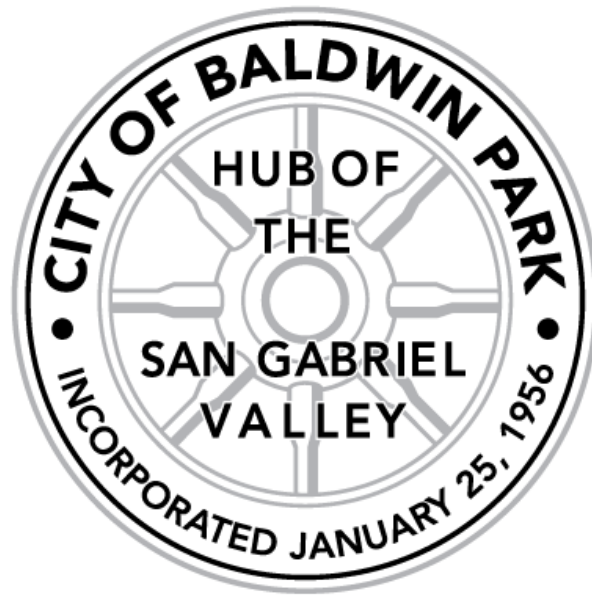


# City of Baldwin Park



## **REQUEST FOR QUALIFICATIONS**

### **As-Needed Cannabis Legal Services**

RFQ Circulation Date: May 20, 2021

Proposal Submission Deadline: June 1, 2021

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## I. GENERAL INFORMATION

### A. Introduction

The City Council of the City of Baldwin Park (City) invites interested firms and attorneys to submit written proposals to provide as-needed cannabis legal services.

Additional information about the City of Baldwin Park is available at [www.baldwinpark.com](http://www.baldwinpark.com).

### B. Proposed Time Schedule

RFQ Distributed	May 20, 2021
Proposal Submittal Deadline	June 1, 2021
City Council Review of Finalists	June 16, 2021
Award of Contracts	July 7, 2021

The City reserves the right to modify any of the dates in the Proposed Time Schedule as deemed necessary.

### C. Submittal Guidelines & Deadline

Firms or attorneys interested in submitting proposals for as-needed cannabis legal services shall submit one (1) original unbound proposal marked "ORIGINAL", seven (7) bound copies (marked "COPY"), and one electronic version in PDF format on CD or flash/zip drive on or before the Submittal Deadline of the proposal, with a proposed contractual agreement, in a sealed envelope bearing the caption "**City of Baldwin Park – As-needed Cannabis Legal Services Proposal**" and "**DO NOT OPEN WITH REGULAR MAIL.**" The Letter of Transmittal portion of the proposal must bear original signature(s). The envelope shall be addressed to:

Lourdes Morales  
Chief Deputy City Clerk  
City of Baldwin Park  
14403 E. Pacific Ave.  
Baldwin Park, CA 91706

**Proposals must be delivered no later than 5:00 p.m. on June 1, 2021.**

Proposer is solely responsible for ensuring its proposal is received by the City in accordance with all proposal requirements. The City shall not be responsible for any delays in mail/common carrier service or by other transmission errors or mistaken delivery.

The City reserves the right to postpone the submittal deadline and opening of proposals any time before the date and time announced in the Request for Qualifications (RFQ) or subsequent addenda. The City may also cancel this solicitation at any time.

Proposals will not be opened publicly and the City will endeavor to keep the proposals confidential until a preferred service provider is identified by the City Council for final consideration. The original copy of each proposal will be retained and will become public record after the selection(s) unless the proposal or specific parts of the proposal can be shown to be exempt by law.

The City reserves the right to reject any or all proposals, to request additional information concerning any proposal 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 interests of the City as determined solely by the City Council. The City may modify, clarify, or interpret the RFQ by sending an addendum to each firm or attorney that originally received the RFQ. Any such addendum shall become part of the RFQ. The City is not responsible for any other explanation or interpretation.

The Proposer may make modifications to a proposal already submitted to the City, but must submit a written request to withdraw its proposal to make the modifications. It is the responsibility of the Proposer to ensure that modified proposals are resubmitted before the submittal deadline and in accordance with all proposal requirements. Proposers may withdraw their proposal by submitting a written request or email to Lourdes Morales, Chief Deputy City Clerk, at [lmorales@baldwinpark.com](mailto:lmorales@baldwinpark.com) no later than 5:00 p.m. on June 8, 2021.

The City is not liable for any costs incurred by the Proposer before entering into a formal contract. Costs for developing the proposal or any other such expenses incurred by the Proposer in responding to the RFQ, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City.

The City requires all Proposers to comply with all applicable federal and state laws including but not limited to equal employment opportunity. Contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

The firm/attorney selected to provide as-needed cannabis legal services shall be an independent contractor. All persons employed by a firm in accordance with a contract resulting from this RFQ will be employees of the firm and not employees of the City.

Pre-submittal questions about the RFQ and City's current legal services will be accepted until 5:00 p.m. on May 26, 2021. Responses to all questions will be confidentially emailed to all firms and attorneys sent a proposal or others who have responded to the RFQ as of the date any such questions are received. Written questions are to be submitted to Lourdes Morales, Chief Deputy City Clerk at [lmorales@baldwinpark.com](mailto:lmorales@baldwinpark.com).

## **II. SCOPE OF SERVICES**

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

1. Conduct, staff, and provide reports regarding cannabis legal matters. This includes, but is not limited to, conducting investigations and research, drafting reports, ordinances, development agreements, and providing legal opinions.
2. Provide other legal services related to cannabis, as directed.
3. Experience servicing municipalities or counties and drafting cannabis ordinances is highly desired.

## **III. PROPOSAL FORM AND CONTENT**

### **A. Proposal Submittal**

The proposal shall be organized in accordance with the list of proposal contents outlined in the following sections (Section III., B-L) and must provide succinct and specific responses to all questions and requests for information. The pages of the proposal must be numbered consecutively.

Proposals and the fee proposal must be valid and binding for 120 days following the proposal due date and may become part of the agreement with the City.

### **B. Letter of Transmittal**

Proposal shall include a transmittal letter signed by a duly authorized representative of the firm/attorney and must include the name, address, telephone number, and email address of the Proposer and those (if necessary) for the person or persons authorized to represent the Proposer and to whom any correspondence should be directed. The letter must state that the proposal and fee schedule are valid and binding for 120 days.

### **C. Table of Contents**

Include a clear identification of the submitted material by section and by page number.

### **D. Summary**

Introduce and summarize the key provisions of the proposal. Provide a statement

describing why the Proposer is qualified to perform this work, and include the names of the individuals who would serve as the attorney for as-needed cannabis legal services.

**E. Background and Experience**

1. Official name and address and specify the type of entity (partnership, LLC, corporation, etc.).
2. Describe your firm's background and history, including the number of years in business serving municipal clients in cannabis matters.
3. List the location of office(s) that would serve the City.
5. Identify the firm/attorney's support staff services (clerical support, paralegals, and other non-attorney staff).

**F. Approach to Legal Services**

1. Describe your view of the role of an outside legal counsel for the City.
2. Describe how you will keep the City informed about the status of ongoing legal matters.

**G. References and Potential Conflicts of Interest**

1. Provide contact information for three (3) municipal (preferred) or public agency clients for which services have been provided by the designated attorney in the last five (5) years. Please include the contact person's name, title, agency, telephone number, and email address.
2. List all public clients for whom your firm currently provides legal services. Identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.
3. List all public clients that you presently represent.
4. Identify all situations in the last five (5) years in which your firm represented a public entity in litigation and the decision or outcome was adverse to public entities, either in litigation or administrative matters.
7. If the firm, attorney, or any of the attorneys employed by the firm have been sued by cities or other clients 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.

8. List all lawsuits, claims, and settlements against the firm or parties you represent in the last five (5) years.
9. Identify any/all infractions by the Fair Political Practices Campaign and State Bar.

**H. Compensation and Reimbursement**

1. Please describe how the firm intends to charge for legal services and provide a fee schedule. Are charges ever shared between clients, and if so, what method is used?
2. If hourly rate billing is proposed, please state the hourly rates for litigation and any other attorneys or paralegals assisting such person in providing services, and provide the fee schedule/hourly rates in a table format.

**I. Agreement**

The successful Proposer is expected to enter into an agreement with the City. Please provide a proposed retainer for the services.

In addition to indemnification and hold harmless language, the agreement shall also include a requirement for general professional liability insurance in an amount not less than \$2,000,000 per occurrence and \$4,000,000 in aggregate. This policy shall provide coverage to the City for any damages or losses suffered by the City as a result of any error or omission or neglect by the firm or attorney that arises out of the services required by the agreement. The successful agreement shall also include a requirement for automobile liability insurance in an amount not less than \$1,000,000 per accident. The firm/attorney chosen shall name the City as a Certificate Holder for all of the *above* and the City shall be named as Additional Insured for all policies. All insurance coverage must be provided by an insurance company with a rating of A-VII or greater in the latest edition of Best's Insurance Guide that is authorized to do business in the State of California. These policies may not be canceled or materially changed without 30 days' prior written notice to the City.

Proposer must covenant that it presently has no interest and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the services requested. Proposer must also certify that to the best of its knowledge, no one who has or will have any financial interest under the agreement is an officer or employee of the City.

Proof of insurance requirements addressed in the professional services agreement of this Request for Qualifications shall be submitted by the selected Consultant and/or Contractor upon execution of the original contract for submittal to the City Council.

All proposers shall submit a "Statement Certifying Insurance Coverage" certifying that the required insurance coverage will be obtained by the Consultant and/or Contractor, and that the Consultant and/or Contractor understands said coverage is a prerequisite for entering into an agreement with the City. The Consultant and/or Contractor is required to confirm with its insurance carrier that it can meet all the requirements for insurance. Failure to meet the insurance regulations as set forth shall result in the Consultant's and/or Contractor's disqualification.

**J. Non-Collusion Affidavit**

All proposals must be accompanied by a signed Non-Collusion Affidavit (attached to this RFQ, see Attachment A).

**K. Additional Information**

In this section, provide any other information that the Proposer believes is applicable to the evaluation of the proposal or your qualifications for providing the proposed legal services. You may use this section to address those aspects of your services that distinguish your firm from other firms.

**IV. REVIEW AND SELECTION PROCESS**

**A. Process**

A review of all submitted proposals will be conducted by the City Council. After a review of proposals, the top candidates will be selected to be interviewed by the City Council. Following the interview process, the firm(s)/attorney deemed best qualified by the Council to perform the City's as-needed cannabis legal services will be recommended for contract award at a public City Council meeting.

The City reserves the right to amend the review and selection process or to reject any and all proposals for any reason deemed appropriate by the City.

**B. Evaluation Criteria**

The following (among other attributes at the Council's discretion) shall be considered during the evaluation process:



1. Meets the qualifications identified in the Proposal, and demonstrates a depth of expertise and familiarity with all applicable matters.
2. Demonstrates sound judgment, integrity, and reliability and maintains a strong reputation in the field of litigation, as determined by reference and background checks.
3. Overall experience levels of the designated attorney(s).
4. Ability to meet the workload capacity required by the City and the overall depth of the firm/attorney's in-house resources.
5. Capability to perform legal services promptly.
6. Demonstrates high quality service.
7. Possesses strong and effective written and oral communication skills.
8. Cost of providing services.
9. Other qualifications or criteria deemed appropriate by the City Council.

**ATTACHMENT “A”**

Proposer's Name: \_\_\_\_\_

**NON-COLLUSION AFFIDAVIT**

**REQUEST FOR QUALIFICATIONS FOR AS-NEEDED  
CANNABIS LEGAL SERVICES**

Proposer declares that this proposal is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such proposal is genuine and not collusive or sham; that said proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham proposal and has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or that anyone shall refrain from submitting a proposal; that said proposer has not in any manner directly or indirectly sought by agreement, communication, or conference with anyone to fix the proposal price of said proposer or of any other proposer, or to fix any overhead, profit, or cost element of such proposal price, or of that of any other proposer, or to secure any advantage against the public body awarding the Agreement for anyone interested in the proposed Agreement; that all statements contained in such proposal are true, and further, that said proposer has not directly or indirectly submitted his proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith, to any corporation, partnership, company, association, organization, proposal depository, or to any member or agent thereof, or to any other individual except to any person or persons as have a partnership or other financial interest with said proposer in this general business.

The above Non-Collusion Affidavit is part of the proposal. Signing this proposal on the signature page thereof shall also constitute signature of this Non-Collusion Affidavit.