City of Biggs

Agenda Item Staff Report
For the Regular City Council Meeting:
January 14, 2014

TO: Honorable Mayor and Members of the City Council
FROM: City Administrator
SUBJECT: City Attorney Request for Proposal Process

In accordance with Council's RFP process, Council is asked to consider establishing a schedule for first review of proposals.

Background:
At its November meeting the attached RFP was adopted. Deadline for RFP submittals was 4:00 PM on Friday January 10, 2014.

Recommendation:
Consider and establish a schedule for first review of proposals.

Mark Sorensen, City Administrator

CITY OF BIGGS
REQUEST FOR PROPOSALS
CITY ATTORNEY
November, 2013

Introduction

The City Council of the City of Biggs invites interested firms and individuals with a minimum of five (5) years of municipal law experience to submit written proposals to provide City Attorney services for the City of Biggs. As City Attorney, the selected law firm or individual will be expected to provide a wide range of legal services to the City. The City Attorney is selected by the City Council and works closely with the City Council, City Administrator and other City staff. The City is considering a three (3) year contract. The City reserves the right to extend the term of this contract for three (3) additional one-year terms subject to annual review, satisfactory negotiation of terms and the concurrence of the City Council.

Proposed Time Schedule

RFP Mailing: November, 2013

Submittal Deadline: 4:00 PM, January 10, 2014

First Review Ad Hoc: January, 2014

City Council Interviews with Finalists: January, 2014

City Council Announces Selection: February, 2014

Contract Effective Date: March 1, 2014

Submittal Guidelines

Law firms or individuals interested in submitting proposals for City Attorney shall submit one (1) original hard cover-bound proposal marked "ORIGINAL" and eight (8) hard-cover bound copies, (marked copy) on or before the Submittal Deadline of the proposal, with a proposed contractual agreement, in a sealed envelope bearing the caption "City of Biggs - City Attorney Proposal." The envelope shall be addressed to:

Mark Sorensen, City Administrator
City of Biggs
Biggs City Hall
P.O. Box 307
Biggs, California 95917

Proposals may be submitted in person to the City Administrator's office or by mail, but must be received in the City Administrator's Office by 4:00 p.m. on January 10, 2014. Late proposals or postmarks will not be considered. All proposals will be deemed confidential and will be retained by the City of Biggs.

Proposer is solely responsible for ensuring its proposal is received by the City in accordance with the solicitation requirements, before the Submittal Deadline; at the place specified. Postmarks will not be accepted in lieu of actual delivery. No oral, telegraphic, electronic, facsimile, or telephonic proposals or modifications will be considered unless specified. The City shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Late proposals will not be accepted and will be returned to the Proposer unopened.

The City Council reserves the right to reject any or 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 Council.

The City may cancel this solicitation at any time. All proposals shall comply with current-federal, state, and other laws relative thereto.

The City is not liable for any costs incurred by the Proposer before entering into a formal contract. Costs for developing the proposal or any other such expenses incurred by the Proposer in responding to the RFP are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City. No reimbursable cost may be incurred in anticipation of award.

Questions about current legal services may be addressed to City Administrator Mark Sorensen at 530-868-0100 or Mark@biggs-ca.gov.

Background

The City of Biggs is a full-service, general law city with a population of 1,707 located in the fertile farmlands of the Sacramento Valley about an hour north of Sacramento. Known as the "heart of rice country," Biggs is approximately 25 miles south of the City of Chico and 25 miles north of Yuba City, just off State Route 99, at an elevation of 93 feet. Biggs is approximately four miles north of the City of Gridley.

In addition to providing municipal police, fire and public works services, the city also operates its own electric utility. Biggs partners with the City of Gridley for police, animal control and electric utility maintenance services and with the California Department of Forestry and Fire Protection (CalFire) for fire services. The current annual budget is $3 million, with a full-time workforce of 9 positions.

Cover Letter

Proposals must be accompanied by a cover letter, signed by an individual authorized to bind the proposing entity. An unsigned proposal is grounds for rejection. The cover letter should include an introduction of the firm and statement of professional qualifications.

General Company Data

Please submit the following information:

1. Official name and address.

2. Names, address, and telephone number of the Proposer's point of contact.

3. Indicate what type of entity (Corporation, partnership, sole proprietorship)

4. Federal Employer I.D. Number

Specific Company Information

The proposal must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the applicant. Submission of individual resumes is optional and encouraged; however, they will not be considered responsive to any specific questions.

1. Please describe the nature of your practice or your law firm's practice, and your qualifications for providing attorney services for the City of Biggs. Please provide a professional chronology of the individual who will be designated to serve as City Attorney and others who you anticipate will be involved in providing legal services to the City.

2. For the person whom you propose to designate as City Attorney, and for each person proposed as deputy or backup, please provide the following:

Legal training and years of practice (including admission date to California Bar).

Years of municipal or other local public sector law practice as a fulltime local government attorney and/or in a private law office specializing in local government.

Knowledge of and experience with California Municipal Law and other public sector experience or redevelopment law.

Types of clientele represented and length of representation time.

Litigation experience and demonstration of a good court track record with examples. Knowledge and practice of law relating to land use and planning, environmental law, including the California Environmental Quality Act (CEQA), risk management, general plans, real estate, hazardous waste and other related laws.

Public utility regulation experience.

Experience in the area of contracts and franchises.

Experience in the areas of personnel, disability law rights and obligations, workers compensation, employee relations and negotiations, and employee discrimination claims.

Experience in the preparation and review of ordinances and resolutions.

Experience in the areas of the Public Records Act, the Brown Act, and the Elections Code.

Scholastic honors and professional affiliations.

If the firm/individual, or any of the attorneys employed by the firm have ever been sued by cities or other clients 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.

Intended office location and accessibility to the City.

3. Describe the staffing of your office, including all permanent and temporary employees and their general duties and work schedules. Include any staffing changes you would propose should you be awarded the contract to provide attorney services for the City.

4. Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council, City Administrator, or designated City Staff.

5. Describe the computer resources currently utilized within your office. City utilizes Microsoft Word for Windows word-processing software and compatibility with Microsoft Word is required. The City will require the City Attorney's office to connect one or more computers to the City's computer local area network or to maintain Internet services such that mail and files can be transmitted between City staff and the City Attorney.

Current Clients/Conflict of Interest

1. Please list all current or former clients known to the Firm having a substantial property or business interest in the City of Biggs during the past three (3) years.

2. Please list all public clients for whom you or your firm currently provides services either under a fee for services or a retainer basis. Please identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.

3. For the person to be designated as City Attorney, please list all public clients that person presently represents as city/town attorney or general counsel. Please list the meeting dates and times for the city/town council or governing body of these clients.

Compensation and Reimbursement

Please describe how the firm intends to provide legal services, either on a flat-rate monthly retainer (state the amount of the requested retainer), or on a different basis. Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of "general counsel" work, and shall include, but not necessarily be limited to, the following:

Routine legal advice, telephone and personal consultations with members of the City Council and City Staff.

Review and/or preparation of staff reports, ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds, leases and other documents required by the City.

Attendance when requested at City Council regular and special meetings. The City Council currently holds regular meetings on the second Tuesday of each month, starting at 6:30 p.m. Additionally, the City Council occasionally calls special meetings. The City Attorney will be expected to attend all regular meetings and special meetings as needed. The City Attorney will coordinate with and provide legal services for the City Council, City Administrator and Staff. The City Attorney may also be required to attend certain meetings with Staff.

Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, and right-of-way abandonment.

Enforcement of City codes, zoning regulations and building standards through administrative and judicial actions.

Legal work pertaining to utility regulation.

The monitoring of pending and current state and federal legislation and court decisions as appropriate.

Consultation with the City Council and City staff as needed - rendering of legal advice and opinions (both oral and written).

Please define what type of work you would consider to be extra or specialized work which would be billed in addition to basic services. Also, state the hourly rates for the designated City Attorney and associates for such specialized services.

If hourly rate billing is preferred, please state the hourly rates for the designated City Attorney and associates for general work and for special services such as litigation, if such services will be billed at a different hourly rate.

Please define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, and word processing charges.

Professional References

Please provide three (3) professional references from persons and/or entities within California for whom the Proposer has provided project services similar to those services requested in the RFP within the last five (5) years. Include the name of the business, name of contact person, telephone number of contact person and description of services provided.

Evaluation and Selection Process

Proposals will be screened, and the City Council or a subcommittee appointed by the Council will select the top candidates. The qualifications for the top candidates will be verified, and references will be checked. In reviewing the proposals, the City will carefully weigh:

Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government operations.

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.

Degree of availability for quick response to inquiries that arise out of day-to-day operations questions or problems.

Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field.

Communication skills

Cost of services

Other qualifications/criteria as deemed appropriate by the City Council.

A subcommittee appointed by the City Council will negotiate the terms and conditions of a contract with the individual or law firm selected. The contract will require that the individual or law firm selected as City Attorney maintain professional liability ($1,000,000 per claim) and workers' compensation. Insurance coverage must be provided by an insurance company(ies) authorized to do business in the State of California and the policy will not be cancelled or materially changed without thirty (30) days prior notice in writing to the City of Biggs.

Prior to commencement of any work, those and other provisions will be established contractually. 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 thirty days' (30) notice.

The contract, to include but not be limited to duties and compensation, will be entered into with the successful firm and approved by the City Council. Legal services will begin upon approval of the Contract and formal appointment of an individual to serve as City Attorney. The appointed City Attorney is an at-will contract position and shall serve at the pleasure of the City Council. The City Attorney is under contract with the City and is not a City employee. The City Council may terminate the appointment upon thirty (60) days' notice with or without cause.

Additional Notes

The City may modify, clarify or interpret the RFP by sending an addendum to each firm or individual that originally received the RFP. Any such addendum shall become part of the RFP and of any contract awarded. The City is not responsible for any other explanation or interpretation. If you have questions regarding this RFP, please contact City Administrator Mark Sorensen at (530) 868-0100 or at Mark@biggs-ca.gov