

REQUEST FOR QUALIFICATIONS (RFQ)

**FOR LEGAL SERVICES FOR THE OVERSIGHT BOARD
OF THE SUCCESSOR AGENCY TO THE CITY OF SAN DIEGO
REDEVELOPMENT AGENCY**

INTRODUCTION

Under AB 1x 26 (Chapter 5, Statutes of 2011), an Oversight Board was established to oversee the actions of the Successor Agency to the former Redevelopment Agency of the City of San Diego (Successor Agency). The Oversight Board is seeking the services of an California -licensed and insured attorney with a professional law firm or an experienced sole practitioner to serve as Legal Counsel to the Board to provide oversight of Board operations, lending practices for development projects and other corporation services and activities. Information which provides some background and summarizes the provisions in AB 1X 26 is attached.

The term of the engagement would be at the earliest possible opportunity through December 31, 2013 and the contract may be extended from year to year until the Oversight Board completes its work and is dissolved or is merged with the other oversight boards in San Diego County in 2016 as required under AB 1X 26. Either party could terminate the engagement with 30 days prior written notice.

Interested firms should have some experience advising public bodies on the Brown Act, Political Reform Act and the Public Records Act. The firm should have experience in advising municipal governments in general and familiarity with California Redevelopment Law will be valuable. It would be desirable if the firm also has experience with public contracting, public finance (bonds), and redevelopment funded development projects and activities, as well as loans and property dispositions.

The selected Legal Counsel would advise the Board and be supported by Successor Agency staff, and would be expected to work closely with the legal representatives of the Successor Agency as well as counsel from the various taxing entities with appointments to the Board or who receive property tax revenues. The Oversight Board members are as follows:

Supervisor Ron Roberts, County of San Diego appointee
Peter Q. Davis, County of San Diego appointee
Mark Nelson, City of San Diego appointee
Presently vacant, City of San Diego appointee
Maureen Stapleton, Special District appointee
Dr. Bonnie Ann Dowd, California Community Colleges appointee
Andra Donovan, Esq., County Board of Education appointee

Due to conflicts of interest, the Legal Counsel and its firm could not be in an adversary position with the agencies that appointed the Oversight Board members, nor could it represent private developers under existing contracts with the prior dissolved Redevelopment Agency of the City of San Diego for redevelopment projects which have not yet been completed.

SCOPE OF SERVICES

The scope of the services of the Legal Counsel would include, but is not limited to, the following:

- Attend regular scheduled Oversight Board Meetings, Special Meetings, and other meetings as requested by the Board.
- Advise the Board on actions necessary to protect the Board members from personal liability and protect the assets of the dissolved agency from liability and attachment.
- Review and advise the Board on the recommendations from Successor Agency staff regarding contracting issues.
- Review and advise the Board on recommendations from Successor Agency staff on refinancing matters, overseeing completion of redevelopment projects, and disposition of property and other assets.
- Represent the Board in any potential litigation brought by or against or otherwise involving the Board, or assist the Board in contracting for specialized litigation counsel and overseeing outside counsel's work.
- Review requested documents and inquiry responses provided by the Successor Agency and prepare legal opinions at the request of the Oversight Board.
- Engage in any other legal matter reasonably requested by the Board.

EXPERIENCE AND QUALIFICATIONS

The selected person and/or firm must have experience with municipal and/or other local public sector law. Private sector firms with direct experience in Redevelopment Law contained in the California Health and Safety Code are preferred. Knowledge and experience in the Brown Act, Political Reform Act, Public Records Act, contracts, and bond financing and lending, are important. It is beneficial if the firm has experience with real property development and disposition. Knowledge and experience in the other areas of public law is also be desirable.

PROPOSAL SUBMISSION REQUIREMENTS

Schedule

Proposals are due May 29, 2012 by 5:00 p.m and interviews may follow.

Proposal Submissions

Proposals in response to this RFP are required to provide a minimum of the following information:

- 1- A one page cover letter
- 2- Description of law firm
 - a. Breadth of services offered;
 - b. Ability, capacity, and skill to provide full service representation, as described above, including the experience of the attorneys with relevant cases; and
 - c. Capacity to service the contract or provide the service promptly, within the time specified, and without delay or interference.
- 3- Proposed Fee for Services
 - a. Proposed retainer fee, including any exceptions to the retainer fee; or, alternatively,
 - b. How the applicant proposes to bill their time, including minimum units for general legal, communications advice (telephone, voicemail, email) and costs for travel time, plus any and all necessary costs such as photocopies, telephone or facsimile charges.
- 4- Client/Reference List
 - a. Provide names, titles, addresses, phone numbers and email addresses for three to five references; and
 - b. Briefly describe the nature of the work performed for the named references as well as the length of the working relationship.
- 5- Conflict of Interest
 - a. Disclose any actual or potential conflicts of interest between any member of the Oversight Board or any entity that appointed a member of the Oversight Board and any other person or entity represented by the counsel responding to this RFP.\
 - b. Disclose any project-related work on behalf of any of the following entities: County of San Diego, City of San Diego, or any entity that appointed a member of the Oversight Board
- 6- Insurance Requirements
 - a. Provide a statement regarding insurance held by the sole practitioner or firm in the following categories:
 - i. Commercial General Liability (CGL)
 - ii. Automobile Liability
 - iii. Workers Compensation and Employer's Liability
 - iv. Professional Liability

SUBMITTAL PROCEDURES

Please submit three (3) copies your proposals by 4:00 p.m. Tuesday May 29, 2012:

Oversight Board Contact David Graham

Office of the Mayor
City of San Diego
202 C St. 11th Floor
San Diego, CA 92101

Proposals may also be submitted via e-mail to successorinfo@sandiego.gov. All inquiries should be directed to David Graham at 619-236-6980.

A sub-committee of the Board will conduct a review and evaluation of all proposals. The Board reserves the right to reject any and all submittals and to waive minor inconsistencies. The cost of preparing responses to this Request for Qualifications shall be borne by the respondents and will not be reimbursed by the Board.