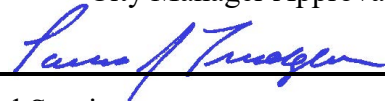


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: September 27, 2021
Item No.: 7.d

Department Approval

City Manager Approval



Item Description: Discuss Civil and Criminal Prosecution Legal Services

BACKGROUND

Since 2010, Erickson, Bell, Beckman, & Quinn (EBBQ) has provided the City both civil and criminal prosecution legal services (EBBQ has provided criminal prosecution legal services for the City prior to 2010). The initial contract was three years pursuant to the City policy on professional services (Attachment A). In 2012, the City solicited proposals for legal services through a competitive process. As a result, the City Council agreed to continue EBBQ's service to the City through 2015. On April 20, 2015, the City Council extended EBBQ's contract for an additional three years, expiring on December 31, 2018. On October 8, 2018, the City Council extended EBBQ's contract for an additional three years, expiring on December 31, 2021.

As previously mentioned, the City's policy requires that professional services are rebid every three years. As part of the policy, there is an ability to waive the competitive process by vote of the City Council. At this time, the City Manager is bringing forward a discussion on whether the City Council is comfortable in extending the City Attorney contracts for another three years or would like to issue a Request for Qualifications (RFQ) for legal firms, including EBBQ, to submit proposals for providing legal services to the City.

If the City Council would like to go through a RFQ process to select a firm to provide civil and criminal prosecution legal services, time will be needed to properly prepare the scope and contents of the RFQ.

If the City Council would like to waive going through a competitive selection process as the City did in 2015 and 2018, the City Manager would bring forward a consent agenda case to a future meeting to approve professional service agreements for civil and criminal prosecution legal services.

As with any contract with services, going out for proposals and bids allows for service and cost comparisons. With the City's recent prioritization on racial equity, it would also provide for an opportunity to solicit proposals from wide cross-section of entities, including BIPOC law firms. It should be noted, however, that the number of law firms that provide municipal legal services are limited in the Twin Cities metro area.

POLICY OBJECTIVE

The City requires legal advice and services as part of its essential functions. Entering into a contract for legal services will allow for the City to receive proper legal advice in its operations and provide for prosecution of violations of law.

32 **BUDGET IMPLICATIONS**

33 Not applicable at this time. If a RFQ process is initiated, the process would be managed by staff
34 and have minimal costs besides staff time.

35 **STAFF RECOMMENDATION**

36 The City Manager, while supportive of continuing the services of EBBQ for civil and criminal
37 prosecution legal services as they continue to do great work for the city and noting the
38 importance of continuity for the City Council and City staff in retaining the same legal counsel,
39 believes it is appropriate to consider going out for proposals to provide cost and service
40 comparisons as well as for equity purposes as previously mentioned. Given the time frame
41 before the end of the year, the City Manager suggests the City Council extend EQQB's civil and
42 criminal prosecution legal services for one year and direct staff to issue a RFQ in 2022. The
43 additional time would allow for thoughtful consideration of an RFQ process and allow for an
44 orderly transition if a change is made in the provision of legal services.

45 **REQUESTED COUNCIL ACTION**

46 Motion to direct City Manager to bring forward a one-year contract for EBBQ to provide civil
47 and criminal legal services to the City of Roseville for City Council approval.

48 -and-

49 Motion to direct the City Manager to issue a Request for Qualifications (RFQ) for civil and
50 criminal prosecution legal services that will begin in 2023.

51 -OR-

52 Motion to waive the requirement under the Professional Services Policy to go out for competitive
53 bid for legal services

54 -and-

55 Motion to direct the City Manager to bring forward legal service contracts with Erickson, Bell,
56 Beckman, and Quinn for civil and criminal prosecution services for the years of 2022, 2023, and
57 2024.

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021

Attachments: A: City of Roseville Professional Services Policy

Adopted 8/17/09

CITY OF ROSEVILLE

Professional Services Policy

Background

The City of Roseville retains outside firms or individuals to provide professional services in many areas, including:

1. Legal (Prosecution, Civil, Economic Development, and Bond Counsel)
2. Appraisal
3. Planning and Landscape Design
4. Audit
5. Engineering, Architectural, and Environmental

The City enters into professional services contracts for specific projects or services, for a specific period of time.

Purpose

The City of Roseville has determined that it is good public policy to utilize a method of selecting and retaining professional services in order to:

1. Ensure Citywide consistency in the process of selecting and retaining professional services.
2. Ensure public confidence in process integrity by providing maximum transparency and avoiding long-term relationships that are insulated from the economic market forces of open competition.
3. Ensure that the City obtains the best overall value for its investment when retaining professional services.
4. Ensure a regular, consistent fiscal review of professional services.

Policy

Contracts for professional services shall be for terms of not more than three (3) years. Multi-year contracts shall not be renewed at their expiration, except as a result of a competitive selection process consistent with this policy, unless this requirement is waived by a vote of the City Council.

Multi-year contracts shall include an annual performance review to ensure that the purposes of the contract are being met with reporting of results to the City Council. All contracts shall, by their terms, allow the City to terminate the contract prior to completion if the City determines that the contract does not continue to serve the City's purposes.

Selection of firms shall be through a competitive process, using a "best overall value" approach whenever applicable and appropriate.

All professional services contracts shall be approved by the City Council.

The City Council should be represented in the interviews and evaluation of candidate firms for Civil Attorney services, including the determination of evaluation criteria.

Firms selected to provide professional services to the City of Roseville:

1. Will avoid any conflicts of interest and commit to the principles of the Professional Code of Ethics for their profession and the City of Roseville Code of Ethics for Public Officials.
2. Will conduct their business through designated Roseville City staff as approved by the City Manager.
3. Will not represent any individual or corporation involved in litigation against the City of Roseville.
4. Will comply with all applicable state and federal laws and local ordinances.