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REQUEST FOR PROPOSAL FOR GENERAL COUNSEL SERVICES

Notice is hereby given that the Monterey Regional Waste Management District dba: ReGen Monterey (ReGen) is requesting proposals to this Request for Proposals (RFP) for the furnishing of Legal services to ReGen at 14201 Del Monte Avenue, Salinas, CA 93908. General Counsel will be required to attend all monthly Board of Directors (Board) Meetings, Finance Committee, Personnel Committee and special meetings held at ReGen’s Board chambers located at ReGen’s Administrative office.

Proposals will be received at ReGen’s office until 2:00 p.m. February 12, 2025. Proposals received after the closing date will be rejected. Hard copies of the proposal should be mailed in sufficient time to arrive at ReGen prior to the closing date.

Acceptance of a proposal by the Board shall form the basis for a contract between the parties for supplying the services. ReGen reserves the right to reject any or all of the proposals and to waive any informality or technical irregularity in any proposals. This notice shall be considered part of any resultant contract.

The GM and/or Board may wish to interview a small number of firms before making a final decision. If so, these interviews will likely be scheduled at or before the March 2025 Board meeting. The Board typically meets on the third Friday of the month.

Please direct any questions to Ida Gonzales, Executive Board Clerk at (831) 264-6388 or lgonzales@ReGenmonterey.org

Sincerely,

Felipe Melchor
General Manager

Physical Address
14201 Del Monte Blvd.
Salinas, CA 93908

Mailing Address
P.O. Box 1670
Marina, CA 93933

Phone / Fax
831-384-5313 PHONE
831-384-3567 FAX

Web / Social
ReGenMonterey.org
@ReGenMonterey

Let's not waste this.



1. Introduction

a. Summary Statement

ReGen is requesting proposals from qualified attorneys or law firms to provide legal services as General Counsel for located at 14201 Del Monte Blvd. in Monterey County and about two miles north of Marina, California.

b. About ReGen

ReGen Monterey (ReGen) is the public name of the Monterey Regional Waste Management District. ReGen is an independent special district operating under the authority of the California Public Resources Code. It is governed by a nine-member Board of Directors. ReGen provides integrated solid waste management services to the western portion of Monterey County by operating a municipal solid waste landfill, recycling programs, a household hazardous waste collection facility, a composting facility, and a landfill gas-to-electrical energy system. ReGen facilities are located at 14201 Del Monte Blvd., approximately one mile east of State Highway 1 and two miles north of the City of Marina, California. ReGen serves a population of approximately 170,000, with a staff of 135 employees.

c. Project Background

Legal Services

1. ReGen has been contracting for General Counsel and other specialized legal services, such as labor/employment law, with law firms with specific expertise in those areas.
2. Copies of the ReGen's annual report, budget, and audit are available upon request at ReGen office at the address on the cover page of this RFP:

d. Point of Contact

Inquiries should be directed to:

Ida Gonzales, Executive Assistant/Clerk of the Board
ReGen Monterey
831-264-6388
Email: igonzales@regenmonterey.org
14201 Del Monte Blvd, Salinas, CA 93908



e. Deadline

Date and time

Qualified firms are invited to submit two (2) copies of the proposal along with one (1) electronic copy (PDF via email) that meet the requirements described in this Request for Proposal (RFP). The deadline for submitting proposals is: 2 p.m., February 12, 2025.

f. Late proposals

- i. Proposals arriving after the specified date and time will not be considered. Each proposer assumes responsibility for timely submission of its proposal.
- ii. Withdrawal or Modifications of Proposals: Any proposal may be withdrawn or modified by a written request signed by the firm and received by ReGen prior to the final time and date for the receipt of proposals. Once the proposal submittal deadline is past, firms are obligated to fulfill the terms of their proposal.

2. Scope of Services

ReGen needs an attorney with prior experience as General Counsel to be responsible for all facets of the general types of legal issues that might arise for a General Counsel. The General Counsel will be expected to keep current in all aspects of law relevant to a special district and provide counsel and support for the ReGen's Board and General Manager in the areas of legal compliance, ethics, liability and risk avoidance. The following items are specifically required and are presented as a list of duties and scope of work.

General Counsel will perform services for ReGen on an as-needed basis. Duties and responsibilities shall include, but not be limited, to the following:

- a. Attendance at meetings of the Board of ReGen and its Finance Committee and Personnel Committee, as requested by the Board, for the purpose of providing legal services and consultation.
- b. Attendance at such other meetings as requested by the President, Board, General Manager, or other designee.
- c. Preparation of ordinances, resolutions, contracts and the like concerning ReGen's business.
- d. Preparation of written legal opinions on matters concerning ReGen business at the request of the Board, General Manager or designee.
- e. Analysis of proposed and enacted legislation, published legal opinions, and other matters that may have an impact on the operations of the ReGen.



- f. Review of the contracts, bid specifications, and purchasing documents for the purpose of legal and policy compliance, appropriate risk transfer, and risk analysis and avoidance.
- g. Consultation with ReGen staff and General Manager regarding personnel matters, labor relation matters, litigation, and other matters concerning ReGen business, as requested.
- h. Advising ReGen whether to file claims or commence litigation; and represent ReGen in connection with certain claims and litigation filed by or against it. Generally outside counsel will be retained in the event of a conflict of interest which disqualifies General Counsel from representation. Other counsel may be retained to defend or prosecute actions which in the opinion of General Counsel require special expertise or where representation is being provided under a contract of insurance, Brown Act, Government Code, Health and Safety Code, conflict of interest and Political Reform Act and assisting them in seeking advice from regulatory agencies such as the Fair Political Practices Commission.
- i. Provide legal assistance and consultation to ReGen Board and staff on matters of property rights and property management.
- j. Such other activities as directed by the President, Board, and General Manager or other designee.

3. Proposal Format and Content

Proposals shall include, at a minimum, the following information (and provide additional information, as appropriate):

- a. Submittal Outside Cover Title - Include the RFP Title, submittal due date, and the name, address, fax number, and telephone number of the principal submitting firm.
- b. Cover Letter- provide a brief (maximum of two pages) submittal cover letter.
 - i. State any changes to format or deletions of requested materials, which may be a part of the submittal.
 - ii. Include a summary describing how the submitter proposes to provide the required services to ReGen.
- c. Identification of the Responder
 - i. Provide legal name and address of the submitter.
 - ii. State the legal form of the submitter, i.e. partnership, corporation, joint venture, and so forth. If the submitter is a joint venture, identify the members of the joint venture team and provide all information required under this section for each member. If the submitter is a wholly owned subsidiary of a parent company, identify the parent company and its address.
 - iii. Provide the name, title, address, and telephone number of submitters principal contact person for the RFP.
- d. Qualifications of the attorney and, if applicable, the firm, including:
 - i. A description of the attorney's qualifications and experience, including areas of expertise, accomplishments, previous employers/clients, etc.
 - ii. A description of the law firm including the size of the firm, other attorneys and support staff, scope (national, regional, or local, and indicating the location of the responsible office). Explain the expertise of other members of the firm as it



would benefit ReGen.

- iii. A resume/curriculum vitae including years of experience, education, professional affiliations, etc.
 - iv. Relevant prior experience, specifically including work as General Counsel, for public agencies, in particular special districts.
 - v. References from several California public agencies, and special districts (at least three), which have utilized your services including addresses and phone numbers of elected officials or key agency staff who are familiar with your performance and number of years served.
 - vi. A description of legal services performed for public agencies within California.
 - vii. A description of backup attorney(s) within your firm who would be available in your absence and other support staff, both professional and administrative, who would provide resources to this engagement. Resumes of key staff, particularly back-up attorneys, should be included. Backup attorney(s) should have prior qualifying experience while acting in the capacity of General Counsel or assistant General Counsel for public agencies and/or special Authorities.
 - viii. Any regulatory action, tax liens or legal sanctions taken against the attorney or firm in the last 5 years.
 - ix. Services or specialized legal skills, if any, that have not been listed in this RFP that you believe might bring "value-added" to the scope of work proposed by your firm. Value-added includes services that might otherwise be provided by the firm which could be made available to the District Board, managers and/or staff at no increased cost. Some examples of added-value are: the opportunity to attend firm-sponsored or provided training, a newsletter or annual legal update publication, a firm-sponsored client-only research webpage, a library of existing opinion letters that might be customized to apply to the needs of the District, etc.,
- e. Legal Approach:
- i. A statement of how you plan to meet or exceed the scope of work for General Counsel services described above. This should include, at a minimum, the general approach to providing the requested services, organization of your effort/team and expectation of assistance from ReGen staff.
 - ii. A statement of your availability to provide these services based on other clients and commitments.
- f. Fees:
- A full description of proposed fees (and/or retainers required to secure services) for the General Counsel and for all support attorneys and personnel anticipated to participate in this engagement, including whether you charge for travel time and, if so, whether you provide reduced rates for travel time. For travel expenses, please identify the office of origin for the assigned attorney.
- g. Disclosures:
- Disclosures of actual and potential conflicts of interest, if any, including but not limited



to identifying each and every matter in which the attorney or firm has, within the past calendar year, represented any entity or individual with an interest adverse to ReGen, its Board or staff, or any of the Boards, agencies, commissions, or organizations to which ReGen belongs.

Provide a statement concerning other potential areas for conflicts of interest to arise because of your work or the work of others in your firm. Do you require a waiver clause to be signed in advance of commencing this employment?

4. Evaluation Criteria

Your proposal will be reviewed and evaluated based on your overall qualifications. Proposals should be concise and to the point to facilitate ease of evaluation. You will be judged on the following criteria, and not solely on the lowest fee.

- a. Qualifications of the attorney, to include recent experience providing General Counsel services to public agencies and special district.
- b. Qualifications of the attorney and assigned backup/support team.
- c. Understanding of the engagement.
- d. Acceptability of legal approach and ability to meet deadlines and commitments.
- e. Overall fees.
- f. Suggestions or offers of additional services that might be considered as value-added.

5. Proposal Submittal Instructions

- a. Responses are to be sent to:

Ida Gonzales
ReGen Monterey
14201 Del Monte Blvd.
Salinas, CA 93908
831-264-6388
Email: igonzales@regenmonterey.org

- b. Number of Copies - Please submit an electronic proposal to the email address of Ida Gonzales, Board clerk at IGonzales@ReGenmonterey.org as well as 2 fully executed originals mailed or hand delivered to ReGen. For purposes of compliance with the proposal submittal timeline, the email submittal date and time will be used.
- c. Authorization - The submittal shall be signed by an individual or individuals authorized to execute legal documents on behalf of the submitter. For electronic proposal, the electronic signature of an individual/s authorized to execute legal documents on behalf of the submitter must be included.



- d. Delivery- Two (2) originals must be in an envelope, marked CONFIDENTIAL, addressed to Felipe Melchor, General Manager, and RECEIVED on or before 2:00 p.m. February 12, 2025 at the office of:

Monterey Regional Waste Management dba ReGen Monterey
14201 Del Monte Boulevard
Salinas, CA 93908

e. Compliance

- i. Failure to substantially comply with the requirements of this RFP may result in submitters' RFP submittal not being considered.
- ii. The District reserves the right to revise this RFP prior to the due date. Revisions to the RFP shall be mailed/emailed to all RFP holders of record. The District also reserves the right to add or delete areas of expected legal advice and work as conditions change from time to time.
- iii. The District will answer questions submitted electronically and in writing, in the form of an Addendum, to be issued to all RFP holders of record no later than three (3) days prior to submittal deadline.
- iv. The District reserves the right to extend the date by which the submittals are due.
- v. ReGen reserves the right to reject any or all proposals and to waive any irregularities or informality in any proposal whenever such rejection or waiver is in the interest of MRWMD.
- vi. In the event that MRWMD cannot negotiate a satisfactory contract with the top ranked contractor, or the contractor does not execute the contract, MRWMD may give notice to said contractor of its intent to negotiate a contract with the next most qualified contractor, and so on, or may, if it so chooses, call for new proposals.
- vii. MRWMD reserves the right to select the proposal which, in MRWMD's opinion, will provide services best matching MRWMD's needs, not necessarily the lowest cost bid.

6. Selection Process

Submit your electronic and written proposal by 2:00 p.m. on February 12, 2025. The GM and/or Board will review the proposals, and selected attorneys of a proposer may be asked to participate in the interview. The Board will approve the final selection at its March 21, 2025 meeting. The selected attorney should be present and be ready to serve the Board and ReGen at that meeting.

7. Questions

Any questions should be directed to the email address fmelchor@ReGenMonterey.org. You are welcome to visit the ReGen Monterey office upon appointment.

8. Terms and Conditions

- a. This RFP does not commit the District to award a contract or contracts, to defray any cost incurred in the preparation of a response to this request, or to procure or contract for



- services. All submittals become the property of the District and shall remain confidential until a competitive proposal is selected by the District Board and an agreement for General Counsel legal services has been negotiated and approved with the selected proposer . Thereafter all submittals may be subject to public review on request, unless exempted.
- b. The District reserves the right to reject all submittals.
 - c. The District reserves the right to cancel, in part or in its entirety, this RFP including, but not limited to, selection schedule, submittal date and submittal requirements. If the District cancels or revises the RFP, the District or District's representative will notify all respondents of record in writing.
 - d. The District reserves the right to request additional information and/or clarifications from any or all respondents.

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