



REQUEST FOR PROPOSALS  
FOR LEGAL COUNSEL AND LEGAL SERVICES  
FOR THE WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT  
AUTHORITY

ISSUED: January 8, 2019

RESPONSES DUE: February 5, 2019, 5:00 P.M.

REQUESTED BY:

THE WEST CONTRA COSTA INTEGRATED WASTE  
MANAGEMENT AUTHORITY

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## **BACKGROUND ON THE AUTHORITY**

The West Contra Costa Integrated Waste Management Authority (Authority) is a joint powers authority (JPA) created in 1991 by the Cities of El Cerrito, Hercules, Pinole, Richmond, San Pablo, and Contra Costa County (“Member Agencies”). The Authority (aka RecycleMore) is responsible for managing solid waste management programs for its Member Agencies, including developing and implementing programs that enable its member agencies to comply with State law, including meeting or exceeding the State-mandated goals of reducing and recycling solid waste. The Authority provides these services through a Post-Collection Agreement with Republic Services. Authority staff is responsible for enforcing the provisions of the Post Collection+ Agreement, including the recycling and processing of all solid waste collected in the Authority service area; rate setting; household hazardous waste services; and outreach to residents, businesses and schools.

A seven member Board of Directors appointed by the Member Agencies of the Authority governs the Authority. Members of the Board of Directors are City Councilpersons from the Member Agencies. A member of the County Board of Supervisors sits as an ex officio member of the Board.

The Authority’s jurisdiction encompasses an area of about 74 square miles and is located in Western Contra Costa County. The population of the Region is approximately 200,000 living in approximately 70,000 households. The Authority has entered into a contract with Contra Costa County, which provides the basis for coordination of operations involving most of the unincorporated area located within West Contra Costa County.

The Authority’s member agencies reached their State mandated 50% waste reduction goal in 2006. The Authority has achieved an equivalent diversion rate of about 70% which is based on 2014 Annual Report figures submitted to CalRecycle. Several years ago, the State passed AB 341 (which includes mandatory commercial recycling and aims to reach a 75% recycling rate Statewide by 2020) and AB 1826 (mandatory organics recycling). The State is in the process of adopting regulations for SB 1383, which mandates more comprehensive organics management and additional operational requirements for haulers. The Authority is actively working with Republic Services to enhance existing programs and provide new programs to increase diversion to meet the requirements of AB 341 and AB 1826, and anticipates working with Republic Services to meet the requirements of SB 1383.

## **CURRENT ORGANIZATION**

The Authority current staffing level consists of five (5) full time employees; 1) One Executive Director position; 2) One (1) Manager of Office Administration position; 3) Two (2) Program Manager positions. 4) One Recycling Coordinator/Administrative Assistant position. There is also one limited term employee, who works specifically on AB 341 and AB 1826 compliance. This position is primarily funded through a grant.

The Authority is an organization in transition. The Executive Director is retiring on July 30, 2019, and a new Executive Director is expected to be hired in June or July 2019.

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## **AUTHORITY POST-COLLECTION AGREEMENT AND JEPA**

The Authority entered into a Post Collection Agreement with Republic Services that became effective in January 2014 and extends to June 30, 2025. Services include, but are not limited to, recyclables processing and marketing, organics processing and marketing, household hazardous waste programs, public outreach and school education services and other Post-Collection integrated waste management services. The Authority's one main revenue source, a tipping fee surcharge, is derived from provisions of the PCA.

The Authority Board has been working on an updated Joint Exercise of Powers Agreement (JEPA), which is the Authority's governing document. The updated JEPA will help define the Authority's future role and responsibilities through a list of core services included in the JEPA. It is anticipated the Authority and the member cities will approve the updated JEPA in 2019.

Law firms interested in submitting a proposal to this RFP may wish to obtain a copy of the Post-Collection Agreement (PCA) and the most recent draft version of the JEPA. To obtain a copy of the PCA or JEPA, please contact Ms. Melinda Wong at [melindaw@recyclemore.com](mailto:melindaw@recyclemore.com).

## **INTENT OF REQUESTED SERVICES**

The Meyers Nave law firm has provided Authority legal services since 2002, with Mr. Kenton L. Alm serving as Legal Counsel. Mr. Alm recently announced that he is semi-retiring, and will no longer be available to serve as Authority Legal Counsel. On December 13, 2018, the Authority Board decided that a Request for Proposal (RFP) process would benefit the Authority, and directed staff to prepare an RFP and encourage proposals from qualified law firms.

The Authority is seeking proposals from qualified law firms to provide legal services as Authority Legal Counsel. The firm must be qualified to provide legal expertise in the areas of general local government, solid waste management, environmental law, employment, and contracting. A description of the services sought is described below.

All law firms interested in submitting a proposal to this RFP are encouraged to send an email to [stanh@recyclemore.com](mailto:stanh@recyclemore.com) with the company name, address, phone number, and the name and email address of the primary contact person for the company. The Authority will use this contact information to provide any revisions or updates to the proposer if they should occur.

Questions regarding this RFP should be directed in writing to Stan Hakes, Executive Director, by email to [stanh@recyclemore.com](mailto:stanh@recyclemore.com) by the close of business on January 22, 2019. The Authority will provide a written response to all questions submitted by this time. Questions received after this time period may or may not be answered.

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## PROPOSED SCOPE OF SERVICES

### A. General Counsel

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

Expectations for general counsel services include:

- 1) Attendance at all meetings of the Board of Directors (second Thursday of the month at 7:00 p.m.) and special meetings, if called. Attendance may also be needed at committee meetings depending on the matters under consideration. At these meetings, General Counsel is expected to guide the Board and clarify rules about the Brown Act, Roberts Rules of Order, parliamentary procedures and other appropriate Board meeting procedures. There are usually no meetings held during the month of August.
- 2) Provide general legal advice and counsel to the Board of Directors, Executive Director and other Authority 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 Authority in a timely manner regarding new State or Federal legislation or judicial decisions that may impact Authority and propose appropriate action(s) to assure compliance.
- 4) Review and assist in preparation of Board (and, as needed, Committee) 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 Authority for environmental compliance, litigation, or other proceedings, as needed.
- 7) Provide advice on the application of Authority ordinances to the operation of Authority, and on matters pertaining to the organization of Authority, contracts, procurement, conflicts of interest, personnel and environmental analysis. Advise on Authority policies and procedures and on the legal impact and/or consequence of administrative policy decisions.
- 8) Maintain Authority's standard contract provisions in contracts with vendors, consultants, or contractors.
- 9) Advise on public employment law matters.
- 10) Ability to represent Authority 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 Authority 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 Authority offices.

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## 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 Authority's best interest to retain additional outside counsel for unique or specialized matters of law. In those circumstances Authority general counsel may be asked to coordinate with outside counsel.

### SCHEDULE

Below is the tentative overall schedule for the proposal and legal services selection process. The Authority reserves the right to modify this schedule as appropriate.

Milestone	Date
RFP Issued	January 8, 2019
Proposals Due	February 5, 2019
Board or Board Committee Interviews Final Candidates	March 2019
Board award agreement to best qualified law firm	April 11, 2019
Agreement Signed and Consultant Ready to Begin Work	May 1, 2019

### PROPOSAL REQUIREMENTS

All proposals must be submitted in writing in accordance with the requirements of this Request for Proposals. Significant deviation from said requirements might result in rejection of the proposal. Submittals must be prepared and organized based on the following requirements:

1. **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 Authority. The letter must be signed by a person authorized by the firm to make binding representations.
2. **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 Authority's requirements. Include a description of the firm's experience working in this geographical area.
3. **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.
4. **References** – Provide the contact information of three clients that Authority may contact as a reference for the firm and lead counsel.

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5. **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.
  6. **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.
  7. **Other Information** – Provide any additional relevant information that may be helpful in the selection process.

## **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. Please email the electronic version of the proposal to [stanh@recyclemore.com](mailto:stanh@recyclemore.com). All printed versions should be tabbed (1, 2, 3, etc.) consistent with the Proposal Contents described earlier and placed in a folder or binder. Three (3) printed copies are required.

All documents requiring a signature shall have an original signature by a person authorized to commit the Proposer to the proposal and to execute agreements on behalf of the Proposer.

Proposers are notified that costs of preparing and submitting proposals and the risks associated therewith shall be borne solely by the Proposer. No compensation will be provided to Proposers for work performed or costs incurred during the preparation, submittal or evaluation of proposals, nor in the execution and delivery of an agreement awarded as result of this Request for Proposals.

All proposals must be submitted in writing in accordance with the requirements of this Request for Proposals. Significant deviation from said requirements might result in rejection of the proposal.

## **PROPOSAL DEADLINE**

Hand carried proposals may be delivered to the address below only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Thursday, excluding holidays observed by the Authority. **Proposals are due on Tuesday February 5, 2019 at 5:00 P.M. Proposals should be mailed or delivered to:**

West Contra Costa Integrated Waste Management Authority  
Attn: Stan Hakes, Executive Director  
RE: Proposal for Legal Services  
13831 San Pablo Ave. Bldg. #5  
San Pablo, California 94806

Telephone: Main office number: (510) 215-3125

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Proposals received after the required submittal date will not be considered and will not be returned. Information and clarifications WILL NOT be accepted after the required submittal date unless specifically requested by the Authority. Proposals delivered via fax or just an email version WILL NOT be accepted.

## **RIGHTS OF THE AUTHORITY**

The Authority reserves the following rights and options related to proposals submitted in response to this Request for Proposals:

- Reject all proposals and continue with the Authority's current Legal Counsel for a temporary or permanent period of time;
- Enter into negotiations with one or more Proposers to complete contractual arrangements necessary to perform the work. The Authority reserves the right to modify the Scope of Services, as necessary, prior to the execution of any agreement(s);
- Waive minor deviations, which in the sole judgment of the Authority, do not affect quality or performance;
- Request from any Proposer at any time during the evaluation process, additional information or clarification of information contained in the proposal;
- Retain all proposals submitted. The proposals become the property of the Authority. The Authority reserves the right to use any and all information submitted as part of any proposal. The selection and rejection of a proposal does not affect these rights;
- Disqualify from consideration any law firm that is an active employee or consultant to East Bay Sanitary, Richmond Sanitary Service, West County Resource Recovery, Golden Bear Transfer Station Inc., Republic Services Inc. or their affiliates.
- Take other actions that best suit the needs of the Authority.

## **EVALUATION OF PROPOSALS**

All proposals submitted by the deadline will first be reviewed for completeness. Proposals determined to be incomplete may not be evaluated further. The reviewers will evaluate each proposal to determine how responsive it is to this Request for Proposals. The reviewers will make a recommendation to designate two or three finalists, in priority order, based on the best qualified law firms, without consideration of compensation. A final review would then take place, which could include interviews.

A final evaluation and a recommendation will then be completed. The criteria for the evaluation process would include, but is not limited to:

- Responsiveness to this RFP
- Proposed approach to the work requested in this RFP
- Experience in the specific work requested in this RFP
- Rates and fees (but only after determining the best qualified law firm(s))

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## **CONTRACT TERMS**

The selected Consultant will be expected to enter into an agreement with the Authority in a timely manner. The Consultant will also need to provide evidence of compliance with the Authority's Non-Discrimination Policy. Insurance and Indemnification will be required, including commercial general and automobile liability insurance, workers compensation insurance, and professional liability insurance. The Authority will work cooperatively with the selected Consultant to endeavor to reach mutually agreeable contract terms.

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## Exhibit A - Proposal Authorization and Acknowledgement Form

NAME OF PROPOSER: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

1. The undersigned is a Proposer under this RFP and possesses the legal authority to submit this Proposal.
2. The undersigned is authorized to conduct all negotiations for and legally bind the Proposer in all matters relating to this Proposal submittal.
3. The undersigned certifies that this Proposal is irrevocable until June 5, 2019 (minimum of 120 days from submittal).
4. The undersigned acknowledges that the Agency reserves the following rights and options related to proposals submitted in response to the RFP:
  - Award an agreement for services described in this RFP.
  - Reject all proposals and continue with the Authority's current Legal Counsel for a temporary or permanent period of time;
  - Reject any proposal.
  - If during the course of negotiations with a selected PROPOSER, the AUTHORITY determines in its sole discretion that an acceptable Agreement cannot be negotiated, the AUTHORITY reserves the right to suspend negotiations with that PROPOSER and begin negotiations with another PROPOSER. Also, the AUTHORITY reserves the right to undertake simultaneous negotiations of the final Agreement with more than one PROPOSER.
  - Waive defects and/or irregularities in any proposal.
  - Request from any PROPOSER at any time during the evaluation process, clarification of any information contained in the proposal.
    - Conduct interview(s) with any PROPOSER(s).
    - Negotiate terms and conditions that are different from those described in this RFP and Agreement.
  - Contact references provided and seek information from any client with which the PROPOSER has done business.
  - Take other such action that best suits the needs of the AUTHORITY and/or its citizens.

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**Exhibit B - Form of Agreement**

\_\_\_\_\_The undersigned has carefully reviewed the forms of Agreement contained in the RFP and is prepared to agree to the terms and conditions stated therein.

\_\_\_\_\_The undersigned has carefully reviewed the forms of Agreement contained in the RFP and is prepared to agree to the terms and conditions of the forms with the proposed modifications attached hereto. (Proposer must attach any proposed modifications to the Form of Agreement.)

Print Name:\_\_\_\_\_

Title:\_\_\_\_\_

Organization:\_\_\_\_\_

Telephone:\_\_\_\_\_

Facsimile:\_\_\_\_\_

E-Mail Address:\_\_\_\_\_

Signature: \_\_\_\_\_ Date:\_\_\_\_\_