



C o u n t y o f S a n L u i s O b i s p o

## General Services Agency

Janette D. Pell, General Services Agency Director

Helen McCann, Department Administrator

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### REQUEST FOR QUALIFICATIONS PS- #1042 PRE-QUALIFICATION FOR LEGAL SERVICES

August 27, 2009

The County of San Luis Obispo is currently soliciting Statement of Qualifications (SOQ) from consultants to be selected to be included on the County's Legal services consultant lists.

Each Statement of Qualifications packet shall specify each and every item as set forth in the attached specifications. Any and all exceptions must be clearly stated in the proposal. Failure to set forth any item in the specifications without taking exception may be grounds for rejection. The County of San Luis Obispo reserves the right to reject all qualification packets and to waive any informalities.

If your firm is interested and qualified, please submit eight (8) copies of your Statement of Qualifications **by 3:00 p.m. on September 30, 2009** to:

County of San Luis Obispo  
Phill Haley, GSA - Purchasing  
1087 Santa Rosa Street  
San Luis Obispo, CA 93408

If you have any questions about the Request for Qualifications process, please contact me. For technical questions and information contact Tami Douglas-Schatz at (805) 781-5960 or [tdouglas-schatz@co.slo.ca.us](mailto:tdouglas-schatz@co.slo.ca.us).

PHILL HALEY  
Buyer – GSA - Purchasing  
[phaley@co.slo.ca.us](mailto:phaley@co.slo.ca.us)

**PRE-QUALIFICATION FOR LEGAL SERVICES****STATEMENT OF QUALIFICATIONS SUBMITTAL**

1. All qualification submissions, consisting of eight (8) copies, must be received by mail, recognized carrier, or hand delivered **no later than 3:00 p.m. on September 30, 2009. Late submissions will not be considered.**
2. All correspondence should be directed to:

San Luis Obispo County General Services Agency  
1087 Santa Rosa Street  
San Luis Obispo, CA 93408  
ATTENTION: Phill Haley  
Telephone: (805) 781-5904
3. Costs of preparation of SOQ will be borne by the proposer. The County will not reimburse Consultants for any costs involved in the preparation and submission of a Statement of Qualifications.
4. It is preferred that all SOQ packets be submitted on recycled paper, printed on two sides.
5. Statement of Qualifications should not exceed 15 pages in length.
6. This Request for Qualifications does not constitute an offer of employment or to contract for services or obligate the County to accept or contract for any expressed or implied services.
7. The County reserves the option to reject any or all SOQ, wholly or in part, received by reason of this request.
8. The County reserves the option to retain all SOQ packets, whether selected or rejected. Once submitted, the SOQs and any supplemental documents become the property of the County.
9. The County reserves the right to request any Consultant submitting an SOQ to clarify the submittal or to supply additional material deemed necessary to assist in the selection process.
10. Selection will be made on the basis of the SOQs as submitted. The Selection Committee may deem it necessary to interview applicants. The County retains the right to interview applicants as part of the selection process.
11. The proceedings of the Selection Committee are confidential. Members of the Selection Committee are not to be contacted by the proposers.
12. Should key personnel used for qualifying to be placed on the list no longer work for the Consultant, the Consultant shall immediately notify the County. At such time, the county shall determine if the Consultant will still remain qualified to stay on the list. Failure to notify the County will be cause for immediate removal from the list.

**PRE-QUALIFICATION FOR LEGAL SERVICES****PURPOSE**

The County of San Luis Obispo is seeking statements of qualifications from law firms, partnerships, legal limited liability corporations, or individual attorneys (hereinafter "Law Firms") to provide legal services to the County of San Luis Obispo (the County) in the practice areas described below. It is the intent of the County to identify a panel of qualified firms from which the County may draw to meet specific needs for legal services. The qualified firms on the panel shall be free from conflicts of interest with the County, its officials, and/or its employees. Proposers will be expected to disclose any and all actual or potential conflicts of interest.

This information contained herein is intended to serve as a general introduction for all of these practice area solicitations. Responders may submit Statements of Qualifications with reference to any one or more of the individual practice areas. The practice areas of interest to the County are: (1) litigation counsel; (2) labor and employment law counsel; (3) workers compensation counsel; and (4) land use and environmental law counsel.

**STATEMENT OF RIGHTS**

The County of San Luis Obispo may at its sole discretion exercise the following rights and options with respect to this solicitation:

1. To select and enter into representation agreements with one or more responders in each practice area whose Statement of Qualifications best satisfies the interests of the County of San Luis Obispo.
2. To determine, in the County of San Luis Obispo's sole discretion, which responders are responsive and deemed qualified. The County of San Luis Obispo may reject non-responsive proposals without evaluation but also has the right, in its sole discretion, to waive minor non compliance.
3. To issue additional requests for qualifications and/or amendments to this Request for Qualifications.
4. To conduct investigations with respect to the qualifications of each responder.
5. To negotiate with responders for amendments or other modifications to their responses.
6. To modify dates.
7. To enter into agreements for only portions of the services contemplated by the responses submitted or not to enter into agreements for any one or more of the practices areas for which RFQs are issued.
8. All responses to this RFQ are at the sole expense of the responder and with the express understanding that no claim can be made for reimbursement from the County of San Luis Obispo for the expense of preparation.

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9. Responses to this RFQ may contain technical, financial, or other data whose public disclosure could cause injury to a responder's competitive position, or constitute a trade secret. To protect this data from disclosure, the responder should specifically identify the pages of the response that contain such information by properly marking the applicable pages and inserting the following notice in the front of its response:

**NOTICE**

*The data on pages \_\_\_\_\_ of this response identified by an asterisk (\*) contain technical or financial information, which are trade secrets, or information for which disclosure would result in substantial injury to the responder's competitive position. The responder requests that such data be used only for the evaluation of the response, but understands that the disclosure will be limited to the extent the County of San Luis Obispo considers proper under the law. If an agreement is entered into with the responder, the County of San Luis Obispo shall have the right to use or disclose the data as provided in the agreement, unless otherwise obligated by law.*

THE COUNTY OF SAN LUIS OBISPO WILL NOT HONOR ANY ATTEMPT BY A RESPONDER EITHER TO DESIGNATE ITS ENTIRE RESPONSE AS PROPRIETARY AND/OR TO CLAIM COPYRIGHT PROTECTION FOR ITS ENTIRE RESPONSE.

**ABOUT THE COUNTY OF SAN LUIS OBISPO**

The County of San Luis Obispo is a Civil Service county that employs approximately 2400 full-time equivalent (FTE) permanent employees and has a \$460 million annual budget. The county's 23 departments provide a variety of services to the community including public works, criminal justice, health care, social services, public safety, general government and internal services. For additional information please visit our website at <http://countyofslo.ca.gov/site4.aspx>.

The County maintains in-house legal staff headed by a County Counsel. The in-house staff currently includes County Counsel, Assistant County Counsel, Chief Deputy County Counsel, and Deputy County Counsels. Over the years the County has also been represented by outside law firms. Information specific to each practice area for which solicitations are issued may be found in those solicitations as set forth below in addition to the information contained in this general statement.

**TERMS OF ENGAGEMENT**

The County of San Luis Obispo may enter into representation agreements with one or more responders that the County of San Luis Obispo deems qualified within each practice area. The terms of such agreements will include, but not be limited to, the following:

1. Term – three (3) years with an option for the County of San Luis Obispo, in its sole discretion, to renew for one (1) additional year.
2. Termination – the County of San Luis Obispo may terminate any agreement without cause upon fifteen (15) days notice and will be obligated only for payment of fees and allowable expenses for work performed prior to the stated termination date.

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3. Compensation – in all practice areas other than bond counsel the County of San Luis Obispo will pay fees based on submission of monthly invoices containing the customary level of detail for hourly billing based invoices. Compensation for bond counsel will be negotiated in connection with preparation for issuing bonds.
  - a. The County of San Luis Obispo does not pay for the services of clerical personnel nor for travel to and from meetings at the County of San Luis Obispo premises without prior approval.
  - b. The County of San Luis Obispo requires advance notice and approval for expenses in amounts exceeding \$500.00.
4. Conflicts of Interest: Panel attorney(s) shall comply with the County's Conflict of Interest Code, file on an annual basis a Statement of Economic Interests (California Form 700) with the San Luis Obispo County Clerk-Recorder, and disclose any and all actual or potential conflicts of interest to the County immediately upon becoming aware of such conflict.
5. Litigation Developments and Budget: Panel attorney(s) shall keep County Counsel and Risk Management fully advised of all litigation developments. Panel Attorney(s) shall comply with the County-approved litigation budget and strategies and shall notify County Counsel and Risk Management immediately of any development that will significantly impact the County's interest in a particular matter.
6. Settlement Authority: Panel attorney(s) shall seek authority from the Board of Supervisors before negotiating settlements or resolution to any matter.

**The information provided by the client and the advice provided to the client will be considered highly confidential and the ability to maintain confidentiality will be considered highly important.**

**MINIMUM RESPONSE REQUIREMENTS**

The following is a list of the minimum information that must be included with each response.

1. Information about the history, current status (size, ratings, financial strength) of the firm, partnership, legal corporation, or individual attorney submitting the statement of qualifications.
2. Identity and professional qualifications of the individual attorney(s) that would perform the requested services.
3. Evidence of admission to practice law in the State of California including evidence that the applicant is a member of the California Bar in good standing and if the member has ever been subject to disciplinary action by the State Bar. Include a list of any other professional qualifications; experience and/or credentials you feel are relevant to this RFQ.
4. Show that the respondent has at least five (5) years experience representing State, local or federal government agencies and/or authorities. Representation of County entities, and California County entities in particular, may be favorably considered. Include a list of representative and relevant clients with contact information.
5. Provide information showing that the respondent has knowledge, experience and ability in one or more of the following areas:
  - Litigation and tort claims in California and Federal Courts

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- Real Estate acquisition including eminent domain and condemnation
  - Grant acquisition and administration
  - Public contracts law
  - California and relevant Federal personnel, benefits, labor and employment law, particularly in the public sector
  - Insurance issues including directors and officers and employment practice policies
  - Governmental ethics
  - Land Use and Environmental Law, including but not limited to the Subdivision Map Act and the California Environmental Quality Act ("CEQA")
  - Internal and external investigations
  - Media issues
  - Public Records Act and Brown Act
  - Regulations and procedures for public boards, commissions, and councils
6. Provide information on the professional liability insurance carried by the firm. The County prefers that its law firms carry a minimum of \$3.0 million of professional liability coverage.
  7. Identify whether, within the last five years, Law Firm, or any of its members, has had any conflicts of interest with the County, its officials and/or employees. If the answer is in the affirmative, identify the conflict in detail and indicate if you believe the conflict should or could be waived by the County and the reasons thereof.
  8. Billing rates. Cost details, including the hourly rates of each of the individuals who will perform the services and the time estimates for each individual, all expenses, and where appropriate, total cost of "not to exceed" amount.

**LITIGATION COUNSEL**

The County of San Luis Obispo is subject to suit, and sues as plaintiff, in the State Courts of California and in the Federal Courts within the Ninth Circuit. The most frequent type of litigation to which the County of San Luis Obispo is exposed is personal injury cases. The County of San Luis Obispo may be sued on claims related to civil rights violations (excess force and similar claims), defective design of County property, and in relation to construction and other contracts. On occasion the County of San Luis Obispo brings suit on its own claims.

Respondents should include the following minimum information in their responses.

1. Identify specific attorney(s) who will provide litigation services.
2. List the professional qualification of each such attorney, including:
  - a. Bar and court admissions and special distinctions in the litigation field.
  - b. Prior or current representation of governmental agencies and authorities.
3. References from not less than three (3) former or current clients. References from governmental entities are preferred. Please include contact information.
4. Identify any personal injury matters that these attorneys have handled and which demonstrate special skills and abilities.

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5. Describe your firm's experience with applicable "E Discovery" rules and practice.
6. Describe in sufficient detail, including the outcome, the number of jury trials and court trials tried to verdict by each and every attorney who would provide services to the County.
7. Any other information that the responder deems relevant.

**LABOR AND EMPLOYMENT LAW COUNSEL**

The County of San Luis Obispo has the need for labor and employment counsel in a variety of areas. County of San Luis Obispo employees are represented by seven different labor organizations. Labor and employment counsel could be asked to assist with labor negotiations, Collective Bargaining Agreement ("CBA") drafting, CBA interpretation, grievance and arbitration of CBA or disciplinary claims. With respect to all County of San Luis Obispo employees (represented and non-represented), labor and employment counsel could be asked to assist in areas including FMLA, ADA, FLSA, ADEA, and other similar State or Federal laws, rules and regulations as well as with questions related to employee benefits. Counsel may also be consulted regarding discipline of non-represented employees. In the event of litigation arising from labor or employment matters, labor and employment counsel may be asked to act as lead counsel on the litigation or to work with outside litigation counsel on such matters. Respondents should include the following minimum information in their responses.

1. Identify specific attorney(s) who will provide litigation services.
2. List the professional qualification of each such attorney, including:
  - a. Bar and court admissions and special distinctions in the labor and employment law field.
  - b. Prior or current representation of governmental agencies and authorities on such matters.
3. References from not less than three (3) former or current clients. References from governmental entities are preferred. Please include contact information.
4. Identify any labor and employment law matters that demonstrate special skills and abilities.
5. Describe in sufficient detail, including the outcome, the number of jury trials and court trials tried to verdict by each and every attorney who would provide services to the County.
6. Any other information that the responder deems helpful.

**LAND USE AND ENVIRONMENTAL COUNSEL**

The County of San Luis Obispo seeks to retain the services of one or more laws firms to provide advice and guidance on matters involve Federal, State and local land use and environmental laws, rules and issues. The respondents should include the following minimum information in their responses.

1. Identify specific attorney(s) who will provide land use and environmental law services.

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2. List the professional qualification of each such attorney, including:
  - a. Bar and court admissions and special distinctions in the environmental field.
  - b. Prior or current representation of governmental agencies and authorities in California for environmental matters.
3. References from not less than three (3) former or current clients. References from governmental entities are preferred. Please include contact information.
4. Identify any land use and/or environmental matters that these attorneys have handled and which demonstrate special skills and abilities.
5. Describe in sufficient detail, including the outcome, the number of jury trials and court trials tried to verdict by each and every attorney who would provide services to the County.
6. Any other information that the responder deems helpful.

**WORKERS' COMPENSATION COUNSEL**

The County of San Luis Obispo seeks to retain the services of one or more laws firms to represent the County in Workers' Compensation matters in California. Respondents should include the following minimum information in their responses.

1. Identify specific attorney(s) who will provide workers compensation representation.
2. List the professional qualification of each such attorney, including:
  - a. Bar and court admissions and special distinctions in the workers compensation field.
  - b. Prior or current representation of governmental agencies and authorities in California for workers compensation matters.
3. References from not less than three (3) former or current clients. References from governmental entities are preferred. Please include contact information.
4. Identify any workers compensation matters that these attorneys have handled and which demonstrate special skills and abilities.
5. Any other information that the responder deems helpful.

**SPECIAL OR CONFLICTS COUNSEL**

The County of San Luis Obispo seeks to retain the services of one or more law firms to serve as counsel with respect to either (a) matters in legal practice areas for which Statements of Qualifications have not been sought or (b) in the case that the County of San Luis Obispo, in its sole judgment, believes that a conflict of interest may exist that would prevent a firm that was previously selected in a practice area from representing the County of San Luis Obispo in a particular case or matter. Given the nature of this category, it is not feasible to provide a complete list of practice areas that may be involved, but these might include: real estate acquisitions or disposals, acquisition or transfer of real estate interests, condemnation, tax issues that are not related to bonds or other financial instruments to which the County of San Luis Obispo is a party, employment or labor legal issues. Respondents should indicate:

1. What areas of practice their law firm is qualified to handle.

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2. The names of specific attorneys in each practice area who might work on County of San Luis Obispo matters.
3. Bar admissions for the attorneys who might work on County of San Luis Obispo matters.
4. Any special qualifications or distinctions of those attorneys.
5. Any other information the respondent deems useful.

**EVALUATION AND SELECTION**

All responses will be reviewed by an evaluation team composed of County of San Luis Obispo staff members who will make recommendations to the selection committee regarding which responders the team believes to be qualified as to each area of practice for which qualifications are solicited.

**DISCLAIMER**

The contents and information provided in this Request for Qualifications is meant to provide general information to interested parties. The successful responders may be required to execute an Agreement with the County that will govern the rights, duties and obligations between the County and the successful Responders. ACCORDINGLY, THE TERMS SET FORTH WITHIN THIS REQUEST FOR QUALIFICATIONS DO NOT CONSTITUTE ANY CONTRACT BETWEEN THE COUNTY AND THE SUCCESSFUL RESPONDER(S). MOREOVER, THE COUNTY ACCEPTS NO RESPONSIBILITY FOR ANY OMISSIONS OR DELETIONS RELATING TO THIS REQUEST FOR QUALIFICATIONS.