

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 5/18/2022

Weekly Agenda Date: 5/24/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisors Ung & Taylor

WORDING FOR AGENDA ITEM:

Approval of Request for Proposals (RFP) for legal services for collective bargaining, and setting a closing submission date of 4:00pm on June 27, 2022

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The RFP process is a good one to engage in from time to time in order to ensure that the county is getting the best possible service on behalf of property taxpayers. This RFP for legal services applies specifically to union negotiation services with Woodbury County's six collective bargaining units.

The last time Woodbury County went through an RFP process for this purpose is unknown to us, but it has been many years, and is overdue. Deciding this now is timely, as one bargaining unit is scheduled for reopening next year, and several in the following years.

BACKGROUND:

On March 8, the Board of Supervisors approved the creation of the RFP which is now attached for board approval.

Woodbury County successfully went through a similar competitive process while choosing an architectural firm, which was a healthy process that served the county well.

The deadline proposed of five weeks is simply a starting point for discussion, and may be changed if desired. The intent is to receive the bids at the board meeting the following day, which in this case would be the June 28th meeting.

We ask that when the board receives these proposals, that they refer them to a workgroup comprised of Supervisor Matthew Ung, Supervisor Jeremy Taylor, County Treasurer Tina Bertrand, HR Director Melissa Thomas, and Asst. County Attorney Joshua Widman. This group will consider candidates, interview finalists, and make a recommendation to the board for final consideration and approval.

FINANCIAL IMPACT:

The RFP process is a competitive process, which results in the best financial impact for the county as it relates to acquiring the most qualified firm to represent the county's interests.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

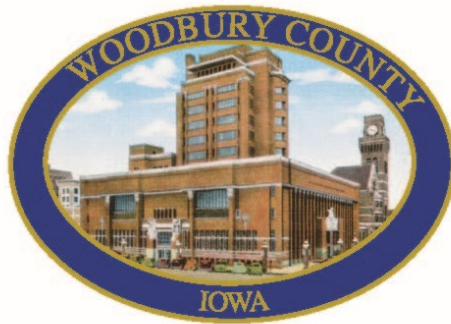
(see below)

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the Request for Proposals regarding the selection of a law firm for collective bargaining and union negotiations, and setting a closing submission date of 4:00pm on June 27, 2022.

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

Woodbury County, Iowa



INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

**Melissa Thomas
Human Resources Director**

**Woodbury County, Iowa
620 Douglas Street, Room 701
Sioux City, IA 51101**

(712) 279-6480

I. GENERAL INFORMATION.

- A. **Purpose.** This request for proposal (RFP) is to obtain outside legal services to be provided to Woodbury County, Iowa for public employment relations (collective bargaining).
- B. **Who May Respond.** Only attorneys who are currently licensed to practice law in **Iowa** and maintain an office in Woodbury County or law firms including such attorneys, may respond to this RFP.
- C. **Instructions on Proposal Submission.**

- 1. **Closing Submission Date.** Proposals must be received no later than **[TIME]** on **[DATE]**
- 2. **Inquiries.** Inquiries concerning this RFP should be mailed to:

Melissa Thomas
Woodbury County Human Resources Director
620 Douglas Street, Room 701
Sioux City, IA 51101

Or e-mailed to: melissathomas@woodburycountyiowa.gov

- 3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by **Woodbury County** (hereinafter referred to as (County)).
- 4. **Submissions.** Your proposal should be addressed as follows:

Melissa Thomas
Woodbury County Human Resources Director
620 Douglas Street, Room 701
Sioux City, IA 51101

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal
[TIME] [DATE]
SEALED PROPOSAL For Legal Services

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Offeror to ensure that the proposal is received by Woodbury County, by the date and time specified above. Late proposals will not be considered.

5. **Right to Reject.** Woodbury County reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Notification of Award.** It is expected that a decision selecting the successful firm or attorney will be made within four (4) weeks of the closing date for the receipt of proposals. Upon conclusion of final negotiations with the successful Firm, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful consultant.

D. **Description of Entity.** Woodbury County is a political subdivision of the State of Iowa with a workforce that includes six collective bargaining units. The following is a brief description of each:

- CWA Deputy Sheriff's CWA #7177, including 36 members and a contract in effect from July 1, 2019 - June 30, 2023.
- CWA Civilian Officers' #7177, including 62 members and a contract in effect from July 1, 2021 - June 30, 2025 with a wage reopener for the 2024-2025 year.
- CWA Secondary Roads, including 41 members and a contract in effect from July 1, 2020 - June 30, 2024.
- AFSCME Local #3462, Woodbury County Courthouse Employees including 59 members and a contract in effect from July 1, 2020 - June 30, 2024.
- AFSCME Local #3462, Woodbury County Assistant County Attorneys and Victim Witness Coordinator including 15 members and a contract in effect from July 1, 2020 - June 30, 2024.
- AFSCME Local #3462, Juvenile Detention Center including 22 members and a contract in effect from of July 1, 2020 - June 30, 2024.

II. **SCOPE OF SERVICES.** The Offeror shall be readily available to perform the following legal services, as requested by the Woodbury County Board of Supervisors:

1. Review, draft, and assist in negotiation of union contracts
2. Advise on individual labor and employment matters involving union employees
3. Review personnel and other policies impacting union employees
4. Attend Board of Supervisors meetings and negotiating strategy sessions as necessary
5. Advise on responses to subpoenas, court orders, and requests for information from third parties
6. Defend lawsuits, administrative claims, or other legal claims

7. Conduct litigation as necessary
8. Other legal services related to collective bargaining (Iowa Code Chapter 20) as needed

Approximately 30 hours of outside legal services are typically utilized in years involving contract negotiations and another 10 hours each year, more or less, may be requested for additional services outlined above.

Offeror shall be prepared to submit detailed billing statements for all services billed at an hourly rate, broken down into time increments of no more than a quarter hour.

III. PROPOSAL CONTENTS. The Offeror, in its proposal, shall, as a minimum, include the following;

- A. **Cover Letter.** A cover letter expressing interest in providing the legal services to Woodbury County and the contact information of the attorney or firm submitting the proposal.
- B. **Legal Experience.** The Offeror should describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to Woodbury County. Experience should include the following categories:
 1. Experience advising governmental entities, and/or
 2. Experience with collective bargaining (Iowa Code Chapter 20), and/or
 3. Experience advising clients regarding labor relations
- C. **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).
- D. **Attorney Qualifications.** The Offeror should have experience in the areas listed under Scope of Services. The Offeror should describe the qualifications of attorneys to be assigned to the representation. Descriptions should include:
 1. Professional and education background of each attorney.
 2. Overall supervision to be exercised.
 3. 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. Education, position in firm, years and types of experience, and continuing professional education will be considered.
- E. **Price.** The Offeror's proposed price should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges

for expenses, if any, such as legal research, copies, and faxes. Woodbury County reserves the right to negotiate with the Offeror on the structure of the billing fee.

- F. **Conflicts of Interest.** Disclose any relationships and all compensation arrangements that the attorney, the firm, or any individual in the firm has or has had within the last five (5) years that could create or appear to create a conflict of interest if the attorney/firm is selected. Include sufficient information about the potential conflict or the representation of a client in matters adverse to the County so that the County may determine if such conflicts are so significant as to warrant representation not to be considered. The attorney/firm shall also certify that if selected it will not take any engagement which could result in a conflict of interest without first receiving the informed consent, confirmed in writing, of the Woodbury County Board of Supervisors.

IV. PROPOSAL EVALUATION

- A. **Submission of Proposals.** All proposals shall include an original and 5 copies.
- B. **Evaluation Procedure and Criteria.** A committee of Woodbury County elected officials and staff will review proposals and make recommendations to the Board of Supervisors for final approval. The Board of Supervisors may request a meeting with some qualified Offerors prior to final selection. Proposals will be reviewed in accordance with, but not limited to, the following criteria:
 - 1. **Proposed approach to scope of work.**
 - 2. **Level of experience of the individual(s) identified to work on this matter.**
 - 3. **The Offeror's experience with similar clients and legal matters.**
 - 4. **Response from references.**
 - 5. **Cost.**
 - 6. **Interviews, if conducted.**