

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Monday, January 6, 2025

5:30 PM

2nd Floor Conference Room

Special Called Executive Meeting

Mayor Craig Newton

Mayor Pro Tem Bruce Gaynor

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Marshall Cheek

- A. Call to Order by Mayor Craig Newton**
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES
- B. Roll Call**
- C. Agenda Items**
1. **24-7211 City Manager Annual Review 2024-2025**
City Manager's annual performance review conducted by Mayor and Council.
2. **25-7226 Selection of City Attorney**
Select a firm or individual to provide City Attorney services.
- [Agenda Report - Selection of City Attorney](#)
- [RFQ MC 25-04 City Attorney Services](#)
- [RFQ MC 25-04 - Responses](#)
- D. Meeting Closed for Executive Session to Discuss Personnel**
- E. Signed by _____ Mayor Craig Newton**
- F. Attest _____ Monique Philip, City Clerk**



Mayor: Craig Newton • Mayor Pro Tem: Bruce Gaynor • Councilmember: Andrew Hixson • Councilmember: Josh Bare
Councilmember: Matt Myers • Councilmember: Marshall Cheek • City Manager: Eric Johnson • City Clerk: Monique Philip

Agenda Report

To: Mayor and Council
From: Eric Johnson, City Manager
Meeting Date: January 6, 2025 – Special Called Meeting
Item No.: 25-7226
Title: Selection of City Attorney

Recommendation

Select a firm or individual to provide City Attorney services.

Background

The City issued a request for qualifications from qualified law firms or individual attorneys licensed to practice law in the state of Georgia to provide professional services to the city as City Attorney. The City received responsive and responsible submissions from the following firms: Jarrard & Davis, LLP; Thomas, O'Brien, Kappler, & Nasuti, P.C.; and Vernet Law, LLC. At a special executive session meeting held on Monday, December 16, the three firms provided presentations and were interviewed by Mayor & Council.

Financial Impact

TBD

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)

6. Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Next Steps

TBD

Attachments

RFQ MC 25-04 City Attorney Services
RFQ MC 25-04 - Responses



City of Norcross
Department of Public Works

REQUEST FOR STATEMENT OF QUALIFICATIONS
PROFESSIONAL SERVICES – CITY ATTORNEY
RFQ MC 25-04

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)

City of Norcross Mayor & Council

REQUEST FOR STATEMENT OF QUALIFICATIONS PROFESSIONAL SERVICES – CITY ATTORNEY RFQ MC 25-04

INTRODUCTION & OVERVIEW:

The City of Norcross is soliciting qualifications from qualified law firms or individual attorneys licensed to practice law in the state of Georgia to provide legal services to the City. Qualifications may be submitted by an individual attorney, or by an attorney who represents a law firm. In any case, the attorney who would serve as the primary legal counsel to the City must be named. Interested firms shall provide qualified and experienced technical and professional personnel to perform duties and responsibilities as assigned. The selected firm or individual will represent the City of Norcross in any and all legal matters.

The statement of qualifications package should be clearly marked “**RFQ MC 25-04 PROFESSIONAL SERVICES - CITY ATTORNEY**” on its face and submitted by **11:00 a.m. on November 13, 2024**, to the address below. Please submit **two** printed copies and one electronic copy (USB) of your RFQ package to:

Charlene Marsh, Procurement & Capital Projects Manager
City of Norcross – Public Works Department
345 Lively Avenue
Norcross, GA 30071

Both printed and electronic copies must contain the same information.

Please submit questions/requests via **e-mail only** to the Procurement & Capital Projects Manager at procurement@norcrossga.net by **5:00 p.m. on October 28, 2024**.

No submission will be received or accepted after the above specified date and time. Submissions received after the designated date and time will be deemed invalid and returned unopened to the firm.

No submission may be withdrawn within thirty (30) days after the deadline and all submissions shall remain firm during this period. Requests for withdrawals must be submitted in writing.

We appreciate your interest in the City of Norcross!

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)

1.0 INTRODUCTION

1.1 PURPOSE OF PROCUREMENT

The City of Norcross is requesting qualifications of interested firms or attorneys to provide legal services as the “City Attorney” for the City of Norcross. The selected firm or individual will represent the City of Norcross in any and all legal matters.

1.2 SCOPE OF WORK

In furtherance of those duties set forth in Section 2-95 of the City Charter, the City Attorney is expected to perform all general legal representation for the City as required. Compensation for these defined services will be at an hourly rate. The City Attorney or assistants under his or her direction shall be the legal advisor and representative of the city and, in that capacity, shall:

1. Exercise any powers and perform any duties charged to the City Attorney by the Charter or this Code;
2. Advise any Councilmember or the Mayor when requested, upon all legal questions arising in the conduct of the city business;
3. Prepare or revise ordinances when so requested by the City Council or Mayor;
4. Give official opinions upon any legal matter or question submitted by a majority vote of the City Council;
5. Shall at the discretion of the Mayor and Council attend Council meetings for the purpose of giving the Mayor and Council any legal advice requested by its members;
6. Prepare for execution all contracts and instruments to which the city is a party when so requested and approve, as to form, all bonds and city contracts;
7. Prepare, when authorized by the City Council, charges and complaints against, and appear in the municipal court in the prosecution of persons charged with a violation of this Code or of any regulations and see to the full enforcement of all civil judgments or decrees rendered or entered in favor of the city;
8. Defend any and all suits and actions at law or equity brought against the city, unless otherwise directed by the City Council;
9. Prepare and file any civil suit or action at law or equity to secure or protect the city's best interest when so ordered by a resolution of the City Council;
10. Make immediate report to the City Council of the outcome of any litigation in which the city has a direct interest;
11. Keep complete and accurate records of the following, which records shall remain the property of the city:
 - a. All suits in which the city had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and

- b. All written opinions prepared by the City Attorney and all certificates or abstracts of titles furnished by the City Attorney to the city, or any department or official thereof; and

12. Render any other legal services that may be required by the City Council.

The City of Norcross reserves the right to reject any or all proposals, to waive technicalities and to make an award deemed in its best interest to the proposer offering the best value. The City of Norcross reserves the option to negotiate terms, conditions, and pricing.

1.3 MINIMUM REQUIREMENTS

1. Current member in good standing with the State Bar of Georgia, with no history of disciplinary actions, and is admitted to practice before the appellate courts of the State of Georgia.
2. At least 5 years of experience, consecutive to this request for qualifications, as an attorney practicing within the general area of work associated with the duties described herein.

1.4 SCHEDULE OF EVENTS

See **Appendix A** for the detail Schedule of Events

1.5 RESTRICTIONS ON COMMUNICATIONS WITH STAFF

All questions about this RFQ should include the company name and the referenced RFQ section in the following format:

Company Name
1. Question
Citation of relevant section of the RFQ

1.6 PROPOSAL SUBMISSION INSTRUCTIONS

Please provide the required information in the following order:

1. **Introduction** -- A brief history of your firm including firm size and areas of practice of its attorneys. Also include the address of the local office long with names, email, and phone contacts for the proposed City Attorney and other office staff as applicable.
2. **Resumes** -- Identify the attorney in your firm that would take primary responsibility to advise and represent the City of Norcross if your firm were selected, as well as other attorneys within your firm that will also perform tasks or assist in the representation. Provide resumes for each individual.
3. **Experience and Qualifications**-- Describe the qualifications for the individual to be designated as City Attorney. At a minimum, this information should include:
 - i. Legal education and training, and type and years of practice to include the date of admission to the Georgia Bar
 - ii. Years of municipal or other local public-sector law practice as a full-time,

- contracted, or part-time local government attorney and/or private law practice with specialization in local government law
- iii. General description of tasks and responsibilities associated with past practice as a local government attorney
- iv. General description of experience in litigation representing local government including types or categories of cases litigated.

4. **Capacity & Resources** – Provide a list of all public clients and/or local agencies for which the firm currently provides services. Please define the normal time frame for responses by the City Attorney to direction and/or inquiry by Mayor & Council or City Manager.
5. **References** – Please use attached reference form (Appendix B) to provide at least three professional references regarding ability to serve as City Attorney. List any experience in representing governmental entities, including the name of the government(s) represented, lengths of representation, and individuals within the government with whom your firm worked closely.

Please provide accurate information and inform your references that the City of Norcross will follow up to perform reference checks. It will affect your scores if we are not able to contact your references, or they do not respond in time.

The City of Norcross will not serve as a reference, in the event that your Company worked with the City of Norcross previously.

Alternatively, Proposers are welcome to provide three (3) reference letters where they provided the same or similar services. Reference letters must be on official letterhead and signed by the point of contact of the agency where the service was performed.

6. **Signed Statement of Qualifications Letter**
7. **Signed Disclosure Form**
8. **Provide proof of Professional Liability Insurance Coverage** (Lawyer's Professional Liability Insurance) for errors and omissions of at least \$1,000,000 per occurrence.

1.7 EVALUATION CRITERIA

Evaluation Criteria	Max Score
Experience & Qualifications of Primary City Attorney	35
Experience & Qualifications of Supporting Attorneys	30
References	15
Capacity & Resources	15
Compliance with submission guidelines	5
Total	100

The City will schedule interviews with the top-scoring firms.

2.0 GENERAL CONDITIONS

PROPOSERS ARE ADVISED TO THOROUGHLY UNDERSTAND THE GENERAL CONDITIONS AND SPECIAL PROVISIONS, PRIOR TO SUBMITTING THEIR PROPOSALS.

2.1 QUALIFICATIONS

- 2.1.1** Proposals will be considered only from experienced and well-equipped Vendor(s) engaged in work of this type and magnitude.
- 2.1.2** Proposers may be required to submit evidence setting forth qualifications which entitle their company for consideration as a responsible Vendor. A list of work of similar character successfully completed within the last five years may be required, which lists the location, size, and scope for use on this work. Before accepting any proposals, the City may require evidence of the Vendor's financial ability to successfully perform the work to be accomplished under the contract.
- 2.1.3** Proposers must provide their own materials and labor for this contract.

2.2 AUTHORITY TO SIGN

- 2.2.1** Proposers must ensure that the legal proper name of their firm and/or corporation is printed or typed as appropriate on all documents.

2.3 RIGHTS RESERVED

- 2.3.1** The City of Norcross reserves the right to reject any or all proposals, to waive informalities or to re-advertise. It is understood that all proposals are made subject to this agreement, and that City of Norcross reserves the right to decide which proposal(s) it deems the most qualified. In arriving at this decision, full consideration will be given to the experience and qualifications of the Proposer, work of this type successfully completed and past performance with the City of Norcross.
- 2.3.2** Any unauthorized additions, conditions, limitations, or provisions attached to the Proposal shall render it informal and may be cause for rejection.

2.4 AWARD OF CONTRACT

- 2.4.1** The contract will be awarded to the most qualified firm whose proposal will provide the best value and be the most advantageous to the City, experience, technical considerations, cost, and other factors considered. The City is to make the determination.
- 2.4.2** Prior to award of the Contract, the successful Proposer will be required to submit a schedule to the City, demonstrating the Proposer's ability to commence and proceed in a timely manner. A Proposer's failure to demonstrate the ability to proceed as required may result in contract cancellation.

- 2.4.3** Failure to demonstrate the ability for contract execution and progression will result in, at the City's discretion, contract cancellation or re-advertising of any and/or all these contracts.

2.5 PRODUCTION REQUIREMENTS

- 2.5.1** Time is of the utmost importance of this project. The successful Proposer will be required to commence work within ten (10) calendar days from the receipt of the Notice to Proceed and must carry on with utmost diligence to complete the work according to the specifications in the RFQ.

2.6 PRICES AND INVOICING PROGRESS PAYMENTS AND RETAINAGE

- 2.6.1** Payment shall be provided based on the cost schedule provided in Vendor's response. Vendor shall submit an invoice with NET 30-day payment terms for services performed for the City of Norcross under the terms of the executed contract. The invoice shall be directed to **Eric Johnson, City Manager at eric.johnson@norcrossga.net**.

The invoice shall contain a complete itemization of services, the total amount due, invoice number, invoice date, the designated project number, if applicable, and the City of Norcross' Purchase Order Number. After work has commenced, progress payments shall be made monthly, based on the value of work completed as provided in the contract documents plus the value of materials and equipment suitably stored, insured, and protected at the site(s), less retainage.

2.7 COMPLIANCE WITH OSHA STANDARDS AND REGULATIONS

- 2.7.1** The work connected with this contract shall be performed in accordance with all applicable OSHA regulations and standards, including any additions or revisions thereto until the job is completed and accepted by the City of Norcross.

2.8 NON-COLLUSION

- 2.8.1** Vendor(s), by submitting a proposal, certify that the accompanying proposal is not the result of, or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under Georgia or United States law.

2.9 MATERIALS

- 2.9.1** Unless otherwise specified in the Contract, Vendor shall provide and assume full responsibility for all services, materials, equipment, labor, and all other facilities and incidentals necessary for the completion of the Work.

- 2.9.2** All materials and equipment incorporated into the work shall be of good quality, except as otherwise provided in the Contract. All special warranties and guarantees required by the Specifications shall expressly run to the benefit of the City.

2.10 CONTRACT REQUIREMENTS

- 2.10.1** The successful Vendor is required to do the following within ten (10) days of Notice:

2.10.1.1.1 Return to the City contract documents executed by the authorized representative attested by the corporate secretary treasurer.

2.10.1.1.2 Provide Insurance Certificates as specified in the RFQ documents.

- 2.10.2** Failure to execute the Contract or furnish satisfactory proof of carriage of the insurance required within ten days after the date of Notice of Award of the Contract may be just cause for the annulment of the award and for the forfeiture of the RFQ guaranty of City of Norcross, not as a penalty, but as liquidation of damages sustained. At the discretion of the City, the award may then be made to the next most qualified Vendor, or the work may be re-advertised or constructed by City forces.

APPENDIX A
RFQ MC 25-04
SCHEDULE OF EVENTS

Event:	Date:
Release of RFQ	October 14, 2024, 11:00 a.m.
Deadline for Written Questions	October 28, 2024, 5:00 p.m.
Proposals Due	November 13, 2024, 11:00 a.m.
Proposal Evaluation & Interviews with Top Scorers	November/December 2024
Contract Award (On/about)	December 2024/January 2025

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)

APPENDIX B
RFQ MC 25-04
REFERENCES

Please complete attached reference form and provide accurate information for each reference. Please inform your references that the City of Norcross will follow up to perform reference checks. It will affect your scores if we are not able to contact your references, or they do not respond in time.

The City of Norcross will not serve as a reference, in the event that your Company worked with the City of Norcross previously.

Alternatively, Proposers are welcome to provide three (3) reference letters where they provided the same or similar services. Reference letters must be on official letterhead and signed by the point of contact of the agency where the service was performed.

References for _____

Please provide a list of contact numbers, addresses and a contact person for at least 3 professional references regarding ability to serve as City Attorney.

Company Name: _____

Description of Project: _____

Completion Date: _____

Contact Person: _____

Telephone: _____ Fax: _____

Email address: _____

Company Name: _____

Description of Project: _____

Completion Date: _____

Contact Person: _____

Telephone: _____ Fax: _____

Email address: _____

Company Name: _____

Description of Project: _____

Completion Date: _____

Contact Person: _____

Telephone: _____ Fax: _____

Email address: _____

APPENDIX C

CITY OF NORCROSS STATEMENT OF QUALIFICATIONS LETTER

We propose to furnish and deliver any and all of the deliverables and services named in the attached Request for Statement of Qualifications (RFQ).

It is understood and agreed that this Statement of Qualifications constitutes an offer, which when accepted in writing by the City of Norcross and is subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and the City of Norcross.

It is understood and agreed that we have read the City's specifications shown or referenced in the RFQ and that this Statement of Qualifications is made in accordance with the provisions of such specifications. By our written signature on this Statement of Qualifications, we guarantee and certify that all items included in this Statement of Qualifications meet or exceed any and all such City specifications. We further agree, if awarded a contract, to deliver goods and services which meet or exceed the specifications. The City of Norcross reserves the right to reject any or all submittals, waive technicalities, and informalities, and to make an award in the best interest of the city.

It is understood and agreed that this Statement of Qualifications shall be valid and held open for a period of one hundred twenty (120) days from Statement of Qualifications opening date.

STATEMENT OF QUALIFICATIONS SIGNATURE AND CERTIFICATION (Company to sign and return with Statement of Qualifications)

I certify that this Statement of Qualifications is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a Statement of Qualifications for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the Statement of Qualifications and certify that I am authorized to sign this Statement of Qualifications for the Company. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. seq. have not been violated and will not be violated in any respect.

Authorized Signature _____ Date _____

Print/Type Name _____

Print/Type Company Name Here _____

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)

APPENDIX D

CITY OF NORCROSS DISCLOSURE FORM

This form is for disclosure of campaign contributions and family member relations with City of Norcross officials/employees. Please complete this form and return it as a part of your RFQ package.

Name of Company

Name and the official position of the Norcross Official to whom the campaign contribution was made

(Please use a separate form for each official to whom a contribution has been made in the past two (2) years.)

List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Norcross Official.

Amount/Value

Description

Please list any family member that is currently (or has been employed within the last 9 months) by the City of Norcross and your relation:

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)

APPENDIX E
RFQ MC 25-04
ACKNOWLEDGEMENT OF ADDENDA

The undersigned hereby acknowledges receipt of the following Addenda:

<u>Addendum Number</u>	<u>Dated</u>	<u>Acknowledge Receipt</u> (initial)

☐ No addenda were received:

Acknowledged for:

(Name of Firm)

Signature of Authorized Representative

Name (Print or Type)

Title

Date

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)

APPENDIX F

**RFQ MC 25-04
PACKET CHECKLIST**

FIRM NAME: _____

DATE: _____

Please use this checklist to ensure you have properly completed all forms and requirements.

You must complete and attach this checklist to your proposal packet. Failure to do so may you render ineligible for consideration.

_____ Two Hard Copies & One Electronic Copy of Proposal Package (*including completed appendices and all required forms*)

_____ Introduction

_____ Resumes

_____ Experience and Qualifications

_____ Capacity and Resources

_____ Reference Form or Letters

_____ Statement of Qualifications Letter

_____ Disclosure Form

_____ Certificate of Liability Insurance

_____ [E-Verify Contractor & SAVE Affidavits](#)

_____ Acknowledgement of Addenda

_____ Mail or deliver to:

Charlene Marsh, Procurement & Capital Projects Manager
City of Norcross – Public Works Department
345 Lively Avenue
Norcross, GA 30071

Attachment: RFQ MC 25-04 City Attorney Services (25-7226 : Selection of City Attorney)