

# KANSAS CITY ZOOLOGICAL DISTRICT

## REQUEST FOR QUALIFICATIONS GENERAL COUNSEL SERVICES

**Proposal Due Date: Friday, July 6, 2012 at 3:00 p.m.**

The Kansas City Zoological District ("District") invites proposals for contracted General Counsel services.

The District seeks services encompassing the traditional scope of work including legal counsel, opinions, consultation and coordination with Commissioners, staff and, if appropriate, with special counsel. Attendance at a variety of meetings will be required, including staff meetings, Commission meetings, and other meetings as specified.

An electronic copy of the RFQ package is available on the District's web site: [www.kansascityzoo.org](http://www.kansascityzoo.org). A copy may also be obtained from the Friends of the Zoo, Inc., Administration Department, 6800 Zoo Drive, Kansas City, Missouri 64132.

**Delivery:** Qualifications may be mailed or hand-delivered to the District, Attn: Randy Wisthoff, 6800 Zoo Drive, Kansas City, Missouri 64132. Qualifications must be received by 3:00 p.m. on Friday, July 6, 2012 and clearly marked on the outside "RFQ –General Counsel Services".

### Minimum Qualifications:

- (a) Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- (b) Each attorney in the proposed team must be a member in good standing of the Missouri State Bar Association;
- (c) The proposed designated District General Counsel must have a minimum of five years experience in public sector law involving special taxing districts, and/or municipal law. Experience with Zoological matters will be considered a benefit.

### MBE/WBE/LBE

1. The Kansas City Zoo desires that Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE) **have a maximum opportunity** to participate in the performance of the Zoo projects.
2. WORKFORCE GOALS:  
22% FOR MBEs, 8% FOR WBEs AND 15% FOR LBEs. These goals are not to be construed separately for a business that is certified in more than one category
3. CERTIFICATION:  
ALL MBE/WBE/LBE proposed team members must be certified as MBE/WBE/LBE companies. Those companies must be recognized (certified) by the City of Kansas City Missouri, Jackson County and Clay County as MBE/WBE or LBE companies.
4. EXCLUSIONS:
  - a. Specialized design services may be required for certain components of the Zoo that could preclude MBE/WBE/LBE participation.

The District reserves the right to reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the District.

# Overview

## Introduction

The District operates under a Commission form of government and currently has six (6) Commission members. (In the event other counties join the District, then additional Commission members will be added.) The District's Commission members are appointed from the counties participating in the District (one being a member of the governing body and one appointed by the governing body), as well as the executive director/CEO of the Kansas City Zoo and a member of the Kansas City, Missouri board of parks and recreation (who is appointed by a majority vote of the board). At this time, Jackson County and Clay County, Missouri are eligible counties. In the future, there may be or may not be a District Administrator selected by the Commission to direct the day to day operations of the District. If a District Administrator is not selected, the General Counsel may handle some of those duties.

In addition to the General Counsel, the District may utilize the General Counsel's firm or other counsel on an hourly basis, for certain litigation, claims, human resource concerns, and related issues. The General Counsel will assist the District in coordination of these relationships.

## Scope of Work

1. Provides legal advice, counsel, services, training, consultation, and opinions to the Commission, and staff, if any, on a wide variety of civil assignments, including but not limited to: legal matters related to the operation of the District (and/or similar city attorney type functions and duties), the operation of the Kansas City Zoo, contracts or agreements with the Friends of the Zoo, Inc., employment matters, if any, construction of Zoological facilities, if any, purchasing and procurement, leasing, purchase and sale of property, and public disclosure issues. The General Counsel's advice includes risk management practices to avoid civil litigation.
2. Furnishes legal representation at all Commission business meetings and at other meetings when requested.
3. Appears before courts and administrative agencies to represent the District's interests when needed.
4. Prepares and reviews resolutions, contracts and other documents.
6. Provides the Commission with guidance as to Robert's Rules of Orders and related procedural matters relating to the conduct of meetings.
7. Prepares legal opinions at the request of the District.
8. Provides the Commission and administration with a legal perspective and advice on various governmental issues. A potential significant issue regarding the collection and administration of the tax revenues is the potential redirected revenues which may be payable to cities and or Tax Increment Financing Commissions of cities within the counties which are eligible counties. Therefore, the General Counsel must have significant experience in calculating tax increment and other financing revenues as well as procedures relating to the payment of that increment to the appropriate cities and/or tax increment financing commissions.
9. Performs other legal services and tasks, as assigned by the District.

## **Specifications**

1. The appointed General Counsel will be required to attend all Commission business meetings, which are scheduled at a time to be determined, anticipated to be no more than six (6) per year. The meetings are approximately 2 hours in length.
2. The General Counsel must be available by phone, cell phone, fax and e-mail. Timeliness of response and accessibility to the General Counsel is an important aspect of the service. Accessibility and responsiveness for the proposed designated General Counsel is of greatest importance, although these elements will also be considered in relation to assistant attorney(s) as well. Accessibility includes the ability to be generally available to attend meetings in person and the ability to be reached promptly by telephone.

## **Letter of Engagement**

The District anticipates entering into a written agreement for the services contemplated herein through approval of a letter of engagement. The initial term of the agreement should be for a period of two (2) years with an option for the District to extend the engagement for an additional period. The District shall be granted the right to terminate the engagement at any time for any reason, without penalty. A copy of the proposed terms of engagement should be attached as an exhibit to your proposal.

## **Tentative Schedule**

All applications are due no later than Friday, July 6, 2012 at 3:00pm. The District will review all applications submitted. A decision will be made no later than Friday, August 31, 2012.

## How to Respond

Please provide six copies of a written response, responding to each inquiry in the order below. Please attach one set of business cards for your team with the original.

### 1. Firm History

Please complete and submit Attachment A.

### 2. Firm Experience

- Provide a narrative description of the firm.
- Describe the general experience of the firm.
- Identify other similar District or city/municipal clients.
- Identify experience with similar District or city/municipal (city attorney type) issues including governmental contracts and other city/municipal attorney type specialties.
- Provide a narrative description of the experience of the firm with regard to specialized experience on tax increment financing matters specifically matters relating to calculation of the amounts of redirected tax on behalf of the District and the procedures relating to the payment of that redirected tax to the appropriate cities and/or tax increment financing commissions.

### 3. Proposed Attorney, Team

- Name and describe the attorney(s) and/or proposed. Clearly identify the lead General Counsel and name assisting attorney(s).
- Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the lead General Counsel and any significant assisting attorney(s).
- Specify the organization structure applicable to the services provided, including who the lead General Counsel will be, and the relationship of any assisting attorney(s) to that lead General Counsel.

### 4. Accessibility and Responsiveness

- Identify the accessibility of the proposed designated General Counsel, and the response time that the individual offers to the District. Specifically identify the lead-time required for attending scheduled or ad-hoc meetings. Identify how quickly the General Counsel can arrive in person to attend an unscheduled, urgent meeting.
- Identify the same for any assisting attorney(s).

### 5. Proposed Fee Structure

Propose a compensation package, inclusive of all service costs. The District is open to a variety of approaches, including hourly rates or a flat monthly rate with add-ons. The District reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the District, including cost.

### 6. References

Provide three references for the lead General Counsel.

- The District prefers references that include similar District or city/municipal attorney experience.
- Inclusion of the reference in your proposal is also agreement that the District may contact the named reference.
- The District may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the District in evaluating the necessary qualifications. The District retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the District may contact and utilize such information.

## Evaluation and Selection

### Evaluation Process

The District reserves the right to select the attorney and/or firms whose qualifications best meet the needs and interest of the District. The following steps are anticipated.

- Step 1:** Receipt and review of minimum qualifications
- Step 2:** District scoring of written proposals
- Step 3:** Initial reference and information checks
- Step 4:** Commission interviews of finalists
- Step 5:** Commission Confirmation process

**Attachment A: Submittal Form  
Business Statement**

***Please complete and submit with your proposal.***

1. Name of Business: \_\_\_\_\_
2. Name of lead General Counsel: \_\_\_\_\_
3. Business Address: \_\_\_\_\_
4. Phone: \_\_\_\_\_ Business Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_
5. Business Classification (check all that apply):  
\_\_\_\_ Individual \_\_\_\_ Partnership \_\_\_\_ Corporation \_\_\_\_ Women or Minority Owned: \_\_\_\_\_
6. Federal Tax Number (a SSN or Federal Tax Number): \_\_\_\_\_
7. Does firm maintain insurance in the following amounts:  
Yes: \_\_\_\_\_ No: \_\_\_\_\_  
*General Liability insurance of at least \$1,000,000 per occurrence;  
\$1,000,000 aggregate, Combined Single Limit (CSL);  
Automobile liability of at least \$1,000,000 per accident CSL  
Professional Liability of at least \$ 1,000,000*  
If no, describe differences: \_\_\_\_\_
8. Are there claims that are pending against this insurance policy?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, describe: \_\_\_\_\_
9. During the past five years, has the firm, business, or any attorney in the firm or business, been involved in any (1) bond forfeiture, (2) litigation personally involving the firm, business or any attorney in the firm or business (other than dissolution of marriage), or (3) claims filed with any insurance carrier concerning the firm, business, or any attorney in the firm or business, and/or (4) Bar Association complaints? If yes, attach an explanation.  
Yes: \_\_\_\_\_ No: \_\_\_\_\_
10. Has company been in bankruptcy, reorganization or receivership in last five years?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_
11. Has company been disqualified or terminated by any public agency?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_
12. Has the proposed designated General Counsel practiced District and/or municipal law a minimum of 5 years?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_
13. Is each proposed attorney accredited and in good standing with the State Bar?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_
14. Proposals shall be good and valid until the District completes award or rejections of quotes. Does the firm accept this condition?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_ (if no, state the desired exception: \_\_\_\_\_)

**SIGNATURE:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_