



MEMORANDUM

CSFRA, Community Development Department

DATE: November 26, 2018
TO: Rental Housing Committee
FROM: Anky van Deursen, Associate Planner
SUBJECT: Request for Proposals: Legal Services

RECOMMENDATION

That the Rental Housing Committee (RHC) consider staff's recommendation, following a Request for Proposals (RFP) process, to contract with Goldfarb & Lipman to provide legal services to assist the Rental Housing Committee with the ongoing implementation and administration of the Community Stabilization and Fair Rent Act (CSFRA) and to authorize the Program Manager or other designee to execute an agreement with Goldfarb & Lipman for six months of services, until the end of FY 2018-19.

BACKGROUND

At the beginning of Fiscal Year 2017-18, Goldfarb & Lipman was retained by the RHC to provide legal services and subject matter expertise to assist with implementing and administering the CSFRA. Section 1709(k) of the CSFRA authorizes the RHC to obtain legal services from the City Attorney's office and/or use of a private law firm for such services. On March 26, 2018 the RHC decided to issue an RFP to determine available legal services providers with experience in rent stabilization. On August 27, 2018 the RHC approved criteria regarding the required professional qualifications and the scope of work related to the selection of a legal services provider.

ANALYSIS

On September 20, 2018 the Purchasing Department published RFP R190974 to solicit proposals for legal services. Written questions or clarifications regarding the RFP were to be directed to City Staff with a deadline of October 4, 2018. The deadline of submitting proposals was set at November 1, 2018. No questions or clarification requests were received. Two municipal law firms submitted responses to the RFP, Goldfarb & Lipman (GL) and Richards Watson Gershon (RWG).

An Evaluation Committee was composed of staff from the City Attorney’s Office, the CSFRA program staff, and the City of San Jose’s City Attorney’s staff with expertise in San Jose’s Rent Stabilization program. Each member of the Evaluation Committee evaluated the proposals individually to identify the most qualified and suitable professionals, in accordance with the following objective qualitative and quantitative scoring criteria, highlights of which are summarized here, and then also presented in greater detail in the evaluation table on the following page:

- Meeting the General Submission Requirements
 - Submission of responses in requested format
 - Clarity and understanding of RFP requirements
 - Whether exceptions were taken to City’s legal services contract terms and conditions
 - Ability to meet insurance requirements

- Scope of Services or Work Plan:
 - Approach to providing legal services related to interpretation, implementation and administration of the CSFRA
 - Ability to meet RHC requirements for services, schedule, and technical proficiency,
- Qualifications/Past Experiences:
 - Demonstrated recent experience with similar scope projects with similar requirements
 - Organizational capacity
 Summary of qualifications and relevant experience

- Reference Checks:
 - References to check on positive feedback for similar services

- Cost Evaluation:
 - Fee proposal with a monthly estimate per task and a total not to exceed cost.

The Evaluation Committee then met to discuss the evaluations to achieve supporting consensus based on the ratings assigned to each firm. The Committee then formulated a collective conclusion, based on the following summary of evaluations:

Evaluation Criteria	Goldfarb & Lipman (GL)	Richards Watson Gershon (RWG)
General Submission Requirements:	Proposal contained very detailed analysis of key components in scope of services	Proposal was generally responsive but did not provide an analysis of required key

		components in scope of services;
	No exceptions requested to City contract terms	3 Major exceptions requested to City contract terms
Scope of Work	Thorough breadth and depth of expertise in each of the tasks in scope of services	Thorough knowledge and experience in jurisdictions with mobile home rent control and municipal law, some experience with rent stabilization jurisdictions but challenging to evaluate this firm's approach of each task in the scope of services
	Extensive knowledge of CSFRA	No reference to familiarity with CSFRA
	Experience with drafting, updating and revising regulations and forms	Experience with forms, no reference to experience with regulations
	Proposed staffing at RHC meetings with two attorneys, but charge for one attorney. Identified additional attorneys who could provide assistance as needed.	Identified a team of 3-4 lawyers who would provide requested services but did not specify which attorney would staff RHC meeting or complete specific tasks
Qualifications/Past Experience:	Comprehensive qualifications	Comprehensive qualifications
	Relevant accomplishments in providing similar services in all aspects of rent stabilization	Proposal did not provide clarity regarding specific accomplishments for each of the lawyers in providing services for similar programs.
	Stated that they might be able to provide requested services within the not to exceed amount. Provided estimate of monthly tasks/time in the scope of services	Stated that they might be able to provide requested services within the not to exceed amount. Did not provide an estimate of monthly tasks/time in the scope of services
Reference Checks:	All references were exceptionally positive: responsive, experienced and knowledgeable, performance under time pressures, services delivered within requested timeframes; good communicators; expertise focused on multi-family unit rent stabilization.	All references were exceptionally positive: experienced and knowledgeable, services delivered within requested timeframes; expertise focused on mobile home park rent stabilization.
Cost Evaluation:	Hourly rates provided; slightly higher than RWG (310-205)	Hourly rates provided; slightly lower than GL (285/195)

Based on the consensus of Evaluation Committee's objective evaluations, staff is recommending the RHC select Goldfarb & Lipman to provide legal services to the RHC.

Staff is seeking RHC authorization to contract with Goldfarb & Lipman to provide legal services to assist the RHC with the ongoing implementation and administration of the CSFRA and to authorize the Program Manager or other designee to execute an agreement with Goldfarb & Lipman for six months of services, (January-June 2019) with a total compensation not to exceed (including reimbursed expenses) One Hundred Thousand Dollars (\$100,000).

ALTERNATIVES

1. The RHC may postpone the selection of a legal services provider until it conducts interviews with each of the legal firms to further assess their qualifications and experience with rent stabilization.
2. The RHC may select Richards Watson Gershon to provide legal services to assist the RHC with the ongoing implementation and administration of the CSFRA.

NEXT STEPS

After the RHC selects the legal services provider, staff anticipates executing a contract with the selected provider by January 1, 2019.

FISCAL IMPACT

The FY2018-19 annual budget for legal services is to exceed \$200,000. An agreement with Goldfarb and Lipman was executed for the first six months of this fiscal year for \$100,000. With authorization of the RHC, an agreement for remainder of the fiscal year in the amount of \$100,000 would be executed.

PUBLIC NOTICING – Agenda posting.