



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

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STAFF

DAVID CHURCH
Executive Officer

RAYMOND A. BIERING
Legal Counsel

MIKE PRATER
Deputy Executive Officer

DONNA J. BLOYD
Commission Clerk

TO: Interested Law Firm
FROM: David Church, LAFCO Executive Officer
DATE: July 27, 2018
Subject: Request for Proposal for Legal Services

The San Luis Obispo Local Agency Formation Commission (SLOLAFCO) is seeking proposals from qualified law firms to provide legal services and counsel. The attached Request for Proposal provides the information needed to submit a proposal for services. Please note that qualifications and cost are very important factors in the selection process.

LAFCOs are state-mandated local governmental agencies charged with the responsibility of making decisions regarding proposals for incorporating cities, forming special districts, as well as determining spheres of influence, considering annexations and other actions under the Cortese-Knox-Hertzberg Act.

SLOLAFCO has a seven member commission with four alternates, with three full time staff with an attorney hired on retainer. For more information about SLOLAFCO please visit our website at www.slolafo.com.

If your firm is interested in being considered for this opportunity, please submit a proposal following the instructions described in the attached Request for Proposal (RFP), no later than September 3, 2018 at 3:00 p.m. If you have any questions regarding the RFP, please do not hesitate to contact me by email at Dchurch@slolafo.com or by phone at (805) 788-2096.

Request for Proposal

For Legal Services

San Luis Obispo

Local Agency Formation Commission



Date Released: July 27, 2018

Due Date: September 3, 2018

San Luis Obispo LAFCO

1042 Pacific Street, Suite A

San Luis Obispo, CA 93401

805.781.5795

www.slolafco.com

SECTION I - Introduction and Background

A. Introduction

San Luis Obispo County Local Agency Formation Commission (SLOLAFCO) invites responses to a Request for Proposals (RFP) from qualified law firms and individual attorneys ("firm") to provide legal counsel services to the Commission and staff. The objective of this RFP process is to provide the Commission with reliable and effective legal services available on an as-needed basis. The selected firm will serve at the discretion of the Commission and work under the direction of the Commission's Executive Officer. It is anticipated that the selected firm will enter into a professional service agreement for a term of five years with the option for additional one-year extensions.

This RFP includes background information about SLOLAFCO, the qualifications, requirements, scope of services, instructions for submittals, evaluation criteria, and the selection process. All inquiries regarding this RFP shall be submitted via email or hard copy by September 3, 2018 to:

David Church, LAFCO Executive Officer
San Luis Obispo LAFCO
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401
Dchurch@slolafco.com

B. Background

San Luis Obispo LAFCO is an independent public agency with a county-wide jurisdiction. Created by State law, the agency oversees changes to local government boundaries involving the formation and expansion of cities' and special districts' boundaries in San Luis Obispo County. The State established a LAFCO for each County with the purpose to encourage the orderly and logical formation of local government agencies, preserve agriculture and open space lands, and discourage urban sprawl. The enabling legislation is contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) and amendments.

Policy direction for SLOLAFCO is provided by a seven-member Commission composed of two members from the Board of Supervisors, two members from city councils, two members for special district boards, and one member of the general public. Additionally, for each category represented on LAFCO, there is an alternate member. The Executive Officer reports directly to the Commission and performs all duties necessary for the proper and efficient management of LAFCO, as determined by the Commission and State law. A small professional staff of three (including the EO) provides support to the Commission. The Commission's annual work plan, meeting agendas, staff reports, policies and procedures, and other information are posted on the agency's website: SLOLAFCO.com. Typically, LAFCO has 9-10 meetings each year. The length of the meetings depends on the issues being considered and the complexity of the matters.

SECTION II - Qualifications, Scope of Services, and Response Requirements

A. Qualifications

SLOLAFCO is seeking a firm or individual committed to providing the highest quality legal representation to public sector clients, with proven expertise in federal, state, municipal, environmental, special district, and other applicable laws to serve as Legal Counsel. The successful firm or individual will have experience in providing legal services to LAFCO agencies and other local government agencies including: cities, counties and special districts.

Required qualifications include familiarity with the function and purpose of Local Agency Formation Commissions (LAFCOs) and knowledge of the CKH Act. The successful firm or individual will also have expertise in public agency law and in advising public officials, administrators and employees on the complex and frequently changing laws pertaining to local government administration, organization, regulations, transactions and litigation matters.

Typical matters include compliance with CKH Act, occasional contracting, the California Environmental Quality Act (CEQA), the Brown Act, ethics and conflict of interest law, public records request laws, personnel and employment laws and requirements, and intergovernmental relations. Also desirable is experience in real estate, real property tax, special taxes and assessments, land development, planning and zoning laws, litigation and other legal issues that are routine with a LAFCO or other public agencies.

B. Scope of Services

Legal services rendered to SLOLAFCO include, but are not limited to, the following:

- Serve as LAFCO legal counsel and representative in all Commission matters, including litigation and administrative proceedings as necessary;
- Attend all regular LAFCO meetings, special meetings, annual strategic planning sessions, and study sessions. Regular meetings are held the 3rd Thursday of the month beginning at 9:00 am;
- Provide general legal advice to the Commission and the Executive Officer when requested, typically on issues of general municipal or administrative law on matters relating to the CKH Act or case law specifically involving local government boundaries or organization in California;
- Serve as on-call counsel to the Commission, mainly from a remote location, unless attendance at meetings is requested in advance;

- Attend in-person meetings with the Executive Officer and/or Commission committees when required and/or maintain telephone and e-mail contact as needed;
- Review and comment on documents prepared by LAFCO staff including staff reports, resolutions, correspondence, administrative policies and other documents as requested and in a timely manner. Typically, legal counsel advises on complex resolutions or reports that have specific legal issues. Routine matters and/or reports generally do not require review by legal counsel;
- Conduct the annual performance evaluation for the Executive Officer by distributing and compiling the annual review form to all commissioners (including alternates), presenting a summary of the evaluation at a closed session, and completing the evaluation.
- Prepare legal opinions or responses on specified issues when needed;
- Provide annual updates on important developments concerning the Political Reform Act and other conflict of interest issues, legislation and judicial decisions;
- Prepare and/or review agency agreements, CEQA documentation, and other materials on request;
- Prepare occasional reports and present information at public meetings as needed.

C. Response Format and Content Requirements

If you are interested in being considered as SLOLAFCO Legal Counsel, the following information and/or documentation must be submitted:

1. Qualifications of Firm and Personnel

The RFP response shall provide a description of the firm and a statement of qualifications and experience. The submittal shall identify the individual to be assigned to SLOLAFCO as the Legal Counsel and provide his/her qualifications and resume. This shall include a summary of the previous work experience for LAFCOs and local government agencies relative to the legal issues and practices described in Section II B of this RFP and of the firm and the individual to be assigned as the Legal Counsel.

2. Identify Existing and Potential Conflicts of Interest

Please list all current public clients in San Luis Obispo County for which the firm provides service. To the extent they are reasonably foreseeable, please indicate any actual or potential conflicts of interest that might arise from the firm's or individual attorney's representation of SLOLAFCO. Please outline the manner in which such conflicts would be resolved, mitigated, or avoided.

3. Local Government Client References

Provide a list of two primary references of the law firm and of the individual who would serve as LAFCO General Counsel. Please include contact information for references and permission to contact those references. Other references may be provided as well.

4. Additional Information

Location of firm and availability of appropriate professionals as needed for meetings or other circumstances. Identify any other related qualifications or other information not specified in this RFP which the firm may consider essential or beneficial to SLOLAFCO in reviewing the qualifications of your firm.

5. Budget, Retainer, and/or Rates

Outline Retainer, Rate and/or Fee schedule. Currently SLOLAFCO is paying \$18,576 for legal services on a retainer basis. This includes estimating a rate or retainer for all proposed services that would be the basis for monthly invoices during the course of this contract. All hourly rates, fees, and reimbursable costs must be clearly stated. Identify billing preferences as a retainer or hourly rate. Below for your information is a survey of the budgeted amounts from other LAFCOs from 2017:

2017	Legal Counsel Cost	Hourly Rate	Hours
San Luis Obispo-Current	18,576		Retainer
Comparison Counties			
Monterey	11,000	-	
Santa Barbara	35,000		
Santa Cruz	12,500	250	50
Ventura	17,000	201	85
Napa	27,000	250	108
Placer	25,000	250	100
San Joaquin	14,000	225	62
Yolo	7,500	144	52
Averages	18,625	220	76

SECTION III - Timeline and Submittal Instructions

A. Timeline:

The following is an outline of the anticipated schedule for the review of responses, contract award and the contract effective date. This schedule is subject to change.

1. RFP posting, transmittal: July 27, 2018
2. Submittal deadline: August 31, 2018 (To SLOLAFCO by 3:00 PM)

3. Firm interviews (if required) week of October 18, 2018
4. Firm selection week of October 18, 2018
5. Commission consideration of contract award: November 15, 2018

B. Instructions to Proposers and Procedures for Submittal

The submittal shall include the following:

- One original (marked original) of the RFP response.
- One electronic copy in pdf format via email, on flash drive, or other compatible electronic media.

This RFP includes background information about SLOLAFCO, the qualifications, requirements, scope of services, instructions for submittals, evaluation criteria, and the selection process. All inquiries regarding this RFP shall be submitted via email or hard copy by September 3, 2018 to:

David Church, LAFCO Executive Officer
San Luis Obispo LAFCO
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401
Dchurch@slolafco.com

The RFP response may be submitted via email at Dchurch@slolafco.com.

Submitting firms are solely responsible for ensuring their RFP response is received by SLOLAFCO in accordance with the solicitation requirements, before submittal deadline. Postmarks will not be accepted in lieu of actual delivery. SLOLAFCO shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Delivery of RFP responses shall be made at the office specified in this Request for Proposals.

SECTION IV - RFP Response Evaluation and Selection Process

The selection of the Legal Counsel will be based on the following criteria. These criteria identify the weight or significance in the selection of the preferred firm. The submittals will be evaluated on the basis of the response to all the requirements of this RFP.

CRITERIA WEIGHT

The proposals shall be reviewed based on the following criteria and weighting. Most important are the qualifications of the firm and the costs of services. The goal is a contract with a firm that is qualified and cost effective:

- 1. Qualifications of Firm and Personnel:** 30% - expertise, experience, and capability of the proposer to provide outstanding legal services regarding SLOLAFCO's mission.
- 2. Identify Existing and Potential Conflicts of Interest:** 25% - Potential and Existing Conflicts of Interest need to be clearly articulated in the RFP.
- 3. Local and State Government Client References:** 10% - a list of two primary references that may be contacted. Other references may be provided as well.
- 4. Additional Information:** 5% - Location of firm and availability of appropriate professionals as needed for meetings or other circumstances. Other information may be provided as well.
- 5. Budget, Retainer, and/or Rates:** 30% - Overall cost of the proposal and the levels of service SLOLAFCO can expect to receive from the proposer.

The proposals will be reviewed upon receipt and the most qualified firms may be requested to make a presentation to an Executive Committee of SLOLAFCO. The recommendation of the Executive Committee will be considered by the full Commission in its selection of the Legal Counsel.

SECTION V - GENERAL CONDITIONS

Authorized Signatures. Every submittal must be signed by the person or persons legally authorized to bind the firm to a contract for the execution of the work. Upon request of SLOLAFCO, any agent submitting a response on behalf of a firm shall provide a current power of attorney certifying the agent's authority to bind the firm. For an individual, his or her name, signature, and post office address must be shown. For a firm or partnership, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. For a corporation, the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation must be shown.

Award of Contract. Award may be made to the firm that presents the best qualifications after review and recommendation by an Executive Committee and management staff and consideration by the full Commission. Discussions may, at SLOLAFCO's option, be conducted with firms that submit responses determined to be qualified of being selected for an award. Discussions may be for clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Firms shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of responses. In conducting discussions,

Cancellation. SLOLAFCO may cancel this solicitation at anytime.

Compliance with Laws. All submittals shall comply with current federal, state, and other laws relative thereto.

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

Interpretation of Contract Documents. SLOLAFCO reserves the right to make corrections or clarifications of the information provided in this RFP. Oral statement(s) interpretations or clarifications concerning meaning or intent of the contents of this RFP by any person are unauthorized and invalid. Requests for interpretations shall be made in writing and delivered to the address or email stated above.

Irregularities. SLOLAFCO reserves the right to waive non-material irregularities if such would be in the best interest of SLOLAFCO as determined by SLOLAFCO.

Non Exclusive Contract. The successful firm will enter a NON-EXCLUSIVE contract and SLOLAFCO reserves the right to enter into agreements with other firms.

One RFP Response. Proposers are not allowed to submit more than one RFP response. However, service options regarding the cost would be considered.

No Obligation. The release of this RFP does not obligate or compel SLOLAFCO to enter into a contract or agreement.

Proprietary Information. RFP responses must not be marked as confidential or proprietary. SLOLAFCO may refuse to consider a submittal so marked. Information in responses shall become public information and is subject to disclosure laws.

Terms of Offer. SLOLAFCO reserves the right to negotiate final contract terms with the firm selected. The contract between the parties will consist of SLOLAFCO Professional Services Agreement, the RFP together with any modifications thereto, the awarded

firm's submittal, and all modifications and clarifications that are submitted at the request of SLOLAFCO during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded firm's RFP response, A firm's misrepresentation shall be treated as fraudulent concealment from SLOLAFCO of the facts relating to the response to the RFP.

Validity. RFP response will be valid for a period of 90 days from the due date.

Withdrawal of Response to the RFP. Authorized representatives of the firm may withdraw RFP responses only by written request received by SLOLAFCO.

Contact Information. If you have any questions, please contact David Church, LAFCO Executive Officer, 805.788.2096 or Dchurch@slolafco.com. Thanks you for your consideration of this request for proposal.