

# REQUEST FOR QUALIFICATIONS

## Legal Services



## **VILLAGE OF DEERFIELD**

**RFQ Submittals Due February 20, 2018 by 4:00 PM**

Submit One Original and One Electronic Copy to:  
Village of Deerfield  
ATTN: Kent Street, Village Manager  
850 Waukegan Road  
Deerfield, IL 60015

*Electronic copies by flash drive or email to: [kstreet@deerfield.il.us](mailto:kstreet@deerfield.il.us) with email  
carbon copy to: [alichterman@deerfield.il.us](mailto:alichterman@deerfield.il.us)*

CONTACT: Kent Street, Village Manager  
[kstreet@deerfield.il.us](mailto:kstreet@deerfield.il.us) or (847) 719-7401

**January 22, 2018**



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## **I. INTRODUCTION**

The Village of Deerfield (hereafter Village) is accepting qualifications from qualified attorneys to assist Village staff with legal services required by the Village. Only attorneys, who are currently licensed to practice law in Illinois and maintain an office in Illinois, or law firms including such attorneys, may respond to this Request for Qualifications (RFQ). The Village's intent is to enter into an open-ended agreement with the selected attorney or law firm.

## **II. BACKGROUND OF THE VILLAGE**

The Village of Deerfield (population 18,420) is a progressive community located in Lake and Cook Counties, Illinois approximately 25 miles north of Chicago. Neighboring communities include Bannockburn, Highland Park, Lake Forest, Northbrook, and Riverwoods. The Village of Deerfield was incorporated on April 14, 1903. The community has continued to grow and prosper while maintaining its suburban setting made up of mostly single-family homes but also includes six hotels and numerous corporate headquarters including five Fortune 500 companies.

The Village of Deerfield is a home rule community that operates under the council-manager form of government. The Village Board consists of seven elected officials including the Mayor, and six Trustees all of whom are elected at-large and serve staggered four year terms. Day to day operations of the Village are the responsibility of the Village Manager.

The Village of Deerfield operates on a calendar year budget. The General Fund budget is just over \$23 million and the total budget for all funds is approximately \$49 million. The Village employs 111 full-time and 12 part-time employees and its services are provided by the Police, Public Works, Administration, Community Development, and Finance Departments. The Village operates a consolidated dispatch center that also provides service to the Villages of Bannockburn and Riverwoods. Fire Protection and emergency medical services are provided by two separate fire protection districts.

Additional information regarding the Village of Deerfield can be located at the Village's website – [www.deerfield.il.us](http://www.deerfield.il.us)

## **III. VILLAGE ATTORNEY**

- A. General Counsel:** Peter Coblentz, of Rosenthal, Murphey, Coblentz and Donahue is the current Village Attorney for the Village of Deerfield. He has



served in that role since 2001. Mr. Coblentz has been providing regular legal support on Village matters and has been supported by Partners John Donahue, Judith Kolman John Murphey and Matthew Rose and Associate Amber Samuelson. Matthew Rose, has served as co-general counsel and will continue to serve as the general counsel for the Village until such time as a new Village Attorney has been appointed.

The current Village Attorney is responsible for the following:

- Serves as general counsel to the Village, including the Village Board, all other Village officials and boards and commissions of the Village.
- Be the legal advisor of the Village, and render advice on all legal questions affecting the Village, whenever requested to do so by any Village official.
- Represents the Village in all general corporate legal matters. Ensures Village compliance with the requirements of FOIA, the Open Meetings Act, the Gift Ban Act, and conflict of interest laws. Serves as the Village's parliamentarian.
- Provides general legal advice to the Mayor, Village Board, Village Manager, and staff regarding legal matters relating to the performance of their duties.
- Provides the Village Board, Mayor and Village Manager a legal perspective and advice on various governmental issues when requested.
- Maintains knowledge of issues facing the Village and is prepared to offer timely legal opinions within a pre-established response process.
- Attends Village Board meetings, Committee of the Whole sessions, and other workshops, or Board and Commission meetings as requested. The Village Board meets the first and third Monday of each month at 7:30 PM.
- At the request of either Village staff or the Plan Commission, attends meetings which are held the second and fourth Thursdays of each month at 7:30 PM. Also represents the Plan Commission in any appeal requests.
- Represents the Local Liquor Control Commissioner (Mayor)
- Serves as Village's Chief Ethics Officer
- Represents the Village, in other dispute resolution proceedings, including, but not necessarily limited to judicial, arbitration or mediation, and appeals thereof.
- Responds in a timely manner to inquiries from authorized Village departments and/or elected officials.
- Drafts and/or reviews contracts, in whole or in part, and activities incidental or related thereto, including, but not necessarily limited to, real-estate transactions, intergovernmental agreements, professional services, purchasing, service or



product contracts, as requested. May assist in negotiation of such contracts and/or agreements as requested.

- Drafts legislation, including ordinances and resolutions covering any subjects within the powers of the Village.
- Identifies appropriate counsel to represent the Village in litigation.
- Provides research, recommendations, written legal opinions, preparation and review of issues relating to Village matters.

**B. Legal Services Provided by Others:**

1. **Village Prosecutor:** These services are provided by Harold Winer. Mr. Winer is outside counsel and enjoys a contractual relationship that is outside this request for qualification. Mr. Winer serves as prosecuting attorney, files civil suits for the Village, and represents the Village in legal proceedings at Branch Court, and Circuit Court. He prosecutes Village ordinance violations, including liquor ordinance violations.
2. **Labor Relations:** Labor relations, employment law, and related litigation services are provided by John Murphey of Rosenthal, Murphey, Coblentz and Donahue. Mr. Murphey serves as chief negotiator on the Village's behalf for the collective bargaining agreements with the Patrol Officer's Union and the Public Workers Operator's Union. He represents the employer in discipline/termination proceedings as employees of the Village have due process rights.
3. **Bond Counsel:** – Lewis Greenbaum of Katten, Muchin, Rosenmann serves as Issuer's Counsel regarding the issuance of Village Bonds. Mr. Greenbaum advises the Village on a range of general obligation and revenue bond financings, which may tax increment financings.
4. **Board of Police Commissioners:** John Kelly of Ottosen, Britz, Kelly, Cooper, Gilbert & DiNolfo serves as general counsel for the Board of Police Commissioners. Mr. Kelly represents the Commission on a variety of public safety matters including during disciplinary hearings.

**IV. STRUCTURE OF LEGAL SERVICES**

- A. Intent:** The Village's historic (and current) legal structure has consisted of a primary attorney being assigned to serve as the Village's general counsel. From time to time, certain legal matters (e.g. litigation/appellate cases, bond counsel,



and civil rights cases) have been assigned to outside counsel on a case-by-case basis.

It is the intent of the Village to evaluate what legal structure or arrangement best suits the needs of the Village. The Village, therefore, will be evaluating various sizes of law firms in order to evaluate the capabilities and practice area expertise that best meets the Village's needs. As part of this process, the Village will select one individual to serve as general counsel; other legal services shall be assigned to other principal or associates, or outside counsel, as directed.

#### **V. SCOPE OF SERVICES REQUESTED:**

The Village of Deerfield seeks qualified attorneys and/or law firms to provide general counsel legal services for the Village. In general, the Village has need for legal representation in all aspects of municipal law, including extensive knowledge of the Illinois Municipal Code (65 ILCS 5) and Article VII of the Constitution of the State of Illinois. Additionally, the attorney or firm selected shall have adequate clerical staff to provide administrative support.

The Mayor and Village Board are considering qualified attorneys or law firms to provide general counsel services in some or all of the practice areas described below.

1. Contract law
2. Condemnation/eminent domain
3. Planning and zoning
4. Annexations
5. Special Service Areas
6. Business regulation
7. Economic development/finance
8. Civil rights
9. Criminal law
10. Ethics/conflicts of interest
11. Corporate transactional law
12. Real estate
13. Bond financing
14. Government grants and contracts
15. General business operations
16. Telecommunications law
17. Utility franchise agreements
18. Tax Increment Financing

Please note that the Village is a member of the Municipal Insurance Cooperative Agency (MICA), and does not require General Liability, Property



Damage, or Workers Compensation services.

## VI. RESPONSE CONTENTS

The Offeror, in its proposal, shall, at a minimum, include the following:

1. **Legal Experience.** The Offeror should describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three (3) of the firm's clients, preferably including clients similar to the Village. Experience should include the categories listed in Section V – SCOPE OF SERVICES REQUESTED. **Note:** Offeror shall clearly indicate those specific practice areas outlined in Section V. that are outside the firm's area of expertise.
2. **Organization, Size, Structure, and Areas of Practice.** If the Offeror is a firm, it should describe its organization, size, structure, areas of practice, and office location(s).
3. **Minimum Attorney Qualifications:** The attorney(s) assigned to the Village should have:
  - i. A minimum of ten (10) years of experience serving as lead Village Attorney for a municipality, preferably of similar nature and size; and,
  - ii. Experience in the areas listed in Section V – SCOPE OF SERVICES REQUESTED.
4. The Offeror should describe the qualifications of attorney(s) to be assigned to the Village. Descriptions should include:
  - i. Professional and education background of each attorney.
  - ii. Overall supervision to be exercised.
  - iii. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation.
  - iv. Education, position in firm, years and types of experience, and continuing professional education will be considered.
5. List five (5) local professional references for the attorney(s) to be assigned including addresses, phone numbers, and their relationship with the references.



6. Identification of municipalities or other public agencies (park, school, library, etc.) which they represent that are within or immediately adjacent in neighboring communities.
7. Conflict of Interest Disclosure as described in SECTION XI –  
DISCLOSURE OF POTENTIAL OR ACTUAL CONFLICT OF INTEREST
8. Compensation Structure. The current Village Attorney is paid a monthly retainer that covers attendance at Village Board meetings and general legal advice provided by telephone. An hourly rate for services provided above and beyond those covered by the monthly retainer may be billed.

The Offeror should:

- Specify the proposed price structure for this engagement to include information on the hourly billing rates of each attorney or other legal staff who is expected to work for the Village and charges for expenses, if any, such as legal research, copies, and faxes.
- Please indicate what portion of an hour is billed.
- Also include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or by email or otherwise without extensive research or other legal work.

The Village reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

## VII. RESPONSE SUBMISSION

Responses to this RFQ shall be submitted in sealed format, with the envelope clearly marked with the date and labeled as “RFQ Response – Legal Services”. Submittals shall include one (1) original **unbound** document and one (1) complete electronic copy in PDF format. All costs incurred in the preparation of the response shall be the responsibility of the Offeror and will not be reimbursed by the Village of Deerfield.

It is the responsibility of the Offeror to ensure that the response is received by the Village of Deerfield, by the date and time in this RFQ. Late responses will not be considered. Sealed and electronic responses shall be **due no later than February 20, 2018 by 4:00 PM** at the address shown below.



Village of Deerfield  
Attn: Kent Street, Village Manager  
850 Waukegan Road  
Deerfield, IL 60015

*Electronic copies by flash drive or email to: [kstreet@deerfield.il.us](mailto:kstreet@deerfield.il.us) with email carbon copy to: [alichterman@deerfield.il.us](mailto:alichterman@deerfield.il.us)*

### **VIII. RIGHT TO REJECT**

The Village of Deerfield reserves the right to reject any and all responses, or parts thereof received in response to this RFQ; waive formalities, technical deficiencies and irregularities; or otherwise solicit new responses if some other manner of negotiation better serves its interests, and to award an agreement in a manner that best serves the interest of the Village. An agreement for the accepted response will be drafted based upon the factors described in this RFQ.

### **IX. NOTIFICATION OF AWARD**

It is expected that a decision selecting the successful firm will be made within approximately 90 days of the closing date for the receipt of responses. Upon conclusion of final negotiations with the successful firm, all Offerors submitting responses to this RFQ will be informed, in writing, of the name of the successful firm. It is expected that the contract will be for an unspecified period of time and subject to termination upon delivery of written notice of no less than 60 days.

### **X. PROPOSAL EVALUATION**

Responses will be reviewed in accordance with the following criteria:

1. Experience of the firm in serving municipalities of similar size and scope.
2. Experience of the individual identified to serve as Village Attorney.
3. Offeror's experience with similar legal matters.
4. Response from references.
5. Any conflict of interest issues that may limit a lawyer's or firm's ability to fully represent the interests of the village.
6. Any schedule conflict that would preclude the individual identified to serve as Village Attorney from attending meetings of the Village Board, generally held on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month at 7:30 PM.
7. Interview results, if conducted.
8. Demonstrated communication skills including accurate and effective listening, speaking and writing abilities.
9. Other relevant professional legal experience, skills and proficiencies.

### **XI. DISCLOSURE OF POTENTIAL OR ACTUAL CONFLICT OF INTEREST**



The Village of Deerfield prohibits public officials or employees from performing or participating in an official act or action with regard to a transaction in which he has or knows he will thereafter acquire an interest for profit, without full public disclosure of such interest. This disclosure requirement extends to the spouse, children and grandchildren, and their spouses, parents and the parents of a spouse, and brothers and sisters and their spouses.

To ensure full and fair consideration of all proposals, the Village requires all firms including owners or employees to investigate whether a potential or actual conflict of interest exists between the firm and the Village, its officials, and/or its employees. If the firm discovers a potential or actual conflict of interest, the firm must disclose the conflict of interest in its proposal, identifying the name of the municipal official or employee with whom the conflict may exist, the nature of the conflict of interest, and any other relevant information. The existence of a potential or actual conflict of interest does NOT, on its own, disqualify the disclosing firm from consideration. Information provided by the firm in this regard will allow the Village to take appropriate measures to ensure the fairness of the proposal process.

The Village of Deerfield requires all firms to submit a certification indicating that the firm has conducted the appropriate investigation and disclosed all potential or actual conflicts of interest. By submitting a proposal, all firms acknowledge and accept that if the Village discovers an undisclosed potential or actual conflict of interest, the Village may disqualify the firm and/or refer the matter to the appropriate authorities for investigation and prosecution.

## **XII. QUESTIONS**

All questions must be submitted in writing via e-mail to [kstreet@deerfield.il.us](mailto:kstreet@deerfield.il.us) with email carbon copy to: [alichterman@deerfield.il.us](mailto:alichterman@deerfield.il.us) no less than five (5) business days prior to the scheduled due date of the response.