

PUBLIC NOTICE

The City of Mercedes is accepting sealed Statement of Qualifications for City Attorney Services for the City of Mercedes until 10:00 AM, February 15, 2019. Statement of Qualifications information is available and can be obtained on the City's website at www.cityofmercedes.com or at the Office of the City Secretary, 400 South Ohio, Mercedes, Texas 78570.

POSTED ON THIS THE 25TH DAY OF JANUARY, 2019.

/s/ Arcelia L. Felix, City Secretary
City of Mercedes, Texas

**STATEMENT OF QUALIFICATIONS FOR
CITY ATTORNEY FOR THE CITY OF MERCEDES, TEXAS**

On or before 10:00 a.m. on February 15, 2019, the City of Mercedes will receive sealed qualification statements from interested attorneys or law firms for services related to providing legal assistance to the City. No late statements will be accepted.

Interested parties should submit six copies of their sealed statement of qualifications to:

City of Mercedes, Texas
Sergio Zavala, City Manager
400 South Ohio
Mercedes, Texas 78570

Further information may be obtained by contacting the City Manager's office at:
szavala@cityofmercedes.com

PLEASE NOTE: The selection of an attorney or firm to provide the described scope of services will not be made on cost alone, but will be made based on the consideration of qualifications-related factors contained in this Statement of Qualifications. If selected as a finalist, you may be asked to interview or make a presentation to the City Commission. There is no expressed or implied obligation on the part of the City of Mercedes to reimburse responding firms for any expenses incurred in this process.

I. Purpose

The City of Mercedes is a Home Rule municipality, with a population of approximately 16,700. It provides a wide variety of services to citizens and visitors in the Mercedes area. These include police, building inspections and code enforcement, and other services.

An important part of this governance relies on quality legal services. This scope of services will include the appointment of one individual or law firm to serve in the position of City Attorney, who will be appointed by and serve at the will of and pleasure of the Mercedes City Commission.

II. Professional Credentialing and Legal Services Required

The firm selected is to have a Juris Doctorate from an accredited law school, a license to practice law in the State of Texas, and be a member in good standing of the Texas Bar. Experience with Texas municipalities with knowledge of municipal law, municipal finance, personnel law, land use and regulations are required.

- A. The legal services under consideration in this Statement of Qualifications involve, but are not limited to:

1. Providing a variety of proactive, high-quality and timely legal opinions to the City Commission, City Manager and City Management Staff. Meet with City Commission members as requested.
2. Attending all meetings of the City Commission, and other board meetings at the request of the City Manager. (Generally the City Commission meets twice a month)
3. Being familiar with the City's Charter, Code of Ordinances, applicable State and Federal laws, and other applicable documents such as City Personnel policies and procedures, Code Enforcement process, etc.
4. Providing advice to the City on a variety of legal matters.
5. Representing the City as City Attorney in legal matters.
6. Reviewing and/or drafting ordinances, resolutions, and other documents as requested by the City Commission, City Manager or assigned staff.
7. Negotiating and administering contracts, as well as assisting with contract disputes.
8. Reviewing and making recommendations on a variety of projects and proposals which have legal ramifications, inclusive of economic development proposals.
9. Maintaining an appropriate relationship with professional organizations in the field of municipal legal services.
10. Staying abreast and informing the City Commission and staff of new or proposed State and Federal legislations affecting the City.
11. Researching alternative approaches to resolving legal problems.
12. Providing proactive legal counsel on issues pertaining to personnel policies and procedures and providing counsel in all compliance employment matters such as, but not limited to state and federal employment law, Workers Compensation, EEOC, FLSA, and FLMA requirements.
13. Knowledge of land use laws and abilities of the City to implement and administer such laws in conformance with State requirements and the City Commission's desire to improve such land use planning.
14. Knowledge of laws and experience with managing extraterritorial jurisdiction and annexation.

15. Knowledge of laws and methods to facilitate effective code enforcement to improve deteriorating areas of the City, including demolition procedures and property maintenance code provisions.
16. Knowledge of Texas Open Records and Open Meeting Laws.
17. Knowledge of laws and experience in applying Chapter 380 provisions to economic development.
18. Be capable to perform on short notice and in a timely manner. If the appointed City Attorney is not available, what other means are there to respond to the City's request.

Please list any client that you currently represent that could cause a conflict of interest with your responsibilities with the City of Mercedes. Describe how you would be willing to resolve these or any future conflicts of interest. Also, should the firm be contracted, and after execution of the contract, should another city government be contemplated to be engaged by said firm, the City of Mercedes must be alerted as soon as reasonably possible.

III. Proposal Requirements

The Statement of Qualifications must address the following criteria:

- A. Name of attorney, firm, or owner, address and telephone number.
- B. **Personnel Qualifications.** Identify the attorney who will serve in the position of City Attorney; provide their resume and summarize their experience. Provide the same for other attorneys (if any) in the firm who may assist with the provision of services.
- C. **Specialized Legal Services Competence.** Provide information about the attorney and firm's experience in providing legal services to municipal organizations. Provide at least three references from these organizations including names, contact persons and phone numbers.
- D. **Client List.** Provide a list of current municipal clients, a contact person and telephone number.
- E. **Understanding of Services to Be Provided.**
Describe the attorney's/firm's understanding of the scope of work.
- F. **Conflict of Interest.** List any clients you currently represent that could cause a conflict of interest with your responsibilities as City Attorney for the City of Mercedes and describe how you would be willing to resolve these or any future conflicts of interest.

G. **Statement.** The attorney or firm, by submitting a Statement of Qualifications, certifies that to the best of its knowledge or belief, no elected or appointed official of the City is financially interested, directly or indirectly, in their firm or in the purchase of services as described in the SOQ. They also certify that the information contained in the Statement of Qualifications is correct and complete to the best of their knowledge.

IV. Evaluation Criteria:

The City reserves the right to accept or reject any and all submissions in the best interest of the City. In connection with the evaluation, the City may invite one or more applicants for an oral presentation/interview to the City Commission at a time and location to be announced and may require the submission of supplemental material intended to substantiate or clarify information previously submitted.

The following information will be taken into consideration during the evaluation process:

- Meets qualifications identified in the Statement of Qualifications.
- Proposals included complete and clear responses to items.
- Familiarity with laws and regulations governing Texas local government and operating procedures relative to conduct City business.
- Demonstrated expertise in land use and zoning law as it relates to municipalities.
- Available support staff and range of services offered.
- Demonstration of workload and a level of experience commensurate with the level of service required by the City.
- The professional reputation for providing high-quality services, ability to work cooperatively with the City Commission, City Manager, City staff and demonstrates sound judgment, integrity, and reliability as determined by the references provided.
- Must provide a monthly billing invoice detailing the date, time, and length of legal service provided to 'whom'; the billing invoice must be in a format acceptable to the Finance Department to monitor accurate recordation of billing time.
- The City of Mercedes compensates the City Attorney on a retainer basis. The expected retainer fee is not expected to exceed \$5000/month; however, this may be negotiated dependent on the Firms' data received.

V. Contract Award

The initial contract will be awarded for a tenure when, by Charter, they review and consider renewing all contracts. If renewed, subsequent contracts shall be for one year periods. Prior to the annual date, the City Commission will evaluate the contract and they may renew for additional one year periods unless terminated by either party.

All costs, directly or indirectly, related to the preparation of a response to this SOQ or any oral presentation required to supplement and/or clarify the SOQ which may be required shall be the sole responsibility of, and shall be borne by the applicant.

VI. CITY'S RESERVATION OF RIGHTS

This Statement of Qualifications does not constitute a commitment by the City to enter into any agreement or contract that is not in the City of Mercedes' best interests. City shall not be obligated to pay any costs associated with the preparation of responses, submittals or other documents or any related-work by any Respondent. The City further reserves the right to waive responses to any part of this request if, in its sole judgment, it determines that it is in the best interests of the City to do so. The City may require any Respondent to participate in negotiations and to submit such other information or documentation as it may deem necessary as conditions of awarding a contract. The City of Mercedes reserves the right to vary or waive any requirements for different Respondents as shall fit the City's best needs.