

## **Request for Proposals**

---

### **Upper Valley Waste Management Agency Counsel Services General and Liability Legal Services**

Contact: Steven Lederer, Agency Manager  
Phone: 707-253-4351 Email: [steven.lederer@countyofnapa.org](mailto:steven.lederer@countyofnapa.org)

Deadline for Submittal is 4:00 P.M, February 13, 2020

**Upper Valley Waste Management Agency  
Request for Proposals  
Counsel Legal Services**

The Upper Valley Waste Management Agency (UVA) invites interested legal firms or individual practitioners to submit written proposals to provide legal services for the Agency.

The Agency seeks either a law firm that can provide an individual associated with the firm or an individual to serve as the part-time Counsel for the agency, as well as provide diverse legal services to the organization on a part-time contractual basis.

Proposals from interested legal firms or individual practitioners are due by **4 P.M. Thursday, February 13, 2020.**

**UVA Background Information**

The Upper Valley Waste Management Agency (UVA) was founded in 1993 as a Joint Powers Authority (JPA) with purpose of setting waste hauling and landfill fees and development of recycling and other diversion programs that are required to meet the mandates of AB 939 (adopted in 1989), and other waste management regulations and mandates subsequently issued. The members of the Agency are the Town of Yountville, the cities of St. Helena and Calistoga, and Napa County. The Agency has a 5 member Board (two members from the County, one for each of the other members), and is staffed primarily by employees from Napa County. The current Agency Manager is Steven Lederer, who is also the County's Public Works Director. The Agency primarily accomplishes its mission through two longstanding Franchise Agreements, one with Upper Valley Disposal Services (UVDS) for collection of waste and recycling, and a separate agreement with Clover Flat Landfill, which owns and runs the only operating landfill in Napa County. The Agency is funded by a \$7.50/ton surcharge on waste disposed of at the landfill and runs an annual operating budget of approximately \$300,000/year.

Counsel services have been provided by Napa County County Counsel for the life of the Agency. The UVA Board has stated that, in the interest of good government, a periodic review and competitive process would be worthwhile to ensure we are providing best value for the tax payer. County Counsel remains in good standing with the Agency and is eligible to reply to this solicitation for services. The current general legal services budget is approximately \$30,000 which does not include litigation and special services costs. We are a small agency that meets 6-8 times per year on average.

Please refer to the Agency's website for more detailed information. (<https://www.countyofnapa.org/1534/Upper-Valley-Waste-Management-Agency>)

## **What is the Agency looking for from its Counsel?**

The Agency seeks a dynamic and involved Counsel to serve as legal advisor to the Board and staff to support them in the delivery of high quality services consistent with AB 939, other relevant legislation and regulations, and our Franchise Agreements.

The majority of the Agency's anticipated legal services work includes that of legal advisor in Board meetings, and management of the Agency's legal issues as they arise. There is no current or anticipated litigation that the Agency is involved in.

## **Scope of Service Requested**

The Agency is soliciting the interest of qualified professional law firms or an individual to provide a full range of waste related legal services on a part-time contractual basis. The period of contract will be one year, with automatic annual renewals contemplated based on a mutually agreeable working relationship.

The Counsel works for the Board at the general direction of the Agency Manager. The successful applicant must be licensed to practice law in the State of California. A strong generalist background in solid waste services is preferred.

The successful Counsel will be expected to provide the following services, including but not limited to:

1. Represent and advise the Board, Agency Manager, and staff in all matters of pertaining to their role in the organization. Give advice or opinion on the legality of all matters under consideration.
2. Attend and represent the Agency's legal interests at Agency meetings and workshops. Regular meetings are held on the third Monday of every other month in the Yountville Town Hall at 1:30 p.m. On occasion, a meeting may be added or cancelled. The 2020 Agency meeting calendar can be found on the Agency's website.
3. Provide legal opinions, advice, assistance, consultation, and training to the Agency Board, Agency Manager and Agency staff. The range of services routinely include, but are not limited to the following areas of municipal law:
  - a) The Brown Act,
  - b) The Public Records Act,
  - c) Conflicts of interest
  - d) Contracts and franchises
  - e) Real estate and property transactions
  - f) Land use and environmental law (CEQA)
  - g) Enforcement of laws and regulations relating to Solid Waste and Landfills

- h) Pending and current state and federal legislation and court decisions
- i) Fees, rates, taxes, assessments, Propositions 26 and 218

The Agency Counsel will provide assistance to the Agency with regard to litigation and special services. On an as needed basis may be directed to recommend, manage, and monitor performance of selected outside special counsel to provide litigation or other special services.

**Submittal Guidelines:**

All parties interested in submitting proposals **must** provide specific and succinct answers to **all** questions and requests for information. Please answer the questions in the format and order presented. (Submissions of resumes alone will not be considered responsive to any specific question)

**A. Your Qualifications to Provide Services.**

In a cover letter, please describe the overall capabilities, qualifications, training, and areas of expertise for the partners/principals and associates that may be assigned to work with the Agency. Include in your response:

1. Name of individual(s) with resumes
2. Length of employment with firm
3. Specialization
4. Legal training
5. Scholastic honors and professional affiliations
6. Date of admittance to California Bar
7. Years of practice
8. Municipal, Solid Waste, or other local public sector experience (include billing summaries for the past five years if appropriate)
9. Knowledge of, and experience with applicable regulations relating to solid waste, waste hauling, recycling, landfills, and related fields.
10. Litigation experience and track record
11. Knowledge and practice of law relating to land use and planning, CEQA, environmental issues, hazardous waste and other related law
12. Experience in the area of contracts and franchises; preparation and review of ordinances and resolutions

13. Experience in the area of the Public Records Act and Brown Act

14. Experience establishing rates for collection and landfill services

15. If the firm, or any of the Counsels employed by the firm, have ever been successfully sued 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 of the situation.

**B. Approach to providing Legal Services.** Please include a written response which includes answers to the following questions:

1. Specify the individual that you propose for appointment as the Agency Counsel.
2. Specify the individual(s), if any, that you would propose as Assistant or Deputy Counsel and/or who would be designated as competent, substitute/backup legal representation for the agency in the event of the absence or unavailability of the Counsel.
3. Explain your proposed communication structure. Define the standard time frames for response by the Counsel to direction and/or inquiry from the Agency. (E-mail, text message, and phone call).
4. Specify intended office location and information regarding accessibility including hours and days of week for both emergency and regular contact.
5. The Agency utilizes a paperless agenda process using Granicus and Agenda net (a locally developed tool) that Counsel will need to utilize. Please confirm the connectivity of your office to allow this connection.
6. The Agency will require the firm/individual with which a contract is established, prior to commencement of work, to provide evidence of appropriate professional liability insurance, errors and omissions insurance, and workers compensation insurance coverage as needed. Describe how you would provide same and in what coverage amounts.

**C. Your Current Practices/Conflict of Interest**

1. Please list any political contributions of money, in-kind services, or loans made to any member of the Agency or its Member jurisdictions within the last three years by the applicant law firm and all of its Counsels, (including the Counsel being proposed to represent the Agency).
2. Please list all public clients for which you or your firm currently provide services, or are under retainer.

3. Please list all public clients for which you or your firm previously provided services over the last five years.
4. For the firm and/or the proposed Counsel, please specify current or known future professional commitments in order that the Agency may evaluate your continuing availability for providing legal services to the Agency.

**D. Your Professional References**

Please provide three professional and three personal references for the individual recommended for appointment. Include with each, the name, address, and work telephone number of the reference.

**E. Your Proposal for Compensation to Provide Services**

1. It is anticipated that the firm/individual will provide a system wherein basic services are provided under an hourly rate. Please provide alternative compensation structure if not proposing this type of approach.
2. Please include in your proposal the following:
  - a) Proposed hourly rate
  - b) Specific expenses for which firm will claim reimbursement including type and unit rate (i.e. rate for mileage, reproduction of documents, travel expenses, conference registration, if any, etc.)
  - c) Any additional charges or costs
3. The Agency utilizes a standard contract template for Professional Services. A copy is attached. Please identify if you have any exceptions to the proposed terms and conditions.

## **Evaluation and Selection Process**

All proposals are due by **4:00 p.m. on Thursday, February 13, 2020.**

1. Proposals will be carefully evaluated for:
  - a) Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government solid waste operations in a small municipal agency setting.
  - b) Capability to perform legal services promptly and in a manner that permits the Agency and staff to meet established deadlines and to operate in an effective and efficient manner.
  - c) Degree of availability and process for quick response to inquiries that arise out of day-to-day operating questions or problems.
  - d) Degree of availability for on-site meetings in a timely manner.
  - e) Degree to which firm and individual Counsels/counsel stay current through continued professional development and active communication with members of the municipal law field.
  - f) Inclusion of the all of the information and documents requested in RFP.
  - g) Written communication skills.
  - h) Proactive Approach to risk avoidance, training and consultation.
  - i) Cost of services.
2. Qualifications and references of the top candidates based upon proposal responses will be verified.

## **Selection Process**

Prescreening will be conducted by Agency Staff, and the most qualified firms will interview with the Agency Board at a public meeting. These interviews are anticipated for March or April. Participation in this interview process will be at no cost to the Agency.

The Agency will utilize an Ad Hoc committee and the Manager to negotiate the terms and conditions of a contract outlining duties and compensation with the selected party, which must then be approved by formal Board action. The Agency Board will formally select the winning candidate. The Agency may terminate the appointment at any time, with or without cause.

Legal services are anticipated to begin on or shortly after May 1, 2020.

## **Submittal Deadline**

Your response to this proposal must be submitted electronically to Steven Lederer, Agency Manager at [steven.lederer@countyofnapa.org](mailto:steven.lederer@countyofnapa.org). Proposals must be received electronically by **4:00 p.m. on Thursday, February 13, 2020**. Late proposals will not be accepted. All proposals received will be confidential and retained by the Agency as appropriate.

The Agency reserves the right to reject all proposals, to request additional information concerning any proposals 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 interest of the Agency, as determined by the Board.

The Board wishes to retain latitude in its ability to change Counsels and/or law firms should that become necessary. The individual(s) appointed shall serve solely at the pleasure of the Board. The Counsel is not an employee and may be terminated at any time by the Board, with or without cause.

All inquiries regarding this Request for Proposals and current legal services of the Agency should be directed to Steven Lederer, Agency Manager, telephone at (707) 253-4351 or (preferably) by e-mail at [steven.lederer@countyofnapa.org](mailto:steven.lederer@countyofnapa.org).

On behalf of the Agency Board, thank you for your consideration and efforts in responding to our RFP.

Steven Lederer  
Agency Manager