

## **Central Contra Costa Sanitary District Request for Proposals for Contract District Counsel Services**

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### **I. Introduction**

The Central Contra Costa Sanitary District (Central San) is seeking proposals for legal services from a qualified law firm to serve as the District's legal counsel and to provide legal services to the District in a contracted capacity. Kenton L. Alm (Kent), the current incumbent, will be retiring in the Spring of 2023 after approximately 35 years of providing contracted District Counsel services.

### **II. Central Contra Costa Sanitary District Background**

Central Contra Costa Sanitary District (Central San) is a special district within the state of California, established in 1946 and based in Martinez, CA. The District provides wastewater collection, treatment, and disposal services; recycled water production and distribution; and household hazardous waste collection. Central San serves nearly half a million residents and more than 3,000 businesses within a 145-square-mile service area, which includes Alamo, Danville, Lafayette, Moraga, Orinda, Pleasant Hill, Walnut Creek; portions of Martinez and San Ramon; and unincorporated communities within central Contra Costa County. Central San operates its own collection system within its boundaries, including approximately 1,500 miles of public sanitary sewers and 18 pump stations. Central San also treats the wastewater from the cities of Concord and Clayton but does not maintain their sanitary sewer collection systems.

Central San is a world-class organization which prides itself on its exceptional customer service, environmental stewardship, skilled professionals, fiscal responsibility, infrastructure reliability, and innovative spirit. For over 75 years, Central San has maintained a reputation within its industry and community for dependable and responsive service. Central San follows the Effective Utility Management model in adopting its two-year Strategic Plans, which focus leadership and operations on specific goals and metrics to ensure accountability and continuous improvement across the organization. For 24 consecutive years, Central San has maintained 100% compliance with its wastewater discharge permit; this year marked the longest successful streak of any wastewater utility in the state and tied Central San for ninth in the

nation. Central San is honored annually for its commitment to financial stability and transparency, having won the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for 21 straight years, as well as the GFOA Distinguished Budget Presentation Award for four straight years. Central San is also recognized regularly for its work in public outreach, information technology, transparency, and treatment plant maintenance and reliability. Central San is dedicated to leadership and collaboration in water reuse and is currently spearheading multiple projects with private and public agencies to maximize and repurpose the 13 billion gallons of water discharged every year.

As an independent special district, Central San is governed by a five-member Board of Directors who are elected by divisions within the district for alternating four-year terms in even-numbered years. The District employs approximately 300 dedicated professionals and operates with a commitment to follow its Vision, Mission, and Values:

### THE DISTRICT'S VISION

To be an innovative industry leader in environmental stewardship and sustainability, while delivering exceptional service at responsible rates.

### MISSION

To protect public health and the environment.

### VALUES

#### CUSTOMER SERVICE

We are responsive to our customers, and we deliver on our commitment to provide safe, reliable, and cost-efficient services.

#### EMPLOYEES

We empower our employees to do their best work.

#### INTEGRITY

We hold ourselves accountable to a high standard of honesty, reliability, and transparency.

#### INNOVATION

We continuously improve and optimize our operations.

#### ENVIRONMENTAL SUSTAINABILITY

We conduct our business to safeguard and improve our planet.

#### DIVERSITY, EQUITY, AND INCLUSION

We value people of all backgrounds, cultures, and perspectives, and we are committed to the principles of equity and inclusion.

Enormous changes have occurred since the District's beginnings in 1946 as a small agency serving a mixed rural and residential area: the size, population, and characteristics of the service area; the processes and technologies used to treat and collect wastewater; increased environmental awareness; and stricter water quality standards and regulations. What has not changed is the District's unwavering dedication and commitment to protecting the public health and environment, and to providing high-quality customer service at responsible rates.

To learn more about Central San, please visit its website at: <https://www.centalsan.org>.

### **III. Proposal Scope**

Central San seeks proposals from qualified law firms and individuals with demonstrated experience in supporting a public sector entity, preferably with knowledge of water/wastewater utilities within California. Its anticipated services will require legal services in supporting standard and normal transactional activity, and oversight/management/participation in litigation services for all operational and administrative aspects of the District, **with the exception of human resources/personnel/labor relations legal support.**

Proposals should anticipate the projected service level totaling approximately 90-100 hours per month, excluding any significant litigation matters. This will include the activities defined in this RFP and in maintaining part-time on-site office hours for a minimum of two defined days or half days per week. Proposals may offer an on-site solution based on a combination of principal hours combined with secondary or "backup" attorney(s) providing legal support. Days and hours can be arranged in coordination with the District's General Manager.

### **Proposal Services/Overview**

The selected law firm or legal team will be expected to work with and support Central San for all ordinary legal services required by the District. Desired services will generally include, but not be limited to:

1. Serving as the District Counsel for all transactional and litigation needs as required.
2. Participating in and advising at all Board of Directors meetings as requested. The principal serving as District Counsel will participate in semi-monthly afternoon Board meetings (typically held at 2:30pm on the first and third Thursdays of the month), and attend standing Board Committee Meetings, as needed.
3. Participating in biweekly staff managers' meetings and being available for one-on-one meetings with the District's General Manager on an as-needed basis, as well as reasonable availability for telephone conferences.
4. Providing legal counsel, guidance, direction, and opinions to the General Manager, executive staff, and District staff for transactional support as requested/required.
5. Providing oversight and management of litigation services through assignment of appropriate lawyers within the District Counsel's firm or through separately contracted law firms with the appropriate experience and expertise required for the issues presented.
6. Support District operations both on-site and remotely through email, phone,

and Teams video conferencing.

The District also has historically sought for its Counsel to have or develop a substantial presence in industry organizations, such as California Association of Sanitation Agencies (CASA) and California Special Districts Association (CSDA). Counsel is also expected to understand and participate in the legislative process through coordination with the District's Communications and Government Relations Manager and participate in industry organizations' legislative efforts.

#### **IV. Typical Areas of Law Requiring District Counsel Support**

Over time, the firms or individual applicants should expect to encounter a wide variety of areas of law as District Counsel. It is desirable for proposers and firms to have some experience and expertise in a number of the practice areas that the Counsel will typically encounter over time.

##### **Public Law.**

A general understanding of process and procedures relating to local public agencies, including typical areas such as the Brown Act, Public Records Act, and public contracting requirements, is required. Drafting of ordinances and resolutions, and preparation of numerous Board-level official documents is also required.

##### **Public Works Construction.**

Central San's 10-Year Capital Improvement Plan anticipates approximately one billion dollars of renovation, rehabilitation, and upgrading capital work. Familiarity with public bidding and construction contracting issues is essential.

##### **Clean Water Act (CWA) and Related Regulatory Issues.**

Central San operates pursuant to a National Pollutant Discharge Elimination System (NPDES) under the CWA. A basic familiarity with that regulatory framework and related environmental issues is desirable.

##### **Real Property and Easements.**

The District has numerous pieces of property, including fee holdings and 300 miles of sewers in easements or other reservations. Legal support is required to provide advice to the District's right-of-way group and address numerous real property issues.

##### **Rates, Fees, and Charges.**

Basic public agency law concerning the setting of fees and charges, including the application of Proposition 218 and other limitations, is fundamental to the District's operation. Setting its sewer service and capacity fees provides the basis for most of its revenues.

##### **Supervision of Litigation and Risk Management.**

The District Counsel has the responsibility for supervising all District litigation and keeping the General Manager and the Board well informed. Litigation may be assigned to the Counsel's firm, although litigation may also be assigned elsewhere. Coordination with the District's Risk Management Administrator is required.

## V. Proposal Requirements

1. Description of the service model that is recommended for this role.
2. Designation of the principal attorney that will serve as the District Counsel.
3. Identification of the primary backup attorney(s) that would serve as the principal's designated representative in providing additional legal support to the District. If a sole practitioner or small firm is applying, a detailed description of proposed backup and support approach.
4. Profiles/resumes for all "team" members including the principal, designated backup attorneys, and any other potential law firms or firm members that would potentially regularly interact with the District.
5. Team members' experience with public law, water/wastewater utilities, major public works construction/Capital Improvement Program oversight, and litigation experience or litigation oversight.
6. A reference list containing at least three reference contacts.
7. A listing of similar public sector clients supported by the law firm or previously supported by the proposed principal and primary backup attorney.
8. Proposals must be submitted electronically to: **Paul Kimura, Avery Associates, at [paulk@averyassoc.net](mailto:paulk@averyassoc.net) by 5:00pm (PST) on January 13, 2023.** Late proposals will not be accepted.

## VI. Cost Proposal

Submitting firms must provide a cost proposal that includes the following:

1. Hourly/project rates for the principal, backup attorneys, legal secretary, and legal clerical support.
2. Hourly/project rates for litigation support and potential legal services not specified in this RFP.
3. Potential approaches to maintain and/or mitigate cost control for legal services for the District, including potential retainer or block billing options.

## VII. Evaluation and Selection Criteria

Kent Alm, current District Counsel, and Paul Kimura, Avery Associates, will review initial submissions and will select several firms to present their proposal of services to a District interview team. The criteria for evaluating proposals will include the following:

1. Firms' and/or proposed attorney's track record in supporting public sector clients.
2. Qualifications and experience of the individuals assigned to this project.
3. Responsiveness and demonstrated understanding of providing long-term high quality service, consistent with Mr. Alm's service to Central San.
4. Creativity in presenting overall projected costs and perceived value for services to be performed.
5. Defined strategies to provide significant attention and availability to Central San while mitigating ongoing long-term legal costs.

6. Law firm's or principal attorney's presentation/communication style and perceived ability to work with the District Board and senior management team.
7. Law firm's and/or principal attorney's experience and knowledge of both public wastewater or water utilities and of central Contra Costa County.
8. References.