



*Small Town with a
Big Backyard!*

CITY OF BISHOP

377 West Line Street - Bishop, California 93514

Post Office Box 1236 - Bishop, California 93515

760-873-8458 www.ca-bishop.us

Request for Proposals (RFP)

CITY ATTORNEY

INTRODUCTION

The City Council of the City of Bishop invites interested law firms and individuals with a minimum of 5 years of public law experience to submit written proposals to provide contract City Attorney services for the City of Bishop. As City Attorney, the selected law firm or individual will be expected to provide a wide range of legal services to the City. The City Attorney is selected by the City Council and works closely with City Administrator and other City staff.

The City is considering a 3 year contract, consistent with existing professional services practices. The City reserves the right to extend the term of this contract for 2 additional one year terms subject to annual review, satisfactory negotiation of terms, and the concurrence of the City Council.

PROPOSED TIME SCHEDULE

RFP Mailing:	December 16, 2013
Submittal Deadline:	February 7, 2014
First Review:	February 24, 2014
City Council Announces Selection:	March 10, 2014
Contract Effective Date:	May 1, 2014

SUBMITTALS

Law firms or individuals interested in submitting proposals for contract City Attorney services shall submit one original proposal marked "ORIGINAL" and 8 copies of the proposal marked "COPY" along with a proposed contractual agreement and one disk or memory device with the proposal and proposed agreement in pdf format on or before the submittal deadline all in a sealed envelope bearing the caption "City of Bishop – City Attorney Proposal." The envelope shall be addressed to:

Keith Caldwell, City Administrator
City of Bishop
P.O. Box 1236
Bishop, California 93515

Proposals may be submitted in person to the City Administrator's office or by mail, but must be received in the City Administrator's office by 4:00 p.m. on the submittal deadline date. Late proposals or postmarks will not be considered. All proposals will be deemed confidential and will be retained by the City of Bishop.

The Proposer is solely responsible for ensuring its proposal is received by the City of Bishop in accordance with the solicitation requirements and before the submittal deadline at the place specified. No oral, telegraphic, electronic, facsimile, or telephonic proposals or modifications will be considered unless specified. The City shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery.

The City Council reserves the right to reject any or all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City as determined by the City Council. The City may cancel this solicitation at any time.

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

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

Questions about current legal services may be addressed to City Administrator Keith Caldwell at (760) 873-5863 and keithcaldwell@ca-bishop.us.

Late proposals will not be accepted.

BACKGROUND

The City of Bishop is a small city in the spectacular Eastern Sierra region of California. The Eastern Sierra region is about the middle of the state, along its eastern border is Nevada, and is about halfway between Yosemite and Death Valley National Parks. Bishop – originally called Bishop Creek – is located on the eastern slopes of the Sierra Nevada along the banks of the creek that is its namesake. Bishop sits at an elevation of about 4,100 feet while just a few miles away in either direction peaks tower to 14,000 feet, giving Bishop a truly spectacular setting. Bishop is a small city with a big back yard!

To achieve our community vision, The City of Bishop places a high value on:

1. Being a great place to live and work. Our strong, diverse, yet cohesive, small city community supports families and individuals by providing a stable economy, high quality educational facilities and programs, a broad range of community services and participatory City government.
2. Adequate and appropriate housing that residents and workers can afford.

3. Being a premier, year-round community based on diverse outdoor recreation, multi-day events and an ambiance that attracts visitors.
4. Protecting the surrounding natural environment and supporting our small city atmosphere by limiting the urbanized area.
5. Offering a variety of transportation options that emphasize connectivity, convenience and alternatives to the use of personal vehicles with a strong pedestrian emphasis.

The City is a “General Law” City governed by the laws of the State of California, and was incorporated in 1903. The City operates under and elected Council/City Administrator form of government. The City is governed by a five-member City Council elected at large from the City’s municipal boundaries. The five individuals serve staggered four-year terms in office. The current length of service on the City Council ranges from first term members to 5 years of service.

City services are provided through four departments: Administration, Public Works, Community Services, and Police. The City of Bishop currently employs 35 full-time employees. The City Administrator has been with the City since 2007 and the City Attorney, who is retiring, has been with the City since 1981.

The City provides public safety through our own police department. Fire protection is provided to the City by the Bishop Volunteer Fire Department.

Except for water and sewer, utilities are provided to City residents by separate companies, and through franchises and contracts. The City is a member of the California Joint Powers Insurance Authority which provides general and employee liability insurance protection, and maintains workers’ compensation insurance coverage.

COVER LETTER

Proposals must be accompanied by a cover letter, signed by an individual authorized to bind the proposing entity. The cover letter should 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. Indicate the type of entity (corporation, partnership, sole proprietorship).
4. Federal Employer Identification 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. Whether or not the services are provided by a firm or individual, the City desires that services be provided mostly through one individual, that the individual be the City's

prime contact, and that the individual be the one to attend most meetings. The City also anticipates that individual will be designated as City Attorney.

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 Bishop. 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 of Bishop.
2. For a 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 of California Bar). Years of municipal or other local public sector law practices as a full-time 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.
 - Types of clientele represented and length of representation time.
 - Knowledge and practice of law relating to local land use and planning, environmental law, including the California Environmental Quality Act (CEQA), general plans, real estate, and other related planning laws.
 - Experience in the area of construction contracts, consultant contracts, service contracts, purchase contracts, eminent domain, right of way, franchise agreements, easements, encroachments, and other Public Works related issues.
 - Experience in the area of public safety and risk management services.
 - Experience in the area 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 tax collection, including judgments and liens.
 - Experience in the area of the Public Records Act, the Brown Act, and the Elections 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, 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. Outline how many hours per week on average it will take to accommodate the City's need for contract attorney services. Please include all time necessary for Council meetings, special meetings, and occasional Commission meetings.
 5. Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council, City Administrator, or City Staff.
 6. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.
 7. Describe how you or your firm will use technology to communicate and provide City Attorney services to the City of Bishop including the sharing and transfer of electronic files.

CURRENT CLIENTS/CONFLICT OF INTEREST

1. Please list all current and former clients known to the Firm/Individual having a substantial property or business interest in the City of Bishop during the past 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

Please describe how the firm/individual intends to provide legal services, either on a flat-rate monthly (state the amount of the requested retainer), or on a different basis. Basic services, for the purpose of this proposal, shall 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 at City Council and Planning Commission meetings. The City Council meets on the second and fourth Mondays of each month. The Planning Commission meets the last Tuesday of the month when there are agenda items. The regular meetings for both the City Council and Planning Commission start at 7:00 p.m. In addition, both bodies occasionally call 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 Administrator and 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 other meetings with staff as well as commissions when necessary.
- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, eminent domain, 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 the 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 the City Council and City Administrator.

Please define what type of work you would consider to be extra or specialize 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.

If hourly rate billing is preferred, please state the hourly rates for the designated City Attorney and associates for general work and for special services, such as litigation, if such services will be billed at a different hourly rate.

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

PROFESSIONAL REFERENCES

Please provide 3 professional references from persons and/or entities within California for whom the Proposer has provided project services similar to those services requested in this RFP within the last 5 years. Include the name of the business, name of contact person, telephone number of contact person and description of services provided.

EVALUATION AND SELECTION PROCESS

Proposals will be screened by the City Council or a panel appointed by the Council and top candidates will be identified. The qualifications of the top candidates will be verified and references will be checked. In reviewing the proposals, the City will carefully consider:

- 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.
- Ability to attend City Council, Planning Commission, and other meetings as necessary.
- 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 and ability to communicate.
- Cost of services.
- Other qualifications/criteria as deemed appropriate by the City Council.

The City Administrator will negotiate the terms and conditions of a contract with the law firm or individual selected. The contract will require that the law firm or the individual 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(ies) 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 Bishop.

The successful firm or individual must agree, if awarded a contract as a result of its proposal, to indemnify and hold harmless the City of Bishop, its officers, agents, and employees from any and all claims and losses accruing or resulting to persons engaged in the work contemplated by its agents in the performance of the work. Prior to commencement of any work, those and other provisions will be established contractually.

The contract, to include but not be limited to duties and compensation, will be entered into with the successful firm or individual and approved by the City Council. Legal services will begin upon approval by the Contact and formal appointment of a contract

position and shall serve at the pleasure of the City Council. The City Council may terminate the appointment upon sixty days notice with or without cause.

ADDITIONAL NOTES

The City may modify, clarify, or interpret the RFP by issuing an addendum to the RFP. Addendums will be posted on the city website and will be provided to firms known to be interested in providing a proposal. Any such addendum shall become a part of the RFP.