



REQUEST FOR PROPOSALS – CITY ATTORNEY SERVICES

PROPOSALS MUST BE RECEIVED BY

Thursday, September 11, 2014 before 5:00 pm

CITY OF FORT BRAGG

Request for Proposals City Attorney Services

The City of Fort Bragg ("City") is soliciting proposals from qualified attorneys and/or legal firms interested in providing part-time City Attorney services and/or providing other specialized legal services for the City organization.

The City Attorney is selected by and serves at the pleasure of the City Council and works closely with the Council, City Manager and other City staff. As City Attorney, the selected law firm or attorney (hereafter referred to as "firm") will be expected to provide a wide range of legal services to the City. The City will consider proposals that offer the full suite of City Attorney services or any subset thereof. The City presently utilizes the services of special counsel for the following:

- CERCLA litigation
- Personnel matters and labor negotiations
- Water rights
- Other specialized matters, as needed

The City reserves the right to continue to use the services of special counsel at its sole and entire discretion.

Award of contract will be to the firm whose proposal best complies with all of the requirements of the RFP documents and which provides the best solution for the needs of the City of Fort Bragg. The successful firm will be required to enter into a Professional Services Agreement with the City of Fort Bragg, which will include the requirements of this RFP, as well as other requirements to be determined. The City reserves the right to negotiate the price, terms, and scope of services with the proposer, prior to entering into an Agreement. The Agreement will contain provisions requiring the selected law firm to indemnify the City and provide that the City Attorney is an independent contractor serving at the will of the City Council. Provisions will also be included in the contract allowing the City Council to terminate the agreement, at its sole and entire discretion, upon the provision of notice.

The City is considering a contract with a three (3) year term. Upon mutual written agreement of the parties, the contract may be extended for additional terms. Successful past performance during the initial contract period will be a critical factor in any decision to grant an extension.

A. Background

The City of Fort Bragg was incorporated in 1889 as a general law city and operates under a Council/City Manager form of government with five councilmembers elected at large and approximately 60 employees. Fort Bragg is located on the scenic coast of Mendocino County, midway between San Francisco and Eureka. It encompasses approximately 2.7 square miles and has approximately 7,300 residents.

The City provides a wide range of municipal services that include: administration, finance, community

development, engineering, public works, water and sewer services, and police. The Fort Bragg Fire Protection District provides fire services. Other entities that provide services to City residents and residents of adjoining unincorporated areas include a hospital district, recreation district, and harbor district.

The City contracts for workers' compensation and general and auto liability coverage through the Redwood Empire Municipal Insurance Fund (REMIF), a joint powers agency with 14 other cities in the region. As a member, the defense counsel for most tort claims and worker's compensation litigation is assigned by the JPA rather than handled by the City Attorney.

Additional information about the City of Fort Bragg is available at www.city.fortbragg.com

B. Submittal Guidelines

Firms interested in submitting proposals for City Attorney and/or other specialized legal services shall submit eight (8) paper copies and one digital copy (on disk or flash drive) of the complete proposal to:

Cynthia VanWormer, City Clerk
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Proposals may be submitted in person at Fort Bragg City Hall or by mail, but must be received in the City Clerk's Office by 5:00 p.m. on Thursday, September 11, 2014. All proposals will be retained by the City of Fort Bragg.

The City reserves the right to reject all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City as determined by the City.

Proposals will not be opened publicly and the City will endeavor to keep the proposals confidential until a preferred service provider is identified by the City Council for final consideration. The original copy of each proposal will be retained and will become public record after the award of a contract unless the proposal or specific parts of the proposal can be shown to be exempt by law.

The City requires all firms to comply with all applicable federal and state laws including but not limited to equal employment opportunity. Contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

Pre-submittal questions about the RFP and City's current legal services will be accepted until 5:00 p.m. on Tuesday, August 26, 2014. Responses to all questions will be confidentially emailed to all firms who have indicated that they will be responding to the RFP as of August 26, 2014. All inquiries regarding the Request for Proposals and anticipated legal service needs of the City should be directed to Fort Bragg City Manager Linda Ruffing, by e-mail at lruffing@fortbragg.com by 5 p.m. on Tuesday, August 26, 2014.

C. Schedule and Proposal Evaluation Process

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|---------------------------------------|----------------------------|
| RFP Release Date | August 12, 2014 |
| Deadline to Submit Questions | August 26, 2014 |
| Proposal Submission Deadline | September 11, 2014 – 5 PM |
| Ad Hoc Committee Review | September 15-19, 2014 |
| City Council Interview with Finalists | Week of September 29, 2014 |
| Award of Contract | October 27, 2014 |
| Contract Effective Date | November 1, 2014 |

The City reserves the right to modify any of the dates in the Schedule as deemed necessary.

An evaluation committee will be established to review submitted proposals. In reviewing the proposals, the evaluation committee will carefully weigh the following factors:

- a) Responsiveness to the information requested in the RFP;
- b) The firm is properly licensed to practice law in the State of California;
- c) The firm has no conflicts of interest with regard to any work performed by the firm for the City, and all potential conflicts have been identified;
- d) Understanding of the scope of services required;
- e) Proposed solutions to the specific legal needs of the City of Fort Bragg;
- f) Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government operations;
- g) References;
- h) Range and quality of services provided by the firm;
- i) Capability to perform legal services promptly and in a manner that permits the City Council and staff to meet established deadlines and to operate in an effective and efficient manner;
- j) Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems;
- k) Degree to which firm remains current through continued professional development and active communication with practitioners in the municipal law field;
- l) Communication skills;
- m) Cost of services.

The top-ranked firm(s) will be requested to attend a meeting with the City Council to be interviewed. The interviews will allow the firms an opportunity to answer any questions the Council may have regarding their proposals. Participation in the interviews will be at no cost to the City. The City Council will make the final determination of the successful firm. Please note that in an effort to maintain the integrity of the interview process all proposers are prohibited from contact with the City Councilmembers outside of the formal interview process.

During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarification from firms, or to allow corrections of errors or omissions. In addition, qualifications and references of the top candidates will be verified. The City reserves the right to verify any information contained in proposals, including references, resumes, etc. The City reserves the right to investigate and research proposals, including facts and opinions that

could be helpful in evaluating the capabilities of firms, whether or not they were specifically included in the proposals.

D. Scope of Services Required

The successful firm will be expected to provide the following services, including, but not limited to:

1. Represent and advise the City Council and all City officers in all matters of law pertaining to their office. Give advice or opinion on the legality of all matters under consideration by the City Council or by any of the boards and commissions or officers of the City.
2. Act as legal counsel to agencies the City Council serves as governing body to, including the Municipal Improvement District No. 1, and Successor Agency to the Fort Bragg Redevelopment Agency.
3. Attend and represent the City's legal interests at all City Council meetings (including Closed Sessions and Council Workshops), Planning Commission and other meetings of other Commissions and Committees on an as-needed basis specified by the City.
 - a. Regular City Council meetings are held on the second and fourth Monday of each month at 6:00 p.m. Closed sessions typically are held at the end of the regular City Council meetings.
 - b. Regular Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 p.m.
4. Provide legal opinions, advice, assistance and consultation to the City Council, City Manager and City staff related to municipal law issues, including, but not limited to, the Brown Act, the Public Records Act, election law, contracts and franchises, real estate and property transactions, land use, environmental law/CEQA, public improvements/capital projects, labor/employment, personnel, disability law, employee relations, labor negotiations, code enforcement, pending and current state and federal legislation and court decisions, tort liability and risk management, fees, taxes, assessments, Proposition 218, former Redevelopment Agency dissolution and other matters as directed.
5. Provide training and/or advice to the City Council, appointed Commissioners and City staff related to the Brown Act, AB 1234, conflict of interest, and other legal requirements imposed by statute.
6. Review, approve and/or prepare ordinances, resolutions, staff reports, contracts, deeds, leases, and other legal documents required by the City.
7. Represent the City in civil litigation brought on behalf of or against the City, as necessary and directed by the City Council.
8. Perform such other legal duties as may be required to complete the performance of the functions mentioned above.

The City may propose additional tasks as deemed necessary to complete the assignment. Any additional work shall be compensated, as agreed upon in the Professional Services Agreement between the successful firm and the City.

In addition to the more technical scope of work outlined above, the appointed City Attorney must understand his/her role in local government, avoiding political debates and active participation in the policy and managerial decision-making process entrusted to the City Council and City Manager. The City Attorney is expected to provide technically sound and consistent legal advice to all members of

the City Council and City staff while maintaining trust and an unwavering ethical standard no matter the situation or individuals involved.

E. Requested Information

All proposals **must** provide specific and succinct answers to **all** questions and requests for information. Please answer the questions in the format and order presented. (Submissions of individual resumes alone will not be considered responsive to any specific question.)

1. **Letter of Transmittal:** Include a brief introduction and history of attorney and/or firm submitting proposal. Also include your understanding and proven work history of the work to be performed. In addition, state why you believe that Proposer is the best qualified to perform the services requested.
2. **Table of Contents:** Include a clear identification of the material by section and page number.
3. Please describe firm's qualifications for providing City legal services. Include in your response:
 - a) The overall capabilities, qualifications, training, and areas of expertise for each of the partners/principals and associates that may be assigned to work with the City, including but not limited to:
 - Name of individual(s) with resume(s);
 - Length of employment with firm;
 - Specialization;
 - Legal training;
 - Scholastic honors and professional affiliations;
 - Date of admittance to California Bar;
 - Years of practice;
 - Municipal or other local public sector experience
 - Knowledge of, and experience with California Municipal Law;
 - Years and statement of other types of clientele represented;
 - Litigation experience and track record;
 - Knowledge and use of Alternative Dispute Resolution (ADR) techniques; ADR training and experience; and success record of advocacy in mediation and arbitrations;
 - Knowledge and practice of law relating to land use and planning, CEQA, NEPA, general plans, real estate, environmental issues, hazardous waste and other related law;
 - Experience in the area of personnel, workers' compensation, general liability and employee relations;
 - Experience in the area of contracts and franchises and the Public Contracts Code;
 - Experience in the preparation and review of ordinances and resolutions;
 - Experience in the area of the Public Records Act, the Brown Act, and the Elections Code;
 - Please list specialty services you do **not** provide. For any specialty services the Proposer does not directly provide, describe how you propose the City receive such services.
 - If the firm, or any of the attorneys employed by the firm, have ever been successfully sued for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the

incident, the dates on which the matter began and was concluded, and the results of the situation.

- b) Specify the individual that you propose for appointment as City Attorney.
- c) Specify the individual(s), if any, that you would propose as Assistant or Deputy City Attorney and/or who would be designated as competent, substitute/backup legal representation for the City, in the event of the absence or unavailability of the City Attorney.
- d) Specify intended office location and accessibility to the City's needs, including proposal for regular established office hours at City Hall, if any.
- e) Describe systems/mechanisms that would be established to ensure timely responses to City Council and City staff.
- f) Describe the response time we can expect from the City Attorney to inquiries made by the City Council/City Manager.
- g) Describe systems/mechanisms that would be established for monthly reporting of status of projects, requests, and litigation.
- h) Identify the types of reports your firm would provide to the City Council and City Manager. Please submit sample copies of typical reports your firm provides to municipalities. Please redact any references to any specific costs. Also, you may redact any sensitive information.
- i) Describe your firm's suggested process for transmittal of requests and other material to City Attorney.
- j) Describe the staffing of your office, including all permanent and temporary employees and their general duties and work schedules. Include any changes you would propose, now or in the future, should you be awarded a contract to provide legal services to the City.
- k) It is anticipated that the City will contractually require monthly-itemized statements for all services and will subject these statements to audit at least annually. Describe how you would provide for this reporting.
- l) Please submit an example of a typical invoice your firm provides to a public agency. Please redact any references to specific costs. Also, you may redact any sensitive information. We are interested in the format, type of information included, and readability.
- m) Identify the types of in-service training (such as ethics and AB 1234, commission roles and responsibilities, how to conduct performance evaluations, harassment, etc.) your firm is capable of providing to municipalities.
- n) The City of Fort Bragg will require the attorney and/or firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate general liability and automobile liability insurance (\$1,000,000 per occurrence and \$2,000,000 aggregate), professional liability/errors and omissions insurance (\$2,000,000 per occurrence). Such coverage must be provided by an insurance company(ies) authorized to do business in the State of California. Certificates must name the City of Fort Bragg and its respective officials, officers, employees, agents and volunteers as additional insureds and shall provide that contractor's policy is primary over any insurance carried by the City of Fort Bragg and that the policy will not be cancelled or materially changed without thirty (30) days prior notice in writing to the City of Fort Bragg. The successful firm must agree, if awarded a contract as a result of its proposal, to indemnify and hold

harmless the City of Fort Bragg, its officers, agents, and employees from any and all claims and losses accruing or resulting to persons engaged in the work contemplated by its proposal or to persons who may be injured or damaged by the firm or its agents in the performance of the work. Prior to commencement of any work, these and other provisions will be established contractually.

4. The City seeks to identify and avoid any conflicts or possible conflicts of interest. The City reserves the right to prohibit participation, if a significant conflict of interest is determined to exist. Please address the following:
 - a) Please list any political contributions of money, in-kind services, or loans made to any member of a city council within the last three years by the applicant law firm and all of its attorneys, including the attorney being proposed to represent the City of Fort Bragg.
 - b) Please list all public agency clients for which your firm currently provides services or are under retainer.
 - c) Please list all public agency clients for which your firm previously provided services over the last five years.
 - d) For the firm and/or the proposed City Attorney, please specify current or known future professional commitments, so that the City may evaluate your continuing availability for providing legal services to the City.

5. It is anticipated that the City will expect the selected firm to provide a system wherein “general” services are provided under a fixed monthly retainer and any additional “special” services are billed at pre-negotiated hourly rates. Please address the following:
 - a) Please give your definition of “general” legal services. Would all general services be included in your monthly retainer?
 - b) Please define any “extra” services such as litigation, and describe if such services will be billed at a different hourly rate or basis.
 - c) Please give your definition of “special” legal services? How are they differentiated from general legal services? Would any special services be included in your retainer? If so, please identify them.
 - d) How would you help the City to remain within its adopted budget for legal services?
 - e) Describe your preference for method of payment, payment terms, and your procedure for billing of retention, hours, and expenses and any other accounting requirements.
 - f) Define the type and unit rates for reimbursement of expenses; for example, rate for mileage, reproduction of documents or word processing charges, unit costs for telephone costs, etc.
 - g) Please provide the costs of any in-service training you can provide to the City.
 - h) If you expect to have a cost-of-living adjustment incorporated into the agreement with the City, please explain how you propose it be computed and implemented.
 - i) Would you be willing to operate under a maximum annual expenditure cap with the City? If so, please explain how it might be structured.

F. References

Please provide contact information for three municipal (preferred) or public agency clients for which services have been provided by the designated attorney in the last three years. Please include the contact person's name, title, agency, phone, and email address.

G. Additional Information

Please feel free to provide any other information that the Proposer believes is applicable to the evaluation of the proposal or your qualifications for providing the proposed legal services. You may use this section to address those aspects of your services that distinguish your firm from other firms.

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