

Columbia River Fire and Rescue



REQUEST FOR PROPOSAL General Legal Services

**Columbia River Fire and Rescue
270 Columbia Blvd
St. Helens, OR 97051
(503)397-2990**

PROPOSAL DUE DATE AND TIME: Jun 6, 2024 at 4:00 p.m.

COPY OF LEGAL ADVERTISEMENT

Columbia River Fire and Rescue
REQUEST FOR PROPOSALS

TO PROVIDE: General Legal Services

General Information:

The Columbia River Fire and Rescue District invites interested legal firms or individual practitioners to submit written proposals to provide legal services for the district. The Fire Board of Directors encourages proposals that lay out various legal service delivery and compensation models. In general, the district seeks the services of a law firm or individual lawyer in private practice to serve as the District’s legal counsel to work directly with the district on fire service, EMS service, and local government contracting and uniquely public sector legal matters. In either case, the district reserves the right to enter into retainer agreements with other firms or individuals to handle specified legal matters within areas of specialization such as labor relations, bond counsel and public contracting for example, on an as-needed basis.

Qualifications:

The Fire District Board of Directors seeks a legal counsel experienced and knowledgeable in local government law with expertise in the affairs of the Fire District to serve as the primary legal advisor in a “General Counsel” capacity to the Board of Directors and the Fire Chief, and to support them through the delivery of high-quality legal services consistent with the district’s core values and mission statement. A portion of the district’s anticipated legal services work will be to advise at selected Board of Directors meetings. The District’s legal counsel is also expected to be responsive to the advisory and risk management needs of the Chief and executive management team as issues arise. A more complete outline of the anticipated scope of service is set forth below. The district’s legal counsel will engage with the district’s professional staff at the direction of the Fire Chief. The district’s legal counsel is a *bona fide* independent contractor and does not function as an employee, “department head” or member of the management team.

The successful applicant must be licensed to practice law in the State of Oregon. A strong generalist background in a variety of areas of municipal law practice is preferred. Experience with public employment law is preferred. The successful candidate must be willing to familiarize himself or herself with existing District ordinances and policies. The legal counsel is expected to proactively and timely inform, educate and train the Board of Directors, Fire Chief, and District staff in order to ensure that District elected officials and the management team understand the obligations imposed upon them and the District by Oregon and federal laws, including those related to finance, civil service in the fire service, budget, public records, open meetings, employment and civil rights, and collective rights of employees and unions. Legal counsel will periodically educate the Board concerning legal and legislative changes and compliance with state and federal laws and will assist the Fire Chief to ensure that District ordinances, Board and District policies are current and comply with state and federal mandates. Legal counsel must be able to identify and help manage risk and offer options to the Board of Directors and Fire Chief, while being cognizant of and acting prudently with respect to the district’s limited financial resources.

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Scope of Work:

The district is soliciting the interest of qualified professional law firms or an individual to provide a full range of municipal legal services required by a fire district. The contract term will be one year, with annual renewals contemplated based on a mutually agreeable working relationship. Legal counsel will be expected to provide the following general counsel services including, but not limited to:

1. Provide timely and responsive services, and represent and advise the Board of Directors, Fire Chief, and District staff as requested, in all matters pertaining to their role in the organization. Give advice or opinions, and present alternative solutions, on the legality of all matters under consideration by the Board of Directors, Fire Chief, or District Administrative staff.
2. On an as needed basis, attend and provide legal guidance in order to protect the district's legal interests at selected Board of Directors meetings and workshops. Regular Fire Board of Directors meetings are held on the second Tuesday of the month at 7:00 pm. On occasion, a meeting may be cancelled. On a as needed basis, the legal counsel may need to attend a special or emergency meeting on short notice. The lawyer may periodically attend Board meetings remotely.
3. Provide legal opinions, advice, assistance, consultation, and training to the Board of Directors, Fire Chief, and District Administrative staff.
4. The range of services routinely includes, but is not limited to, the following areas of municipal law:
 - a. Oregon Public meeting law and Public Records Act
 - b. Oregon Budget Law
 - c. Conflicts of Interest and Ethics
 - d. Election law
 - e. Contracts, franchises and public contracting
 - f. Real estate and property transactions
 - g. Land use and environmental law
 - h. Public Works contracting/public contracts/capital projects
 - i. Americans with Disabilities Act (ADA)
 - j. Civil service, personnel, employee relations
 - k. Code Enforcement
 - l. Tort liability and risk management.
 - m. Fees, taxes, assessments; tax collection and relations with the County related to tax funds.
 - n. Ambulance service area and ORS 190 related matters
5. Advise and draft as necessary for revisions and updates of the district's ordinances, policies and procedures.
6. Review and analyze local, State, and Federal pending legislation, laws, and court decisions and provide updates, and proactively propose modifications to District's policies, ordinances, and plans. of contracts, deeds, leases, and other legal documents required by the District.
7. Review, approve, and/or prepare ordinances, resolutions, staff reports, preliminary research/analysis
8. Advise the Board and Fire Chief concerning and oversee the progress and handling of litigation brought on behalf or against the district where the District is represented by independent and/or insurance defense counsel.

The District's Legal counsel will coordinate District legal representation in litigation and other matters at the Board's request, monitor pending litigation and periodically advise the Board as appropriate. legal counsel legal counsel The District may request other work of legal counsel as the Board deems necessary periodically.

Proposals.

Prospective legal counsel responding to this request for a proposal will describe for District consideration the following:

The qualifications of the lawyer primarily responsible for legal counsel services to the district, as well as the qualifications of those who will assist with District legal matters.

When legal counsel is available to begin work, how legal counsel would transition and provide for continuity of representation, and what subject matter representation legal counsel is capable of fully undertaking responsibility for, and what subject matter areas the district should satisfy through the engagement of other lawyers.

How legal counsel proposes to meet the district’s needs, and how legal counsel would do so most efficiently and cost effectively. Legal counsel should offer this response and provide specific detailed proposals, making specific reference to the unique challenges and needs of the district in light of the facts and circumstances described in news accounts of the District’s situation published since April 2023.

How legal counsel would budget, and forecast costs of legal counsel services based on the needs described in this RFP setting forth the work anticipated and the estimated annual fees and costs. The budget will be subject to updates in the event issues arise which are likely to cause the anticipated legal fees to vary significantly from those projected in the current budget.

Legal counsel may propose alternative retainers and other billing arrangements which will help manage costs and provide cost predictability.

Legal counsel is expected to affirm the following in its proposal for District consideration:

- i. *Hourly rates.* Legal counsel will bill at the following hourly rates:

1. Attorney name:	Hourly rate:
2. Attorney name:	Hourly rate:
3. Attorney name:	Hourly rate:
4. Attorney name:	Hourly rate:

- ii. *Frequency of billing.* Statements must be submitted monthly to the Fire Chief.

- iii. *Contents of billing statements.* Bills should contain a full narrative description of the legal and other services performed by task, including the date of each task performed and the amount of time spent in doing so. As an example, all work completed on a motion to dismiss should appear separately from work on interrogatories, regardless of the date or attorney providing the service. Under each task, services may be listed by date and then by attorney. Services should be appropriately described. For example, if outside counsel has a telephone call with opposing counsel, bills should specify the subject matter of the call.

- iv. *Increments.* Time for attorneys and paralegals should be billed in increments of one-tenth of an hour.

- v. *Preparation of billings.* The district will not pay for time in billing, preparing invoices or in responding to the inquiries concerning your invoices.
- vi. *Outside counsel overhead.* The district does not reimburse for the following charges, which are considered to be part of legal counsel's normal overhead and recovered through its attorneys' billing rates:
 - 1. Ordinary postage charges.
 - 2. Telephone calls.
 - 3. Word processing and secretarial services.
 - 4. Computer time, other than online legal research.
 - 5. Charges for administrative time in opening files.
 - 6. Administrative or clerical services, including secretarial, docket, word processing, accounting, library, or other clerical time.
 - 7. Markups on the cost of LEXIS, Westlaw or other search or computer data services.
 - 8. Other law firm staff services, such as proofreading and local staff messengers; and
 - 9. Meals except during attorney travel.
- vii. *Photocopying.* Charges for photocopying will be reimbursed only at your actual cost but not exceeding 10 cents per page. Ordinarily, large copying jobs should be done by an outside service, and the district relies on you to seek out economies available from outside services. Except under urgent circumstances, legal counsel shall obtain advance authorization from the Fire Chief for copying jobs costing \$300 or more.
- viii. *Courier services.* Outside counsel must restrict the use of couriers and overnight delivery services to instances where rapid delivery is necessary and cannot be avoided by advance planning.
- ix. *Direct payment.* Outside counsel will pay vendors directly and include those payments on your bills. Please obtain and provide documentation for such payments with your bills. Legal Counsel is to obtain pre-authorization from the Fire Chief in any instances in which a vendor's charge is so large that outside counsel believes the district should pay it directly.
- x. *Billing for travel time.* The district pays for the attorney's time spent traveling at half of the attorney's regular billing rate. Travel time must be recorded separately from other times.
- xi. The district does not pay for projects or work that has not been approved in advance.

Legal counsel will affirm that if selected counsel will furnish certificates of insurance coverages for workers compensation, professional liability not less than \$1 million, general liability not less than \$1 million, automobile liability not less than \$500,000 per accident, and umbrella coverages if any, in amounts deemed sufficient by the district.

Legal counsel shall certify compliance with laws, including:

Legal counsel shall comply with all federal, state, and local laws and ordinances applicable to the work. Failure to comply with such requirements is a default for which the district may

terminate this contract and seek damages and other relief available under the terms of this contract or under applicable law. Without limiting the generality of the foregoing, District's performance under the Contract is conditioned upon, and legal counsel agrees to comply with the following requirements:

a. shall: make payments promptly, as due, to all persons supplying to the legal counsel labor or material for the prosecution of the work provided for in this contract; pay all contributions or amounts due the Industrial Accident Fund from the legal counsel or any subcontractor incurred in the performance of this contract; not permit any lien or claim to be filed or prosecuted against the District on account of labor or material furnished; and pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. (ORS 279B.220);

b. Legal counsel shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to the employees of the legal counsel, of all sums which the legal counsel agrees to pay for such services and all moneys and sums which the legal counsel collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service. Legal counsel and all employers working for the district are "subject employers" that must comply with ORS 656.017, unless exempt under ORS 656.126. (ORS 279B.230);

c. Legal counsel shall pay employees who work for the district at least time and a half for all overtime the employees work in excess of 40 hours in any one week, except for employees under a personal services public contract who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime (ORS 279B.235(3));

d. Legal counsel shall not provide or offer to provide any appreciable pecuniary or material benefit to any officer, employee or agent of the district in connection with the engagement as legal counsel in violation of ORS Chapter 244 or District's personnel rules;

e. Legal counsel shall continue to comply with the tax laws of Oregon or a political subdivision of Oregon during the term of engagement as legal counsel, and failure to comply with the tax laws of Oregon or a political subdivision of Oregon before or during the term of engagement as legal counsel may be deemed a default for which District may terminate the engagement of legal counsel and seek damages and other relief available under the terms of this contract or under applicable law (SB 675 (2015));

f. Legal counsel shall comply with the following, as applicable: (i) Title VI and VII of Civil Rights Act of 1964, as amended; (ii) Section 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) The Health Insurance Portability and Accountability Act of 1996; (iv) The Americans with Disabilities Act of 1990, as amended; (v) ORS Chapter 659A, as amended; (vi) all regulations and administrative rules established pursuant to the foregoing laws; and (vii) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

Proposals will be received until, but not after, June 6, 2024 @ 4:00pm, at Columbia River Fire and Rescue, 270 Columbia Blvd, St Helens OR 97051. **Proposals that are received after the closing time will not be accepted for any reason and will be returned unopened.** Delivery to an office other than the office identified above is not acceptable.

The engagement of legal counsel shall be “at will” and lawyers selected by the district shall serve at the pleasure of the district. The district may reject any proposal upon a finding of the district that it is in the public interest to do so.

The Columbia River Fire and Rescue Board of Directors reserves the right to reject all proposals and to waive any and all informalities in the best interest of the district.

Columbia River Fire and Rescue is an Equal Employment Opportunity/Affirmative Action employer.

Dated March 14, 2024

A handwritten signature in blue ink, appearing to read 'Eric Smythe', is written over a horizontal line. To the right of the signature, the text 'Type text here' is printed in a light gray font.

Eric Smythe
Deputy Fire Chief - Operations

SPECIAL INSTRUCTIONS:

PROPOSAL TITLE: General Legal Services

PROPOSAL CLOSING TIME: 4:00 p.m.

PROPOSAL CLOSING DATE: June 6, 2024

The proposer is encouraged to confer with the District staff before submitting their proposal. Technical questions regarding this proposal shall be submitted in writing to:

**Eric Smythe Deputy Fire Chief – Interim Fire Chief
270 Columbia Blvd
St Helens OR, 97051**

The district will be the sole judge in determining award of the contract and reserves the right to reject all proposals.

Any objections to or comments upon the RFP specifications must be submitted in writing to Columbia River Fire and Rescue, 270 Columbia Blvd, St Helens OR 97051. They must be received no later than five (5) working days **before the RFP closing date.**

All proposals shall be submitted on the forms furnished and shall bear the signature of the proposer.

PROPOSAL FORM (Required)

Columbia River Fire and Rescue
St. Helens, OREGON

**REQUEST FOR PROPOSAL
TO PROVIDE:**

General Legal Service

To: Columbia River Fire and Rescue
270 Columbia Blvd
St Helens OR 97051

The undersigned Proposer warrants that he/she has carefully examined the Request for Proposal documents for providing the service described as follows:

General Legal Services

The Proposer warrants that Proposer has made such investigation as is necessary to Determine the requirements of Columbia River Fire and Rescue, if Proposer' s proposal is accepted, Proposer will contract with Columbia River Fire and Rescue, in the form of Columbia River Fire and Rescue Legal Services agreement, to provide the required contract as specified in the Request for Proposal document. The Proposer further warrants that the terms and conditions contained within the Request for Proposal document, which are, by reference, incorporated herein in their entirety, are acceptable for the Proposer and will be incorporated into any Personal Services Agreement resulting from award of this contract and that such terms and conditions take precedence over any conflicting terms and conditions in Proposer' s proposal.

The Proposer submits and proposes the contract provided within the proposal as required within the Request for Proposal document. This proposal shall be effective for a period of sixty (60) days from the RFP closing date.

Name of Proposer: _____ :

Date:

Tax Identification Numbers: _____

Signature of authorized person:

Title:

Business Phone and FAX numbers: _____

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