



REQUEST FOR PROPOSALS

Contract City Attorney Services

The City of Willow~~ow~~s seeks proposals from qualified legal firms or individuals to perform the functions and duties of the City Attorney.

Marti Brown
City Manager

OVERVIEW

Prospective Firms/Individuals:

The City of Willows (City) is seeking proposals from qualified legal firms or individuals (Contractors) to perform the duties and functions of City Attorney (City Attorney Services) as described in detail in the attached Request for Proposal (RFP). The City will consider proposals for outside contract attorney services as well as proposals to provide attorney services in-house.

Schedule of Events from Issuance of the RFP to Award of Contract:

<u>Task</u>	<u>Date</u>
Release of RFP	Wednesday, March 1, 2023
Questions Due	Monday, March 13, 2023
Responses to Questions Posted	Friday, March 15, 2023
Proposals Due	Monday, March 27, 2023
Interviews	Thursday, March 30, 2023
Contract Presented to City Council	Tuesday, April 11, 2023

City Point of Contact:

The sole source of contact regarding this RFP is City Manager Marti Brown at (530) 934-7041 and/or mbrown@cityofwillows.org. Individuals or firms interested in submitting a proposal are not to contact other members of the City of Willows staff or Councilmembers in connection with the RFP prior to the announcement of the consultant selected. Proposals and all written inquiries related to this RFP are to be submitted confidentially to Marti Brown, City Manager.

Proposal Closing Date:

The contractor's proposal must be received by the City at the City offices at 201 North Lassen Street, Willows, CA 95988 no later than 4:00p.m. on March 27, 2023. Proposals received after 4:00pm p.m. on March 27, 2023 will not be accepted. Proposals will become part of the official files of the City of Willows and cannot be returned.

GENERAL INFORMATION

Background about the City and the project and information about the Scope of Work to be undertaken are discussed in this section of the RFP.

Introduction:

The City of Willows is seeking proposals from qualified legal firms and individuals for City Attorney Services as described in the scope of work set forth in this Request for Proposal (RFP). The City seeks a City Attorney who will provide clear, understandable, and independent legal advice. The firm/individual must be qualified to provide expertise in the areas of general municipal law, land use and zoning, public works contracts, environmental law, fees and taxes, personnel and labor relations, open meeting and conflict of interest laws. As such, the City expects that the proposing firm will have the breadth of experience to serve the City, and the ability to retain necessary staff in each of the legal disciplines outlined in this proposal.

Proposing firms/individuals should be able to demonstrate:

- a successful track record in municipal litigation;
- a comprehensive system to keep clients ahead of legal and legislative developments; and
- a familiarity with the City of Willows, our community and the surrounding region.

It is the City's preference to use the City Attorney firm for as many legal services as practical, therefore the City will favorably view proposals from law firms offering a full suite of services, with the understanding that the City will use specialized legal services at its sole and entire discretion.

Award of contract will be to the firm whose proposal best complies with all of the requirements of the RFP documents, is the best fit for the City's team, and provides the best solution for the needs of the City as determined in the sole discretion of the City Council. The successful proposer will be required to enter into a Professional Services Agreement with the City.

BACKGROUND

The City of Willows is a general law city that operates under the Council/Manager form of city government. The voters elect five of their fellow citizens to the City Council for overlapping four-year terms. The Council, in turn, selects one of its members to serve as Mayor for a one-year term. The City Council holds regular public meetings every second and fourth Tuesday of each month in the evening.

Willows is a city and the county seat of Glenn County, California, located in the Sacramento Valley region of Northern California. The city is a home to regional government offices, including the California Highway Patrol, California Department of Motor Vehicles, the United States Bureau of Reclamation and the main offices of the Mendocino National Forest, which comprises about one million acres (404,686 ha) of Federal land located mostly in mountainous terrain west of Willows. The population was 6,293 at the 2020 census.

The City operates with four departments and several contractors (Attachment A: Organizational Chart), 18 full-time employees, and approximately eight part-time employees. The City contracts for law enforcement services and animal control from the Glenn County Sheriff's Department and maintains its own City Fire Department. Sewer, storm drain and urban runoff utilities are provided by the City, while Water is provided by CalWater, aside from three customers on City municipal well services. Trash collection is contracted to a private company.

The City Attorney is appointed by and serves at the pleasure of the City Council. The City Manager, who is also appointed by the City Council, is responsible for day-to-day operations. Establishing and maintaining an effective and successful working relationship with the City Manager and Department Heads is critical.

SCOPE OF WORK / DELIVERABLES

Attorney is the chief legal counsel for the City of Willows and, as such, is responsible for advising on all legal matters. The following are primary responsibilities the City will require of its City Attorney:

1. Advise the City Council, City Boards and Commissions, and all City officials on legal matters pertaining to municipal government, including the Brown Act and parliamentary procedures for running meetings.
2. Attend all City Council meetings (unless excused) and other meetings as requested, and be prepared to advise the Council on matters on the agenda as well as procedural or substantive issues that arise during the meeting. Regular City Council meetings are held on the second and fourth Tuesdays beginning at 6:00 pm, closed sessions may be scheduled at 5:00pm. Special meetings of the City Council are scheduled on an as-needed basis.
3. Occasionally Attend, or assign another attorney to attend, meetings of the Planning Commission and meetings of other boards or commissions when requested to do so. Regular Planning Commission are held on the third Wednesday of each month beginning at 6:00 p.m.
4. Coordinate and manage the services and costs of all outside legal counsel within budgetary limits, as approved by the City Council.
5. On a monthly basis, provide a written status report of assigned projects, requests, and litigation to keep the City Council informed of important legal issues and to facilitate the City Council's periodic evaluation of the City Attorney.
6. Provide legal advice to staff upon request of the City Manager.
7. Prepare and/or review all ordinances, resolutions, municipal contracts, joint powers agreements, and other agreements and contracts entered into by the City.
8. Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
9. Alert the City in a timely manner on new State or Federal legislation or judicial decisions that may impact the City and propose appropriate action(s) to assure compliance.
10. Provide guidance on personnel matters, including policy and procedures affecting employees, labor negotiations, and provide legal advice and assistance to departments with regard to employee disciplinary actions.

11. Provide legal work pertaining to land use issues including but not limited to property acquisitions, property disposals, public improvements, easements, dedications and right-of-way vacations.
12. Enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
13. Assist in the preparation of Environmental Impact Reports and compliance with the California Environmental Quality Act (CEQA).
14. Attend staff meetings at the request of the City Manager (currently held biweekly).
15. Promptly respond to calls, e-mails, and correspondence from the City Council and staff.
16. Review current documents, policies, and forms to ensure compliance to current laws.
17. Review compliance with the Public Records Act and review public records requests.

In addition to the responsibilities listed above, the individual or firm selected will be required to furnish extraordinary legal services on an as needed basis when directed by the City Council or City Manager. These special services may include research, preparation, and follow-through on matters involving litigation affecting the City.

Exclusions from special legal services include litigation or defenses when it is furnished by a self-insured program (e.g., workers' compensation, liability coverage, employment practices liability). The City attorney does not defend the City on such litigation. Defense counsel are assigned from the applicable carrier's approved defense panel for liability or coordinated by the City's claims adjuster for workers' compensation.

INSTRUCTIONS AND CONDITIONS

The following instructions and conditions apply to this RFP:

General Conditions:

Pre-Contractual Expenses

Pre-contractual expenses are defined as expenses incurred by the Professional Services Contractor (contractor) in:

- Preparing a proposal in response to this RFP;
- Submitting that proposal to the City of Willows;
- Negotiating with the City of Willows on any matter related to this RFP, proposal and/or contractual agreement; and
- Any other expenses incurred by the contractor prior to the date of an executed contract.

The City of Willows shall not, in any event, be liable for any pre-contractual expenses incurred by any contractor. In addition, no contractor shall include any such expenses as part of the price proposed to conduct the scope of work for this project.

Authority to Withdraw RFP and/or Not Award Contract

The City of Willows reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any agreement will be awarded to any contractor responding to this RFP. The City expressly reserves the right to postpone the opening of proposals for its own convenience and to reject any and all proposals in response to this RFP without indicating any reasons for such rejection(s).

Pricing Approach

For all options below, feel free to attach additional sheets to note:

- Any “retainer” items that will not be provided as part of the retainer fee but rather billed on an hourly basis.
- Description of other costs items, if needed. Be specific.
- Any other items related to fees that you feel are pertinent in the consideration of your proposal.

Option A – Fixed Retainer Plus Hourly Billing

Please quote a fixed retainer fee to be charged for general governmental services and the items noted herein that are to be covered by the retainer. Clearly note any items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

Also state separately the rate(s) for any other cost items proposed to be itemized and billed (e.g., photocopying, Westlaw, Lexis fees, overhead factor). Please be specific. If there are any services routinely performed at no cost, please list those services.

Option B – Hourly Fees for All Work Without a Retainer

Please quote the dollar amount of hourly fees and costs your firm will charge for providing legal services to the City covered by your proposal.

For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service (e.g., phone calls, correspondence, personal conference).

Also state separately the rate for any other cost items proposed to be itemized and billed (e.g., photocopying, Westlaw, Lexis fees, overhead factor). If there are any services routinely performed at no cost, please list those services.

Option C – Proposer’s Choice

Use any combination of retainer and hourly rates that you choose to deliver the requested services.

Right to Reject Proposals

The City of Willows reserves the right to reject any or all proposals submitted. Any award made for this engagement will be made to the contractor which, in the opinion of the City, is best qualified to conduct the project.

Proposal Evaluation Criteria

Proposals will be evaluated on the basis of their response to all provisions of this RFP. The City of Willows may use some or all of the following criteria in its evaluation and comparison of proposals submitted. The criteria listed are not necessarily an all-inclusive list. The order in which they appear is not intended to indicate their relative importance:

- Previous experience;
- Demonstrated record of success on work previously performed for the City or similar work performed for others;
- Background, breadth, and depth of expertise of the proposing firm;
- Educational and professional background of services lead and staff;
- Methodology proposed to accomplish the work;
- Demonstration of ability to work effectively with City staff, other public agencies and related parties;
- Pertinent new ideas which may be presented during the course of the selection process;
- Adequate knowledge of local conditions; and
- Additional work performed by the contractor which may have a direct and substantial physical relationship or conflict to the proposed work.

PROPOSAL FORMAT AND CONTENT

Please avoid providing elaborate or unnecessary promotional material. The following order and content of proposal sections should be adhered to by each contractor:

1. Cover Letter

A cover letter not to exceed three pages in length should summarize key elements of the contractor's proposal. The letter must be signed by an individual authorized to bind the contractor. The letter must stipulate that the proposed price will be valid for a period of at least 90 days. Indicate the address and telephone number of the contractor's office located nearest to Willows, California, and the office from which the project will be managed.

2. Background and Approach

The Background and Approach Section should describe your understanding of the City, the work to be done, and the objectives to be accomplished.

- Methodology(ies): This section should clearly describe the methodology or methodologies you plan to use to carry out the specific work tasks described in the Work Plan.

3. **Work Plan**

Describe the tasks you plan to carry out to accomplish the scope of work, deliverables, and responsibilities including:

- Identify how much of the work will be done on site.
- Provide a conceptual plan for services that you believe are appropriate for the City. Indicate features, skills and/or services that distinguish you/your firm and make you/it the better choice for the City.
- Describe how you would structure the working relationship between the City Attorney and the City Council, City Manager, Department Heads, City Commissions, and other members of staff.
- Describe the types of in-service training you/your firm are/is capable of providing (e.g., Ethics and AB 1234, commission roles and responsibilities, how to conduct performance evaluations, harassment, public records act).
- Describe your/your firm's suggested process for transmittal of requests and other material to the City Attorney.
- Describe the response time we can expect from the City Attorney to inquiries made by the City Council/City Manager.
- Describe systems/mechanisms that would be established to ensure timely responses to City Council and City staff.
- Please submit an example of a typical invoice you/your firm provides to a public agency. Please redact any references to specific costs. Also, redact any sensitive information. The City is interested in the format, type of information included, and readability.

4. **Firm Organization and Staffing**

- Describe your approach and methods for managing requested services. Provide an organization chart showing all proposed team members. Describe the responsibilities of each person on the team. Identify the person who will serve as City Attorney and the person who will be the key contact with the City of Willows. Indicate how many hours each team member will devote to the provision of City Attorney services by task, along with a statement indicating the availability of the members of the project team for the duration of the services. Include resumes for each member of the team. Include information and staff support required from City personnel.

5. **Related Experience**

- Describe recent, directly related experience. Include on each listing the name of the client; description of the work done; primary client contact, address and telephone number; dates for the services; name of the principal attorney and

members of the proposed team who provided city attorney services, as well as their respective responsibilities.

- At least three references should be included. For each reference, indicate the reference's name, organization affiliation, title, complete mailing address and telephone number. The City of Willows reserves the right to contact any of the organizations or individuals listed.

6. Project Schedule

- Provide a schedule for completing each task in the scope of work, including estimated turnaround times and proposed onsite office hours.

7. Cost Data

- Indicate the total cost for which the firm/individual will conduct the City Attorney Services. Identify by team member: name, classification, and the number of hours each member will spend on each task. Indicate the proposed Pricing Approach (see Section - Pricing Approach above).

8. Statement of Compliance

- Contractors must submit a Statement of Compliance with all parts of the Request for Proposal and Draft Agreement terms and conditions, or a listing of exceptions and suggested changes, along with a description of any cost implications or schedule changes the exceptions and/or changes cause. The Statement of Compliance must declare either:
 - This proposal is in strict compliance with the Request for Proposal and Draft Agreement and no exceptions to either are proposed; or
 - This proposal is in strict compliance with the Request for Proposal and Draft Agreement except for the items listed. For each exception and/or suggested change, the contractor must include:
 - The suggested change in the RFP or rewording of the contractual obligations.
 - Reasons for submitting the proposed exception or change.
 - Any impact the change or exception may have on project costs, scheduling or other considerations.

9. Other Information

- Include any other information you consider to be relevant to the proposal. For example:
 - Affirmation of Non-Discrimination.
 - Please include and separately sign the following affirmation:
 - Consultant agrees that in carrying out its responsibilities under this agreement, and in particular with regard to the employment of persons and sub-contractors working on the project, it will not

discriminate on the basis of race, color, creed, national origin, religion, sex, age, or handicap. In the event any of the work performed by consultant hereunder is sub-contracted to another person or firm (with approval of the City as required herein), sub-contract shall contain a similar provision.

10. 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:
 - Identify all previous and current contracts with the City of Willows. Include a contact name, description of services, and dates of services performed.
 - 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/individual and all attorneys, including the attorney being proposed to represent the City.
 - List all public agency clients for which your firm currently provides services or are under retainer.
 - List all public agencies for which contracts were terminated by the public agency in the last five years.
 - Provide information on the potential conflicts of interests between other clients and the City of Willows and the proposed remedy.
 - For the proposed City Attorney, please specify current or known future professional commitments, so that the City may evaluate your continuing availability for providing legal services to the City.

11. Insurance

- Prior to commencement of any services/activities, the firm/individual is to secure workers' compensation insurance, so as to be in compliance with State statutes and comprehensive general liability insurance, including auto and contractual liability coverage, in an amount not less than \$1 million.

11. Draft Legal Services Agreement

- Please attach a draft Legal Services Agreement to the proposal.

Attachment A



