



**REQUEST FOR PROPOSALS**  
**FOR**  
**GENERAL COUNSEL SERVICES**

**RFP Release Date: March 24, 2021**

**RFP Submittal Deadline: April 12, 2021 at 5:00 PM Pacific Time**

**1 Contents**

2 California Community Power Overview ..... 3

3 RFP Overview..... 3

4 RFP Tentative Timeline ..... 4

5 Proposal Submittal ..... 5

6 Review and Selection Process..... 6

7 Agreement Terms ..... 6

8 California Public Records Act..... 7

9 Ex Parte Communication..... 7

10 Insurance Requirements..... 7

11 Certifications ..... 8

12 Rights of CC Power ..... 8

Attachment A – Standard Contract..... 9

## 2 California Community Power Overview

CC Power is a Joint Powers Authority comprised of eight California Community Choice Aggregators (CCAs). CC Power was formed to allow its member CCAs to combine their buying power to procure new, cost-effective clean energy and reliability resources to continue advancing local and state climate goals. CC Power members represent 2.6 million customers across more than 140 municipalities spanning from Humboldt County to Santa Barbara County. CC Power was formed in January 2021.

[\(https://cacomunitypower.org/about-us-ca/\)](https://cacomunitypower.org/about-us-ca/)

## 3 RFP Overview

With this request for proposals (RFP), CC Power seeks proposals from qualified law firms (Firm) to serve as General Counsel and provide a broad range of general legal services to CC Power and to manage and supervise the more specialized services provided by firms hired as special counsel by CC Power. The purpose of this Request for Proposals (RFP) is for the Firm to demonstrate that it has the background, qualifications, competence, and capability to undertake these services. CC Power's General Counsel will be appointed by the Board of Directors and serve at the pleasure of the Board. The General Counsel will report and be accountable to the Board while also working closely with the General Manager who also will be appointed by the Board.

## 4 RFP Tentative Timeline

This tentative schedule is provided for the convenience of Proposers, but may be subject to change at any time by CC Power. Any such changes will be stated in an addendum to this RFP or otherwise communicated to Proposers.

<b>Date</b>	<b>Event</b>
March 24, 2021	RFP issued
April 2, 2021 at 5:00pm PT	Deadline for questions, clarifications (see below)
April 6, 2021	Question responses posted online
April 12, 2021 at 5:00pm PT	Deadline for Proposers to submit proposals
April 16, 2021	Top Proposers notified of interview times, if applicable
April 19 - 30, 2021	Possible interviews of top Proposers
April 30, 2021	Anticipated date CC Power will notify awardees
May 14, 2021	Anticipated date contract finalized (to be sent to Board for approval)
May 19, 2021	Board approval and service commencement

### Notes:

- Questions: Proposers may submit questions concerning the RFP to [solicitations@cacommunitypower.org](mailto:solicitations@cacommunitypower.org). All questions and answers will be shared with all Proposers and will be posted in the same location as the RFP, at <https://www.cacommunitypower.org/solicitations/>. Questions must be emailed and received by CC Power no later than April 2, 2021 and 5:00pm PT. CC Power shall not be responsible for nor be bound by any oral instructions, interpretations or explanations issued by CC Power or its representatives.
- Proposal Review: CC Power may request clarifications of submitted proposals by email or phone on or before April 15. Prompt responses will be requested.
- Proposer Interviews: CC Power may choose to conduct videoconference interviews of the top Proposers from April 19 - 30.

## 5 Proposal Submittal

Proposals must be received on or before the above deadline and submitted by email to [solicitations@cacommunitypower.org](mailto:solicitations@cacommunitypower.org) with the subject "Proposal - <Organization> - CC Power General Counsel Services".

### **Only electronic submittals in PDF format will be accepted.**

Proposals must include the following sections (to be submitted in this order only):

1. Administrative Information (1 pg. max)
  - Provide administrative information, and include at a minimum: name, mailing address, phone number, and email of designated point of contact.
2. Proposal summary (2 pg. max)
  - Discuss the highlights, key features and distinguishing points of the Firm's proposal.
3. Organization description and qualifications (6 pg. max)
  - A detailed description of the services that the Firm will provide to CC Power that reflects the Firm's understanding of CC Power's legal requirements.
  - Written responses to all Qualifications and Requirements listed in this RFP.
  - Personnel qualifications: The Proposal shall identify the Lead Counsel and other attorneys to be assigned to CC Power. The Proposal will describe the Lead Counsel and other assigned attorneys' qualifications and experience to perform the required services.
  - List of clients: A list of representative clients relevant to the type of services that will be provided to CC Power.
  - Additional Firm qualifications: The Proposal shall include the size of the Firm as to number of attorneys, the location of its office or offices where attorneys providing services to CC Power reside, and the number attorneys who will work with CC Power regularly and their employment status in the Firm (Partner, Shareholder, Senior Attorney and Associate).
  - Capability to meet CC Power's requirements: This section should include experience and history of successful completion of projects.
    - Discuss the Firm's capability to manage and schedule projects and the standard turnaround time.
    - Demonstrate any experience the Firm has had working with clients similar in size or purpose to CC Power, and experience working within the energy sector.
4. Fee Schedule (2 pg. max)
  - The Proposal shall be based on a fixed monthly fee or hourly rates with an annual cost not-to-exceed amount. If services will be provided on an hourly rate basis, the Proposal shall include the specific hourly rates for each attorney that will provide services to CC Power.
5. Confirmation of acceptance of contract terms or explanation of proposed contract modifications (see Section 7 of this RFP)
  - List all exceptions or requested changes that Proposer has to CC Power's standard contract. Items not excepted will not be open to later negotiation.

## 6 Review and Selection Process

The proposal must address the following qualifications and requirements:

1. All attorneys performing services for CC Power on behalf of the Firm must be admitted to practice in the State of California and be in good standing with the California State Bar.
2. The Firm member with primary responsibility for the services provided to CC Power, ("Lead Counsel") must have at least 10 years' experience providing general counsel type legal services for local public agencies, joint power authorities or municipal electric utilities.
3. Demonstrated legal expertise in the following areas as they relate to joint power authorities and local public agencies:
  - a. Laws and regulations governing joint powers authorities, such as the California Government Code (including but not limited to the Ralph M. Brown Act, Public Records Act, and Political Reform Act) and California Public Utilities Code.
  - b. Rules and procedures for the conduct of Board and committee meetings.
  - c. Experience with and knowledge of Public Contract Code, Labor Code and other California statutes governing the procurement process including bidding, awarding, and contracting for energy purchases, power purchase agreements, and professional service contracts.
  - d. Knowledge of California energy market and regulatory structure including knowledge of CPUC, CAISO and CEC.
  - e. Electric utility rate setting.
  - f. Experience in public employment and labor law.
  - g. Environmental law including:
    - i. California Environmental Quality Act (CEQA),
    - ii. National Environmental Policy Act (NEPA).
  - h. Other relevant areas pertaining to joint powers authorities or municipal law.
4. The Firm must maintain an office in California that is open during regular business hours. In addition, Firm must attend all CC Power Board of Directors meetings and be available to provide legal assistance to CC Power on a 24-hour basis.

CC Power reserves the right to consider factors other than those specified above and to request additional information from any/all Proposers as a part of the selection process.

## 7 Agreement Terms

A sample contract is attached as Exhibit "A" for your review. This contract is representative of the contract that will be executed upon award to the successful Firm. If the Firm takes exception to any of these provisions, the Firm shall include all comments and proposed

contract language in the Proposal. Submission of a Proposal in response to this RFP constitutes acceptance of all terms and conditions set forth above, unless otherwise stated.

CC Power's standard contract terms are available for review in Appendix A.

## **8 California Public Records Act**

All parties acknowledge that CC Power is a public agency subject to the requirements of the California Public Records Act, Cal. Gov. Code section 6250 et seq. ("CPRA"). CC Power will not disclose any part of any proposal before it announces a recommendation for an award, on the ground that there is a substantial public interest in not disclosing proposal during the evaluation process. After the announcement of a recommended award, all proposals received in response to this RFP will be subject to public disclosure, with the exception of those elements in each proposal which are exempt from disclosure pursuant to the CPRA.

If a Proposer believes there are portion(s) of the proposal which are exempt from disclosure, the Proposer must plainly mark it as "Confidential", "Proprietary", or "Trade Secret." CC Power may also request that the Proposer state the specific provision of the CPRA which provides the exemption, and the factual basis for claiming the exemption. Any proposal which contains language purporting to render all or significant portions of the proposal as "Confidential," "Trade Secret," or "Proprietary," will be considered non-responsive and a public record in its entirety.

Although the CPRA recognizes that certain confidential trade secret information may be protected from disclosure, CC Power may not be in a position to establish that the information a Proposer submits is a trade secret. If a public records request is made for information marked "Confidential," "Proprietary," or "Trade Secret," CC Power will provide the Proposer(s) who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction. The Proposer shall be solely responsible for taking such legal steps; if the Proposer takes no such action after receiving notice of the public records request, CC Power will disclose all records it deems subject to disclosure, even if marked "Confidential," "Trade Secret," or "Proprietary."

## **9 Ex Parte Communication**

Please note that to insure the proper and fair evaluation of a proposal, CC Power prohibits ex parte communication (i.e., unsolicited) initiated by the Proposer to an CC Power Official or staff person evaluating or considering the proposals prior to the time a bid decision has been made. Communication between Proposer and CC Power will be initiated only by representatives of CC Power to obtain information or clarification needed to develop a proper and accurate evaluation of the proposal. Ex parte communication may be grounds for disqualifying the offending Proposer from consideration or award of the proposal, then in evaluation, or any future proposal.

## **10 Insurance Requirements**

All insurance shall be secured from or countersigned by an agent or surety company recognized in good standing and authorized to do business in the State of California.

The Proposer shall, within thirty (30) days of notification of award and prior to commencement of work, take out and maintain in full force and effect minimum insurance coverage as specified in the attached requirements. This insurance shall remain in force and effect throughout the duration of the contract.

## 11 Certifications

The submission of a proposal shall be deemed a representation and certification by the Proposer that it:

- Has read, understands and agrees to the information and requirements set forth in this RFP.
- Has the capability to complete the responsibilities and obligations of the proposal being submitted
- Represents that all information contained in the proposal is true and correct
- Acknowledge that CC Power has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by Proposer, and Proposer hereby grants CC Power permission to make these inquiries
- Will provide any and all documentation related to the proposal in a timely manner
- Is eligible to submit a proposal because he/she is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in a transaction by any Federal, State, or local department or agency

## 12 Rights of CC Power

CC Power is not obligated to respond to any proposal submitted as part of the RFP. **CC Power at its sole discretion reserves the right to waive technicalities or irregularities, to reject any or all proposals, and/or to accept that proposal which is in the best interest of CC Power.** The award of this proposal, if made, may be based on various considerations other than cost



## **Attachment A – Standard Contract**

**[See attached MS Word Document]**