



staff report

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey L. Stewart, City Manager

SUBJECT: Consideration and possible action to approve the issuance of a Request for Proposals (RFP) from interested parties to provide City Attorney services for the City of Bellflower.

DATE: February 8, 2016

EXECUTIVE SUMMARY

The City Council appointed an Interim City Attorney in November 2015 to fulfill the services required of the City Attorney's Office. The Council is seeking to test the marketplace for such services and circulate a Request for Proposals (RFP) from qualified persons or firms seeking to provide services for the City of Bellflower.

RECOMMENDATION TO CITY COUNCIL

- 1) Approve the Request for Proposals for City Attorney Services and authorize the City Manager to distribute the RFP to qualified persons and firms; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None

DISCUSSION

Staff has attached a draft Request for Proposals (RFP) seeking proposals for City Attorney services. The intent of the RFP is to seek responses from qualified persons and firms interested in performing City Attorney services in Bellflower. The document is short, but does require several detailed submittals. Staff anticipates that interested parties will contact City Hall for additional information, such as past budgets, CAFRs, and other related items. The City's interns are surveying Los Angeles and local Orange County cities regarding the individuals and firms providing municipal legal services in the area. Upon approval by the City Council, the City Manager's Office will distribute the RFP to qualified parties with a letter encouraging the submittal of documents. Please note that the tentative deadline for responses to the RFP is Thursday, March 24, 2016.

ATTACHMENT

Draft Request for Proposals (RFP) for City Attorney Services

CITY OF BELLFLOWER
REQUEST FOR PROPOSALS (RFP)

The City of Bellflower invites interested parties to submit written proposals to provide City Attorney services for the City of Bellflower.

INTRODUCTION

The City of Bellflower is seeking a law firm or sole practitioner to provide legal services as City Attorney.

SCOPE OF SERVICES

1. City Attorney Services:

- Attend regular and special meetings of the City of Bellflower City Council. Regular meetings are held on the second and fourth Mondays of each month.
- Attend regular and special meetings of the Planning Commission and, as directed by the City Council or City Manager, other City committee and/or commission meetings. Planning Commission meetings are held on the first and third Mondays of each month.
- Review and/or prepare ordinances, resolutions, orders, agreements, forms, notices, declarations, certificates, deeds, leases, contracts, and other documents as required by the City.
- Consultation with City Council Members and City staff as needed including, without limitation, rendering legal advice and opinions concerning legal matters that may affect the City.
- Legal work and advice pertaining to land use, property acquisition, property disposal, building and condemnation, public improvements, public rights-of-way and easements, labor law, code enforcement, personnel matters, water law, environmental law, and matters relating to public utilities.
- Coordinate the work of outside legal counsel as needed and as directed by the City Council and City Manager.
- Schedule a reasonable amount of office hours at Bellflower City Hall, as determined by the City Attorney and City Manager.

2. Litigation Services:

Furnish litigation services on an as-needed basis when directed by the City Council or City Manager. These services, to be provided at a specified hourly rate, will include research, preparation, and follow-through in matters involving litigation affecting the City. Litigation services do not include defense services furnished by self-insurance programs, prosecutor services for code enforcement, or other litigation where the City Council decides to retain special counsel.

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BACKGROUND

Bellflower is a general law city governed by a five-member City Council, which sets policy. An appointed city manager directs the execution of City Council policies. Bellflower is served directly and indirectly by five major freeways (I-605 San Gabriel Freeway, SR-91 Artesia Freeway, I-105 Century Freeway, I-5 Santa Ana Freeway, and I-710 Long Beach Freeway), which provide access to cultural, educational, entertainment, and sports venues. Bellflower is a dynamic, business-friendly city of 6.1 square miles and more than 77,000 residents. The City is proud of its family values and offers recreational opportunities to residents of all ages including downtown community events, a community theater, dog park, community swimming pools, and weekly farmers' market.

GUIDELINES

Proposals must be submitted in a sealed envelope bearing the caption: "City of Bellflower – City Attorney Services Proposal" and may be filed in person at the City Clerk's Office or by mail, but must, in any case, be received in the City Clerk's Office by 4:00 p.m. on Thursday, March 24, 2016. If submitting proposals by mail please include **two (2)** complete copies and address to:

City of Bellflower – City Attorney Services Proposal
Attn: City Clerk
16600 Civic Center Drive
Bellflower, CA 90706

Late proposals will not be accepted. Proposals may not be submitted via fax. All proposals received will be confidential to the extent permitted by law and will be retained by the City of Bellflower.

The City reserves the right to reject all proposals, to request additional information concerning any proposals 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 interest of the City as determined by the City Manager.

All inquiries regarding this Request for Proposals and/or current legal services of the City should be directed to Jeffrey L. Stewart, City Manager, in writing at the contact information above, via email at jstewart@bellflower.org, or by telephone at (562) 804-1424, extension 2207. A copy of the inquiry and the response from the City will be forwarded to all firms receiving a copy of this Request for Proposals.

REQUESTED INFORMATION

All proposals must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses will not be accepted. Submission of individual resumes is encouraged, but alone may not be considered responsive to any specific question contained herein.

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Qualifications:

Describe your qualifications as a firm or sole practitioner for providing City Attorney services. Include in your response:

- A. A description of the qualifications, emphasizing matters related to municipal law.
- B. A narrative which indicates the management structure of the firm, the tenure of management, and the ownership of the firm, or history as a sole practitioner.
- C. The name and qualifications of the individual partner who will be responsible for the contract with City of Bellflower and, if a firm, a designated individual(s), 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. In addition, please supply biographical profiles of any lawyers who would be assigned to this contract, specifically highlighting the municipal law expertise of these individuals. Information on all individuals should include but not be limited to:
 - Name of individual
 - Length of employment with firm
 - Specialization
 - Legal training
 - Scholastic honors and professional affiliations; date of admittance to the 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
 - Experience as prosecutor, including relationship with the courts, the Office of the District Attorney, and interaction with police agencies
 - Knowledge and practice of law relating to land use and planning, general plans, real estate, environmental issues, hazardous waste and other related law
 - Experience in labor law, property law, water law, and environmental law
 - Experience in the area of contracts and franchises
 - 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
- D. If you as a sole practitioner, a 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 final resolution thereof.
- E. Specify intended office location and information regarding accessibility including hours and day(s) of the week for both regular and emergency contact.

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- F. Describe systems/mechanisms that would be established or maintained to ensure timeliness of response to City Council and City staff and define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council or City Manager.
- G. The City will contractually require monthly itemized statements for all services and will subject these statements to audit at least annually.
- H. Describe how you would provide City litigation and other legal services for the City.

Insurance:

The City of Bellflower will require sole practitioners, or the firm with which a contract is established, before commencement of work, to provide evidence of appropriate professional liability insurance, errors and omissions insurance, and workers compensation insurance coverage as needed. Describe how you would provide same and in what coverage amounts.

NOTE: Such coverage must be provided by an insurance company(ies) licensed to do business in the State of California. Certificates must name the City of Bellflower as an Additional Insured and provide that contractor's policy is primary over any insurance carried by the City of Bellflower and that the policy will not be cancelled or materially changed without thirty (30) days prior notice in writing to the City of Bellflower. The successful firm or sole practitioner must agree, if awarded a contract as a result of its proposal, to indemnify and hold harmless the City of Bellflower, 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 a firm or its agents in the performance of the work. Before the commencement of any work, a signed, legal contract will be established for these and other provisions.

Compensation/Reimbursement:

Based on the described scope of services, please include in your proposal the following:

- Proposed hourly rate for City Attorney services and/or proposal for a monthly retainer.
- Proposed hourly rate for litigation services.
- Specific expenses for which you as a sole practitioner or the firm will claim reimbursement from the City, including type and unit rate (e.g., rate for mileage, reproduction of documents, travel, and conference registration).

Term:

The firm or individual providing services as City Attorney will serve solely at the pleasure of the City Council. The City Attorney is not a City employee and may be terminated at any time by the City Council with or without cause. Please include in your proposal any other information to be considered regarding the term of the contract.

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References:

Please provide the names and telephone numbers of contact people in other cities, counties, or other governmental agencies, which are currently or have within the past five years been provided services by you or your firm. Please indicate which individuals worked, in what capacity, and for what duration, for the agencies listed as references.

Additional Information:

Please include any additional information you or your firm feels would be essential to the proper evaluation of your firm's qualifications.

SELECTION CRITERIA

Qualifications will be evaluated against, without limitation, the following criteria:

- Ability and capacity, in the opinion of the City of Bellflower, to provide legal services to meet the needs and considerations of the City of Bellflower.
- Costs of services.
- References and other evidence submitted supportive of excellent past experience in providing similar services.
- Professional qualifications of the attorneys to be assigned.
- The convenience of the City of Bellflower.

The City of Bellflower reserves and holds at its discretion all of the rights and options of any potential or actual client for legal services, including the rights:

- To reject any/or all of the proposals.
- To waive any of the provisions of this Request for Proposals.
- To issue subsequent Requests for Proposals.
- To elect to cancel the entire Request for Proposals.
- To waive technical errors in the responses to the Request for Proposals.
- To negotiate with any, all, or none of the respondents to the Request for Proposals.

This Request for Proposals does not commit the City of Bellflower to negotiate a contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of responses in anticipation of a contract.

Proposals will be reviewed; references and qualifications of top candidates, based upon proposal responses will be verified.

The City will conduct personal interviews of the top firms or individuals and make the final selection. The person within the firm who is proposed to be designated as City Attorney will be expected to be the key interview candidate. Any proposed backup person should also be present. These persons should be available to interview at the City of Bellflower during the month of April; the specific date and time to be at the discretion of the City of Bellflower.