



# **REQUEST FOR PROPOSALS**

**For**

## **LEGAL COUNSEL SERVICES**

**Issued: August 8, 2018**

**Proposals Due: September 7, 2018 @ 2:00PM**

**CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY  
1850 Mt. Diablo Blvd., Suite 320  
Walnut Creek, CA 94596  
(925) 906-1801**

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**Request for Proposals**  
**RecycleSmart Legal Counsel Services**

**I. INTRODUCTION**

**A. General Information**

The Central Contra Costa Solid Waste Authority (hereinafter "RecycleSmart") is seeking responses from qualified law firms to provide legal services as RecycleSmart Legal Counsel. The firm must be qualified to provide legal expertise in the areas of general local government, solid waste, environmental law, employment, and contracting. A description of the services sought is described herein. A three-year engagement with options for two (2) one-year extensions is contemplated.

**B. Submittal Information**

Firms interested in being considered for this engagement must submit written qualifications and proposals in accordance with the specifications and procedures contained in this RFP document. Proposals will not be accepted if submitted after the closing date and time indicated.

Proposals Due:           **September 7, 2018 @ 2:00 p.m.**

Location:                   **RecycleSmart**  
                                  **1850 Mt. Diablo, Suite 320**  
                                  **Walnut Creek, CA 94596**

RecycleSmart reserves the right to reject any proposals submitted which are deemed non-responsive to the proposal requirements as outlined herein. Additionally, RecycleSmart does not assume any responsibility for costs incurred responding to this RFP.

**C. Inquiries**

Prospective firms desiring an explanation or interpretation of this RFP must request so in writing within 10 days after the issuance of this RFP. Any information prepared in response to the inquiry will be provided to all prospective firms if that information is necessary in submitting qualifications. Inquiries regarding this RFP should be sent by email to [Authority@RecycleSmart.org](mailto:Authority@RecycleSmart.org). A copy of each proposal will be retained and will become subject to disclosure under the Public Records Act after the award of a contract. In addition, the contents of any inquiries may be used by RecycleSmart in circulating a response to all interested firms.

## **II. DESCRIPTION OF RECYCLESMART**

The Central Contra Costa Solid Waste Authority (also known as RecycleSmart) is a local government joint powers authority, whose member agencies include: the Towns of Danville and Moraga, and the Cities of Lafayette, Orinda, and Walnut Creek, and surrounding unincorporated Central Contra Costa County.

RecycleSmart is responsible for managing the solid waste programs for its member agencies, including developing and implementing programs that enable its member agencies to meet or exceed the State-mandated goals of reducing and recycling solid waste. RecycleSmart has a franchise agreement with Republic Services for the collection, transfer, and disposal of residential and commercial solid waste and for the collection of all recyclables and organic waste. Processing and sales of recyclables is franchised with Mt. Diablo Recycling.

RecycleSmart is governed by a twelve-member Board of Directors comprised of two representatives from each of its member agencies. RecycleSmart has formed two standing committees to review matters before they are considered by the full body. The two committees are the Personnel Committee, and the Finance and Administration Committee. The RecycleSmart Board also creates ad hoc committees as needed. At the time of the issuance of this RFP, there are four ad hoc committees. RecycleSmart has six full-time staff and regularly contracts with a number of consultants on special projects.

## **III. SCOPE OF SERVICES**

### **A. General Counsel**

RecycleSmart is soliciting the services of a qualified full-service law firm to provide services as Legal Counsel to the Board of Directors and RecycleSmart staff.

Expectations for general counsel services include:

- 1) Attendance at all meetings of the Board of Directors (fourth Thursday of the month at 3:00 p.m.) and special meetings, if called. Attendance may also be needed at standing committee meetings and ad hoc committee meetings depending on the matters under consideration. There are usually no meetings held during the months of August and November.
- 2) Provide general legal advice and counsel to the Board of Directors, Executive Director and other RecycleSmart staff related to matters important to a public solid waste agency.
- 3) Research and interpret laws, proposed legislation, court decisions and other legal authorities in order to prepare legal opinions and to advise the Board of Directors and staff accordingly. Alert RecycleSmart in a timely manner regarding new State or Federal legislation or judicial decisions that may impact RecycleSmart and propose appropriate action(s) to assure compliance.
- 4) Review and assist in preparation of Board (and, as needed, Committees) meeting agenda packets, as well as resolutions, ordinances, contracts, agreements, memoranda, and other writings as needed.
- 5) Present written or oral reports or advice to the Board.

- 6) Coordination of required work of outside legal counsel retained by RecycleSmart for bond financing, environmental compliance, litigation, or other proceedings, as needed.
- 7) Provide advice on the application of RecycleSmart ordinances to the operation of RecycleSmart, and on matters pertaining to the organization of RecycleSmart, contracts, procurement, conflicts of interest, personnel and environmental analysis. Advise on RecycleSmart policies and procedures and on the legal impact and/or consequence of administrative policy decisions.
- 8) Maintain RecycleSmart's standard contract provisions in contracts with vendors, consultants, or contractors.
- 9) Advise on public employment law matters.
- 10) Ability to represent RecycleSmart in judicial proceedings in both simple and complex litigation, and in arbitration and mediation.
- 11) Time incurred for internal conversations, consultation, emails, memoranda, cross training, etc. between attorneys, paralegals and other staff within the firm.
- 12) Other routine legal advice, consultation and opinions to RecycleSmart Board and staff in areas such as: public meetings, public records, contracts, Political Reform Act, conflict of interest, fees and taxes, CEQA, environmental and hazardous material laws, litigation, risk management, procurement of goods and services, joint powers authority governance, and knowledge of California and federal law as it applies to a solid waste joint powers authority.
- 13) Lead Counsel will be generally available to meet with staff and Ad Hoc Committees at RecycleSmart offices.

**B. Additional Services**

Litigation, special projects, complex new laws or regulations, or other complex or large matters may require services beyond that which are encompassed in general counsel services. Effective communication will be essential to ensure that the need for additional services is discussed in advance and with a reasonable expectation of the amount of legal services required. It may be in RecycleSmart's best interest to retain additional outside counsel for unique or specialized matters of law. In those circumstances RecycleSmart general counsel may be asked to coordinate with outside counsel.

**IV. PROPOSAL REQUIREMENTS**

**Submittals must be prepared and organized based on the following requirements:**

- a. **Cover Letter** – The cover letter should describe the firm's interest and convey an understanding of and commitment to provide the nature of the services sought by RecycleSmart. The letter must be signed by a person authorized by the firm to make binding representations.
- b. **Firm Overview** – Describe the firm's history, organization, qualifications, experience and areas of law served by the firm. Please emphasize the specific qualifications and experience applicable to serving in capacities similar to RecycleSmart's requirements. Include a description of the firm's experience working in this geographical area.

- c. **Lead Counsel/Team** – Identify and describe the representative of the firm who will serve as the primary Lead Counsel. Additionally, identify and describe other members of the team that may serve as backup lead counsel or support, particularly any team member with solid waste industry expertise. Discuss the role and responsibilities of each assigned representative intended for this engagement. Please include biographical resumes to describe experience, specific areas of legal expertise, law school accreditation, and related professional affiliations for each assigned representative. An organizational chart may be included.
- d. **References** – Provide the contact information of three clients that RecycleSmart may contact as a reference for the firm and lead counsel.
- e. **Administrative Procedures** – Describe your firm’s policies and system for tracking time for services provided. Explain how you intend to provide the required services in a timely manner.
- f. **Compensation** – Please describe the following:
  - Hourly Rates – Specify the hourly rates for services as differentiated between attorney, paralegal, etc.
  - Retainer, if applicable.
  - Expenses – Describe the type of out-of-pocket expenses or other items your firm would seek reimbursement for and the expected annual range for budgetary purposes.
  - Other – Describe any other fees, administrative or other rates that may apply for the use of outside counsel or any other circumstance.
- g. **Other Information** – Provide any additional relevant information that may be helpful in the selection process.

## V. **PROPOSAL FORMAT**

Proposals should be prepared in electronic and printed versions. The electronic version should be a single file readable by Adobe Acrobat with the same information, order and content as the printed version. Store the electronic version on either a CD-ROM or flash drive and include with the original proposal. All printed versions should be tabbed (1, 2, 3, etc.) consistent with the Proposal Contents described earlier and placed in a standard 3-ring binder. Three (3) printed copies are required. Hand carried proposals may be delivered to the address above only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays observed by the agency.

**VI. PROPOSAL SCHEDULE**

The following is a list of key dates up to and including the date services begin.

<b>Action</b>		<b>Date*</b>
1.	Request for Proposals Issued	August 8
2.	Pre-proposal Questions Due	August 20
4.	Due Date for Proposals	September 7 by 2:00PM
5.	Oral interviews, if needed by Staff	TBA
6.	Contract negotiations	TBA
7.	RecycleSmart Board approval	TBA
8.	Contract start date	February 1, 2019

\*Dates subject to change at the discretion of RecycleSmart

**VII. EVALUATION PROCESS**

Proposals will be evaluated for responsiveness to RecycleSmart’s requirements. All proposals will be evaluated based on the following criteria:

1.	Experience and qualifications of the firm and the attorneys who will perform the work
2.	Expertise with laws and regulations governing joint powers authorities, municipalities, and the solid waste industry
3.	Meeting minimum proposal requirements
4.	Cost and fee information
5.	Demonstrated ability and experience of Lead Counsel in Contra Costa County

Depending upon the responses to this RFP, RecycleSmart may elect to hold evaluative interviews either in-person or via conference call. However, RecycleSmart reserves the right to select a proposer based on an evaluation of the written proposals received and references, thereby eliminating interviews.

RecycleSmart reserves all its rights in this RFP process, including not selecting a provider/contractor through this process.

**VIII. OTHER**

Please visit our website [www.recyclesmart.org](http://www.recyclesmart.org) for a copy of this RFP and any additional requirements that may be issued.