

M E N D O C I N O
LOCAL AGENCY FORMATION COMMISSION

REQUEST FOR PROPOSALS (RFP)
TO PROVIDE
LEGAL COUNSEL SERVICES

Date of Issuance:	January 24, 2023
Proposals Due:	February 28, 2023, by 3 pm
Interviews (Optional):	March 13 – 17, 2023

ISSUED BY:

Mendocino Local Agency Formation Commission (LAFCo)
200 South School Street
Ukiah, CA 95482
707.463.4470
www.mendolafco.org

Table of Contents

Section 1 – Introduction and background	2
Section II – Qualification, Scope of services and response requirements	3
Section III – Schedule and Submittal Instructions	5
Section IV – RFP Response evaluation and selection process	6
Section V – General Conditions	6

SECTION 1 – INTRODUCTION AND BACKGROUND

INTRODUCTION

The Mendocino Local Agency Formation Commission (“LAFCo”) invites responses to a Request for Proposals (“RFP”) from qualified law firms and individual attorneys to provide legal counsel services to the Commission and staff. The objective of this RFP process is to provide LAFCo with reliable and effective legal services available on an as-needed basis. The selected firm or individual 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 or individual will enter into a professional service agreement for a minimum term of five years, with the option for extensions.

This RFP includes background information about LAFCo, the qualifications, requirements, scope of services, instructions for submittals, evaluation criteria, and the selection process. All proposals related to this RFP shall be submitted via email or hard copy by February 28, 2023, no later than 3pm, to:

Uma Hinman, Executive Officer
Mendocino LAFCo
200 South School Street
Ukiah, CA 95482
eo@mendolafco.org

BACKGROUND

LAFCo is an independent public agency with countywide jurisdiction. Created by the State Legislature, LAFCo oversees the changes to local government boundaries and services involving cities and special districts. 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 for LAFCo is contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH Act”).

Policy direction for LAFCo is provided by a seven-member Commission composed of two members from the County Board of Supervisors, two members from city councils, two members from special district board of directors, 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, State law, and local policy.

Mendocino LAFCo is supported by a small professional staff of two (including the Executive Officer). The Commission’s annual work plan, meeting agendas, staff reports, policies and procedures, and other information are posted on the agency’s website (www.mendolafco.org). Typically, Mendocino LAFCo has 10-12 meetings each year. The length of the meetings depends on the issues being considered and the complexity of the matters.

SECTION II – QUALIFICATION, SCOPE OF SERVICES AND RESPONSE REQUIREMENTS

QUALIFICATIONS

Mendocino LAFCo 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, LAFCo, 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 and local government agencies including: cities, counties and special districts.

Required qualifications include experience with the function and purpose of 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 act 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.

SCOPE OF SERVICES

Legal services rendered to LAFCO 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.
- 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, services, and/or organization in California.
- Serve as on-call Counsel to the Commission and attend all regular LAFCo meetings, special meetings, study sessions, or when requested by the Commission or Executive Officer. Regular LAFCo meetings are held on the first Monday of the month beginning at 9:00 am; whenever appropriate, virtual attendance encouraged for cost efficiencies.
- Attend meetings with the Executive Officer and/or Commission and its 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 presenting a summary of the evaluation to all commissioners (including alternates) at a closed session.
- 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.

RESPONSE FORMAT AND CONTENT REQUIREMENTS

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

1. QUALIFICATIONS OF FIRM/INDIVIDUAL AND PERSONNEL

The RFP response shall provide a description of the firm or individual and a statement of qualifications and experience and provide a resume. If a firm, the submittal shall identify the individual to be assigned to Mendocino LAFCo as Legal Counsel and provide their qualifications and resume. The RFP response shall also 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 (Scope of Services) of this RFP; if a firm, also address this specific to the individual to be assigned as Legal Counsel.

2. IDENTIFY EXISTING AND POTENTIAL CONFLICTS OF INTEREST

Please list all current public clients in Mendocino County for which the firm or individual provides service. To the extent they are reasonably foreseeable, please indicate any actual or potential conflicts of interest that may arise from the firm's or individual attorney's representation of Mendocino LAFCo. 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; if a firm, provide references of the firm and of the individual who would serve as LAFCo Legal Counsel. Please include contact information for references and permission to contact those references. Other references may be provided as well.

4. ADDITIONAL INFORMATION

Identify the location of the firm or individual and availability of appropriate professionals as needed for meetings or other special circumstances. Identify any other related qualifications or other information not specified in this RFP which the firm or individual considers essential or beneficial to LAFCo in reviewing the qualifications of your RFP response.

5. BUDGET, RETAINER, AND/OR RATES

Outline the proposed Retainer, Rate and/or Fee schedule. Mendocino LAFCo's fiscal year 2022-23 budget for general legal services was \$19,000 (\$225/hour); legal support for applications are additional at-cost services reimbursed by applicants. The budget should include estimating a rate or retainer for all proposed services annually that would be the basis for monthly invoices during the course of the contract. All hourly rates, fees, and reimbursable costs must be clearly stated. Identify billing preferences as a retainer or hourly rate.

SECTION III – SCHEDULE AND SUBMITTAL INSTRUCTIONS

SCHEDULE

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:

Date	Task
January 24, 2023	RFP posting & transmittal
February 28, 2023; 3pm	Submittal deadline (No later than 3pm)
March 13 – 17, 2023	Firm or individual interviews (optional)
March 20 – 24, 2023	Firm or individual selection and contract negotiation
April 3, 2023	Commission consideration of contract with selected firm or individual

Mendocino LAFCo reserves the right to adjust this timeline if deemed necessary. Notification of adjustments to the timeline shall be provided to all respondents. LAFCo also reserves the right to award a contract, to modify the scope of services required as necessary, and to accept or reject any or all submittals received as a result of this RFP. Additionally, the Commission will verify the information submitted by the respondents.

INSTRUCTION TO PROPOSERS AND PROCEDURES FOR SUBMITTAL

The RFP response submittal shall include the following:

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

This RFP includes background information about LAFCo, the qualifications, requirements, scope of services, instructions for submittals, evaluation criteria, and the selection process. All proposals related to this RFP shall be submitted via email or hard copy by February 28, 2023, no later than 3pm, to:

Uma Hinman, Executive Officer
Mendocino LAFCo
200 South School Street
Ukiah, CA 95482
eo@mendoLAFCo.org

The RFP response may be submitted via email. Submitting firms or individuals are solely responsible for ensuring their RFP response is received by LAFCo in accordance with the solicitation requirements, before submittal deadline. Postmarks will not be accepted in lieu of actual delivery. LAFCo 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. Please note that Mendocino LAFCo staff has limited office hours.

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 or individual. 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 or individual and the proposed costs of services. The goal is a contract with a firm or individual that is qualified and cost effective:

Criteria	Description	Weight
Qualifications of Firm/Individual and Personnel	Expertise, experience, and capability of the proposer to provide excellent legal services regarding LAFCo's mission and duties.	30%
Budget, Retainer, and/or Rates	Overall cost of the proposal and the levels of service LAFCo can expect to receive from the proposer.	25%
Identify Existing and Potential Conflicts of Interest	Potential and existing conflicts of interest need to be clearly articulated in the RFP response.	25%
Local and State Government Client References	A list of two primary references that may be contacted. Other references may be provided as well.	10%
Additional Information	Location of firm or individual and availability of appropriate professionals as needed for meetings or other special circumstances. Other information may be provided as well.	5%

PERSONNEL COMMITTEE

The proposals will be reviewed upon receipt and the most qualified firms or individuals may be requested to make a presentation to the Mendocino LAFCo Executive Committee. 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 LAFCo, 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, their 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 or individual that presents the best qualifications after review and recommendation by the Personnel Committee and management staff and consideration by the full Commission. Discussions may, at Mendocino LAFCo's option, be conducted with firms or individuals 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 or individuals shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of responses.

CANCELLATION

Mendocino LAFCo may cancel this solicitation at any time.

COMPLIANCE WITH LAWS

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

COSTS

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

INTERPRETATION OF CONTRACT DOCUMENTS

Mendocino LAFCo 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

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

NON-EXCLUSIVE CONTRACT

The successful firm will enter a NON-EXCLUSIVE contract and Mendocino LAFCo reserves the right to enter into agreements with other firms or individuals.

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 Mendocino LAFCo to enter into a contract or agreement.

PROPRIETARY INFORMATION

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

TERMS OF OFFER

Mendocino LAFCo reserves the right to negotiate final contract terms with the firm or individual selected. The contract between the parties will consist of a Professional Services Agreement, the RFP together with any modifications thereto, the awarded firm's or individual's submittal, and all modifications and clarifications that are submitted at the request of LAFCo 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 or individual's RFP response. A firm's or individual's misrepresentation shall be treated as fraudulent concealment from LAFCo of the facts relating to the response to the RFP.

VALIDITY

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

WITHDRAWAL OF RESPONSE TO THE RFP

Authorized representatives of the firm or individual may withdraw RFP responses only by written request received by Mendocino LAFCo.

CONTACT INFORMATION

If you have any questions, please contact Uma Hinman, Mendocino LAFCo Executive Officer, (707) 463-4470 or eo@mendolafco.org. Thank you for your consideration of this request for proposals.