

MORAGA-ORINDA FIRE PROTECTION DISTRICT



REQUEST FOR PROPOSALS

LEGAL SERVICES — LABOR NEGOTIATIONS

Issue Date: October 2, 2023

Proposal Due Date: October 12, 2023

Section 1. General Information

The Moraga-Orinda Fire Protection District (District) seeks written proposals for legal services/labor negotiations from firms with the qualifications and the expertise to provide legal services to the District in negotiations with its employee bargaining groups. Based on evaluation of the proposals received in response to this RFP, the District intends to select one firm to enter into an agreement with the District for the desired services.

The District provides fire protection, rescue, emergency medical, hazardous material response, ambulance and any other services relating to the protection of lives and property to the City of Orinda, the Town of Moraga, some unincorporated county areas adjacent to the municipalities, and the community of Canyon. The District also provides automatic aid into Lafayette and State Responsibility Areas within the District's boundaries.

The District is a Special District formed in 1997. The principal act that governs the District is the Fire Protection District Law of 1987. The District operates five fire stations and one administrative office building.

The District has a Memorandum of Understanding (MOU) with United Professional Fire Fighters of Contra Costa County (IAFF Local 1230) for the period July 1, 2021 – June 30, 2024. The MOU is available here: <https://www.mofd.org/home/showpublisheddocument/1986/637719881271730000>

The District has one Side Letter of Agreement with IAFF Local 1230 available here:

<https://www.mofd.org/home/showpublisheddocument/2314/637834809496400000>

The District has a MOU with the Moraga-Orinda Fire Chief Officers Association (MOFCOA) for the period July 1, 2021 – June 30, 2024. The MOU is available here:

<https://www.mofd.org/home/showpublisheddocument/2012/637741461843230000>

The District has one Side Letter of Agreement with MOFCOA available here:

<https://www.mofd.org/home/showpublisheddocument/2499/637997819334270000>

The District has approximately 70 regular employees. Its workforce is represented by two unions: United Professional Fire Fighters of Contra Costa County (IAFF Local 1230) and Moraga-Orinda Fire Chief Officers Association (Battalion Chiefs.) Other administrative employees are unrepresented. The two MOUs expire June 30, 2024.

The District is seeking a qualified law firm or individual who has expertise and substantial experience in public sector employment and labor relations matters, including negotiations with labor groups, particularly public safety labor groups. The firm or the individual selected through this process will be the District's lead negotiator as it enters into negotiations with the unions for new collective bargaining agreements. The deadline to meet and negotiate ground rules with Local 1230 is December 31, 2023 and the deadline to commence negotiations with Local 1230 is March 1, 2024.

The District tentatively plans to hold oral interviews with selected bidders on Wednesday, October 18, 2023 from 5pm – 7pm in Orinda, California. In-person interviews are encouraged; Zoom will be an option.

Section 2. Submission Process and General Conditions

The District will review the submitted proposals and the elected Board of Directors will select the firm or the individual with which to negotiate and reach a final agreement. The District reserves the right to reject any and all proposals and to enter into an agreement in the best interests of the District. The selection of any Respondent for negotiation of an agreement with the District will not imply the acceptance of all terms of the Respondent's proposal; terms may be subject to further negotiation. The District will have no obligation unless and until a final agreement is entered into by the District and the Respondent.

Respondents should submit via email one electronic copy in PDF format on or before October 12, 2023 to Gloriann Sasser, Administrative Services Director, at gsasser@mofd.org. Proposals submitted by any other format than that identified above will not be accepted.

All questions regarding the RFP should be emailed Gloriann Sasser at gsasser@mofd.org. Responses to this RFP that are not received by the time and the date specified, do not contain all the required information and completed forms, or do not meet all the minimum qualifications will be deemed non-responsive and will be rejected without consideration.

The District is not responsible for any costs incurred by a respondent in the preparation and/or presentation of the proposal.

All responses to the RFP accepted by the District will become the exclusive property of the District. All proposals accepted by the District shall become a matter of public record and shall be regarded as public, with the exception of those elements of each proposal which are defined by the contractor as business or trade secrets and plainly marked as "Trade Secret", "Confidential" or "Proprietary". Each element of a proposal which a contractor desires not to be considered a public record must be clearly marked as set forth above, and any blanket statement (i.e. regarding entire pages, documents or other non-specific designations) shall not be sufficient and shall not bind the District in any way whatsoever. If disclosure is required or permitted under the California Public Records Act or otherwise by law, the District shall not in any way be liable or responsible for any damages resulting from the disclosure of any such records or part thereof. If the District receives a request for any document submitted in response to this RFP, it will not assert any privileges that may exist on behalf of respondents. In the event that a demand for disclosure of information designated as "confidential and/or proprietary" by a respondent is made, the District as a courtesy will notify the respondent in writing of such demand and will furnish to the respondent a copy of the District's written response to the requestor. Respondents may then pursue, at their sole cost and expense, all appropriate legal action necessary to maintain the confidentiality of such information. It would be the sole responsibility of each respondent to assert any applicable privileges or reasons why the document should not be produced, and to obtain a court order prohibiting disclosure.

The District reserves the right to accept or reject any or all proposals or portions thereof without stated cause. Upon selection of a finalist, the District shall attempt to negotiate and reach a final agreement with the finalist. If the District, for any reason, is unable to reach a final agreement with this finalist, the District then reserves the right to reject such finalist and negotiate a final agreement with another finalist who has the next most viable proposal. The District may also elect to reject all proposals and re-issue a new RFP.

The District is not bound to accept the proposal with the lowest cost, but may accept the proposal that demonstrates the best ability and most-qualified to meet the needs of the District. The District reserves the right to waive any informalities, defects, or irregularities, in any proposal, response, and/or submittal where the acceptance, rejection, or waiving of such is in the best interests of the District.

The firm or the individual selected 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 of the District.

Prior to the commencement of any services, the District and the respondent will enter into a written agreement. The District appreciates the efforts of all the companies and their respective staffs in responding to the Request for Proposal.

Section 3. Proposal Format and Content

All pages of the proposal must be numbered consecutively. The proposal should not exceed ten pages in length. Resumes and licenses will not count against the page limit. The proposal must be organized in accordance with the list of proposal contents.

Respondents must include the following items in their proposals addressing the scope of work identified above. All items must fall within the maximum page count. Proposals and cost schedule will be valid and binding for ninety (90) days following the proposal due date and will become a part of the agreement between the District and the respondent.

A. Letter of Transmittal. Include a cover letter by the individual or a duly authorized representative of the firm. The cover letter must include the name, address, telephone number, and email address of the responder submitting the proposal. In addition, the name, title, address, telephone number, and email address of the person or the persons to contact whom are authorized to represent the respondent and to whom the correspondence should be directed should also be included.

B. Statement of Understanding. Include a statement of understanding of the services to be provided.

C. Experience and Background. Provide a brief history and experience of the firm or the individual whom would be providing the labor negotiator services. Proposals should include the number of years in practice, specifically the number of years negotiating with labor groups on behalf of cities or fire districts in Northern California.

D. Staffing. List the staff anticipated to provide the labor negotiation services for the District. Indicate the qualifications, training, and experience of each team member. The District expects that the individual or the firm selected will be present for closed session meetings on the third Wednesday of every month with the Board of Directors and that such person will be sufficiently available for negotiations. The first closed session meeting is anticipated for November 15, 2023.

E. References. Provide three references for which the firm or the individual specified in the proposal has performed public safety MOU work on behalf of cities or fire districts in Northern California within the last four years. Include in your description the services provided, the name of the agency, the size, the key contact, phone number of the key contact and the dates of service.

F. Fee Schedule. Each proposal must include a detailed explanation of the cost to be charged to the District for the services described in this RFP.

G. Additional Information. Any other information that the respondent 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.

Section 4. Selection Criteria

Proposals will be evaluated by the Board of Directors based on the following criteria:

- 1) Public safety labor negotiations experience as lead negotiator within the last four years on negotiations of MOUs for cities or fire districts in Northern California (20%)
- 2) References for work performed for fire districts or cities in Northern California (25%)
- 3) Oral interview (25%)
- 4) Cost (25%)
- 5) Negotiator have an office within the 9 Bay Area Counties (5%)