

REQUESTS FOR QUALIFICATIONS

City Attorney Services

Article I. Purpose

The City of Flandreau is seeking Request for Qualifications (RFQ) from Individual Attorneys for the purpose of providing legal services to the City of Flandreau on an at will basis. In order to be considered, proposals must address each of the points requested in this document, including rates and fees. Rates and fees will be considered after initial consideration based on qualifications.

The individual will be tasked with providing general municipal counsel, basic legal services, advice on special projects, and advice to the City Council. If a multiple attorney firm, the City requests that one attorney be designated as the point of contact or lead attorney. Accessibility to and a timely response from the attorney is essential to the position.

Article II. Service Required

The individual selected is to have a Juris Doctorate from an accredited law school, a license to practice law in the State of South Dakota and be a member in good standing of the State Bar of South Dakota. Experience with South Dakota municipalities and knowledge of South Dakota Municipal Law, open meetings, personnel law, utility law, and land use and zoning regulations is preferred.

Basic legal services required include:

- a. Reviewing draft ordinances, resolutions, contracts, agreements, deeds, and easements;
- b. Providing advice regarding government operations, open meetings, public information, City Ordinances, State law, personnel matters, property matters, and real estate matters, including annexation, zoning, and condemnation;
- c. Reviewing agendas and materials for Council meetings, anticipating and preparing legal advice on items to be addressed at the Council meeting, and attending Council meetings (Regular meetings are generally at 6:30 p.m. on the 1st and 3rd Monday of each month plus special meetings upon request of City Council);
- d. Providing legal opinions upon request; and
- e. Prosecuting City ordinance violations upon request.

The individual or firm will be required to provide a detailed, itemized billing on a monthly basis. In order to avoid misunderstanding, legal services may be engaged by the Mayor or City Administrator. That said, a standing request exists for legal review of contracts, ordinances, and resolutions presented to Council for consideration at its Regular Meetings in addition to

anticipating and preparing legal advice on issues up for consideration, as well as attendance at the Regular City Council Meetings. The City Attorney may be asked to attend Planning and Zoning commission meetings, City Council committee meetings, and other meetings. All other requests must have City Council or City Administrator approval prior to commencement of the service, including citizens' inquiries. Counsel will be required to generally familiarize themselves with general municipal law and keep abreast of legislation affecting cities outside the scope of billable services. Pre-authorized reference materials and on-going training and travel expenses may be reimbursable in accordance with City policy.

Article III. Proposal Requirements

Please provide the following:

1. Firm's name and name of assigned attorney, or name of individual attorney, if not a firm, and contact information, including e-mail and website addresses and year organized.
2. If applicable, attach a list of Principals in the firm. Include a biographical sketch of each including education, years of experience, years of municipal law experience, and any areas of specialty within the field of municipal.
3. Provide the name of the assigned Attorney and complete resume who will have primary responsibility for the City of Flandreau legal matters.
4. Include a description of assigned attorney's education, years of legal experience, years of municipal legal experience, and any areas of specialty within the field of municipal law.
5. Provide a complete list of all past and present municipal clients including email and phone contact information.
6. Provide a brief summary of the firm's or individual's experience in each of the following areas and your strategy for managing those areas which your firm does not have experience and would need to outsource such as:
 - a. Business contracts and agreements.
 - b. Ordinances and resolutions.
 - c. Real estate matters including deeds, easements, annexations, and condemnations.
 - d. Open meetings and open records.
 - e. State law as it pertains to municipalities.

- f. Personnel matters.
 - g. Zoning and development processes.
 - h. Public Safety.
7. Please list any client that you currently represent that could cause a potential conflict and/or be a potential litigant against the City of Flandreau. Describe how you would resolve these current or future potential conflicts of interest.
 8. If you or your firm has represented any client in the past five (5) years against the City of Flandreau or one of its employees, please describe the case(s).
 9. If you or your firm have participated in any litigation in the last five (5) years in which the City of Flandreau or one of its employees was named as a defendant, please describe the case(s).
 10. The respondent may select one of the following three options it intends to use if selected as the City of Flandreau's City Attorney:

Option 1: Retainer/Fixed Fee Cap Plus. The Firm, or individual will bill a monthly retainer for General Government Services plus hourly fees for litigation, special projects, or both, if not covered by a retainer. Please quote the monthly fixed retainer fee to be charged for general governmental services and identify the items that are to be covered by the retainer. Also, clearly note any items the Firm, or individual would not provide as part of the retainer services and that the Firm, or individual will bill on an hourly basis. State separately the applicable rate(s) and for any other cost items proposed to be itemized and billed (e.g., use of paralegals, photocopying, Westlaw, or Lexis fees, etc.).

Option 2: Hourly Fees for All Work. The Firm, or individual will use hourly rates to bill for the legal services the Firm, or individual provides to the City. Identify the minimum increment of time billed for each service (e.g., telephone calls, correspondence, and conferences). The City seeks billing increments of one-tenth of an hour or greater. If there are any services routinely performed at no cost, list those services.

Option 3: Respondent's Choice. Any billing methodology Respondent wishes to propose. Clearly and thoroughly explain any billing methodology Respondent wishes to propose.

No matter which of the preceding options the Firm, or individual selects, it should provide monthly bills to the City and maintain auditable records to account for all expenses billed. These records must be kept in accordance with generally accepted accounting principles, and the City reserves the right to determine record-keeping methods in the event of non-conformity.

11. List of references and contact information.
12. Any other items, which the firm/individual deems necessary.

Each submittal should also provide a summary detailing the experience and understanding of the role of providing consulting legal services. The summary should also include the Firm/Individuals Mission Statement and a Statement of Values.

Article IV. Evaluation Process

The Request for Qualifications due date is Friday, April 25, 2025 at 4:00 p.m. Based on the Council's review of submittals, the selected finalists may be required to interview with the City Council in executive session at its regular or special meeting prior to appointment in open session.

All qualification/proposal packets must clearly mark RFQ CITY ATTORNEY SERVICES and addressed to:

City Administrator
City of Flandreau
1005 W Elm Avenue
Flandreau, SD 57028

Article V. Inquiries

Any informational question for this request may be directed to Cohl Turnquist, City Administrator, via cohltturnquist@cityofflandreau.com or at 605-997-2492.