

COUNTY OF PAYETTE
REQUEST FOR PROPOSAL – CIVIL ATTORNEY SERVICES

Due Date: February 3, 2023

Contract Effective Date: February 27, 2023

Payette County, Idaho, (“County”) hereby solicits proposals from law firms/solo practitioners (“Applicants”) to represent the County as a civil advisor and counsel. The Applicant selected by the County would provide legal counsel to the County elected officials and will serve all County departments. The County’s selection will be based on its evaluation of the written proposal, the Applicant’s qualifications and experience, client references, the areas of legal services which the Applicant is willing to provide, an oral presentation (if requested) and the overall fee structure. The County may engage more than one Applicant for services should that be in its best interest.

SUBMITTAL OF PROPOSALS: Proposals in whole or in part, must be received by the County Clerk located at 1130 Third Avenue North, Payette, Idaho, on or before 3:00 p.m. on February 3, 2023. Proposals must be sealed and clearly marked, “Proposal for Legal Services for the County of Payette.” The County reserves the right to waive any informalities in proposals, to accept or reject any or all proposals for any reason, to negotiate with any attorney, law firm, or business and to select one or more of the law firms deemed to have submitted a proposal which in the judgment of the County is in the best interest of the County. This submittal is not subject to the procurement requirements set forth in Idaho Code Title 67, Chapter 28 as it is exempt pursuant to I.C. 67-2803. The County specifically reserves the right to accept more than one proposal and may select more than one law firm to serve as a legal counsel to the County.

INTRODUCTION: Payette County is a county located in south-west Idaho on the Oregon border. As of the 2020 census, the population was 24,771. Payette County is comprised of 3 cities, Payette, Fruitland and New Plymouth.

Civil legal counsel is required of the County Prosecuting Attorney pursuant to Idaho Code 31-2604, which states it is the duty of the Prosecutor “to prosecute or defend all civil actions in which the county or state is interested” and “to give advice to the board of county commissioners, and other public officers of his county, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers.”

Therefore, the Applicant will serve only upon approval of the Prosecuting Attorney.

SERVICES REQUIRED: The County is seeking proposals from Applicants having experience and qualifications in representing public sector entities, preferably counties. Any potential provider of legal services should identify lead counsel and any additional counsel who may assist lead counsel. This attorney may be required to appear at all County Commissioner meetings at the direction of the Prosecuting Attorney, which generally occur on each Monday, or, in the event of a holiday, on Tuesday. There may be other public hearings requiring attendance outside of the regular meetings. The Applicant will also be available within reason, to provide advice and counsel during regular business hours. All attorneys listed in the proposal shall know the County ordinances, policies/procedures, and ongoing County issues so that he/she is fully

prepared. The Applicant must ensure the availability of attorneys and support staff is consistent with efficient delivery of Civil services, including coverage for regular vacations.

The areas of law the Applicant shall provide legal advice includes, but is not necessarily limited to:

- Tax Appeal Law;
- Election Law;
- Contract Law, specifically contractual requirements unique to County governments;
- County Finance and Budget Law;
- Employment Law, including federal and state laws;
- Planning and Zoning/Land Use;
- Litigation
- Board of Community Guardians, which includes attending the monthly BOCG meeting, screening cases, filing the proper paperwork and representing the Board at all stages of the court proceedings, and advice and counsel to the Board and Board Members;
- General advice and counsel to all elected officials and department heads; and
- Other areas as needed

COMPENSATION: Each Applicant must state the compensation that will be required for the services. The County will entertain proposals for payment on an hourly basis, on a flat or fee capped basis, or any combination thereof.

Applicant shall invoice the County monthly with an itemized bill, which shall include the attorney or staff member providing the service, date, time and description of service and department requesting service will be required.

GOOD STANDING AND LICENSE: The Applicant submitting a proposal, and any attorney listed as an associate that may provide service to the County, must be in good standing and licensed to practice law before all courts and administrative agencies of the State of Idaho.

ASSIGNMENT: The selected Applicant will be prohibited from assigning, transferring, conveying, subcontracting, or otherwise disposing of this agreement or its rights, title or interest therein or its power to execute such agreement to any other person, company or corporation without the previous consent and approval of the County Commissioners and the Prosecuting Attorney.

INDEMNIFICATION: The Applicant shall indemnify the County from all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person in consequence of any negligence in performing contract work, or on account of any act or omission by the attorney or the firm or its employees, or from any claims or amounts arising or uncovered under any law, bylaw, ordinance, regulation, or decree, violated by such attorney or firm.

INSURANCE: The Applicant shall be required to carry Professional Liability Insurance. Proposals must specify the carrier and coverage limits of no less than \$1,000,000 per occurrence. The successful Applicant shall provide to the County a certificate of proof of insurance and shall maintain required insurance coverage.