



REQUEST FOR QUALIFICATIONS

For

LEGAL SERVICES

For

THE VILLAGE OF YELLOW SPRINGS, OHIO

January 24, 2020

Submissions Due:

Friday, March 6, 2020 by 5PM Via Email at

Jsalmeron@yso.com

Pre-bidders Conference:

Tuesday, February 18, 2020 at 10AM

Village of Yellow Springs

100 Dayton Street

Yellow Springs, Ohio 45387

About the Village of Yellow Springs, Ohio

The Village of Yellow Springs is a small town with a population of approximately 3,600. Yellow Springs is well-known for its recreational attractions, unique restaurants and collection of downtown shops with one-of-a-kind items. The community is culturally diverse and represents a wide range of political and social views with an emphasis on being open and friendly.

The spring the area is named for was discovered around 1800 and quickly became a major attraction for those seeking its curative waters. For more than one hundred years, the town was a popular health resort with hotels, spas, boarding houses and a tavern to serve travelers. With the completion of the Little Miami Railroad in 1846, Yellow Springs became the center of trade and recreation for the region.

The residents of Yellow Springs actively participate in the governing process of the Village and the Village takes pride in this participation, seeking input from residents on a regular basis. Respondents to this Request for Qualifications should be sensitive to the diversity of the Village and the active participation of its residents.

About the Role of Village Solicitor

The Council appoints the Village Solicitor who shall hold office at the pleasure of the Council. The Solicitor shall act as the legal adviser to, and attorney and counsel for, the Municipality and its officers in matters relating to their official duties. The Solicitor shall perform such duties as may be required by the Council.

1. Overview of the Requirement

- 1.0 The purpose of the Request for Qualifications (RFQ) is to identify an attorney or firm of attorneys to provide legal services as the Village Solicitor. Therefore, **individuals and firms with experience in the area of local municipal law are strongly encouraged to apply.**
- 1.1 The Village is governed by five elected Village Council members who establish policy and execute the business of the Village through the Village Manager. The Village Solicitor serves at the pleasure of the Council and under the direction of the Village Manager.
- 1.2 The Village Solicitor must deliver timely legal services that support the operations of the Village.
- 1.3 The Village of Yellow Springs projects this position to require 20 hours per week on a regular basis. Additional hours may be necessary in certain circumstances.

2. Request for Qualifications

2.0 Inquiries

All inquiries related to this RFQ are to be directed to Josue Salmeron, Village Manager. Information obtained from any other source is not official and may not be reliable.

2.1 Submitting a Response

Respondents should deliver a signed digital copy via email **by 5:00 P.M. EST on Friday, March 6, 2020** to the following contact:

Josue Salmeron, Village Manager
Village of Yellow Springs
100 Dayton Street
Yellow Springs, Ohio 45387
jsalmeron@yso.com
(937) 767-1279

Responses should not be sent by facsimile, mail nor hand delivered. Email headers and subject lines should be clearly marked with the name and address of the respondent and the title of this RFQ "Village of Yellow Springs Legal Services."

2.2 Acceptance of Responses

An acceptable response shall fully address the submission requirements, be legibly signed by the respondent and be submitted on time to the proper address. Any response that does not comply with the instructions provided shall not be accepted.

2.3 Qualifications Review

The Qualifications Review Committee shall be comprised as follows:

- President of Village Council
- A second member of Council
- Mayor
- Village Manager
- Chief of Police or representative

- Human Resources Officer
- Zoning Administrator
- Clerk of Council

2.4 Review and Selection Process

The Qualifications Review Committee will check responses against evaluation criteria, and responses not meeting evaluation criteria will not be considered for review. If chosen for further consideration, the best qualified respondent(s), if any, will be contacted for an in-person interview and possibly a presentation before Council.

3. Scope of Services

The following services are expected to be delivered through a legal services contract, on a retainer model, with the Village of Yellow Springs.

- 3.0** Shall provide timely legal services as they pertain to Village operations, ensuring that all departments are provided with timely assistance.
- 3.1** Shall respond to legal inquiries on behalf of Village.
- 3.2** Shall represent the Village during sessions of meetings, as necessary, and act as the primary contact to outside legal representatives.
- 3.3** Shall recommend potential changes in procedures to the Village Council through the Village Manager.
- 3.4** Shall work, as needed, with the Chief of Police in the interpretation of, implementation of and adherence to all applicable ordinances to ensure compliance.
- 3.5** Shall ensure adequate training is delivered regarding ordinances and resolutions to reduce Village liability.
- 3.6** Shall ensure all legally binding documents and correspondence involving the government are accurate, legally sufficient, and support the intent and vision of the Council of the Village of Yellow Springs.
- 3.7** Shall have knowledge of the Village of Yellow Springs Codified Ordinances.
- 3.8** Advise officials on matters relating to Village business.
- 3.9** Attend regular Village Council meetings (1st and 3rd Monday evenings each month).
- 3.10** Prepare or review staff-developed ordinances, resolutions, contracts, agreements, leases, deeds and related documents.
- 3.11** Provide legal opinions on matters relating to Village activities.

- 3.12** Participate in the development of staff recommendations for action by the Village Council.
- 3.13** Advise and participate in code enforcement activities.
- 3.14** Make recommendations for updating existing Village codes, resolutions and other policies and practices.
- 3.15** Represent the Village in intergovernmental relations as appropriate.
- 3.16** Advise Village officials on state and federal legislation, regulations, and judicial decisions affecting the operations of the Village.
- 3.17** Monitors trends in municipal law and risk management issues.
- 3.18** Maintain appropriate records and files.
- 3.19** Assist in meeting election requirements.
- 3.20** May serve as the Municipal prosecutor. The Mayor's Court is a non-court of record. The Village Solicitor may attend pretrial sessions of Mayor's Court. The Village Solicitor may prosecute misdemeanors at hearings scheduled, including Village ordinance violations. The Village Solicitor may work with defendants and other attorneys, if applicable, to reach plea bargains and diversion agreements.
- 3.21** Perform related duties as necessary.

4. Evaluation Criteria

The qualified respondent shall meet the following criteria:

- 4.0** Demonstrate that respondent is a current member in good standing of the State Bar of Ohio and maintains a local office in proximity to the Village to allow appropriate responsiveness.
- 4.1** Possess at least **10 years** of legal experience with at least **2 years** of experience representing a government entity similar to Yellow Springs, Ohio (a chartered municipal village) in a manner that demonstrates the respondents' trustworthiness and adherence to high ethical standards.
- 4.2** Possess experience and an ability to effectively represent the Village in the areas of public employee/human resources law; Open Records/Open Meetings Acts; records retention/destruction/redaction; planning and zoning law; legislation & legal research; police department operations; other areas not listed but relevant to municipal government operations.

- 4.3 Possess experience responding to legal inquiries on behalf of government officials in relation to the municipal government and its operations.
- 4.4 Possess experience providing counsel and advice to local government on issues before and in relation to the operations of various departments.
- 4.5 Be proactive in recognizing potential conflicts arising from emerging issues and averting negative results.

5. Submission Requirements

In order to be considered for this position, qualified applicants should submit the following information **no later than Friday, March 6, 2020 at 5:00 P.M. EST.**

- 5.0 Statement of interest as to why respondent would be the ideal candidate (one page).
- 5.1 A resume outlining the respondent's experience and qualifications.
- 5.2 A response to each of the Evaluation Criteria described in Section 4. **This part of the submission should not exceed 6 pages.**
- 5.3 A sample of a report or correspondence related to this type of position that was personally prepared by the respondent without external review or assistance.
- 5.4 At least three professional references that the Village of Yellow Springs may contact in order to validate the respondent's experience, trustworthiness and high ethical standards.

6. General Terms and Conditions

- There are no expressed or implied obligations for the Village of Yellow Springs to reimburse responding parties for any expenses incurred in preparing proposals in response to this RFQ.
- The Village reserves the right to request clarifications regarding information submitted as well as request any additional information from one or more parties submitting qualifications.
- By submitting qualifications, a party certifies that it has fully read and understood this RFQ, has reviewed the attached documents (if any), and has full knowledge of the nature, scope, quantity and quality of work to be performed; the requirements of the services to be provided and the conditions under which the services are to be performed. Failure to do so will not relieve the successful proposing party of its obligation to enter into a contract and to completely perform the contract in strict accordance with this RFQ.
- Ownership of all data, materials and documentation prepared for and submitted in response to this RFQ shall belong exclusively to the Village of Yellow Springs and will be

considered a public record and subject to public inspection in accordance with the Ohio Open Records Act unless otherwise provided by law.

- The Village Council reserves the right to reject any or all proposals, call for new proposals, waive any informalities in proposals and select the qualified parties. The Village Council reserves the right to accept, reject and/or negotiate any and all proposals or parts of proposals deemed by the Council to be in the best interests of the citizens of Yellow Springs.
- The RFQ shall be governed in all respects by the laws of the State of Ohio and the successful proposing parties shall comply with all applicable federal, state and local laws and regulations.
- By submitting their qualifications, all proposing parties certify that their proposals are made without collusion or fraud and that they have not offered or received any inducements from any other person or party in connection with their proposals and that they have not conferred on any Village employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of value, present or promise, unless consideration of substantially equal or greater value was exchanged.
- The proposing parties specifically certify in submitting their proposals that they are not in violation of any federal, state or local law or regulation for acts of bribery, and/or conspiracy in restraint of free and open competition in transactions with state or political subdivisions.
- By submitting their qualifications, all proposing parties certify that they are not currently debarred from submitting bids or proposals on contracts by any agency of the State of Ohio and by the federal government, nor are they an agent of any person or entity that is currently debarred from submitting bids on contracts by any agency of the State of Ohio or the federal government.