



**REQUEST FOR PROPOSAL
(RFP) No. 19-614**

**TO PROVIDE LEGAL SERVICES
FOR THE CITY OF NORWALK
JULY 3, 2019**

**CITY OF NORWALK
CITY CLERK'S DEPARTMENT
12700 NORWALK BLVD., ROOM 10
NORWALK, CA 90650**

**RFP RELEASE: JULY 3, 2019
SUBMISSION OF QUESTIONS: JULY 24, 2019
PROPOSAL DUE: AUGUST 5, 2019**

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NOTIFICATION TO PROPOSERS:

The City of Norwalk is requesting interested full-service law firms to submit proposals to provide legal services for the City of Norwalk. Interested proposers must have a minimum of 10 years of municipal law experience. The City is considering a five year agreement, and reserves the right to extend the term of the agreement for an additional five years subject to annual review, satisfactory negotiation of terms and the concurrence of City Council.

Proposals must be submitted in accordance with the conditions outlined in the Request for Proposal ("RFP") attached hereto. Comments regarding this RFP provided by any other department, employee, or City of Norwalk office other than the City Clerk's Department shall not be considered valid and the City will not be bound by any such comments or responses. All comments or questions to this RFP must be submitted in writing.

The City of Norwalk reserves the right to reject any or all proposals, to waive information or irregularities to the extent permitted by law in any proposal received and to be the sole judge of the merits of the respective proposals received.

BACKGROUND:

The City of Norwalk is a General Law City in the State of California and is located in the Southeastern portion of Los Angeles County. The City was incorporated on August 26, 1957, and operates under a council-manager form of government. City Council members are elected at large with the Mayor selected by the City Council annually. The City is a community consisting of approximately 9.8 square miles with an estimated population of 106,744. The City operates as a "contract city" utilizing contracts with other government entities, private firms and individuals to provide many traditional municipal services to the community. Contracted services include police, fire, city attorney, animal control, and refuse collection.

The City has the following departments:

- Administration, which includes Public Affairs and City Television
- City Clerk's, which includes the IT division
- Community Development, which includes Economic Development, Planning, Building and Safety, and Housing Authority
- Finance, which includes utility billing, business licensing, and animal licensing
- Human Resources, which includes Risk Management
- Public Safety, which includes Code Enforcement
- Public Services/Engineering
- Recreation and Park Services
- Social Services, which includes Senior Services and Child Care
- Transportation, which includes vehicle maintenance

The proposed all-funds expenditures budget for FY 2019/20 is \$151,687,594, with a general fund expenditure of \$53,836,154. This supports overall staffing level of 255 full-time equivalent positions and approximately 266 part-time staff.

The City currently contracts with a full-service legal firm for legal assistance. Labor/employment and personnel investigations is currently performed by a separate law firm.

SUMMARY OF CITY ATTORNEY RESPONSIBILITIES:

The City Attorney is expected to assist the City by:

- Providing clear and concise legal advice and consultation as requested, to the governing body and staff. Response is required within a mutually-agreed upon timeframe.
- Attending regular City Council and Planning Commission meetings and advising the City Council, Planning Commission, and staff on agenda items and procedural matters.
- Providing guidance and training with regard to the Brown Act, Public Records Act, AB 1234, CEQA, Political Reform Act, Election law, and other legal requirements imposed by statute and common law.
- Providing responses to requests for legal advice in a timely manner.
- Drafting, reviewing, and/or revising documents such as legal memos, agreements, ordinances, resolutions, reports, etc.
- Performing legal work related to land use issues and CEQA.
- Researching municipal or other legal matters as requested by City Council, the City Manager, or staff.
- Representing the City in litigation (or ability to retain a litigator).

RFP SCHEDULE:

The following is a tentative schedule of this entire RFP process. While the City will attempt to apply the necessary resources to maintain this schedule, the following dates are merely projections and the City reserves the right to modify this schedule as needed to accommodate the completion of this RFP process. The following is a tentative timeline for the evaluation and RFP selection procedure.

TENTATIVE SCHEDULE	
RFP Released:	July 3, 2019
Questions from Proposers Due:	July 24, 2019
Response to Questions Provided:	July 31, 2019
Proposals Due:	August 5, 2019
Initial Review of Proposals:	August 6 - 12, 2019
Interviews (Mandatory):	Week of August 19, 2019
Notice of Intent to Award:	August 27, 2019
Anticipated Contract Award:	September 17, 2019
Contract Effective Date:	November 4, 2019

QUESTIONS:

A pre-proposal conference will not be held. All inquiries and comments concerning this RFP are due on **Tuesday, July 24, 2019 no later than 5:00 p.m.** and shall be submitted in writing via email to Theresa Devoy, City Clerk at: tdevoy@norwalkca.gov and entitled "City of Norwalk RFP 19-614 - Legal Services Proposal Questions."

KEY ELEMENTS OF RFP:

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 shall 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. Name, address, and telephone number of the Proposer's point of contact
3. Name of appointed City Attorney and assistants assigned to this contract if selected
4. Indicate what type of entity (corporation or partnership)
5. Federal Employer ID 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 Norwalk. 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 the 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), code enforcement risk management, redevelopment, general plans, real estate, hazardous waste and other related laws.
 - 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, Brown Act, Elections Code, and Political Conflict of Interest 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 (in any state where law

practiced), 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 Manager, or staff.
 5. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests and litigation.
 6. Describe the computer resources currently utilized within your office. The City utilizes Microsoft Word for Windows word-processing software and compatibility with Microsoft Word is required. The City also uses NextCloud to transmit agendas or large files. The City Attorney's office will be required to maintain Internet services such that email 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 Norwalk 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:

1. 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. If hourly rate billing is preferred, please state the hourly rates for the designated City Attorney and associates for general work and for specialized services such as litigation separately, if such services will be billed at a different hourly rate.
 - A. Basic services - for the purpose of this proposal, basic services 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 currently holds regular meetings the first and third Tuesdays of each month, starting at 6:00 p.m. unless there is a Closed Session, which would begin at 5:00 p.m. Additionally, City Council occasionally calls special meetings. The City Attorney will be expected to attend regular meetings and special meetings as needed. The City Attorney will coordinate with and provide legal services for the City Manager and subordinate departments of the City. The City also has a number of Council-appointed advisory boards and commissions that may require City Attorney advice. The City Attorney may also be required to attend certain meetings with staff as well as commissions when necessary.
- 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.
- The monitoring of pending and current state and federal legislation and court decisions as appropriate.
- Consultation with City Council and City staff as needed - rendering of legal advice and opinions (both oral and written).
- The coordination of outside legal counsel as needed and as directed by City Council and City Manager.

B. 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.

2. Please define the type and unit rates for reimbursement for expenses, if any, 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.

Addendum:

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.

EVALUATION AND SELECTION PROCESS:

Proposals will be screened, and the City Council or a subcommittee appointed by the City 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.

PROPOSAL EVALUATION CRITERIA	
EVALUATION CRITERIA	PERCENTAGE OF SCORE
Qualifications and experience of the Proposer related to the services described in this RFP.	25%
Proposer's understanding of the City's operations/legal needs.	25%
Proposer's ability and available resources to perform the requested services.	25%
Proposed fees.	25%

SUBMISSION REQUIREMENTS:

Proposers interested in submitting proposals for Legal Services shall submit:

One (1) original marked "ORIGINAL" and eight (8) copies of the cost proposal marked "COPY" in a sealed envelope clearly marked "**City of Norwalk RFP 19-614 - Legal Services Proposal.**" The proposals must be in writing and must be received by the City Clerk's Department no later than **11:00 a.m. on Tuesday, August 5, 2019** via U.S. Mail, FedEx, UPS, courier, or in person. Proposals received after the above listed date and time will not be considered, regardless of postmark. Prospective proposers are solely responsible for having proposals deposited on time at the place specified and assume all risk of late delivery, including any delay in the mail or handling of the mail by the U.S. Postal Service or City employees. All proposals shall be delivered to:

*City of Norwalk
City Clerk's Department
12700 Norwalk Blvd., Room 10
Norwalk, CA 90650
Attn: Theresa Devoy, City Clerk*

No oral, electronic, telegraphic, telephonic or facsimile transmittals will be accepted. All Proposals must contain an original signature by an authorized officer of the company.

The City of Norwalk reserves the right to reject any or all proposals, to accept all or any part of any proposal, to waive any informality or minor irregularities in any proposal received, to the extent permitted by law and where such action best serves the interest of the City and to be the sole judge of the merits of the respective proposal received.

GENERAL TERMS AND CONDITIONS:

Agreement for Professional Services:

The agreement, 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 agreement 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 City Council. The City Attorney is under contract with the City and is not a City employee. City Council may terminate the appointment upon sixty (60) days' written notice with or without cause.

Insurance:

Within three (3) business days of successful selection, consultant must provide the City with Certificates of Insurance providing coverage as outlined in the Agreement for Professional Services, Insurance section, naming the City, its agents and officers as additional insureds by written endorsement. Consultant shall at all times during the term of this agreement carry, maintain, and keep in full force and effect, with an insurance company admitted to do

business in California having a rating of “A” (or better) in the most recent A.M. Best Insurance Rating Guide.

The agreement will require that the individual or law firm selected as City Attorney maintain professional liability (\$1,000,000 per claim), general liability (\$1,000,000 per occurrence), automobile liability (\$1,000,000 per accident), and workers' compensation. Insurance coverage must be provided by an insurance company 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 Norwalk.

The successful firm must agree, if awarded an agreement as a result of its proposal, to indemnify and hold harmless the City of Norwalk, 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 the firm or its agents in the performance of the work. Prior to commencement of any work, those and other provisions will be established contractually. Provisions will also be included in the agreement allowing the City Council to terminate the agreement at its sole and entire discretion upon the provision of sixty day (60) written notice.

Business License

The successful consultant(s) and any sub-consultants are required to obtain a City Business License prior to award of agreement, and to maintain the license for the entire term of the agreement. The Business License is not a prerequisite for submission of a proposal.

Public Information

All materials received relative to this RFP will become public information and be available for inspection after the City Council meeting in which an agreement is awarded. The City reserves the right to retain all proposals submitted, whether or not the proposal was selected or judged to be responsive.