



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
September 30, 2010
10:00 A.M.
Town Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

10:00 A.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

10:02 A.M. PUBLIC COMMENTS

10:15 A.M. REGULAR

- 1. REVIEW AND DISCUSS CITY ATTORNEY REQUEST FOR PROPOSAL PROCESS; DISCUSS COMPOSITION, AND REVIEW WORK IN PROGRESS BY AD-HOC LEGAL SERVICES COMMITTEE**
Report: City Manager Jerry Gruber
Recommendation: To Be Determined.
- 2. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CODE ENFORCEMENT SERVICES**
Report: City Manager Jerry Gruber
Recommendation: Approve publishing a request for proposal for Code Enforcement services for the Town of Atherton
- 3. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL SERVICES**
Report: City Manager Jerry Gruber
Recommendation: Approve publishing a request for proposal for Building Official services for the Town of Atherton
- 4. RECOMMENDATION BY TOWN CENTER TASK FORCE FOR APPROVAL TO PUBLISH REQUEST FOR STATEMENT OF QUALIFICATIONS FOR DESIGN OF A NEW TOWN CENTER**
Report: City Manager Jerry Gruber
Recommendation: Approval to publish request for statement of qualifications for design of a new Town Center
- 5. DISCUSSION OF CITY MANAGER SEPARATION, NEXT STEPS AND RECRUITMENT OF BUILDING OFFICIAL, CODE ENFORCEMENT AND ANY OTHER POSITIONS DURING THE TRANSITION**
Recommendation: To Be Determined

12:00 P.M. ADJOURN

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)

DRAFT

ITEM 1

**TOWN OF ATHERTON
REQUEST FOR PROPOSALS
CITY ATTORNEY**

**SECTION I
GENERAL INFORMATION**

Introduction

The City Council of the Town of Atherton invites qualified firms or individuals to submit proposals for City Attorney Services as described in the scope of work set forth in Section II of this request for proposals (RFP).

Background

The Town of Atherton was incorporated in 1923 and is a residential community with a population of 7,475 according to the State of California Department of Finance. Atherton is a General Law City with five City Council members elected at large operating under a council-manager form of government. The City Council selects the Mayor and appoints the City Manager, City Attorney, and members of the Town boards, commissions and committees. The City Attorney reports to the City Council. The City Council meets on the third Wednesday of the month at 7:00 p.m. for public session and preceded by a closed session. The Planning Commission meets on the fourth Wednesday of the month at 6:00 p.m.

Atherton encompasses approximately six square miles and is bounded by the City of Redwood City, unincorporated County of San Mateo, Town of Woodside and City of Menlo Park. Services provided by the Town include administration, police, recreation services, street maintenance, planning and building inspection. Fire protection and paramedic service are provided by the independent Menlo Park Fire Protection District. Ambulance service is provided through a countywide joint power agreement. Sewer service is provided by the West Bay Sanitary District and Fair Oaks Sewer Maintenance District and water service is provided by the California Water Service company. The Town has ____ employees. The FY 2010-2011 General Fund budget for the Town of Atherton is _____ million. The FY 2010-2011 budget for legal services is \$_____.

More information can be found on the Town of Atherton's website: www.ci.atherton.ca.us.

Issues of Concern

The Town of Atherton has similar issues of concern as other municipalities. However, the Town has particular concern about the following issues:

- Controlling legal expenses
- Avoidance and mitigation of litigation
- Protecting Town's rural quality of life
- High Speed Rail
- Effectiveness of legal services in minimizing litigation actions
- Compliance with Public Records Requests
- Advising on successful revenue measures
- Developing appropriate fee structures
- Records retention
- Code enforcement
- Minimizing the use of closed sessions
- Communication with the media and public to achieve a highest degree of transparency
- Working with staff, committees and council to achieve the highest professional level in the processes they should follow
- Ability to reach out and relate to the community

RFP Contact

Questions regarding the RFP should be directed to:

City Manager, Town of Atherton
91 Ashfield Lane
Atherton, CA 94027
650-752-0500
email:

Proposal Due Dates

One original and nine copies of the proposal must be **received by the City Manager of the Town of Atherton** no later than **Noon (12:00 p.m.) on (insert date)**. Proposals are to be sent to:

City Manager, Town of Atherton
91 Ashfield Lane
Atherton, CA 94027

Proposals should be marked "**Town of Atherton City Attorney RFP**". Facsimile proposals will not be accepted. Additionally, please **email an electronic copy** of your proposal to Theresa DellaSanta, Deputy City Clerk, tdellasanta@ci.atherton.ca.gov by Noon (12:00 p.m.) on (insert date). Proposals received after Noon (12:00 p.m.) on (insert date) will be disqualified.

Incurred Costs

The Town of Atherton is not liable for any costs incurred by a proposer in the preparation and/or presentation of the proposal.

Equal Opportunity

The Town of Atherton requires all proposers to comply with equal opportunity policies. The Town of Atherton's programs, services, employment opportunities, and volunteer positions and contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

Independent Contractor

The City Attorney will be an independent contractor. All persons employed by a firm in accordance with a contract resulting from this RFP will be employees of the firm and not the Town of Atherton.

SECTION II
LEGAL SERVICE REQUIREMENTS
SCOPE OF WORK

Services To Be Provided

The City Attorney is appointed by and reports to the City Council. The City Attorney is the chief legal counsel for the Town of Atherton and, as such, is responsible for advising on all legal matters.

The following are the primary responsibilities for the legal services the Town will require in a City Attorney:

- Advise the Council, Town Boards and Commissions, and all Town officials on municipal government legal matters including the Brown Act and parliamentary procedures for running meetings.
- Attend all City Council and Planning Commission meetings unless excused by the Mayor or Council. Attend other meetings as assigned by the City Manager or Mayor.
- Coordinate and manage the services and costs of all outside legal counsel within limits approved by the City Council.
- Provide legal advice to staff, upon request of the City Manager.
- Prepare and/or review all ordinances, resolutions, municipal contracts, joint powers agreements, and other agreements and contracts entered into by the Town.
- Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
- Alert the Town in a timely manner on new State or Federal legislation or judicial decisions that may impact the Town and propose appropriate action(s) to assure compliance.
- Provide guidance on personnel matters, including policy and procedures affecting employees.
- Provide legal work pertaining to land use issues including but not limited to property acquisitions, property disposals, public improvements, easements, dedications and right-of-way vacations.
- Enforce Town codes, zoning regulations, and building standards through administrative and judicial actions.
- Assist in the preparation of Environmental Impact Reports.
- Attend staff meetings at the request of the City Manager (currently held weekly on Tuesdays).
- Hold office hours at Town Hall once a week for at least four (4) hours on a day to be set by the City Manager.
- Communicate with the press, when authorized to do so by the City Manager or Mayor regarding Town legal matters.
- Prompt response to calls and e-mails from the City Council and staff.
- Review current documents, policies and forms to ensure compliance to current laws.

SECTION III **PROPOSAL FORM AND CONTENT**

Proposal Submittal

All pages of the proposal must be numbered consecutively. The proposal shall not exceed fifteen (15) pages in length. Resumes and licenses shall not count against this page limit. The proposal must be organized in accordance with the list of proposal contents.

Proposal Form and Content

Proposers must include the following items in their proposals addressing the scope of work in Section II. All items must fall within the maximum page count. Proposals and cost schedule shall be valid and binding for ninety (90) days following the proposal due date and will become part of the contract that is negotiated with the Town.

A. Letter of Transmittal

Include a cover letter signed by a duly authorized representative of the firm. The cover letter must include name, address, telephone number and e-mail address of the proposer submitting the proposal. In addition, the name, title, address, telephone number, fax number and e-mail address of the person or persons to contact whom are authorized to represent the proposer and to whom correspondence should be directed should also be included. Additionally, the cover letter must include the following table containing the requested information:

Name of proposed City Attorney	
Office address for proposed City Attorney	
Monthly retainer	
Services included in monthly retainer (Include estimated weekly office hours on-site in Atherton) Services NOT included in monthly retainer	
Hourly rates for services not included in retainer	
Areas of expertise within your firm	
References (name, municipality, phone, email)	1.
	2.
	3.

B. Table of Contents

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

C. Executive Summary

Introduce the proposal and summarize the key provisions of the proposal. Provide a statement describing why the proposer is qualified to perform this work, the name of the individual who would serve as City Attorney, and the proposed fees.

D. Statement of Understanding

Include a detailed statement of understanding of the City Attorney services to be provided. If there are services listed in this RFP that the proposer will not be able to provide, describe those services in this section.

E. Approach to Legal Services

Provide a response to each of the following items:

1. Describe your view of the role of the City Attorney.
2. Describe how you will keep the Town informed about the status of litigation and other legal matters.
3. Provide an example of a written communication (not to exceed 5 pages) to the governing body about a legal issue, in which options are explained and a recommendation is given.
4. Describe how you track and manage legal costs so that Town legal costs are held to a minimum. Please provide an example.
5. Describe how you would proactively advise the City Council about legal developments or issues of concern, without being asked.
6. Describe how as the City Attorney you would work with the City Manager and staff.
7. Describe how as the City Attorney you would work with the Mayor and City Council, and participate in City Council, Planning Commission, and other meetings. Would you describe your style of participation in such meetings as proactive or reactive?
8. How much **in excess of** the retainer would you expect the Town of Atherton to spend engaging the services of your firm for litigation, special expertise, or other services?
9. Please define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, and word processing charges.
10. How do you evaluate the costs/benefits of litigating or settling cases?
11. How would you evaluate whether to use an attorney within your law firm or an attorney from another firm to handle a case, provide expert advice, or provide other needed services? How will fees enter into your judgment of who to use in your role as City Attorney representing the interests of the Town of Atherton?
12. Describe the firm's practices regarding professional development, training, and keeping current in the law and legal matters affecting their clients.
13. Describe the firm's experience with issues such as Historical Artifacts and Historical Overlay Districts.
14. Describe the firm's experience with residential Eminent Domain.
15. Describe the firm's experience with Code Enforcement issues both Town-wide and on individual cases.

F. Background and Capacity

1. Describe your firm's background and history; include number of years in business.
2. Describe your firm's municipal legal services training, experience.
3. Location of office(s) that would serve the Town of Atherton.
4. Types of communications devices that would be used by the firm in communicating with the Town of Atherton (e.g., email, telephone, cell phones, voice mail, conference call numbers, websites, etc.)
5. Staff services available (clerical support, paralegals, other non-attorney staff).
6. **Awards, honors or public recognition of you, your firm, or both, concerning the provision of legal services.**

G. Proposed Attorney(s)

Name the person whom you propose to designate as City Attorney, and other proposed support members

1. Certificates or licenses, including the date of admission to the State Bar of California;
2. Description of education (including name of educational institutions, degrees conferred, and year of each degree);
3. Professional background and professional associations;
4. Experience with and knowledge of the law relating to general law cities related to land use and planning, environmental law including the California Environmental Quality Act (CEQA), redevelopment law, general plans, code enforcements and other related areas of law, administrative law; labor relations/personnel law, and other areas of municipal law;
5. Expertise and training.

H. Expertise of Other Attorneys to Assist the Town of Atherton

1. Indicate the expertise your firm is able to provide the Town of Atherton (e.g., redevelopment, labor, etc.).
2. Provide names and qualifications of attorneys in your firm which would be able to provide such legal services.
3. If you are an individual proposing to provide City Attorney services, please indicate the attorneys you would expect to use on behalf of the Town of Atherton for specific areas of expertise.

I. References

Provide contact information for three municipal clients for which services have been provided in the last three years, the time period within which the reference was provided those services and the approximate duration for providing those services., (This information will be used in conducting reference checks) Please include the contact person's name, title, agency, phone number and email address.

J. Clients/Potential Conflicts of Interest

1. List all public clients for whom your firm currently provides services under a fee for services basis or on a retainer basis. Indicate the services provided (e.g., City Attorney services, special legal expertise in specific disciplines, etc.). 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.

2. For the person to be designated as City Attorney, list all public clients that person presently represents as city attorney or general counsel, along with the meeting dates and times for each governing body.
3. List all private clients that could potentially pose a conflict of interest with your representing the Town of Atherton.
4. Identify all situations in the last five years in which you have been adverse **as an attorney** to public entities, either in litigation or administrative matters.

K. Fee Schedule

The selected City Attorney will be required to provide services under a monthly retainer fee format for regular City Council meetings, special City Council meetings, weekly staff meetings, office hours on site at the Town of Atherton, communications with the Town of Atherton and legal work provided under the retainer. Routine travel expenses would be the responsibility of the law firm.

1. Please describe what is included in the retainer (including typical number of office hours on site each week).
2. Please provide an hourly rate for all of the individuals who may be working with the Town of Atherton from the firm. In addition, please provide a rate for special legal services.

Please provide the retainer fee and rates in a **table** format.

Please define what type of work you would consider to be extra or specialized work which would be billed in addition to basic services. Please state the hourly rates for the designated city attorney and associates for such specialized services.

L. Additional Information

Any other information that the proposer feels applicable to the evaluation of the proposal or of their qualification for accomplishing the legal services should be included in this section. You may use this section to address those aspects of your services that distinguish your firm from other firms.

Criteria and Process for Selecting Community Volunteers for City Attorney Selection

The City Council of the Town of Atherton has directed the formation of an Ad Hoc Legal Counsel Selection Committee to be formed for the purpose of developing a Request for Proposals, reviewing the proposals and submitting them along with recommendations to the entire City Council for selection of a City Attorney for the Town.

Council Members Carlson and Lewis are the Council representatives who will solicit applications from the Town of Atherton Community for volunteers to serve on the Committee. Three residents will be selected by the entire Council at the October 20, 2010.

Applicants will be chosen based on the following criteria:

1. Atherton resident and homeowner.
2. Experience in public sector law, as counsel or as a public sector manager receiving legal services.
3. Experience in recruitment, selection and hiring (or making hiring recommendations) of counsel for public entities.
4. Independent of any close association with Atherton interests which could pose a conflict.
5. Awareness of Atherton's financial situation and its exposure to lawsuits.
6. Ability to work as a team member, focus on solutions and compromise.
7. Member of the California Bar and experience practicing law in California is highly desirable.

Please submit application no later than September 28, 2010. Final selection of 3 Committee Members will be at the regularly scheduled City Council meeting on October.

090210



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE SPECIAL MEETING OF SEPTEMBER 30, 2010

SUBJECT: APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CODE ENFORCEMENT SERVICES

RECOMMENDATION:

Approve publishing a request for proposal for Code Enforcement services for the Town of Atherton.

BACKGROUND:

At the June 16, 2010 City Council Meeting the contract for CSG Consulting was on the agenda for consideration to renew. Council discussed the current proposed cost of the contract of \$ 58,000 and directed the City Manager to solicit input from other neighboring jurisdictions to see if they were interested in providing the Town with a Code Enforcement Official.

Council directed staff to request Redwood City to make a presentation at the Council meeting, however after further dialogue with staff and further review of the Town's current purchasing policy it was discovered that the Town must send out a Request for Proposal (RFP) for code enforcement services.

Council directed staff to revise the language in the RFP so as not to eliminate any non-profit agencies from submitting qualified proposals.

Attachment: Request for Proposal



Date of Release:
September __, 2010

TOWN OF ATHERTON
REQUEST FOR PROPOSAL (RFP)
CODE ENFORCEMENT OFFICER

The Town of Atherton invites jurisdictions and qualified consultants to submit proposals for professional Code Enforcement services for the Town of Atherton. Proposals from both public agencies and private companies are encouraged.

INTRODUCTION

The Town of Atherton primarily consists of single-family residential land use with several private and public schools and a country club. The median lot size in the Town is one acre in area and the Town has numerous ongoing construction projects.

The Code Enforcement function operates under the direction of the Town's Building Official. The Town has retained consultant services for this function over the last several years and is interested in seeking competitive proposals for this ongoing service. The Code Enforcement officer is responsible for responding and resolving complaints from interested persons relating to municipal code violations (zoning code, building code, noise ordinance, etc.). The Town's Municipal Code is available for review at www.ci.atherton.ca.us.

The majority of the code enforcement issues are related to single family home construction activity, noise code violations, work without a permit and damage to heritage trees.

SCOPE OF SERVICES

Organizations responding to this RFP are to review the Town of Atherton's Municipal Code (available at www.ci.atherton.ca.us) for an understanding of the services required by this RFP.

Responsibilities: This service will be provided under the general guideline of the Building Official. The Code Enforcement Officer will be required to timely respond to complaints from interested persons, investigate the municipal code, conduct field investigation, prepare correspondence, log and track complaints, conduct subsequent inspections and follow-up until violations are in compliance with the Town's requirements and work with the City Attorney as needed to ensure resolution.

The individual assigned to this task shall have excellent communication skills, both verbal and written, understanding of municipal processing procedures, be able to review and interpret the municipal code, be able to work with other departments and outside agencies, and have basic construction knowledge.

The individual assigned to this task should dedicate eight hours per week to this effort and may need additional hours as requested by the City Manager.

RFP FORMAT AND CONTENT

The proposal shall be brief and precise. The proposal shall include the following items organized as follows:

1. Transmittal Letter.
Describe your organization's interest and commitment in providing services to the Town. The letter shall be signed by an individual of the organization who is authorized to contractually bind the organization and to negotiate a contract with the Town. Please include a point of contact including an email address.
2. Work Plan Approach and Schedule
Discuss your organization's understanding of the Scope of Work to be performed. Describe the method for resolving code violations.
3. Experience
Briefly describe the qualifications, certifications and experience of the personnel to be assigned to the project. The description shall include previous experience showing knowledge of the code enforcement procedures.
4. References
If applicable, provide at least three references (name, company, title, address and telephone number) for recent similar or related work. Submittal of references is waived for a governmental agency.
5. Cost
In a separate envelope, provide a complete summary of the estimated number of hours, schedule of hourly rates, and the total cost for the Scope of Services.

SELECTION CRITERIA

Proposals will be considered only in their entirety. The Town reserves the right to reject any or all proposals without qualifications, and to negotiate specific requirements and costs using the selected proposal as a basis. The criteria listed below will be used to evaluate proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP:

Evaluation Criteria

- Proposed Work Plan and Approach.

- Familiarity with policies and procedures related to the work effort.
- Qualifications of assigned staff member.
- Previous experience with similar projects and satisfaction of previous clients.

INSURANCE REQUIREMENTS

The selected Organization must have a General Liability Insurance insuring it and its organization to an amount not less than \$2,000,000 (Two Million Dollars) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage. An Automobile Liability Insurance policy insuring it and its staff to an amount not less than \$1,000,000 (One Million Dollars) combined single limit per accident for bodily injury and property damage. \$1,000,000 (One Million Dollars). Worker's Compensation Insurance and Professional Liability/Errors and Omissions Insurance in an amount not less than \$1,000,000 (One Million Dollars). The selected Organization will be required to provide original Certificates of Insurance and Endorsements to the City evidencing the insurance coverage and endorsing the City as additional party insured.

COMPENSATION

The Consultant will be required to sign the attached City's Standard Agreement for Consultant Services. Compensation for the services shall be on a time and expense not-to-exceed basis in accordance with the approved schedule of billing rates. Potential changes to contract language may be submitted, in writing, at the time of proposal. Changes will be negotiated through the Town's City Attorney.

PROPOSAL SUBMISSION DEADLINE

One (1) original, three (3) copies and one Word Document, for a total of four (4) hard copy proposals and one electronic proposal, must be submitted by 4:00 PM, _____, 2010 to:

Town of Atherton
Jerry Gruber, City Manager
91 Ashfield Road
Atherton, CA 94027.

For questions regarding this Request For Proposal, please contact Jerry Gruber, City Manager at (650) 752-0504 or by e-mail at jgruber@ci.atherton.ca.us

Interpretations or clarifications considered necessary by the Town in response to questions may be issued by addenda mailed, faxed or delivered to all parties recorded by the City as having received this RFP. Please include an email address for retrieval of these specific interpretations and/or clarifications.

----- End of RFP -----



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE SPECIAL MEETING OF SEPTEMBER 30, 2010

SUBJECT: APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL SERVICES AND CONTINUE CURRENT TEMPORARY SERVICES FROM CSG CONSULTANTS.

RECOMMENDATION:

Approve publishing a request for proposal for Building Official services for the Town of Atherton.

Approve continuation of the current Agreement for Temporary Building Official Services with CSG Consultants under the same terms and conditions allowing the cap of \$15,000 to be exceeded until a permanent selection is in place.

The cost of the temporary services under the current Agreement and the budget for employee salary and benefits is anticipated to be even October 31. Thereafter, a savings will be realized if the Agreement either remains at 24 hours per week (96 hours per month) or increases to a maximum of 164 hours per month.

BACKGROUND:

The Town's Building Official retired this past August after fourteen and one half years. As previously noted in the City Manager's written report to Council on August 18th, the Town has contracted with CSG consultants three days per week during the transition period, not to exceed \$15,000. The current Agreement is scheduled to be exhausted approximately October 1.

Based on the Town's current purchasing policy the Town must send out a Request for Proposal (RFP) for Building Official services which ultimately is in the best interest of the Town and its residents.

Staff recommends that during the RFP process the Town retain the current services of CSG until the RFP process is completed. This will essentially allow for a continued quality level of service until the process and selection is completed.

As discussed at the previous Council meeting the RFP is seeking a qualified consultant as on-going basis for the position of Building Official for the Town of Atherton.

Attachments: Request for Proposal

CSG Agreement for Temporary Building Official Services

Date of Release:
September __, 2010

TOWN OF ATHERTON
REQUEST FOR PROPOSAL (RFP)
BUILDING OFFICIAL

The Town of Atherton invites qualified consultants to submit proposals for professional Building Official services for the Town of Atherton.

INTRODUCTION

The Town of Atherton primarily consists of single-family residential land uses with several private and public schools and a country club. The median lot size in the Town is one acre in area and the Town has numerous ongoing private construction projects.

The Town's Building Official recently retired and the Town is seeking a professional to serve in this capacity on a part-time consulting basis.

The Building Official reports directly to the City Manager and will be responsible for managing five staff members. The Building Official will be responsible to oversee, direct and participate in all activities of the Building Department including; plan checking, building inspection and permit tracking. The Building Official will be responsible to interpret the Building Code, Municipal Code and other local, State or Federal regulations.

SCOPE OF SERVICES

Plans, organizes, provides administrative direction and oversight and participates in all planning, plan checking, building inspection, zoning administration and related activities for private and public construction for the Town; provides expert professional assistance to Town management staff in areas of expertise; fosters cooperative working relationships with intergovernmental and regulatory agencies and various public and private groups; and performs related work as required.

Oversee, directs and participates in all activities of the Building and Zoning Department, including short and long-range planning, plan checking, building inspection and zoning administration activities through Town and contract staff. Responsibilities include coordinating the activities of the department with those of other appointed officials and managing and accomplishing the complex and varied functions of the department. The incumbent is accountable for accomplishing departmental planning and operational goals and objectives and for furthering Town goals and objectives within general policy guidelines.

Consultant Responsibilities: This service will be provided under the general guideline of the City Manager or his designee. The Building Official will be responsible for the following duties:

- Develop and direct the implementation of goals, objectives, policies, procedures and work standards for the department, prepares and administers the department's budget.
- Contributes to the overall quality of the department's service by developing, reviewing and implementing policies and procedures to meet legal requirements and Town needs.
- Oversees all Town plan checking activities; performs complex structural and non-structural plan checks; coordinates contract plan checking activities.
- Oversees all Town building inspection activities; personally inspects sites with complex construction practices or materials or where questions have been raised; coordinates staff and contract building inspection activities.
- Works in concert with the contract Town Planner on planning issues.
- Confers with and represents the department and the Town in meetings with members of the Council, members of boards and commissions, various governmental agencies, developers, contractors, business groups and the public.
- Prioritizes and allocates available resources; reviews and evaluates program and service delivery, makes recommendations for improvement and ensures maximum effective service provision.
- Prepares and directs the preparation of a variety of written correspondence, reports, procedures, ordinance and other written materials.
- Maintains and directs the maintenance of working and official departmental files.
- Monitors changes in law, regulations and technology that may affect department operations; implements policy and procedural changes as required.

The individual assigned to this task shall have excellent communication skills, both verbal and written, understanding of municipal processing procedures, be able to review and interpret the building code and municipal code, be able to work with other departments and outside agencies, and have knowledge of construction techniques.

The consultant should dedicate three days per week to this effort and may need additional hours as requested by the City Manager.

RFP FORMAT AND CONTENT

The proposal shall be brief, precise, and shall not include unnecessary promotional material. The proposal shall include the following items organized as follows:

1. Transmittal Letter.

Describe your firm's interest and commitment in providing services to the Town. The letter shall be signed by an individual of the firm who is authorized to contractually bind the firm, and to negotiate a contract with the Town.

2. Work Plan Approach and Schedule

Discuss your firm's understanding of the Scope of Work to be performed. Describe the method for serving the Building Official function.

3. Experience

Briefly describe the qualifications, certifications and experience of the personnel to be assigned to the project. The description shall include previous experience showing knowledge of the Building Code and construction techniques.

4. References

Provide at least three references (name, company, title, address and telephone number) for recent similar or related work. What happened to excluding references for public agencies?

5. Cost

In a separate envelope, provide a complete summary of the estimated number of hours, schedule of hourly rates, and the total cost for the Scope of Services.

SELECTION CRITERIA

Proposals will be considered only in their entirety. The Town reserves the right to reject any or all proposals without qualifications, and to negotiate specific requirements and costs using the selected proposal as a basis. The criteria listed below will be used to evaluate proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP:

Evaluation Criteria

- Proposed Work Plan and Approach.
- Familiarity with policies and procedures related to the work effort.
- Qualifications of assigned staff member.
- Previous experience with similar projects and satisfaction of previous clients.

INSURANCE REQUIREMENTS

The selected Consultant must have a General Liability Insurance insuring it and its firm to an amount not less than \$2,000,000 (Two Million Dollars) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage. , An Automobile Liability Insurance policy insuring it and its staff to an amount not less than \$1,000,000 (One Million Dollars) combined single limit per accident for bodily injury and property damage. \$1,000,000 (One Million Dollars) Worker's Compensation Insurance and \$1,000,000 (One Million Dollars) Professional Liability/Errors and Omissions Insurance. The selected Consultant will be required to provide original Certificates of Insurance and Endorsements to the City evidencing the insurance coverage and endorsing the City as additional party insured.

COMPENSATION

The Consultant will be required to sign the attached City's Standard Agreement for Consultant Services. Compensation for the services shall be on a time and expense not-to-exceed basis in accordance with the approved schedule of billing rates.

PROPOSAL SUBMISSION DEADLINE

One (1) original and three (3) copies, for a total of four (4) proposals, must be submitted by 4:00 PM, _____, 2010 to:

Town of Atherton
Jerry Gruber, City Manager
91 Ashfield Road
Atherton, CA 94027.

For questions regarding this Request For Proposal, please contact Jerry Gruber, City Manager at (650) 752-0504 or by e-mail at jgruber@ci.atherton.ca.us

Interpretations or clarifications considered necessary by the Town in response to questions may be issued by addenda mailed, faxed or delivered to all parties recorded by the City as having received this RFP.

----- End of RFP -----



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE SPECIAL MEETING OF SEPTEMBER 30, 2010

SUBJECT: RECOMMENDATION BY TOWN CENTER TASK FORCE FOR APPROVAL TO PUBLISH REQUEST FOR STATEMENT OF QULAIFICATIONS FOR DESIGN OF A NEW TOWN CENTER

RECOMMENDATION:

Approval to publish request for statement of qualifications for design of a new Town Center.

BACKGROUND:

The Town Center Task Force presented a complete report of findings at the September 15 Council meeting.

The Town Center Task Force seeks formal action of approval to publish the attached request for statement of qualifications for the design of a new town center with an application deadline to be determined at the next Town Center Task Force meeting which is tentatively set for Tuesday, October 5th at 1:00 p.m.

September 30, 2010

**REQUEST FOR STATEMENT OF QUALIFICATIONS
Professional Architectural / Engineering Consultant Services**

The Town of Atherton seeks Statement of Qualifications (SOQs) from licensed firms for the Design of the Atherton Town Center Revitalization Project.

I. OVERVIEW

The Town of Atherton is soliciting licensed design firms to submit SOQ's for a Town Center Revitalization Project. It is anticipated that after the SOQ submissions are received, three firms will be selected to continue with the Conceptual Design Phase, from which one firm will be selected to continue with the Project. The Project Description and Program are described below.

The existing Atherton Town Center serves a population of 7,400. The Town Center Buildings are dispersed on properties bounded by Fair Oaks Ave, the railroad tracks, Maple Avenue, Dinkelspiel Station Lane, Ashfield Road, and residential buildings.

(see Exhibit A – Map of Town Center property)

The Atherton City Council has appointed a Town Center Task Force (TCTF), an ad hoc committee whose purpose is to facilitate this project and make recommendations to the Atherton City Council regarding the Town Center project. The TCTF is comprised of two City Council Members and five to six voluntary citizens-at-large.

II. PROJECT DESCRIPTION

The Town of Atherton wishes to revitalize its Town Center. The existing Town Center services are housed in three major buildings, several temporary modular buildings, and various smaller buildings located within the Town Center property boundaries.

Atherton is seeking the services of an Architectural firm to provide a fiscally conservative design to build a new Town Center facility in order to meet changing needs. Realization of the TCTF Programs, the firm's proposed Conceptual Project Design, Budgetary considerations, and the Project Design Firm's stability and proven track record will be major factors in the selection and evaluation of a final Project Design firm.

The major Town Center functional program areas are:

1. City Management and Finance – Administrative spaces.
2. Police Department – Administrative and Operational spaces.
3. Planning, Building and Public Works – Administrative spaces.

(see Exhibit B – Town Center Task Force Programming Document – Design Philosophy and Description of Proposed Town Center by Department)

(see Exhibit C – Summary of Spaces –
Existing Department Headcount and Square Footage)

(see Exhibit D – Task Force Program by Area –
Departmental Headcount and Type of Space for Proposed Town Center,
Appendix A thru I)

III. STATEMENT OF QUALIFICATIONS - GENERAL

1. **Questions:** Questions shall be in writing and sent via email no later than [insert date and time] to Jerry Gruber, City Manager, jgruber@ci.atherton.ca.us with a copy to Theresa Della Santa, Deputy City Clerk, tdellasanta@ci.atherton.ca.us. The questions and answers will be made available publicly.
2. **Property Tour:**
 - a. Exterior: The site and exteriors of the applicable buildings may be toured at anytime during normal business hours.
 - b. Interior: There will be two accompanied tours of the interior of the applicable buildings, the first will be on w date at x time, and the second will be at y date at z time.
3. **Submittal Deadline:** [insert date and time]
4. **Format and Delivery:** Submit fifteen (15) printed letter-sized copies with one (1) unbound copy and two (2) soft copy CDs of your SOQ to:

Mr. Jerome D. Gruber
Atherton City Manager
Town Of Atherton
91 Ashfield Road
Atherton, CA 94027

Submittals will not be returned.

SOQs submitted after the deadline will not be accepted for consideration except as otherwise noted below.

The Town reserves the right to accept or reject any or all statements of qualifications, or to alter the selection process in any way, to postpone the selection process for its own convenience at any time, and to waive any defects in the statements of qualifications. The Town also reserves the right to accept or reject any individual sub-consultant that a candidate proposes to use.

The Town is seeking to engage the most qualified consultant, based on the evaluation criteria described. The Town reserves the right to negotiate with other

qualified firms or solicit additional statements of qualifications at any point in the project should it later fail to negotiate a reasonable fee with the selected consultant.

5. SOQ Content:

The SOQ should include the following:

- A. FIRM INTRODUCTION: Include information such as length of time in business, office location(s) within 50 miles of the project location, number of staff and a general summary of qualifications documenting the strengths of the firm, areas of expertise and licensing. List services provided by prime firm and sub-consultants anticipated.
- B. APPROACH: Describe the firm's design principles and uniqueness of approach, including meeting 'Green' or LEED building standards for essential service facilities.
- C. PRELIMINARY SITE AND BUILDING EVALUATION: Include preliminary comments on the site and applicable buildings.
- D. PROJECT EXPERIENCE: List specific project experience that is related to the type of services required by the Town Center Project. The project experience should reference similar public sector essential service buildings and complexes and list the client contact information for each project. The experience should include:
 - 1) A reference list including the names of public agencies where the consultant has provided services and contact information.
 - 2) A reference list of building projects similar to the proposed town center, including the construction contract initial and final value, the project size/scope, and the year of the project.
 - 3) A reference list of projects including essential service facilities and sustainable design / green elements designed or accomplished
 - 4) A demonstration of specific in-depth knowledge of and experience with:
 - a) Design implementation of projects that include occupied buildings
 - b) Public projects including city halls, police stations, council chambers, areas of public assembly, and other municipal administrative facilities.
 - c) Public outreach processes.
 - 5) Site planning
- E. KEY STAFF: Include identification of the Principal-in-Charge, Project Manager and key staff. Key Staff/Project Principals shall be licensed professionals in the State of California (Professional Engineer or Registered Architect). Also, please state the level of availability and involvement that each of these persons will have.

- F. RESUMES: Demonstrate experience in architectural/engineering seismic retrofit services including those tasks described above, including registrations.
- G. LITIGATION: Submit a list of any current litigation to which the firm and/or key sub consultant(s) are parties to by virtue of their professional service, in addition to a list of any such litigation from the past ten years
- H. DISCLOSURE: Disclose any past, ongoing, or potential conflicts of interest that the firm or key sub-consultant(s) may have as a result of performing the anticipated work.
- I. COMMENTS: Please include any other information or material that might help us to evaluate your firm's ability to execute this project, including any vision or other ideas on the direction of this project.

IV. SELECTION PROCESS

1. Short-List Selection Process:

- a. **Phase I:** The TCTF will review all SOQ submissions and score via the Matrix for TCTF Scoring ("Matrix") shown in Exhibit E:
- b. **Phase II:** The TCTF will call references for the top seven of the firms and rescore them via the Matrix:
- c. **Phase III:** The TCTF will interview the top five firms and rescore them via the Matrix.
- d. **Report:** The TCTF will present the top five firms to City Council and recommend the top three for the Conceptual Design Phase ("SOQ Finalists"). It is anticipated that the Atherton City Council will review the TCTF's recommendations and will select three (3) of the SOQ Finalists to proceed with the next phase of the process ("Conceptual Design Phase"), rank order the remaining two as alternates and determine the amount of an Honorarium. The three selected firms ("Finalist Firms") will then be presented with a short form contract for the Conceptual Design Phase, which shall include as exhibits the Town's form of contract as well as the guidelines for the Conceptual Design Phase (the "Guidelines"). If they are prepared to accept this form of contract and the Guidelines, then they may proceed to the Conceptual Design Phase. To the extent that any Finalist Firm is not prepared to accept the Town's form of contract and the Guidelines, then the alternates will be given an opportunity to become a Finalist Firm based on their rank order.

2. Conceptual Design Phase: The Finalist Firms shall prepare their submittals based on the Guidelines, submit them no later than a date to be determined by the TCTF. The Guidelines are expected to include, conceptual drawings of site plans, basic floor plans, elevations, a drawing or drawings showing their concept in three dimensions, fee proposals, and statement on vision, process and public outreach.

Models of the conceptual design, while not required, would help Atherton residents better select which they see as meeting their needs.

The TCTF will evaluate the submittals via the Phase IV Matrix (to be developed) and then recommend to the City Council a design firm based on that evaluation. The City Council will hear the recommendations of the TCTF and may choose a firm with which it wishes to negotiate for a contract to design Atherton's new Town Center. One Architectural Firm will be asked to present and defend their concept at two town-wide meetings. Exact dates of these meetings are to be determined,

V. SCHEDULE

It is anticipated that the overall process for the project may follow a more detailed path as noted on the attached Exhibit F, Anticipated Process Flow.

VI. CONTRACT TERMS AND CONDITIONS

The selected consultant(s) will work under a Consultant Services Agreement, which includes fair and reasonable prices, a sample of which will be made available as noted above in Short-List Selection Process. The Town reserves the right to have a general contractor prepare construction drawings if the Town decides to pursue a design-build process. Once an Agreement is negotiated, the following documents will be required by the selected consultant(s) prior to the commencement of any work:

- Signed contract by both the Town and the consultant(s)
- Proof of insurance in the following amounts:

Workers' Compensation Coverage as required by the State of California

Commercial General Liability in an amount not less than \$2,000,000

Automobile Liability in an amount not less than \$1,000,000

Professional Liability in an amount not less than \$3,000,000

A separate Additional Insured Endorsement naming the Town as additional insured is required. Please call if you have any questions related to the insurance required by the Town.

- Proof of payment of the Atherton Business License Fee. An Atherton Business License is required of any person who transacts or carries on any business, trade, profession, calling, or occupation in the Town of Atherton.