



# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Montgomery and Members of the City Council

**THROUGH**  David N. Carmany, City Manager

**FROM:** Clay J. Curtin, Management Analyst 

**DATE:** June 7, 2011

**SUBJECT:** Consideration to Approve the Request for Proposal for City Attorney Services and Discussion of the City Attorney Selection Process

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### **RECOMMENDATION:**

Staff recommends that the City Council consider the approval of the Request for Proposal for City Attorney Services, as developed by the Ad Hoc City Attorney Selection Subcommittee, and discuss and provide direction on the City Attorney Selection Process.

### **FISCAL IMPLICATION:**

There is no fiscal implication associated with the staff recommendation.

### **BACKGROUND:**

At its May 17, 2011, meeting, the City Council appointed Councilmember Howorth and Councilmember Lesser to the Ad Hoc City Attorney Selection Subcommittee. The subcommittee was tasked with developing a process for the selection of a City Attorney. The subcommittee held a meeting on May 24, 2011, which was publically noticed and open to the public, to discuss revising the request for proposals (RFP) document and to develop a timeline for the selection process (Attachment A). The discussion included the idea to host a community meeting to allow for further evaluation of the specific qualities sought in a City Attorney, as well as the inclusion of public input into the revised request for proposal. The community meeting was held on May 31, 2011, from 6:00 PM to 9:00 PM in the Community Room of the Manhattan Beach Public Library. This community meeting was advertised in The Beach Reporter and publicized through two (2) e-notification messages sent via the City's website.

### **DISCUSSION:**

The subcommittee worked with staff in revising the request for proposal for City Attorney Services. Input and comments made by subcommittee members and the public were included. Key points addressed in the revised request for proposals include City priorities involving legal compliance, open government, risk mitigation, and management of legal expenses. Once approved, the Request for Proposal would be publically advertised for a period of no less than two (2) weeks.

All proposals received in response to this request for proposals would then be reviewed by the Ad Hoc City Attorney Selection Subcommittee for verification and compliance with Specifications. The subcommittee seeks to develop a process for screening and/or selecting applicants, which includes public participation. It could include interviews where the firm/individual would be asked to formally present the proposal and respond to questions. The most qualified firm/individuals could then be invited to negotiate a retainer agreement, including scope of service, retention rates, etc. The Subcommittee's recommendation would be presented to the full City Council at a future meeting for possible award of contract.

- Attachments: A. Proposed Timeline  
B. Draft Request for Proposal for City Attorney Services

## **Recommended Timeline for Selection of City Attorney Services**

May 17, 2011	Formation of a subcommittee and discussion by City Council of priorities for inclusion into a revised request for proposal for City Attorney Services. Announcement of the application process for community members to join the subcommittee.
May 31, 2011	Community meeting to discuss the City Attorney position and receive public comment and input into the process. The subcommittee would work with staff to revise the request for proposal specifications, based on City Council priorities and public input, for the City Council's review and approval.
June 7, 2011	City Council review and approval of the revised request for proposal specifications and consideration of the appointment of community members to the subcommittee to assist with evaluation of the bids and development of recommendations to the full City Council.
June 8, 2011 to July 1, 2011	Request for Proposals for City Attorney Services publically advertised.
July 1, 2011	Bid proposals due.
July 5, 2011	Subcommittee review and evaluation of proposals begins.
August 2, 2011	Subcommittee presentation and recommendation for consideration by the full City Council.



# City of Manhattan Beach

## Finance Department – General Services Division

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3621 Bell Avenue, Manhattan Beach, CA 90266-3459

Phone: (310) 802-5568 Fax: (310) 802-5590

**---DRAFT---**

### **REQUEST FOR PROPOSAL**

**BID NUMBER:** 842-11  
**BID TITLE:** CITY ATTORNEY SERVICES  
**REQUESTING DEPARTMENT:** MANAGEMENT SERVICES  
**RELEASE DATE:** June 8, 2011  
**DUE DATE:** **July 1, 2011 @ 12:00PM (Noon) PST**  
**CONTACT PERSON:** David N. Carmany at (310) 802-5053  
E-mail: dcarmany@citymb.info

Notice is hereby given that the Office of the City Clerk of the City of Manhattan Beach will receive proposals for City Attorney Services. Each proposal must be submitted in a sealed envelope and clearly marked:

**“RFP #842-11 City Attorney Services”**

**Failure to identify the proposal on the envelope may result in disqualification of the proposal.**

Sealed proposals must be submitted to the office of the City Clerk at 1400 Highland Avenue, Manhattan Beach, CA 90266. **Proposals will be received until 12:00 PM (Noon) PST, Friday, July 1, 2011.**

Proposals will not be opened at that time, but will be submitted to the Ad Hoc City Attorney Selection Subcommittee for verification and compliance with Specifications and subsequent recommendation to City Council for award of a contract or rejection of the responses, as deemed appropriate. The City reserves the right to make no award.

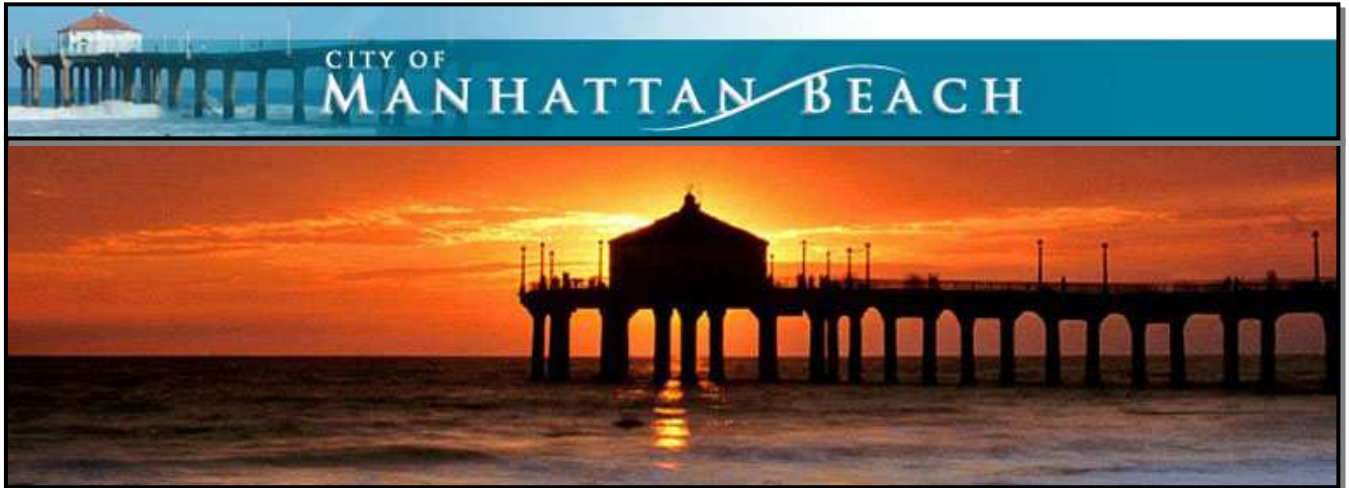
**Proposals received after the deadline will be considered late. Such proposals may be returned unopened. Fax proposals are not acceptable.**

Dated: This 8<sup>th</sup> Day of June, 2011

Gwen Eng  
General Services Manager

**CITY OF MANHATTAN BEACH**  
**REQUEST FOR PROPOSALS**  
**No. 842-11 CITY ATTORNEY SERVICES**

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**REQUEST FOR PROPOSALS**  
**#842-11 CITY ATTORNEY SERVICES**



**Proposals Due**  
**July 1, 2011 – 12:00 PM (Noon)**

**City Clerk's Office**  
**1400 Highland Avenue**  
**Manhattan Beach, CA 90266**

## **I. INTRODUCTION**

### **A. Purpose**

The City of Manhattan Beach invites interested legal firms and individuals to submit proposals 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, personnel and labor relations, open meeting and conflict of interest laws.

### **B. Community Profile**

Incorporated on December 7, 1912, the City of Manhattan Beach encompasses 3.89 square miles, with 2.1 miles of beachfront and 40 acres of total recreational beach area. This community of “Sun, Sand, and Sea,” is located in the South Bay area of Los Angeles County, nineteen miles from downtown Los Angeles, and is one of Southern California’s most desirable communities in which to work and live. Manhattan Beach is home to approximately 35,135 residents and 14,929 housing units according to the State of California Department of Finance (2010 Census figures).

Manhattan Beach is a full-service General Law City operating under a council-manager form of government. The City Council is comprised of five (5) members elected at large, each serving a nine (9) month mayoral tenure during their four (4) year term. The City of Manhattan Beach has a variety of boards, commissions, and committees appointed by the City Council. The City Council meets on the first and third Tuesdays of the month at 6:30 PM. Additional information about the City can be found on the City’s website at [www.citymb.info](http://www.citymb.info).

The City operates with eight (8) departments, 265 full-time employees, and approximately 140 part-time employees. The City’s operating and capital budget totals \$94.9 million for Fiscal Year 2011-2012. It prides itself in offering the highest level of services to its residents and is one of only a few cities in California with a AAA/Aaa bond rating. 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.

The City’s Executive Management Team is characterized by its collaboration, customer service, and mutual commitment to individual and collective success. The Mid-Management Team, consisting of managers, analysts, and supervisors, meets regularly to further strengthen relationships and cooperation between departments. Our workforce is caring, compassionate, and ethical.

### **C. City Priorities**

The City of Manhattan Beach is facing issues similar to many California municipalities. The City Council is especially interested in positioning Manhattan Beach for continued long-term success by:

1. Doing the right things and doing things right
2. Following the spirit and the letter of the Ralph M. Brown Act
3. Emphasizing energetic civic engagement and effective democratic local government
4. Maintaining a constructive, creative, ethical and practical attitude toward municipal affairs
5. Taking a rational and impersonal viewpoint based on facts and qualified opinions

6. Managing legal expenses through avoidance and transference of risk and minimizing litigation
7. Handling personnel matters on the basis of merit so that fairness and impartiality govern decisions
8. Handling problems without discrimination on the basis of principle and justice
9. Communicating with the media and public to achieve the highest degree of transparency
10. Working with the City Manager, Committees, Boards and Commissions to achieve the highest professional levels in the processes followed
11. Properly conveying the legal policies and programs of the City to the public
12. Working effectively with federal, state, and other local government representatives
13. Reviewing and recommending sound written policies, and helping to train all employees so they are knowledgeable about city policies and current laws concerning public records requests, open meetings, workplace violence, sexual harassment, family and medical leave, conflicts of interest and records retention

#### **D. Definitions**

The following meanings are attached to the following defined words when used in these specifications and the Agreement: The word "City" means the City of Manhattan Beach, California. The word "Bidder," "Supplier," "Proposer," or "Contractor" means the person, firm, or corporation submitting a proposal based on these specifications or any part thereof. The word "Bid," "Proposal," or "Response" means the response by the person, firm, or corporation submitting a proposal based on these specifications. The word "Agreement," means the agreement for legal services between the successful Bidder and the City.

## **II. TERMS & CONDITIONS**

### **A. Reservation of Rights**

This RFP does not commit the City to enter into an agreement. The City will not reimburse respondents to this RFP for any costs incurred in the preparation and submittal of the proposals. Further, the request does not obligate the City of Manhattan Beach to accept or execute an agreement for any expressed or implied services. The City reserves the right to:

1. Reject any and all bids received and to accept or reject any item(s) herein;
2. Take all bids under advisement for up to ninety (90) days after opening;
3. Waive any informality on any bid;
4. Be the sole judge of the relative merits of the material mentioned in the respective bids received;
5. Enter into more than one agreement for each of the items, and reject bids that are not accompanied by the requested information.
6. Request any firm/person submitting a proposal to clarify its proposals during the selection phase;
7. Negotiate the service schedule and reasonable costs with the selected Bidder;
8. Modify or alter any requirements herein, and issue addenda or amendments to this RFP;
9. Identify additional tasks to be accomplished prior to establishing a formal contractual agreement;
10. Terminate this RFP process at anytime.



## **B. Acceptance of Conditions**

It is the bidder's responsibility to examine the scope and location of the proposed work to fully acquaint themselves with the specifications and the nature of the work to be accomplished. Bidders shall have no claim against the City based upon ignorance of the nature and requirements of the services to be provided, misapprehension of the work environment, or misunderstanding of the specifications or Agreement provisions.

By submitting a proposal, each bidder expressly agrees to and accepts the following conditions:

1. Proposals and cost schedules shall be valid and binding for ninety (90) days following the proposal due date and will become part of the Agreement that is negotiated with the City.
2. The City may require whatever evidence is deemed necessary relative to the bidder's financial stability and ability to perform these services.
3. The City reserves the right to request further information from the bidder, either in writing or orally, to establish any stated qualifications.
4. The City reserves the right to solely judge the bidder's representations, and to solely determine whether the bidder is qualified to undertake these services pursuant to the criteria set forth herein. The bidder, by submitting a bid or proposal, expressly acknowledges and agrees that the judgment of the City as to whether or not the bidder is qualified to perform these services shall be final, binding, and conclusive.

## **C. Proposal Submission Location, Closing Date, and Time**

To be considered, all proposals must be submitted in the manner set forth in this proposal. It is the Bidder's responsibility to ensure that its proposal arrives in the office of the City Clerk at 1400 Highland Avenue, Manhattan Beach, CA 90266 on or before **12:00 PM (Noon) PST, Friday, July 1, 2011.**

## **D. The Proposal Form**

The Proposer's entire response to the request for proposals should be prepared on standard 8 ½ x 11" letter size paper. The use of expensive papers and bindings is unnecessary and is discouraged. All pages of the Proposal must be numbered consecutively.

Proposals shall utilize the bid Response Form (provided in this RFP) which should be completed in its entirety. Proposals should provide specific and succinct answers to all questions and requests for information contained herein. Failure to comply with all requirements and conditions set forth by these specifications and RFP instructions will be cause for the rejection of the proposal(s). All exception(s) must be fully supported by detailed specification regarding the deviated item and shall accompany the proposal for evaluation by the City. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the proposer. Additionally:

1. The Proposal must be submitted, one original and fifteen (15) copies, enclosed in an envelope, and marked "RFP #842-11 – City Attorney Services," showing the bid number and addressed to the City Clerk, City Hall, 1400 Highland Avenue, Manhattan Beach, California 90266.
2. Bidder to supply a copy of the proposal on CD in searchable PDF format as a single document (optimized and compressed).
3. No telephone or facsimile bids will be accepted.

4. If an individual makes the bid, it must be signed by the full name of the Proposer and include the Proposer's complete address. If it is made by a firm, it must be signed with the co-partnership name by a member of the firm, and the name and full address of each member must be given. If it is made by a corporation, it must be signed by the proper officer in the corporate name, and the corporate seal must be attached to such signature.

### **E. Formal Agreement**

The successful bidder will be required to enter into a formal agreement with the City. This RFP sets forth some of the general provisions which will be included in the final Agreement. In submitting a response to this RFP, Bidder will be deemed to have agreed to each clause unless the proposal identifies an objection and City agrees to a change of language in writing. A copy of the Request for Proposals, the Bidder's Proposal, and the Agreement specifications may be attached to, and will form a part of the Agreement. All materials, supplies, equipment, and services supplied by the Bidder shall conform to the applicable requirements of State and Federal Laws covering Labor and Wages, as well as conforming to the specifications herein. In case of default by the Bidder, the City reserves the right to procure the articles from other sources and to hold the Bidder responsible for any excess costs incurred by the City.

### **F. Term of Agreement**

The Agreement shall remain in full force and effect until terminated by either party. The City may terminate without cause at any time. The Contractor shall have no right to hearing or notice, and may be discharged with or without notice. The Contractor may withdraw from the City's representation at any time, to the extent permitted by law, and the rules of Professional Conduct, upon at least sixty (60) calendar days advance written notice, delivered as certified mail by the United States Postal Service.

### **G. Licenses**

Contractor shall be responsible for all licenses and permits required to perform this work in accordance with Federal, State, and local requirements and shall be responsible for all fees resulting there from for the duration of the Agreement. The successful contractor will be required to procure a City of Manhattan Beach Business License prior to commencing work. Call Business Licensing at (310) 802-5557 for rate information or to apply for a license. Failure to obtain or maintain a valid City Business License may result in Agreement termination.

### **H. Debarment Policy for Grant Funded Purchases**

Contractor guarantees that it, its employees, contractors, subcontractors or agents (collectively "Contractor") are not suspended, debarred, excluded, or ineligible for participation in Medicare, MediCal or any other federal or state funded health care program, or from receiving Federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Contractor must within 30 calendar days advise the City if, during the term of this Agreement, Contractor becomes suspended, debarred, excluded or ineligible for participation in Medicare, MediCal or any other federal or state funded health care program, as defined by 42. U.S.C. 1320a-7b(f), or from receiving Federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Contractor will indemnify, defend, and hold the City harmless for any loss or damage resulting from the conviction, debarment, exclusion, or ineligibility of the Contractor. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its Principals [as defined at 49 C.F.R. section 29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. When the prospective lower tier participant is unable to certify to the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### **I. Insurance Requirement**

The Contractor shall, at its own expense, procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Agreement by the Consultants, its agent, representatives, employees, or subcontractors. Contractor shall also require all of its subcontractors assigned to provide services to procure and maintain the same insurance requirement for the duration of the Agreement. Specific insurance requirements are as follows:

1. General Liability Insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate liability;
2. Automobile Liability Insurance of at least \$1,000,000 per accident Combined Single Limit (CSL);
3. Workers' Compensation Insurance of at least \$1,000,000 per claim;
4. Professional Errors & Omissions Insurance of at least \$1,000,000 per occurrence and \$2,000,000 annual aggregate liability.

### **J. Equal Opportunity**

The City of Manhattan Beach requires all proposers to comply with equal opportunity policies. The City of Manhattan Beach's programs, services, employment opportunities, and volunteer positions and contracts are open to all persons regardless of race, religious creed, color, sex, national origin, ancestry, disability, medical condition, age, marital status, sexual orientation, or any other basis prohibited by state law relating to discrimination in employment.

### **K. Independent Contractor**

The City Attorney will be an independent contractor. All persons employed by a firm in accordance with an Agreement resulting from this RFP will be employees of the firm or law practice and not of the City of Manhattan Beach.

## **III. SCOPE OF WORK**

The City Attorney is appointed by and reports to the City Council. The City Attorney is the chief legal counsel for the City of Manhattan Beach 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 matter 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.
3. Coordinate and manage the services and costs of all outside legal counsel within budgetary limits as approved by the City Council.

4. On a monthly basis, provide a written status report of assigned projects, requests, and litigation in order to keep the City Council informed of important legal issues and to facilitate the City Council's periodic evaluation of the City Attorney.
5. Provide legal advice to staff upon request of the City Manager.
6. Prepare and/or review all ordinances, resolutions, municipal contracts, joint powers agreements, and other agreements and contracts entered into by the City.
7. Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
8. 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.
9. Provide guidance on personnel matters, including policy and procedures affecting employees.
10. 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.
11. Enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
12. Assist in the preparation of Environmental Impact Reports.
13. Attend staff meetings at the request of the City Manager (currently held weekly).
14. Provide designated office hours or times of availability at City Hall as requested by the City.
15. Communicate with the press, when authorized to do so, regarding City legal matters.
16. Promptly response to calls, e-mails, and correspondence from the City Council and staff.
17. Review current documents, policies, and forms to ensure compliance to current laws.

In addition, the individual or firm selected will also 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. Excluded from special legal services would be litigation or defenses when it is furnished by a self-insured program (workers' compensation, liability coverage, etc.) or other litigation where the City Council decides to retain specialized counsel (including bond counsel).

#### **IV. EVALUATION AND SELECTION PROCESS**

##### **A. Areas of Performance Effectiveness**

The City of Manhattan Beach recognizes that a successful and effective City Attorney will demonstrate specific qualities. The extent to which an incumbent's performance exhibits effectiveness in the following areas will serve as a basis for evaluation of the City Attorney. These effectiveness areas include:

1. Adherence to the rule of law in representing the City and responsiveness to residents
2. Open government, transparency, and democratic governance
3. Civic engagement and participatory governance
4. Competent representation – doing things right (legal knowledge, research, and analysis)

5. Ethical leadership – doing the right things (principle-centered)
6. Adherence to legal policies and procedures (promoting the public interest)
7. Staff development (legal roles and responsibilities)
8. Professional conduct (emotional and mental fortitude)
9. Resource management (human and financial resources)
10. Inter-governmental governance (networking and coalition building)
11. Intra-organizational governance (professionalism and process management)
12. Alternative dispute resolution (mediation, conciliation, fact-finding, and arbitration)
13. Customer service (public, media, and stakeholder relationships)

**B. Proposal Evaluation**

Selection of contractors to interview with the City will be based on the contents of their written proposal. Proposal will be rated according to the following selection criteria (in no particular order):

1. Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government operations;
2. Capability to perform legal services promptly and in a manner that permits the City Council and staff to meet established deadlines and operate in an effective and efficient manner;
3. Degree to which the firm/business and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field;
4. Communication skills;
5. Cost of services;
6. Other qualifications/criteria as deemed appropriate by the City Council.

**C. Selection Process**

All proposals received in response to this request for proposals will be reviewed by the Ad Hoc City Attorney Selection Subcommittee for verification and compliance with Specifications and subsequent recommendation to full City Council. The selection process may include interviews where the firm/individual may be asked to formally present the proposal and respond to questions. The most qualified firm/individuals may then be invited to negotiate a retainer agreement, including scope of service, retention rates, etc. to become the City Attorney of Manhattan Beach.

**D. Proposal Timeline**

Release of RFP	June 8, 2011
Deadline for Submission of Questions about the RFP	June 22, 2011
Deadline for Proposal Submission	July 1, 2011
Tentative Date for Award of Contract	August 2, 2011

**V. Response Form – Business Information**

Please provide sufficient detail and scope to provide a meaningful evaluation, comparison, and assessment.

*Business contact information:*

Name of Firm/Business: \_\_\_\_\_

Firm/Business Address: \_\_\_\_\_

City / State / Zip Code: \_\_\_\_\_

Firm/Business Telephone: \_\_\_\_\_

Firm/Business Fax Number: \_\_\_\_\_

Firm/Business Email: \_\_\_\_\_

Firm/Business Website: \_\_\_\_\_

Firm/Business Classification:    Corporation     Partnership     Individual

*If a corporation:*

Date of incorporation: \_\_\_\_\_

State of incorporation: \_\_\_\_\_

President's Name: \_\_\_\_\_

Vice-President's Name: \_\_\_\_\_

Secretary or Clerk's Name: \_\_\_\_\_

Treasurer's Name: \_\_\_\_\_

*If a partnership:*

Date of organization: \_\_\_\_\_

Name and address of all partners:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Federal Tax No. (SSN or Federal Tax Number): \_\_\_\_\_

Number of years in business: \_\_\_\_\_

Number of employees: \_\_\_\_\_ F/T \_\_\_\_\_ P/T \_\_\_\_\_ Total

**V. Response Form – Business Information (continued)**

Please provide sufficient detail and scope to provide a meaningful evaluation, comparison, and assessment.

1. Does the firm/business maintain insurance amounts specified by the City? Yes  No

*General Liability Insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate liability; Automobile Liability Insurance of at least \$1,000,000 per accident Combined Single Limit (CSL); Workers’ Compensation Insurance of at least \$1,000,000 per claim; Professional Errors & Omissions Insurance of at least \$1,000,000 per occurrence and \$2,000,000 annual aggregate liability.*

If no, describe the differences:

2. Are there claims that are pending against any insurance policies (see above)? Yes  No

If yes, describe:

3. During the past five (5) years, has the firm, business, or any attorney in the firm or business, been involved in any (a) bond forfeiture, (b) litigation involving the firm, business, or any attorney in the firm or business (other than dissolution of marriage), or (c) claims filed with any insurance carrier concerning firm, business, or any attorney in the firm or business, and/or (d) Bar Association complaints? If yes, attach an explanation. Yes  No

4. Has the firm/business been in bankruptcy, reorganization, or receivership in the last five years? Yes  No

5. Has the firm/business been disqualified or terminated by any public agency? Yes  No

6. Has the proposed designated City Attorney practiced municipal law a minimum of five (5) years? Yes  No

7. Have you and/or your firm/business ever been successfully sued for fraud or malpractice, been subject of complaints filed with the State Bar of California or had discipline imposed upon you in the past? If yes, attach an explanation. Yes  No

8. Is each proposed attorney accredited and in good standing with the State Bar of California? Yes  No

9. Describe the intended office location and accessibility to City staff. Describe the staffing of your office, including your employees and their general duties and work schedules. Include any staffing changes you would propose should you be awarded the contract to provide City Attorney services for the City.

**V. Response Form – Business Information (continued)**

Please provide sufficient detail and scope to provide a meaningful evaluation, comparison, and assessment.

- 10. Describe the methods and types of communications devices that would be used by the firm in communicating with the City (e.g. email, telephone, cell phones, voicemail, conference call numbers, websites, etc.), and the types of computer and computer software utilized to perform the required legal services.

- 11. Describe the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council or City Manager.

- 12. Describe how your firm protects client confidentiality while at the same time benefiting from the in-house store of knowledge and experience gained by from representing other local agencies?



**V. Response Form – Proposed Service Rates**

The selected City Attorney will be required to provide services under a monthly retainer fee format for regular City Council meetings, special City Council meetings, weekly staff meetings, office hours on site at the City of Manhattan Beach, communications with the City, and legal work provided under the retainer. Routine travel expenses would be the responsibility of the firm/business.

**Basic Services**

The first \_\_\_\_\_ hours of Basic Services per month would be billed at rate of \$\_\_\_\_\_ per hour for a total monthly retainer of \$\_\_\_\_\_. If the City does not require this amount of service in a given month, then the City shall only be charged for the hours used. The City expects time to be billed in 0.10 hour increments.

Please define which services are included in your proposal for Basic Services (reference the estimated number of on-site office hours to be served at the City):

The rate for Basic Services above the number of hours set forth above would be \$\_\_\_\_\_ per hour for the designated City Attorney.

**Extra Services**

Please define which services are NOT included in Basic Services, which you would consider to be Extra Services or specialized work which would be billed in addition to Basic Services (this would include a definition of legal services that would require the involvement of outside counsel):

The rate for Extra Services would be \$\_\_\_\_\_ per hour.

**V. Response Form – Proposed Service Rates (continued)**

The selected City Attorney will be required to provide services under a monthly retainer fee format for regular City Council meetings, special City Council meetings, weekly staff meetings, office hours on site at the City of Manhattan Beach, communications with the City, and legal work provided under the retainer. Routine travel expenses would be the responsibility of the firm/business.

**Reimbursable and/or Other Costs**

Please define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, processing charges, etc. if any.

If you prefer to bill all services on an hourly basis, please state the hourly rates for the designated City Attorney and any associate attorneys for general Basic Services work and for Extra Services or special work such as litigation, if such services will be billed at a different hourly rate.

**V. Response Form – Proposer Acknowledgement**

The undersigned has checked carefully the entire Request for Proposal (RFP) #842-11 – City Attorney Services. By signing this document, I (we) attest that I (we) am authorized to contractually bind the company listed, and will meet the Proposal requirements if awarded a contract.

I (we) the undersigned submit this proposal this \_\_\_\_\_ day of \_\_\_\_\_, 2011, subject to all the terms, conditions, and requirements set forth in the Specifications and other Bid Documents.

I (we) understand that in presenting this bid that we are offering to enter into an Agreement subject to the conditions of the Specifications and that the City has ninety (90) days in which to accept or reject this offer.

Name Printed: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**V. Response Form – Attorney Profile Form**

For the person whom you propose to designate as City Attorney and for each person or firm you propose to designate as a additional counsel, please include the following information. Please provide sufficient detail and scope to provide a meaningful evaluation, comparison, and assessment. Individual resumes may be submitted in addition to, but shall not replace, this form.

*Attorney information:*

Name of Attorney: \_\_\_\_\_

CA Bar Number: \_\_\_\_\_

Date admitted the CA Bar: \_\_\_\_\_

Current Bar Status: \_\_\_\_\_

Years with Firm/Business: \_\_\_\_\_

Proposed Designation: City Attorney  Deputy City Attorney   
Other Counsel

*Education/Legal Training:*

Undergraduate School: \_\_\_\_\_

Law School: \_\_\_\_\_

Scholastic Honors /  
Professional Affiliations: \_\_\_\_\_

Other Certificate/Licenses: \_\_\_\_\_

*Areas of Expertise:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **V. Response Form – Statement of Qualifications**

**This Statement of Qualifications portion of the response to the RFP shall not exceed twenty (20) pages in length including all answers, information, and written samples submitted.** All items must fall within the maximum page count.

Proposals must be effective, clear, and concise. The proposal shall include, at a minimum, the information listed below, in the same order as listed, and shall be sufficient to allow the City to evaluate the firm/individuals capabilities providing a full range of legal services to the City of Manhattan Beach. Please provide sufficient detail and scope to provide a meaningful evaluation, comparison, and assessment.

1. **Description of Firm/Business** – Describe the nature of your law firm’s practice and your qualifications for providing City legal services. Provide a chronology of relevant experience, including a list of other cities that you have provided relevant legal services for and each individual who will be designated to serve as well as others who might be involved in providing legal services.
  
2. **Training and Experience** – For the person whom you propose to designate as City Attorney and for each person or firm you propose to designate as Deputy City Attorney or other counsel, please include the following:
  - Years of municipal (general law or charter city) or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in the representation of general law cities.
  - Practices regarding professional development, training, and keeping current with the legal field and legal matters affecting your clients.
  - Types of clientele represented and years representing each.
  - Litigation experience and success. Cite examples of municipal (general law city) litigation experience.
  - Experience with and knowledge and practice of law representing general law cities relating to land use and planning, environmental law including the California Environmental Quality Act (CEQA), redevelopment law, general plans, real estate, code enforcement, hazardous waste and other related law.
  - Experience in the area of contracts and franchises.
  - Experience in the preparation and review of ordinances and resolutions for general law cities.
  - Experience in public sector personnel and labor negotiations.
  - Experience in municipal Water, Wastewater, and Refuse enterprises.
  - Experiences in the area of the California Public Records Act, the Ralph M. Brown Act, Conflict of Interest (AB 1234) Ethics Training, the Political Reform Act, the California Elections Code, and Proposition 218 issues.
  - 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, please provide information on the

nature of the incident, the dates of which the matter began and was concluded, and the results of the situation.

- Provide an example of a written communication (not to exceed five pages) previously submitted to a governing body about a legal issue in which options are explained and a recommendation is given.

**3. Working Hours, Location, and Relationships –**

- Describe the regular hours that service will be available to the City; include availability on site and off site, via telephone and other technology/electronic tools, and how your proposal will ensure timely response to City Council and staff needs.
- Describe the standard time frames for responses by the City Attorney to direction and/or inquiry from the City Council or City Manager.
- Describe how you would structure the working relationship between the City Attorney and the City Council, City Manager, Department Heads, and other members of staff.

**4. Conflict of Interest –**

- List all public clients for whom your firm currently provides services under a fee for services basis or on a retainer basis. Indicate the services provided (e.g. City Attorney services, special legal expertise in specific disciplines, etc.) 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.
- For the person to be designated as the City Attorney, list all public clients that person presently represents as City Attorney or General Counsel, along with the meeting dates and times for each governing body.
- List all current or former public or private clients residing in Manhattan Beach or having an interest in a business or owning an interest in property within the City's sphere of influence within the past three (3) years.
- Identify all situations in the last five (5) years in which you have been adverse as an attorney to public entities, either in litigation or administrative matters.

**5. Compensation –**

- Describe how you will track and manage legal costs so that the City's legal expenses are held to a minimum and within budget. Please provide examples.
- Describe how you will minimize "double-billing" by the City Attorney and any other attorney working on a matter.

**6. References –** Please provide a list of references where similar work of similar size and nature is currently in process or recently completed. Include name of firm, telephone, and name of contact person. These references will be checked and may affect the award of the contract. The City of Manhattan Beach reserves the right to contact any of the organizations or individuals listed or any others that may stem from the inquiry.