



## **Legal Services Request for Qualifications**

**Proposals must be received by 4:00 p.m. on  
December 29, 2023.**

Provide a hard copy response to the attention of:  
Allison Matson, Village Administrator  
Village of Wauconda  
101 N. Main St  
Wauconda, IL 60084

### **Introduction**

The Village of Wauconda is interested in contracting for Legal Services. The Village is accepting qualifications from experienced attorneys/firms to assist Village officials and staff with legal services required by the Village as set forth in this solicitation. The Village is currently served by outside counsel. It is the intention of the Village to enter into a long-term relationship with the selected attorney/firm beginning May 1, 2024. To assist in the transition from the current attorney, the current attorney may be available for background information or assigned to finish special projects if needed

### **Village of Wauconda Profile**

The Village of Wauconda is a non-home rule community located in Lake County, Illinois with a population of approximately 14,000. The Village Board consists of eight elected officials including the Mayor, six Trustees, all of whom are elected at-large and serve staggered four-year terms and the Village Clerk. Day-to-day operations of the Village are the responsibility of the Village Administrator.

**REQUEST for QUALIFICATIONS (RFQ)**  
**Legal Services**

**QUESTIONS**

All comments or concerns regarding this Request for Qualifications (“RFQ”) shall be addressed to the Village of Wauconda Village Administrator, Allison Matson, via email at [amatson@wauconda-il.gov](mailto:amatson@wauconda-il.gov). E-mails must contain “Legal Services” in the subject line of the e-mail. All questions must be received by December 15, 2023, at 4:00 p.m. Answers will be posted to the Village of Wauconda website by December 21, 2023, at 4:00 p.m.

**QUALIFICATION OF ATTORNEY/FIRMS**

It is the intention of the Village to award a contract to the most qualified or equally qualified Attorney/Firms who furnishes satisfactory evidence that they have the requisite qualifications and that they have sufficient capital and facilities to enable them to complete the work successfully and promptly.

The Village may make such investigations as it deems necessary to determine the qualifications and ability of the Attorney/Firm to perform the work, and the Attorney/Firm shall furnish to the Village all the information and data for this purpose as the Village may request. The Village reserves the right to reject any and all responses if the evidence submitted by, or investigation of such Attorney/Firm, fails to satisfy the Village’s expectations.

**RESERVATION OF RIGHTS**

The Village reserves the right to accept the submission that is, in its judgment, the best and most favorable to the interests of the Village and the public; to reject the low price submittal; to accept any item in the Attorney/Firm’s submittal or a portion thereof; to reject any/all submissions; to accept and incorporate corrections, clarifications or modifications following the opening of the Attorney/Firm’s submission when to do so would not, in the

Village's opinion, prejudice the procurement process or create any improper advantage to any Attorney/Firm; and to waive irregularities and informalities in the procurement process or in any submission; provided, however, that the waiver of any prior defect or informality shall not be considered a waiver of any future defects or informalities, and the Attorney/Firm should not rely upon, or anticipate, such waivers in submitting their submissions. The enforcement of this Reservation of Rights by the Village shall not be considered an alteration of the response. In addition to the Village's rights above, the Village reserves the right to reject any and all responses if the evidence submitted by, or investigation of such Attorney/Firm, fails to satisfy the Village's expectations or accept any item in the Attorney/Firm's submittal or a portion thereof.

### **INSTRUCTIONS TO ATTORNEYS/FIRMS**

1. Response documents should consist of two separate sealed submittals as described below.
  - a) The Response Packet consisting of Response Documents and Profile and Qualifications form shall be labeled with the Attorney/Firm company name and be marked or endorsed:

#### **Wauconda – Qualifications - Legal Services**

- b) The Schedule of Prices must be placed in a separate sealed envelope or packages containing prices and shall be labeled with the Attorney/Firm company name and be marked or endorsed:

#### **Wauconda – Schedule of Prices for Legal Services**

2. The Attorney/Firm shall not under any circumstances be relieved of its liabilities and obligations. All transactions of the Village shall be with the Attorney/Firm. Subcontractors shall be recognized only in such capacity.
3. Any Attorney/Firm may be required by the Village to submit additional data to satisfy the Village that such Attorney/Firm is prepared to fulfill the contract if one is awarded to them.
4. Attorney/Firm shall obtain, at its own expense, all permits, insurance, and all other licenses which may be required to complete the work and/or be required by municipal, state, and federal regulations and laws.

5. All Attorneys/Firms are prohibited from making any contact with any official or employee of the Village (collectively, "Municipal Personnel") with regard to the work, other than in the manner and to the person(s) designated herein. The Village Administrator of Wauconda reserves the right to disqualify any Attorney/Firm that is found to have contacted Municipal Personnel in any manner with regard to the work.

**-Section Left Intentionally Blank-**



**SCHEDULE OF PRICES**  
**Legal Services**

TO: THE VILLAGE OF WAUCONDA

FULL NAME OF ATTORNEY/FIRM: \_\_\_\_\_

The undersigned, declares that it has carefully examined the Scope of Services, the Legal Services RFQ, and it proposes and agrees, if this Proposal is accepted, that it will contract with the Village to complete the Work titled "Legal Services", and that it will take in payment, therefore, the sums set forth in the following Schedule of Prices.

**Cost Proposal:**

<u>Category</u>	<u>Monthly</u>
<b>Monthly Fee</b>	\$
<u>Category</u>	<u>Hourly*</u>
<b>General Corporate</b>	\$
<b>Special Projects</b>	\$
<b>Litigation</b>	\$

\*The minimum billable increment shall be .1 hours. If your firm takes exception to this, please explain:

If your firm provides additional optional services, please attach a page describing the optional service and the cost for that service as well as any ongoing costs for that service.

Do you agree that escalating prices shall be no more than the Consumer Price Index for All Urban Consumers (CPI-U) in the Chicago area or 2%, whichever is less, for a possible second, third, and fourth year extensions?

(Please initial)      Yes \_\_\_\_\_ No \_\_\_\_\_

If **No**, then provide with your submittal proposed escalation language.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone

\_\_\_\_\_  
(Sign here)

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
(Print Name)

## **Scope of Services Requested**

### **OVERVIEW**

The Village Attorney is an independent contractor approved by the Village Board. The Village Attorney performs duties assigned by the Village Administrator or their designee and Village Board.

The responsibilities and tasks of the Village Attorney for the Village of Wauconda include:

- Serve as general counsel to the Village, including the Village Board, all other Village officials, Village staff, and committees and commissions of the Village.
- Represent the Village in all general corporate legal matters, ensure Village compliance with the requirements of FOIA, the Open Meetings Act and gift ban and conflict of interest laws, and serve as the Village's parliamentarian.
- Advise elected and appointed officials, and Village staff on legal matters affecting the Village, including preparing written legal opinions at the request of the Village Board, Mayor or Village Administrator, including options which give priority to resolution without litigation.
- Manage and submit updates to the Village's electronic municipal code (Municode)
- Submit required filings to the Lake County Clerk on the Village's behalf as needed
- Represent the Village and its officials in all phases of disputes, including pre-trial, trial and appeal, not handled through insurance or other counsel.
- Provide the Village Board, Mayor and Village Administrator a legal perspective and advice on various municipal governmental issues.
- Provide the Village Board, Mayor and Village Administrator a legal perspective and advice on general liability and/or workers compensation claims/insurance issues as needed.
- Prepare ordinances, resolutions and intergovernmental agreements and related agenda material for action by the Village Board; review routine ordinances and resolutions prepared by operating departments.
- Maintain communications and participate in meetings and conference calls with the Village Administrator, staff, or elected officials as needed.
- Attend all regular and special meetings of the Village Board. Regular Meetings of the Village Board occur on the first and third Tuesdays of every month at 6:00 p.m., except the second meetings in June, July, August and September, and other occasional dates, when the meetings are held on Mondays. Attend all regular and special meetings of the Plan Commission and Zoning Board of Appeals. Regular Meetings of the Plan Commission and Zoning Board of Appeals occur on the second Wednesday of every month at 7:00 p.m. Attend special meetings as needed dependent upon subject matter.
- Review all contracts and agreements entered into by the Village and assist with preparation of requests for proposals and bid specifications. Review pay requests, waivers of lien, and certified payroll.



- Review documents and answer questions for some matters related to the Board of Fire and Police Commissioners (“BFPC”).
- Represent the Local Liquor Control Commissioner.
- Represent the Village in all legal matters related to public utilities, including but not limited to agreements with cable providers, ComEd, Nicor, and telecommunications companies.
- Keep the Village’s elected and appointed officials, Village Administrator and staff regularly apprised of new county, state and federal legislation which will or may affect Village operations.
- Advise and work with the Department of Community Development and the Village Administrator on land use, zoning and development matters.
- Perform other legal services and tasks, as assigned by the Village Administrator or Village Board.

### **I. Services to be Included in Monthly Flat Fee**

The specific responsibilities and tasks of the Village Attorney for the Village of Wauconda to be covered under the flat fee include:

1. Routine phone calls
2. Routine emails and correspondence
3. Review of agenda and packet for Village Board
4. Review of agenda and packet for Planning & Zoning Board of Appeals
5. Attendance at two Village Board meetings per month by the primary attorney; (additional attorneys attending at Attorney/Firm’s behest will be included in retainer)
6. Attendance at closed, executive session meetings
7. Attendance at up to two Planning & Zoning Board of Appeals Meetings per month by one attorney as needed
8. All routine ordinances and resolutions (does not include major rewrites to portions of Village Code)
9. FOIA and OMA counsel
10. Upon request, review requests for proposals, bid packets, bid tabulations, performance and payment bonds, contract documents, certificates of insurance, change orders, waivers of lien, and certified payroll

### **II. Hourly Work- General Corporate**

**A.** The following areas are part of the Village Attorney’s general counsel responsibilities and are not included in the monthly fee and will be billed as General Corporate work:

1. Extended, non-routine telephone calls
2. General corporate memos, and legal advice with staff, administrator, or elected officials as needed and attendant to general counsel legal work

3. Routine legal advice related to personnel and human resources
4. Annexation
5. Intergovernmental Agreements
6. Major amendments to portions of the Village Code
7. Training/orientation for staff and elected officials
8. Upon request, attendance at Village Committee Meetings
9. Major zoning and development work

### **Hourly Work- Special Projects**

**B.** The following areas are part of the Village Attorney's general counsel responsibilities and are not included in the retainer will be billed as Special Projects work:

1. Board of Fire & Police Commission Proceedings, as needed
2. Eminent domain
3. Debt issuance and bond ordinance reviews
4. Major/unusual purchasing projects (e.g., water meter replacement program)
5. Personnel investigations and related meetings
6. Real estate acquisition or disposition (including leasing, sales, purchases, easements)
7. Tax Increment Finance district formation and administration
8. Special Service Areas
9. Unique or large projects which by their nature are not routine general corporate services as determined by Attorney/Firm and the Village Administrator
10. Out of pocket expenses

**C.** Litigation/mediations/arbitration and pre-filing claims administration, investigation and negotiation work is considered part of the Village Attorney's general counsel responsibilities and will be billed as: Litigation.

## **II. Optional Legal Services**

The following areas are not part of the Village Attorney's general counsel responsibilities but if the attorney/firm has experience in providing these services please include detailed information in your response.

1. Prosecution Services
2. Administrative Adjudication Process
3. Intellectual Property
4. Labor Law
5. Environmental Law

### **III. Attorney's Insurance**

Attorney/Firm shall procure and maintain, for the duration of the Contract, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by the Attorney/Firm, agents, representatives, employees, or subcontractors with the Village named as additional insured.

## **RESPONSE REQUIREMENTS**

Responses will be evaluated based on the quality and completeness of the information provided. The criteria listed below will be used in the evaluation of the written responses. Advertising and promotional material are not an acceptable submission, either alone or accompanying the required response. Font size should be no smaller than 10 point. All pages in the response should be numbered sequentially. Proposers must also include a table of contents which indicates the section and page numbers corresponding to the information included.

Please format the response with the following sections. Include all information requested. The Village prefers responses to be concise and easy to understand. Do not include unnecessary or extraneous information. Use the same sections and numbers that designate to the response requirements below to designate the associated response. Organize the response in the same order as organized in the following sections.

### **Section I – Introduction to Attorney/Firm**

1. The Introduction to Attorney/Firm must include a brief overview of the key elements of your response. Please highlight any features or areas that differentiate your services from competitors and any specializations in solutions for local governments. Other items to include in this section are location of office(s), staff size and history of organization. Please limit the Introduction to Firm to no more than three (3) pages.

### **Section II –Services**

1. Use examples to demonstrate the Attorney/Firm's experience representing non-home rule communities. Each example shall include a description, project challenge, services offered on that project, and any other critical information to demonstrate the Attorney/Firm's approach to similar requested services.

- a. Service profile, a listing and brief description of all services provided by the

Attorney/Firm.

- b. Example of zoning disputes and the resolution.
- c. Example of significant disputes whether litigated or not and the resolution.
- d. Examples of optional services and how those services may benefit the Village.

Also include a brief description of other services not listed in the scope of services including Optional Legal Services that the Attorney/Firm can provide to the Village. Please limit the total response to Section II to ten pages maximum.

### **Section III- Approach to Service Delivery**

1. Philosophy or methodology to providing services to the Village of Wauconda. The response should be generated from past service as an Attorney/Firm and how that service could translate to meet our service needs. Consideration to the specific steps taken by the Attorney/Firm for service requests will be given. (Up to one page)

### **Section IV – Resumes and Organization**

1. Provide resumes for Key Attorney/Firm personnel, detailed personnel specialties or overall Legal Services. The primary client contact/ proposed Village Attorney shall be clearly identified. Provide details on individual's current commitments and workload. Please include no less than three (3) and no more than seven (7) resumes in total. (Up to one page per person)
2. Organizational chart identifying disciplines, specific personnel and role of individuals assigned to each area of service. Key personnel shall be identified (one page)
  - a. Identify portions of this service, if any, that your firm will subcontract (one page)
  - b. History of the subcontracting Attorney/Firm (one page)
  - c. Resumes of key subcontracted personnel to be assigned to the Village (one page per person)

### **Section V – References**

1. Please provide three (3) to five (5) recent and relevant references for the Village of Wauconda to potentially contact about your service profile. (One page)

## **Section VI – Forms and Accompanying Documents**

1. Profile and Qualifications Form
2. List of current affiliations, accreditations or awards that indicate a high level of service is provided to clients of the firm. (One page)

## **Section VII – Disclosures**

1. Financial disclosure, basic statement of assets and liabilities showing financial condition. (One page)
2. Copy of current professional liability or errors and omissions certificate of insurance. (One page)
3. Pending litigation or ongoing binding arbitration with a client within last five (5) years where firm is specifically named in the case. (One page)

## **SUBMISSION OF WRITTEN RESPONSES**

**Attorneys/Firms interested in providing the services requested must respond in writing by the date specified. All submissions become the property of the Village and will not be returned to the Attorney/Firms. All costs associated with submission preparation will be borne by the submitter.**

## PROFILE AND QUALIFICATIONS FORM

Each Attorney/Firm is required to fully answer all questions in each category listed below. All questions must be addressed by the Attorney/Firm in order for this application form to be properly completed. Failure to answer any question or comply with any directive contained in this form may be used by the Village as grounds to find the Attorney/Firm ineligible. If a question or directive does not pertain to your firm in any way, please indicate with the symbol N/A.

1. Firm Name \_\_\_\_\_

Business Address \_\_\_\_\_

Village \_\_\_\_\_ State \_\_\_\_\_

County \_\_\_\_\_ Zip Code \_\_\_\_\_

### 2. Names and Titles of Two Contact People

A) \_\_\_\_\_

Phone (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

B) \_\_\_\_\_

Phone (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

### 3. Submittal is for:

Parent Company (List any Division or Branch Offices to be involved in this project)

\_\_\_\_\_

Division (attach separate list if more than one is to be included)

Subsidiary

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Branch Office

Name of Entity: \_\_\_\_\_

Address: \_\_\_\_\_

4. Type of Firm:

- Corporation
- Partnership
- Sole Ownership
- Joint Venture
- Other \_\_\_\_\_

5. Federal Employer Identification Number \_\_\_\_\_

6. Year Firm was established \_\_\_\_\_

7. Name and Address of Parent Company: (if applicable) \_\_\_\_\_

8. Acknowledgement of receipt of Addenda(s) \_\_\_\_\_ (list each addendum number)

Attach each signed addendum, if any, to the Response Packet as part of your submittal.



Date \_\_\_\_\_

(Sign here) By \_\_\_\_\_

(Print Name) \_\_\_\_\_

Title \_\_\_\_\_

E-mail \_\_\_\_\_

## **RESPONSE REVIEW AND SELECTION**

The Village will establish a Project Evaluation Team to review and evaluate the written responses to this RFQ in accordance with the evaluation criteria identified in the following section. The Project Evaluation Team will check client references, which will also be evaluated. The Village reserves the right to reject any or all submissions and to waive informalities and minor irregularities in submissions received and to accept any submissions if deemed in the best interest of the Village to do so.

### **Attorney/Firm Ranking**

Based on results from the written responses to the RFP and client reference responses, the Project Evaluation Team will rank the finalist Attorney/Firms. Finalists will be asked to interview with the Mayor and staff as well as the Village Board. Contract negotiations will proceed with the top-ranked firm.

### **Development of an Agreement**

The Village intends to negotiate an agreement for Legal Services. If an acceptable agreement cannot be negotiated within an acceptable time period from the date of Attorney/Firm selection, negotiations with the next-ranked Attorney/Firm may be initiated.

### **RFQ Schedule\***

<b>Task</b>	<b>Timeline</b>
<b>Issue RFQ</b>	<b>November 16, 2023</b>
<b>Questions due</b>	<b>December 15, 2023</b>
<b>Proposals due</b>	<b>December 29, 2023</b>
<b>Evaluation Committee Meets</b>	<b>January 8 – 19, 2024</b>
<b>Interviews with qualified consultants</b>	<b>February 1- 16, 2024</b>
<b>Selection of finalist</b>	<b>Week of February 26, 2024</b>
<b>Award of Agreement</b>	<b>March 19, 2024</b>
<b>Effective Date of Agreement</b>	<b>May 1, 2024</b>

\*The schedule may be modified by the Village if it is deemed to be in the best interest of the Village.