

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

*1112 I Street, Suite #100
Sacramento, California 95814
(916) 874-6458*

December 3, 2008

TO: Sacramento Local Agency Formation Commission
FROM: Peter Brundage, Executive Officer *PR*
RE: **Request for Proposals for Legal Counsel and Environmental Consultant Services**

RECOMMENDATION:

1. Approve the attached Request for Proposals for LAFCo Legal Counsel and LAFCo environmental consultant.
2. Direct the Executive Officer to issue the attached Request for Proposals.
3. Appoint an ad-hoc Commission sub-committee to evaluate the proposals to make a recommendation to the Commission during the Spring of 2009.

ALTERNATIVE RECOMMENDATION:

1. Direct Staff to issue a Request for Qualifications in lieu of a Request For Proposal to determine if LAFCo consultants are competitively priced.

DISCUSSION:

The Sacramento Local Agency Formation Commission has retained Miller, Owen, and Trost as legal counsel and Planning Partners (environmental consultant) since 2000 on a fee-for-service basis. Both consultants have performed well, understand LAFCo and are well versed in Sacramento regional issues. They have in-depth LAFCo experience as well as practical knowledge of planning issues in Sacramento County and throughout the region. They also have a good working relationship with each other, with your staff, and local agencies within Sacramento County. I believe that we have created an efficient and knowledgeable team to serve the Commission and the community.

However, we have not "tested the waters" in some time to assess if the hourly rates are competitive with the market. Therefore, it may be appropriate to issue a Request for Proposal to determine if they are still competitive with the market in terms of hourly rates and services.

Therefore, I propose that we issue the RFP to ensure that the Commission is paying “fair market” value for services rendered.

The Proposals would be evaluated by an ad hoc sub-committee of the Commission with staff assistance. The intent is to complete this process prior to June 2009 in conjunction with the adoption of the FY 2009-10 Final Budget.

Proposed RFP Timeline

Issue RFP: December 15, 2008

RFP Due: February 15, 2008

Evaluate RFP: March/April

Recommendation: April/May

Request for Qualifications/Rate Comparison In-Lieu of RFP

Alternatively, the Commission may wish to direct me to conduct an abbreviated or preliminary analysis and issue a Request For Qualification (RFQ). The RFQ would provide staff with an updated “snapshot” of available consultants and current rates and charges for legal and environmental services. Based on the responses from the RFQ, the Commission could then determine if it would be appropriate or necessary to proceed with the issuance of a Request For Proposal.

DRAFT RFP for LEGAL SERVICES

December 15, 2008

To: Interested Parties

From: Peter Brundage
Executive Officer

Legal Services for the Sacramento Local Agency Formation Commission are currently provided under contract. From time to time, the Commission solicits Requests for Proposal to assess the competitiveness of the current contract. The Commission desires preliminary information regarding firms who may be interested in providing general legal counsel to Sacramento LAFCo.

LAFCo counsel works closely with the Executive Officer and the Commission to provide legal analysis and advice related to Sacramento LAFCo. Duties of general legal counsel include but are not limited to the following. Provide legal advice on LAFCo matters related to local government reorganizations, sphere of influence amendments, incorporations, annexations, California Environmental Quality Act, planning and zoning law, municipal government laws, personnel and administrative law, contract law, compliance with the Brown Act, Conflict of Interest issues, and the Fair Political Practices Act, and Public records Request procedures.

The firm would need to be able to meet with LAFCo as needed on various matters and projects.

Sacramento LAFCo typically meets in Sacramento at the County Administration Center, 700 H Street, at 5:30 p.m. on the first Wednesday of each month. The meetings last approximately 1 to 2 hours.

If you are interested in this opportunity, please review the attached Request for Proposal and provide a response by February 15, 2009.

Please contact me at 916-874-5935 or peter.brundage@saclafco.org if you have any further questions.

Sincerely,

Sacramento Local Agency Formation Commission

Peter Brundage
Executive Officer

Request for Proposals for Legal Services
Issue Date: December 15, 2008
Due Date: February 15, 2009 (5:00 p.m.)

The Sacramento Local Agency Formation Commission is accepting proposals for legal services under a contract to provide legal services as Sacramento LAFCo General Counsel. The selected contractor will serve at the pleasure of the Commission and work under the direction of the Commission Executive Officer.

LAFCo Overview

The Sacramento Local Agency Formation Commission is an independent agency established by the State Legislature. LAFCo's process city annexations, formation of new districts, consolidations of special districts, sphere of influence amendments, and incorporation of cities. LAFCo regulates boundary changes and various reorganizations of local governments. LAFCo's were created to encourage the orderly formation of local governments, prevent urban sprawl, encourage orderly development and preserve open space and agricultural lands.

The Cortese Knox Hertzberg Local Government reorganization Act of 2000 is the enabling legislation commencing in Government Code Section 56000.

Qualifications

Sacramento LAFCo is seeking a contractor to provide the highest quality legal services with proven expertise in state, municipal, environmental, planning and zoning, local government proceedings, and special district enabling acts as well as general law issues. The successful contractor will have experience in providing legal services to cities, counties, special districts, and preferably a background in LAFCo.

Required qualifications include familiarity with the function and purpose of Local Agency Formation Commissions and knowledge of the Cortese Know Hertzberg Local Government Reorganization Act of 2000 and related Amendments, and related special district laws and principal acts. The successful contractor will also have expertise in public agency law and in advising public officials, administrators and employees on laws pertaining to local government administration, organization, regulations, and litigation matters. Typical matters include statutory compliance, contracting, California Environmental Quality Act, the Brown Act, ethics and conflict of interest law, public records requests, personnel and employment, and Intergovernmental relations. In addition, the contractor should be familiar with Redevelopment Law, real estate, real property law and taxes, land development, planning and zoning laws, and other legal issues that may impact Local Agency Formation Commissions. In addition, the firm

should be familiar with emerging issues such as climate change, flood control, air quality, state and federal endangered species acts, and habitat conservation plans and compliance.

Greater weight will be given to contractors with LAFCo experience and expertise.

Typical Responsibilities

- Serve as LAFCo legal counsel as required
- Attend all regular (approximately 10 per year) and special LAFCo meetings (as needed). Regular meetings are held on the first Wednesday of the month at 5:30 pm.
- Attend meetings with the Executive Officer as needed.
- Available for telephone and email contact as needed.
- Provide legal advice to the Executive Officer on Commission matters
- Review and prepare Resolutions as needed.
- Review and prepare legal opinions as needed.
- Review and/or prepare contracts and indemnification Agreements.
- Prepare reports and present information at public meetings and to Commissioners as required.
- Represent the Commission in litigation matters.

Terms of Agreement

One year contract-may be renewed annually

Fee for Service – provide legal services as needed

Rates and Charges should be for FY 2009-10

Required Information

- Name, address, telephone number of your law firm and the name of a contact person
- Statement of Qualifications
- Describe the firm's background and experience in providing general legal services to local government agencies and LAFCo's.
- Identification and resume of individuals who would serve as LAFCo's general counsel, and the availability to attend regular meetings as well as accessibility by LAFCo staff.
- Proposed hourly charges for the firm and the billing process.
- Additional costs that are not included in the hourly rate.
- List of representative clients
- List of References and permission to contact references.
- Statement regarding any potential conflict of interest.

- Any other information that you may believe would assist the Commission in reviewing the qualifications of your law firm and the identified individual who would serve as LAFCo general legal counsel.

Submission of Proposal

Please deliver four copies of your proposal with a cover letter including a proposed contract between LAFCo and your firm.

Proposals to provide general legal services must be received in the LAFCo office by 5:00 p.m on February 15, 2009. Please address your proposal to:

Sacramento Local Agency Formation Commission
Peter Brundage, Executive Officer
1112 I Street, Suite 100
Sacramento, California 95814

Selection Criteria

- A. Expertise and Experience of the Law Firm and Key Individual: This includes the law firm's experience in comparable government engagements, the quality, experience, expertise and depth of the professional personnel to be assigned to the engagement, current standing with the California Bar Association. Greater weight will be given to contractors with proven LAFCo experience and practice.
- B. Cost: The hourly rates of the assigned personnel, any overhead charges that may be applicable, or other special charges that would apply.
- C. Availability of personnel to attend regular meetings and accessibility to staff.

Selection Process

The proposals will be screened and ranked by an ad hoc committee of the Commission. The most qualified firms may be requested to be interviewed by the Selection Committee based on their proposal. The full Commission will deliberate and determine the successful bidder. A professional Services Agreement will be executed with the successful bidder.

LAFCo reserves the right to reject any and all proposals, modify the scope of services as necessary.

Information

For further information, please contact Peter Brundage, Executive Officer, at 916-874-5935 or peter.brundage@saclafco.org.

DRAFT RFP for ENVIRONMENTAL SERVICES

December 15, 2008

To: Interested Parties

From: Peter Brundage
Executive Officer

Environmental Services for the Sacramento Local Agency Formation Commission are currently provided under contract. From time to time, the Commission solicits Requests for Proposal to assess the competitiveness of the current contract. The Commission desires preliminary information regarding firms who may be interested in providing general environmental services to Sacramento LAFCo.

LAFCo's environmental consultant works closely with the Executive Officer to provide environmental services and advice related to Sacramento LAFCo. Duties of the environmental consultant include but are not limited to the following. Provide environmental review of Environmental Impact Reports on LAFCo matters related to local government reorganizations, sphere of influence amendments, incorporations, annexations, prepare Notice of Exemptions, conduct Initial Studies, and prepare Negative Declarations and Mitigated Negative Declarations, and Mitigation Monitoring Plans. The consultant should be qualified with the California Environmental Quality Act, planning and zoning law, municipal government laws, the relationship of local agencies, regional planning issues, Cortese Knox Hertzberg Local Government Reorganization Act of 2000, Sacramento LAFCo Policies, Procedures and Standards, habitat conservation Plans, California Endangered Species Act, and National Environmental Protection Act..

The firm would need to be able to meet with LAFCo as needed on various matters and projects, and attend meetings as necessary.

If you are interested in this opportunity, please review the attached Request for Proposal and provide a response by February 15, 2009.

Please contact me at 916-874-5935 or peter.brundage@saclafco.org if you have any further questions.

Sincerely,

Sacramento Local Agency Formation Commission

Peter Brundage
Executive Officer

Request for Proposals for Environmental Services

Issue Date: December 15, 2008

Due Date: February 15, 2009 (5:00 p.m.)

The Sacramento Local Agency Formation Commission is accepting proposals for environmental review services under a contract to provide environmental analysis, comments and preparation of environmental documents for Sacramento LAFCo. The selected consultant will serve at the pleasure of the Executive Officer and work under the direction of the Executive Officer.

LAFCo Overview

The Sacramento Local Agency Formation Commission is an independent agency established by the State Legislature. LAFCo's process city annexations, formation of new districts, consolidations of special districts, sphere of influence amendments, and incorporation of cities. LAFCo regulates boundary changes and various reorganizations of local governments. LAFCo's were created to encourage the orderly formation of local governments, prevent urban sprawl, encourage orderly development and preserve open space and agricultural lands.

The Cortese Knox Hertzberg Local Government reorganization Act of 2000 is the enabling legislation commencing in Government Code Section 56000.

Qualifications

Sacramento LAFCo is seeking an environmental consultant to provide the highest quality environmental services with proven expertise in state, municipal, environmental, planning and zoning, and local government proceedings. The successful contractor will have experience in providing environmental services to cities, counties, special districts, and preferably LAFCo.

Required qualifications include familiarity with the function and purpose of Local Agency Formation Commissions and knowledge of the Cortese Know Hertzberg Local Government Reorganization Act of 2000 and related Amendments, and related principal acts and special district laws. In addition, the consultant should be familiar with Redevelopment Law, real estate, real property law and taxes, land development, planning and zoning laws, and regional planning issues and impacts that may affect projects pending before the Local Agency Formation Commissions. The consultant should be familiar with emerging issues such as climate change, flood control, and air quality.

Greater weight will be given to contractors with LAFCo experience and expertise.

Typical Responsibilities

- Serve as LAFCo environmental consultant as required.
- Attend meetings with the Executive Officer as needed.
- Attend Commission meetings if necessary.
- Available for telephone and email contact as needed.
- Provide environmental advice to the Executive Officer related to pending applications
- Review and prepare environmental documents.
- Review and prepare Mitigation Monitoring and Reporting Programs.
- Prepare reports and present information at public meetings and to Commissioners as required.

Terms of Agreement

One year contract

Fee for Service – provide environmental services as needed

Hourly Rates provided should be for FY 2009-10.

Required Information

- Name, address, telephone number of your law firm and the name of a contact person
- Statement of Qualifications
- Describe the firm's background and experience in providing environmental services to local government agencies and LAFCo's.
- Identification and resume of individuals who would serve as LAFCo's environmental consultant, and the availability to attend regular meetings as well as accessibility by LAFCo staff.
- Proposed hourly charges for the firm and the billing process.
- Describe additional costs that are not included in the hourly rate.
- List of representative clients
- List of References and permission to contact references.
- Statement regarding any potential conflict of interest.
- Any other information that you may believe would assist the Commission in reviewing the qualifications of your firm.

Submission of Proposal

Please deliver four copies of your proposal with a cover letter including a proposed contract between LAFCo and your firm.

Proposals to provide general environmental services must be received in the LAFCo office by 5:00 p.m on February 15, 2009. Please address your proposal to:

Sacramento Local Agency Formation Commission
Peter Brundage, Executive Officer
1112 I Street, Suite 100
Sacramento, California 95814

Selection Criteria

- A. Expertise and Experience of the Environmental Firm and Key Individual: This includes the firm's experience in comparable government engagements, the quality, experience, expertise and depth of the professional personnel to be assigned to the engagement. Greater weight will be given to contractors with proven LAFCo experience and practice.
- B. Cost: The hourly rates of the assigned personnel, any overhead charges that may be applicable, or other special charges that would apply.
- C. Availability of personnel to attend regular meetings and accessibility to staff.

Selection Process

The proposals will be screened and ranked by an ad hoc committee of the Commission. The most qualified firms may be requested to be interviewed by the Selection Committee based on their proposal. The full Commission will deliberate and determine the successful bidder. A professional Services Agreement will be executed with the successful bidder.

LAFCo reserves the right to reject any and all proposals and to modify the scope of services as necessary.

Information

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