



CITY OF ATWATER

CALIFORNIA

REQUEST FOR PROPOSALS

CITY ATTORNEY LEGAL SERVICES

Date Issued: December 10, 2019
Proposals Due: January 16, 2020 by 4:00 PM

Submit proposals to: City of Atwater
Attn: Lori Waterman, City Manager
750 Bellevue Road
Atwater, CA 95301

REQUEST FOR PROPOSALS
CITY ATTORNEY LEGAL SERVICES

Section 1: Introduction

The City Council of the City of Atwater (“City”) is seeking a contract Attorney or legal firm to serve as primary Attorney for the City. The City Attorney is appointed by and serves at the pleasure of the City Council. The City invites interested law firms and individuals with a minimum of seven (7) years of municipal law experience representing general law cities to submit a written proposal to provide City Attorney services.

Section 2: Background

The City of Atwater is a general law city incorporated on August 16, 1922. Atwater is located in the northeast of Merced County which lies within the central portion of the San Joaquin Valley in the geographic center of the State of California. The City is located approximately six miles northwest of the City of Merced, the county seat; approximately 65 miles north of the City of Fresno, approximately 45 miles south of the City of Modesto; and approximately 105 miles southeast of San Francisco. The City’s population is approximately 29,000 and is experiencing a moderate level of growth. The City is in close proximity to the University of California at Merced, and the former Castle Air Force Base.

The City operates under the council-manager form of government. The City Council consists of the Mayor and four (4) Council Members; each elected for four year overlapping terms. The Mayor is directly elected by the voters. The City Council Members are elected by district. The Mayor and two City Council Members are elected at one election and the other two City Council Members, the City Clerk, and the City Treasurer are elected at the next election. The City of Atwater has a variety of commissions and committees.

The City of Atwater belongs to a risk management pool (CSJVRMA) comprised of over 100 cities in the region. Normally City Attorneys are not expected to represent their city in matters covered by the joint risk pool. Accordingly, the new City Attorney will not normally represent the City of Atwater on accepted risk management authority matters.

Section 3: The Position

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 works closely with the City Manager, Department Directors, and other staff. The City Attorney serves as a key member of the Atwater executive management team. The City Attorney’s primary role is to provide expert legal advice to the City Council, City Manager and Department

Directors. The City Attorney is expected to establish, develop, and maintain a close and trusted relationship with the City Manager. The City Council believes this is critical to the success of the City. The selected attorney shall perform the tasks specified in the Request for Proposals (RFP).

Section 4: Submittal Requirements

Proposals must be submitted in a sealed envelope bearing the caption:

“Proposals for City of Atwater’s City Attorney Legal Services”

Four copies of the RFP are required as follows: two (2) bound copies, one (1) unbound reproducible copy, and one (1) electronic copy in PDF format saved on a USB flash drive. Double-sided printing is strongly encouraged.

Proposals are to be addressed to:

Lori Waterman
City Manager
City of Atwater
750 Bellevue Road
Atwater, CA 95301

Proposals may be filed in person at Atwater City Hall, at the above address, or may be mailed. Proposals must be received by **Thursday, January 16, 2020, on or before 4:00 PM.**

Early responses are acceptable; proposals will not be opened until after the submittal deadline. Late proposals will not be accepted. Faxed or emailed proposals will not be accepted. Postmarks prior to the deadline are not sufficient for acceptance. The City will not be responsible for any errors or omissions in the proposals or for any delays in delivery.

Proposals should provide a straightforward and concise presentation adequate to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of contents. Responsiveness to the RFP will be a principal basis for evaluation.

The City reserves the right, without qualification, to reject any or all proposals to request additional information concerning any proposal for purpose 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. This solicitation does not obligate the City to enter into an agreement with any proposer. The City reserves the right to cancel this RFP at any time, at its discretion.

Proposals become the property of the City and information therein shall become public property subject to disclosure laws after a Notice of Intent to Award. The City reserves the right to make use of any information or ideas contained in submitted proposals.

The City is not liable for any cost or expense incurred in the preparation of a response to this RFP.

Section 5: Inquiries

Any questions, interpretations, or clarifications, either administrative or technical, from prospective proposers regarding this RFP must be requested in writing, no later than, Thursday, January 9, 2020. All inquiries must be submitted to Lori Waterman, City Manager, via email to the following email address: lwaterman@atwater.org.

The City will be closed for the holidays on Tuesday, December 24, 2019 and Wednesday, December 25, 2019 and on Tuesday, December 31, 2019 and Wednesday, January 1, 2020. Inquiries received during this time period will be answered upon return. Verbal explanations or instructions given during any phase of this solicitation will not be binding. Any information given a prospective proposer will be furnished promptly as an Addendum to the solicitation, if that information is necessary in submitting proposals or if the lack of it would be prejudicial to other prospective proposers.

Section 6: Solicitation Interpretations and Addenda

Any change to or interpretation of this solicitation by the City will be sent to each party to which the RFP has been sent and any such changes or interpretations shall become part of the solicitation for incorporation into any agreement awarded pursuant to this RFP.

Section 7: Schedule

RFP Release Date:	Tuesday, December 10, 2019
Deadline to Submit Questions:	Thursday, January 9, 2020
Proposal Submission Deadline:	Thursday, January 16, 2020, 4:00 PM
Evaluation of Proposals:	Week of January 21, 2020
City Council Interviews/Selection	Special Meeting to be determined
City Council Contract Award:	Monday, February 24, 2020
Anticipated Start of Services:	Tuesday, February 25, 2020

These dates are subject to change.

Section 8: Scope of Services

The scope of services is to provide the full range of City Attorney Legal Counsel services and shall include, but not be limited to, the following:

1. Represent and provide legal opinions, advice, assistance, and consultation to the City Council, Commissions, and all City officers in all matters of law pertaining to municipal government 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, personnel relations and labor laws (including bi-annual employee policy training), code enforcement, pending and current state and federal legislation and court decisions, tort liability and risk management (if not covered under Risk Management Authority), fees, taxes, assessments, Proposition 218, former Redevelopment Agency dissolution and other legal matters as directed.
2. In-service training opportunities which may include, but not limited to, Brown Act, public meeting procedures, and labor and employment matters.
3. Act as legal counsel to agencies the City Council serves as government body to, including but not limited to, Successor Agency to the former Redevelopment Agency, Housing Successor Agency to the former Redevelopment Agency, Public Financing Authority, Fire Protection District, and Public Improvement Corporation.
4. 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. Regular City Council meetings are held on the second and fourth Monday of each month beginning at 6:00 PM. Closed Session is generally at 5:00 PM. The second meeting in November and December are typically cancelled.
5. Prepare and/or review all ordinances, resolutions, staff reports, municipal contracts, deeds, leases, and other legal documents required by the City.
6. Prepare cases for trial and the investigation of claims or complaints by or against the City.
7. Oversee services provided by outside legal specialists engaged by the City for special legal problems.
8. Review documents, policies, and forms to ensure compliance with current laws.
9. Coordinate legal activities with other City departments, divisions, and outside agencies.
10. Provide written updates to new state or federal legislation or judicial decisions and suggest action or procedures to ensure compliance.

11. Promptly respond to calls, e-mails, and correspondence from City of Atwater officials and staff.
12. Perform such other legal duties as may be required by the City Council as may be necessary 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 Legal Services Agreement, between the successful firm and the City.

Section 9: Requested Information

All proposals 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. Please answer the questions in the format and order presented. (Submissions of individual resumes alone will not be considered responsive to any specific question.)

Firms and Individuals are hereby invited to submit a proposal based upon the requirements and conditions set forth in the RFP.

Section 10: Proposal Content and requested information

The City of Atwater requires the applicant to submit a concise proposal clearly addressing all of the requirements outlined in this RFP.

To be considered responsive, 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, but encouraged, although alone will not be considered responsive to any specific questions.

Section 11: Experience and Qualifications

1. Please describe the nature of your law firm's practice and your qualifications for providing City Attorney legal services for the City of Atwater. Please provide a professional chronology of the individual who will be designated to serve as City Attorney as well as for others who you anticipate will be involved in providing legal services to the City of Atwater.
2. Please provide the overall capabilities, qualifications, training and areas of expertise for each of the principals, partners and associates of the law firm, including the length of employment for each person and his/her area of specialization for those involved in the assignment.

3. For the person whom you propose to designate as City Attorney, and for each person or firm you propose to designate as a deputy, supporting counsel for special services or backup, please provide the following:
 - a) Legal training and years of practice (including date of admission to the California Bar.)
 - b) Years of municipal (general law or charter city) or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in the representation of general law cities.
 - c) Knowledge of, and experience with, California Municipal Law or other public sector experience.
 - d) Types of clientele represented and years representing each.
 - e) Litigation experience and demonstration of a good court track record. Cite examples of municipal (general law city) litigation experience.
 - f) Knowledge and use of Alternative Dispute Resolution (ADR) and techniques, ADR training and experience, and success record of advocacy in mediation and arbitrations.
 - g) Experience with and knowledge and practice of law representing general law cities relating to land use and planning, environmental law including the California Environmental Quality Act (CEQA), redevelopment law, general plans, real estate, code enforcement, hazardous waste and other related law.
 - h) Experience in the area of contracts and franchises.
 - i) Experience in the preparation and review of ordinances and resolutions for general law cities.
 - j) Experience in public sector personnel, employee relations, and labor negotiations. Experience in Pitchess Motion defense, including the firm's experience with EC 1043-1047 cases; Writ practice in the area of police personnel law; and Peace Officer Bill of Rights.
 - k) Experience in municipal Wastewater, Water and Garbage enterprises.
 - l) Experiences in the area of the California Public Records Act, the Ralph M. Brown Act and the California Elections Code.
 - m) Intended office location and accessibility to the City of Atwater.
 - n) Scholastic honors and professional affiliations.
 - o) 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 of which the matter began and was concluded, and the results of the situation.

Section 12: Performance

1. Describe how you would establish, develop, and maintain an effective working relationship with the City Council, City Manager, Department Directors, and City Staff.

2. Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council or City Manager and City staff.
3. Describe the staffing of your office and include any staffing changes you would propose for your firm should you be awarded the contract to provide City Attorney services for the City.
4. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests and litigation. The City of Atwater will require a billing methodology that identifies the specific task; the attorney completing the task and the time billed for completion of the specific task. We would like a high quality product with little paperwork and no micromanaging.
5. Describe the computer resources currently utilized within your office. The City of Atwater presently utilizes a Microsoft Office suite of software including Microsoft Word and Excel. Compatibility with Microsoft Word and Excel is required. The City of Atwater will also require the City Attorney to maintain Internet services such that mail and files can be transmitted between staff and the City Attorney electronically.

Section 13: Current Clients/Conflict of Interest

1. Please list all current or former clients residing in Merced County or having an interest in a business or owning an interest in property within the City of Atwater's sphere of influence within the past three years.
2. Please list all cities (general law and charter) and other public clients for which you or your firm currently provides services under a fee for services basis or on a retainer basis.
3. Please identify any foreseeable or potential conflicts of interest, which would result from such representation and the manner in which you would propose to resolve such conflicts.
4. For the person to be designated as City Attorney, please outline qualifications.

Section 14: Compensation and Reimbursement

The City Attorney will be required to attend City Council study sessions and City Council meetings. The City prefers that these meetings be included in any retainer fee arrangement proposed. Any additional on-site presence at City offices, although optional, should be identified and is considered a plus. Designated on-site hours are preferred.

The selected City Attorney will be expected to provide services under a retainer fee format for regular City Council meetings and weekly department director staff meetings.

It is anticipated the City Council may expect the firm/individual selected as City Attorney to continue to provide “general” legal services under a fixed monthly retainer format with additional “special” legal services provided at a fixed pre-negotiated hourly rate by the firm regardless of individual attorney billing rates.

1. Please give your definition of “general” legal services. Would all general services be included in your monthly retainer?
2. Please give your definition of “special” legal services. How are they differentiated from “general” legal services? Would any “special” legal services be included in your monthly retainer? If so, please identify them.
3. How would your firm aid the City to remain within its adopted budget for its legal services?
4. Describe your firm’s preference for method of payment, payment terms, and your procedure for billing of retention, hours, and expenses, and any other accounting requirements?
5. Define the type and unit rates for reimbursement of expenses; for example, rate for mileage, reproduction of documents, or word processing charges, unit cost for telephone costs, etc.
6. Please provide the costs of any in-service training your firm indicated that it can provide to the City.
7. Cost of service.

Section 15: Evaluation and Selection Process

Proposals will be reviewed by the City Council Subcommittee on selection of City Attorney services. It is anticipated that the top candidate(s) will be interviewed by the entire City Council at a Special Meeting. It is anticipated that the City Council will make its final selection on or about on February 24, 2020.

Qualifications for top candidates will be verified and references will be checked by City Manager Lori Waterman and/or the Subcommittee.

In reviewing the proposals, the City will carefully weigh:

- 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. Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government operations;
- e. References;
- f. Range and quality of services provided by the firm;
- g. 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;
- h. Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems;
- i. Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field;
- j. Communication skills;
- k. Cost of services; and
- l. Other qualifications/criteria as deemed appropriate by the City Council.

City Manager Lori Waterman and the Subcommittee will negotiate final contract.

The City Council will formally approve the contract and appoint the next City Attorney. Services to the City of Atwater are anticipated to begin on or shortly after February 24, 2020.