

MENDOCINO COAST RECREATION AND PARK DISTRICT
REQUEST FOR PROPOSALS FOR PROFESSIONAL LEGAL SERVICES



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PROFESSIONAL LEGAL SERVICES
MARCH 15,2024

I. INTRODUCTION

A. General Information

Mendocino Coast Recreation and Park District (MCRPD) is requesting proposals (RFP) from qualified law firms to provide legal services and serve as Legal Counsel for MCRPD.

As District Legal Counsel, the firm will report to the Board of Directors, work under direction of and in concert with the District Manager and MCRPD staff and be expected to provide a broad range of general legal services to MCRPD, including those specific to a governmental recreation and park agency. Employment of the successful firm will be by way of MCRPD contract.

There is no expressed or implied obligation for MCRPD to reimburse the responding firms for any expenses incurred in preparing or submitting proposals in response to this request. Materials submitted by respondents are subject to public inspection under the California Public Records Act (Government Code Sec. 6250 et seq.), unless exempt. Additionally, MCRPD reserves the right to reject, at its sole discretion and for any reason, any or all proposals submitted.

MCRPD reserves the right to retain all proposals submitted and to use any/all ideas contained in a proposal regardless of whether the firm submitting that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless formally requested by the firm in its proposal and agreed to in advance by MCRPD.

Proposals submitted will be evaluated by the Board of Directors or a Subcommittee designated by the Board for such purpose. During the evaluation process, MCRPD reserves the right to request additional information and clarifications from candidate firms, or to allow corrections of errors or omissions. Oral presentations by any one or more firms may be requested during the week of May 1, 2024, at the MCRPD's discretion. After a period of evaluation, the Board of Directors or the Subcommittee of the Board will provide its recommendation of a law firm to the full Board of Directors at its May 15, 2024, meeting. The Board will make a final selection of a firm to serve as District Counsel.

Following notification of the selected firm, it is expected a contract will be executed between both parties by June 19, 2024.

II. DESCRIPTION OF THE MENDOCINO COAST RECREATION AND PARK DISTRICT

A. Background Information

Mendocino Coast Recreation and Park District, (MCRPD), is a special district in Mendocino County, California and was created by public vote in 1972. It is an Independent Special District governed by the State of California Public Resources Code. MCRPD provides recreation and park services and facilities for the 75 miles of coastline

in Mendocino County bounded approximately by Humboldt County to the north, Sonoma County to the south. MCRPD is governed by a five-person, elected Board of Directors, each of whom serves a four-year term.

MCRPD owns the property and acts as landlord for Mendocino Coast Botanical Gardens which is 47 acres in Fort Bragg, CA.

MCRPD runs recreation programs from Westport, California to Gualala, California.

MCRPD's Fiscal Year (FY) 2023-24 adopted operating budget reflects total revenues of \$444,983 of which \$340,000 of MCRPD's revenue comes from property taxes. The remaining \$104,983 of annual revenues is comprised of earned income from programs. More detailed information on MCRPD and its finances can be found in MCRPD's FY2023-24 Operating and CIP budget and the FY2021-22 Financial Audit, both of which may be obtained from MCRPD's website www.mendocoastrec.org

The staff currently consists of 12 year-round employees, of which 2 are full-time and 10 are part-time, none of whom receive perquisite benefits. MCRPD's employees are not represented by a union.

III. **SCOPE OF WORK**

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," and shall include, but not necessarily be limited to, the following:

1. Act as the confidential legal advisor to the Board of Directors, the District Manager and MCRPD staff.
2. Advise MCRPD regarding the conduct of all MCRPD Board meetings, elections and referenda, recalls and the initiative process.
3. Assist in the preparation and review of all general and specific legal documents related to the conduct of MCRPD's business affairs, including but not limited to the following: the Board's legislative or judicial actions or decisions, contracts, easements, deeds of trust, all forms of agreements, leases, ordinances, resolutions, notices, certificates, property acquisitions, disposition documents and other related documents.
4. Attend all regular Board meetings (typically held the third Wednesday of the month), and special Board meetings (called as needed) on request, and other meetings and conference calls as needed and/or as requested. Teleconference attendance is acceptable.
5. Attend, and prepare presentations and documents for, all Board Closed Sessions on legal or confidential matters and provide legal advice during those sessions. Teleconference attendance is acceptable.
6. Review and advise on Board Agendas as directed.
7. Monitor current, new and pending state and federal legislation, and case law as applicable to MCRPD, and inform and advise Board members and the District Manager regarding compliance issues and/or impacts to MCRPD.

8. Perform research and interpret laws, court decisions and other legal authorities in order to render legal opinions and advise the Board and District Manager on legal matters pertaining to MCRPD.
9. Provide legal counsel to MCRPD regarding Fire Code application, Land Development, Building Safety Laws, Public Works, Zoning and Planning laws, the state Public Resources Code, Local Agency Formation Commission actions, and the correct application of the California Environmental Quality Act.
10. Provide legal counsel to MCRPD for Human Resources policies and issues, including personnel actions and appeals.
11. Provide all ordinance enforcement legal services, including restraining orders, encroachment permits and rental agreements.
12. Respond to inquiries from MCRPD within 24 hours of the initial contact and maintain reasonable availability to respond to events of an emergent nature that expose MCRPD to potential legal liability.
13. Represent MCRPD in litigation and/or arbitration, administrative hearings, and court proceedings.
14. Negotiate and/or render advice with respect to negotiations pertaining to MCRPD contracts, joint powers agreements, leases and memoranda of understanding.
15. Advise MCRPD on all new laws and regulations with application to elected officials, Special District governance and operations, and recreation and park agency-related business.

IV. TIMING AND OTHER REQUIREMENTS

1. Key Dates for Proposals Evaluation and Selection:

Time Table	
Distribution of RFP	<i>March 15, 2024</i>
Deadline for submission of questions	<i>March 29, 2024</i>
Proposal submission due date	<i>April 5, 2024</i>
Proposal review	<i>April 8-12, 2024</i>
Notification to all proposers	<i>April 17, 2024</i>
Oral presentations, as needed	<i>April 22-26, 2024</i>
Board approval	<i>May 15, 2024</i>
Notification to finalists	<i>May 16, 2024</i>
Expected signing of Contract	<i>June 19, 2024</i>

The District has made every effort to include sufficient information within this Request for Proposals to enable as responsive, comprehensive, and competitive proposals.

The timing of the proposal process is as follows:

- A. **Distribution of Request for Proposals:** March 15, 2024.
- B. **Questions:** Inquiries concerning the RFP should be addressed Kylie Felicich, District Manager, kfelicich@mcrpd.us Additional information is available from the District's website at www.mendococastrec.org

- C. **Proposal Submission:** An electronic proposal or hard copy must be received no later than 5:00 P.M. March 29, 2024

Proposals by mail should be sent to;
Mendocino Coast Recreation and Park District
P.O. Box 532 Fort Bragg, CA 95437
Attn. Kylie Felicich District Manager

Electronic proposals should be sent to:
Kylie Felicich, District Manager, kfelicich@mcrpd.us

- D. **Proposal Review:** The Board or Subcommittee will evaluate each proposal submitted. MCRPD expects that the review process will be completed by April 12, 2024
- E. **Notification to all proposers:** We anticipate sending written email notification to all proposing firms regarding the outcome of the review process April 17, 2024
- F. **Oral Presentations, if needed:** During the notification to all proposing firms, any finalists selected for an oral presentation will be so notified. Oral presentations, if conducted, will take place via teleconference April 22 through April 26, 2024
- G. **Notification to finalists:** The Board or review committee will forward its recommendation to Mendocino Coast Recreation and Park District Board of Directors for approval at the regularly scheduled meeting on May 15, 2024. All finalists will be notified of the final decision by email posted May 16, 2024. Upon written request, we will provide an electronic copy of the selected proposal after the contract is executed.
- H. **Contract Term:** The Legal Services contract will become effective on the execution of the contract for two (2) years with an option to extend the contract as agreed upon. An annual review by the Board of Directors will be stipulated in the contract for legal services.

MCRPD will make every effort to administer the proposal process in accordance with the terms and dates discussed in this RFP. However, MCRPD reserves the right to modify the proposal process and schedule at sole discretion and reserves the right to not award a contract. MCRPD assumes no obligation for any costs incurred by any proposer in preparing the response to this request, attending an interview, or any other activity prior to awarding the contract to the selected proposer.

V. **PROPOSAL REQUIREMENTS**

A. **Format of Proposal**

1. Title page
 - a) The RFP subject.

- b) The proposing firm's name.
 - c) Primary contact person's name, local address, telephone number, and email address. If the firm has more than one office, state which office will be responsible for providing services to MCRPD.
 - d) The date of submission.
2. Table of Contents
- a) Identification of material submitted, by section and page number.
 - b) Cross reference to section and page number of RFP.
3. Transmittal Letter
- a) General introduction stating the proposer's understanding of the services to be provided.
 - b) A positive commitment to perform the service within the time period specified.
 - c) A statement explaining how the firm is the best qualified to perform the engagement.
 - d) A statement of tenure in business and description of clients similar to MCRPD that were served by your firm during the past five (5) years.
 - e) A statement that the proposal is a firm and irrevocable offer for the stated period of time.
 - f) Name(s) of person(s) authorized to represent the proposer, title, address, telephone number, and email address.
 - g) Signature.
4. Detailed Proposal Following the Order Set Forth in Section B

B. Contents of Proposal

The purpose of the Proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to provide legal services to MCRPD in conformity with the requirements of this RFP. The Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify how the firm will meet the RFP requirements.

The Proposal should address all the points in the order outlined in the RFP (exclude any cost information, which should only be included in the cost proposal section). The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the RFP. While additional data may be presented, the areas detailed below must be included. They represent the criteria against which the proposal will be evaluated.

1. License to Practice in California

An affirmative statement should be included that the firm and all assigned key professional staff are properly licensed to practice law in California.

2. Independence

The firm should provide an affirmative statement that it is independent of the Mendocino Coast Recreation and Park District as defined by law.

The firm should also list and describe the firm's professional relationships involving MCRPD for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing MCRPD's legal services.

3. Insurance Requirements

In order to provide services to MCRPD, your organization must maintain the following insurance:

- A. Worker's Compensation and Employer's Liability Insurance in accordance with the applicable laws of the state of California or in accordance with the applicable laws of the State in which the contractor is obligated to pay compensation to employees engaged in the performance of the work. The policy limit shall not be less than five hundred thousand dollars (\$500,000) per occurrence with one million dollars (\$1,000,000) aggregate.
- B. Commercial General Liability and Bodily Injury Insurance. A commercial general liability insurance policy for at least two million dollars (\$2,000,000) combined limit for bodily injury and property damage.
- C. Professional liability (E&O) insurance covering the work, the performance of the work and everything incidental thereto, with limits of not less than two million dollars (\$2,000,000.00) per occurrence combined single limit, or in whatever higher amounts as may be required by MCRPD's insurer. The policy shall be on a claims-made basis and designated as such on the certificate.
- D. This policy shall be endorsed to cover Contractual liability assumed by the contractor under the indemnity agreement set forth below. If any of the work is sub-contracted, independent contractor's liability insurance must provide coverage in connection with such portion of the work, sub-contracted, broad form property damage liability, and personal injury liability.
- E. Automobile Liability and Property Damage Insurance, including coverage on owned, hired, and non-owned automobiles and other vehicles, if used in connection with the performance of the work, with bodily injury and property damage limits of not less than one million dollars (\$1,000,000.00) per person/per occurrence.
- F. Insurance covering loss of customer data and or data breach with limits of not less than one million dollars (\$1,000,000.00).

Prior to commencing any work hereunder, the firm shall provide to MCRPD proper certificates demonstrating that the types and amounts of insurance coverage specified above and any endorsements required hereunder are properly issued and in effect, and provide that MCRPD, its officers, employees and agents are named additional insureds under the policy. The policy shall state in writing either on the Certificate of Insurance or attached rider thereof that this insurance will operate as primary insurance for work performed by your organization, its employees, agents and sub-contractors, and that no other insurance carried by MCRPD, or other named insured

will be called on to cover a loss covered thereunder.

4. Firm Qualification and Experience

To qualify, the firm must have extensive experience in providing legal services to local governments, preferably special districts and ideally in service to public recreation and parks.

The proposal should briefly introduce your firm, indicating whether your firm is local, regional, national, or international. State the size of the firm, the size of the firm's governmental services staff, the location of the office from which the work on this contract is to be performed (MCRPD has a strong preference to work with a firm whose office and assigned staff are located in Northern California), the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis. Indicate the name of the person who will be authorized to answer questions and to bind the firm, the person's title, address, email, and telephone number.

The proposer should not be a joint venture or consortium.

5. Staff Qualifications and Experience

Identify the senior-level staff, including those who would be assigned to this contract on an ongoing basis. Please provide information on the governmental experience of these individuals. MCRPD reserves the right to approve or reject any replacements in the senior-level staff providing legal services to MCRPD.

Include resumes of those who will be providing legal services to MCRPD.

6. References

Please provide the name of all cities, counties, and special districts for which the firm has provided legal services during the past three (3) years. Indicate the scope of work, date, legal services clietn, total hours.

Please include reference contact information for at least three local government agencies, including the name, telephone number and email address of the principal client contact. MCRPD reserves the right to contact any or all of the listed references.

7. Delegation or sub-contract responsibilities

The proposer will not delegate or sub-contract its responsibilities without prior written consent of MCRPD.

8. Cost Proposal and Additional Services

- A. **Monthly Retainer.** Proposals shall include a cost per month flat-fee retainer for basic services to include preparation for and attendance at two regular Board meetings each month and legal advice to Board and staff. If only one Board meeting is held in the month, the cost would be reduced proportionately.
- B. **Hourly Litigation and Other Services.** Any such additional work agreed to between MCRPD and the firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the Cost Proposal section. Any and all additional work as agreed in advance by MCRPD shall be compensated for at the same rate quoted in the schedule submitted in the proposal. Firms may propose an alternative to this method of compensation.

VI. EVALUATION PROCEDURES

Proposals will be evaluated using the following criteria: compliance with the specifications of this RFP, past experience that demonstrates the firm's ability to meet MCRPD's scope of work for legal services, qualifications of staff that would work on MCRPD's legal services, references, and price. The top candidates may be invited to make an oral presentation to a committee representing the Board of Directors.

MCRPD anticipates that the Board of Directors will select a firm on May 17, 2024. Following notification of the firm selected, MCRPD expects a contract will be executed between both parties by June 19, 2024.

Kylie Felicich

District Manager

Mendocino Coast Recreation and Park District

707-409-2760

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