



REQUEST FOR PROPOSALS – CITY ATTORNEY SERVICES

PROPOSALS MUST BE RECEIVED BY

Friday, August 24, 2018

CITY OF BUELLTON

Request for Proposals Contract City Attorney Services

The City of Buellton (“City”) is soliciting proposals from qualified law firms interested in providing contract City Attorney services. The selected law firm will be expected to provide a wide range of services to the City. The City presently uses a contract law firm for all attorney services. The City is seeking a law firm offering a full suite of both general and special counsel services. Proposals from individual lawyers will not be accepted.

The City Attorney is selected by and serves at the pleasure of the City Council. The City Attorney works closely with the Mayor and City Council, City Manager and other City staff. The City Attorney will be expected to provide a wide range of legal services to the City.

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 Buellton. The successful proposer will be required to enter into a Professional Services Agreement with the City of Buellton, 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 proposer 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 an initial five (5) 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 Buellton was incorporated in 1992 as a General Law City and operates under a Council/City Manager form of government with four councilmembers elected at large and one elected mayor. The City has 19 full-time employees. The City does not have union representation. Buellton is located in the Santa Ynez Valley, midway between Santa Maria and Santa Barbara. It encompasses approximately 1.6 square miles and has 5,126 residents.

The City provides a wide range of municipal services that include: administration, finance, planning, public works/engineering, water and sewer services, parks, and recreation. The City contracts with the County of Santa Barbara for police, fire, animal control, and building services. The City also contracts for solid waste collection and disposal, library services, street sweeping, and landscape maintenance. Other entities that provide services to City residents include two separate school districts.

The City contracts for workers’ compensation and general and auto liability coverage through the California Joint Powers Insurance Authority (CJPIA), a joint powers agency with numerous other cities throughout the State. As a member, defense counsel for most tort and worker’s compensation claims is assigned to a third party administrator, rather than handled by the City Attorney.

Additional information about the City of Buellton is available at <https://www.cityofbuellton.com/>.

Submittal Guidelines

Firms interested in submitting proposals for City Attorney services shall submit three (3) hard copies and one digital copy (disk or flash drive) of the complete proposal to:

Marc Bierdzinski, City Manager
City of Buellton
P.O. Box 1819
107 West Highway 246
Buellton, CA 93427
805-688-5177
marcb@cityofbuellton.com

Proposals may be submitted in person at Buellton City Hall or by mail, but must be received in the City Manager's Office on Friday, August 24, 2018. All proposals will be retained by the City of Buellton.

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 proposers to comply with all applicable federal and state laws including but not limited to equal employment opportunity. Contracts are open to all firms 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 Monday, August 13, 2018. 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 13, 2018. All inquiries regarding the RFP and anticipated legal service needs of the City should be directed to Buellton City Manager Marc Bierdzinski, by e-mail at marcb@cityofbuellton.com by Monday, August 13, 2018.

C. Schedule and Proposal Evaluation Process

RFP Release Date	July 1, 2018
Deadline to Submit Questions	August 13, 2018
Proposal Submission Deadline	August 24, 2018
Notification of Finalists	September 2018
Evaluation Committee Interviews with Finalists	September 2018
Award of Contract (City Council meeting)	To be determined
Contract Effective Date	To be determined

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

An evaluation committee consisting of the City Manager and two Council members will review the submitted proposals and interview the finalists. The evaluation committee will recommend a firm to the City Council for award of contract. In reviewing the qualifications of the finalists, the evaluation committee will carefully weigh the following factors:

- a) Responsiveness to the information requested in the RFP;
- b) The proposed City Attorney is properly licensed to practice law in the State of California;
- c) The proposed City Attorney has identified any potential conflicts of interest which may arise with regard to any work performed for the City, and has identified a viable solution for resolving such conflicts;
- d) Understanding of the scope of services required;
- e) Proposed solutions to the specific legal needs of the City of Buellton;
- 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 proposer;
- 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 proposer 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 proposers will be requested to attend a meeting with the evaluation committee to be interviewed. The interviews will allow the proposers an opportunity to present their proposals and answer any questions the evaluation committee may have regarding their proposals. Participation in the interviews will be at no cost to the City. The evaluation committee will make a recommendation to the City Council on the top ranked firm for award of contract. Please note that in an effort to maintain the integrity of the interview process, all proposers are prohibited from contact with the City Council members 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 proposers, 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 proposers, whether or not they were specifically included in the proposals.

D. Scope of Services Required

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

1. Identification of a designated City Attorney and Assistant City Attorney.
2. Represent and advise the City Council and all Department Heads 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.
3. Attend and represent the City's legal interests at City Council meetings and workshops. Attend Planning Commission and other meetings. In recent years, the City Attorney has attended, on average, two City Council meetings per month and does not attend Planning Commission meetings.
 - a. Regular City Council meetings are held on the second and fourth Thursday of each month at 6:00 p.m. Closed sessions typically are held on the day of a Council meeting at the end of the regular City Council meeting agenda.
 - b. Regular Planning Commission meetings are held on the first and third Thursday of each month at 6:00 p.m. City Attorney attendance at Planning Commission meetings is on an as needed basis.
4. Ability to complete review of staff reports and documents by the Wednesday of the week prior to the City Council and Planning Commission meetings.
5. Provide legal guidance and direction, legal opinions, advice, assistance and consultation to the City Council, City Manager and City staff. The range of services routinely requested of the City Attorney include but are not limited to the following areas of municipal law:
 - a. Brown Act,
 - b. Public Records Act,
 - c. conflicts of interest,
 - d. election law,
 - e. contracts and franchises,
 - f. real estate and property transactions,
 - g. procedural issues and due process,
 - h. land use, zoning, and subdivision matters,
 - i. environmental law (CEQA),
 - j. public contracts/capital projects,
 - k. personnel, disability laws, and workers' compensation cases
 - l. code enforcement,
 - m. pending and current State and federal legislation and court decisions,
 - n. tort liability and risk management,
 - o. fees, taxes, assessments, Proposition 218.
6. Provide training and/or advice to the City Council, appointed Commissioners and City staff related to the Brown Act, AB 1234, conflicts of interest, and other legal requirements imposed by statute.
7. Review, approve and/or prepare ordinances, resolutions, staff reports, contracts, deeds, leases, and other legal documents required by the City.

8. Represent the City in civil litigation brought on behalf of or against the City, as necessary and directed by the City Council.
9. 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 the firm submitting proposal. Also include your understanding of the work to be performed. In addition, state why proposer is well-qualified to perform the services requested.
2. **Table of Contents:** Include a clear identification of materials by section and page number.
3. **Qualifications:** Please describe qualifications for providing City legal services. Include in your response:
 - a) The overall capabilities, qualifications, training, and areas of expertise for each of the attorneys that may be assigned to work with the City, including but not limited to:
 - Name of individual(s) with resume(s);
 - Employment history;
 - 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 any of the attorneys listed in the proposal 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), that you would propose as Assistant 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 accessibility (phone and e-mail) to the City's needs. Office hours are currently not provided by the current law firm nor a requirement of the RFP.
 - 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 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 would provide. 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 the City.
 - n) The City of Buellton will require the 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 Buellton 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 Buellton and that the policy will not be cancelled or materially changed without thirty (30) days prior notice in writing to the City of Buellton. The successful proposer must agree, if awarded a contract as a result of its proposal, to indemnify and hold harmless the City of Buellton, 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. **Conflicts of Interest:** 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 Buellton.
 - 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) Please specify current or known future professional commitments, so that the City may evaluate your continuing availability for providing legal services to the City.
 - e) Please explain how you will address conflicts of interest between work for the City and other clients, if and when they occur.

5. **Retainer:** 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) Provide the fixed monthly retainer amount along with a fee schedule for additional "special" services.
 - b) Please give your definition of "general" legal services. Would all general services be included in your monthly retainer?
 - c) Please define any "extra" services such as litigation, and describe if such services will be billed at a different hourly rate or basis.
 - d) 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.
 - e) How would you help the City remain within its adopted budget for legal services?
 - f) Describe your preference for method of payment, payment terms, and your procedure for billing of retention, hours, and expenses and any other accounting requirements.
 - g) Define the type and unit rates for reimbursement of expenses; for example, rate for travel time, mileage, reproduction of documents or word processing charges, unit costs for telephone costs, etc.
 - h) Please provide the costs of any in-service training you can provide to the City.
 - i) 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.
 - j) 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 you believe 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.