximately 8250 persons. Its geographical territory is approximately 18 square miles and extends from WI Hwy 16 in the north to WI Hwy 18 in the south, and is situated between the Village of Hartland on the north and west, the City of Delafield on the west, the Village of Wales to the south, and the cities of Waukesha and Pewaukee in the east. The Town surrounds approximately 55% of Pewaukee Lake on its western end.

The Town provides municipal services that include: public safety (fire), street maintenance, sanitation, parks and recreation, development planning, zoning, assessing, building inspections and general administrative services.

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SECTION B – SCOPE OF SERVICES:

As prescribed by Wis. Stat. 60.37(2), the Town Board may designate, retain, or employ one or more attorneys on a temporary or continuing basis to counsel the Town on legal matters, or represent the Town in legal proceedings. Currently, the Town has three (3) legal advisors: a Town Attorney providing general legal services, a Litigator, and an Employment/Human Resource Attorney. While this RFP is specifically for a Town Attorney providing general legal services, consolidating all three (3) legal positions with one firm may be considered by the Town Board in the future.

The Town Attorney serves as the chief legal advisor for the Town of Delafield. The work may include, but is not limited to, the following:

- 1) Serve as the legal advisor to the Town Board Chair, Town Board, and represent the Town in legal matters as required. When requested by authorized personnel, the Town Attorney shall give written legal opinions, which are to be filed with the Town.
- 2) Function as legal advisor to the various Town committees, boards, commissions, and staff meeting, when requested.
- 3) Draft and/or review ordinances, resolutions, contracts, bonds, development agreements, and other instruments as may be required by Town officials. The Town Attorney may be called upon to prepare or review contracts and closing documents, and assist in the negotiation of various transactions and contracts. Additionally, the Town Attorney may be required to review and recommend changes to development Agreements, Easements, and Restrictions, and other development documents. The Town Attorney may also review, revise, and negotiate documents customized for particular developments or, when necessary and requested by authorized Town personnel, draft and prepare such documents.
- 4) Represent the Town as needed concerning court actions, handling matters on the town's behalf before State administrative commissions, preparation of pleadings and briefs, trial of court cases, preparation of oral or written legal opinions, and handle real estate transactions brought before the Town.
- 5) Conduct other legal matters as determined by the Town, which may include, but are not limited to, TIF, economic development, zoning, land use, real estate, and labor/personnel.
- 6) Assist the Town in enforcement of the Town's subdivision ordinance, including Transfer of Development Rights (TDR) program, and with administration of its zoning ordinance.

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- 7) Prosecute local ordinance cases before the Waukesha County Circuit Court, including, as necessary, conducting pre-trial conferences, jury trials, and appeals.
- 8) Answer correspondence and telephone inquiries regarding any court matters, including inquiries from Town personnel, defendants, victims, and witnesses.
- 9) Represent the Town as needed concerning actions and/or suits brought before the Town when there is no insurance coverage by private carriers, or when appointed to do so by the Town's insurer.
- 10) Possess adequate knowledge of Wisconsin public records law necessary to render advisement on release of records issues.
- 11) Possess knowledge of State and Federal constitutional requirements as they relate to planning and zoning.
- 12) Interpret Wisconsin State statutes.
- 13) Advise Town officials as needed about changing laws and other legal matters that may be of interest and/or concern to the Town.
- 14) Provide the Town Chair and the Town Board with guidance as to Robert's Rules of Order and related procedural matters at Town Board meeting.

The Town of Delafield 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. A determination as to when this should occur shall be at the sole discretion of the Town Board.

The Town Board of the Town of Delafield strongly believes that effective and timely verbal and written communication skills are required for the information provided by the Town Attorney to be readily understood by elected and appointed officials, staff, and the public.

SECTION C – PROPOSAL REQUIREMENTS:

Submitted proposals should include, as a minimum, responses to each of the following items. Include other information, as appropriate to address the services the Town can expect from the attorney. The Town expects proposals to include rates for general legal counsel and any other related services.

- 1) Profile and history of the firm including professional attorneys in the firm and a list of the principals. Indicate the attorney(s) who will be responsible for work performed for the Town.
- 2) A listing of all current and past municipal government clients, including the name and telephone number of the client contact.

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- 3) A description of engagement terms, including a fee schedule and the following:
 - a. Indicate whether the fee schedule varies for different types of legal services or by attorney.
 - b. Indicate the method of calculating fees and a description of when fees are due and payable.
 - c. List billable expense categories by item.
- 4) List any clients that may represent a conflict of interest in the performance of the firm's responsibilities to the Town.

The Town's preference is a three-year (3) agreement with the selected firm, and proposals should reflect a three-year (3) service contract quote with the ability to terminate upon 90 days written notice given by the Town Board.

SECTION D – SELECTION PROCESS:

Submitted proposals will be reviewed by town Staff, a Selection Committee if the Town so appoints such as Committee, and/or the Town Board. The selection is subject to the following criteria:

- 1) Qualification and experience of the attorney and/or firm in working with municipal governments.
- 2) Experience and availability of staff assigned to service the Town.
- 3) Scope and cost of services.
- 4) Interviews – Which Proposals will be selected for the Interview Process shall be determined at the sole discretion of the Town Board.
- 5) References

Which Proposals will be selected for the Interview Process shall be determined at the sole discretion of the Town Board. The oral interview process will consist of the selected firms presenting oral interviews responding to questions from the Selection Committee and/or Town Board. Fee Schedules will also be evaluated. The Selection Committee and/or Town Board will rank the firms based on points awarded by review of the Proposals, and from oral interviews. The Town Board will have final approval of appointment of a law firm and/or attorney. Official Appointment shall occur when a negotiated contract has been executed by both the Chairman of the Town Board and the selected law firm or attorney.