



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

August 1, 2023

Request for Qualifications # 2023-035

**Outside Legal Counsel Services for
Advice and Counseling, Representation in Civil
Litigation, and Other Specialized Legal Matters**

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SECTION I – SUMMARY

The Bay Area Air Quality Management District (“Air District”) seeks to retain one or more individuals or law firms to advise and represent it in various types of litigation and non-litigation matters involving various specialized areas of law. Litigation matters will include litigation regarding various issue areas involved in the Air District’s work, including offensive litigation enforcing the Air District’s regulations against violators, defensive litigation defending Air District actions such as issuing permits and adopting regulations, and litigation related to personnel actions, among other types of cases. Non-litigation matters will include advice and counseling in areas such as human resources, personnel matters, civil rights/anti-discrimination laws, labor relations, taxation issues, land use, and California governmental and municipal law issues, among others. All of the outside legal

services the Air District is seeking are described in further detail in this Request for Qualifications (“RFQ”).

Through this RFQ, the Air District seeks to qualify a number of individuals or firms with legal expertise to advise and represent it with respect to such matters. (All types of entities will be considered under this RFQ, including individuals, partnerships, LLCs, etc.; for convenience, all such entities are referred to herein as “firms”.) Once qualified, the Air District will interview firms regarding a specific matter or case when the need arises, and will select and retain, at the Air District’s sole discretion, a qualified firm for the specific case or matter. This RFQ is intended to qualify firms for a total of **three years** under a total budget for all work contemplated under the RFQ of up to **fifteen million dollars (\$15,000,000)**.

To respond to this RFQ, an interested person or firm must submit a statement of qualifications (in Adobe Acrobat PDF file format) through the Air District’s Procurement Portal (“Portal”) to:

Cynthia Zhang, Staff Specialist
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
Portal link: <https://baaqmd.bonfirehub.com>

**Statements of qualifications must be received by
4:00 p.m. Pacific Time (PT) on Friday, September 8, 2023 (“deadline”).
Late submissions will not be considered.**

Statements of qualifications must address all information requested in this RFQ. A statement may add information not requested in this RFQ, but the information should be in addition to, not instead of, the requested information and format. Minority business enterprises, women business enterprises, veteran business enterprises, local businesses, and certified green businesses are encouraged to submit statements of qualifications. **Any questions regarding this RFQ should be submitted through the Portal.**

SECTION II – BACKGROUND

A. Air District Overview

The Bay Area Air Quality Management District is the government agency responsible for protecting air quality in the San Francisco Bay Area. The Air District is tasked with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. It is governed by a 24-member Board of Directors composed of locally elected officials from each of the nine counties. The Air District’s mission is to create a healthy breathing environment for every Bay Area resident, while protecting and improving public health, air quality and the global climate.

The Air District aims to achieve its mission through many strategic goals, including: reducing and eliminating health problems caused by air pollution, achieving and maintaining air quality standards, leading the Bay Area’s efforts to fight global climate

change, creating high-quality regulatory programs, and applying environmental best practices in all operations. To do so, the Air District regulates air pollution emissions from stationary emission sources such as factories, refineries, and power plants, and from smaller facilities like gas stations and dry cleaners. The Air District ensures that such facilities comply with air pollution laws and regulations, provides incentives to replace older, higher-emitting vehicles and equipment with cleaner alternatives, and gives grants and provides outreach to encourage healthy clean air choices by businesses and consumers. The Air District implements these efforts with an equity focus, aiming to reduce air quality disparities and promote environmental justice by targeting local air pollution in overburdened communities.

B. Legal Counsel Services Sought

This RFQ will qualify firm(s)¹ to provide legal representation, opinions, advice, research, and other related services to the Air District under the following eight categories:

- 1) Civil prosecution of enforcement cases against violators.
- 2) Defensive litigation services related to environmental law.
- 3) Legal consultation and advice related to human resources, personnel, and labor relations.
- 4) Litigation services related to personnel actions.
- 5) Legal consultation and advice related to state and federal taxation issues.
- 6) Legal services related to municipal and county law, including land use, administrative law, Brown Act law, and Public Records Act law.
- 7) Legal counseling related to affirmative civil rights compliance and policy.
- 8) Legal counseling and legal services related to responding to external civil rights complaints.

Firms submitting qualifications must specify the category or categories of services under which they are requesting qualification. A detailed description of the services required for each of the eight categories can be found in Section III of this RFQ.

SECTION III – GENERAL DESCRIPTION OF SERVICES

Firms may submit qualifications and be successfully qualified under any or all of the following categories. Submissions should identify what category or categories the firm seeks to be qualified in.

1) Civil prosecution of enforcement cases against violators.

Under this category, the RFQ will qualify law firm(s) to provide legal representation in offensive litigation in which the Air District, acting in its own name and/or in the name of the People of the State of California, seeks to enforce air quality laws and regulations through the imposition of civil penalties, injunctive relief, or other similar types of relief. Cases may include situations where the Air District has issued a Notice of Violation to a violator and/or cases in which the Air District's Hearing Board has issued an abatement order that the violator is not complying with. Cases

¹ The term "firm" as used in this RFQ includes all types of entities that can provide the requested litigation services, including LLCs, sole practitioners, and other similar types of law offices.

will be developed by Air District enforcement staff and in-house attorneys, who will attempt to resolve the matter short of litigation. Qualified firm(s) will be retained to take over cases in which such efforts have not been successful and outside litigation resources will be required to ensure an appropriate enforcement response to the air quality violation(s) at issue.

The successful firm(s) will have experience and skill in litigation involving such issues in state and federal courts in California, including the following:

- Representing public agencies led by elected Boards, Commissions, or other similar oversight bodies in enforcement cases
- Civil enforcement cases, including civil penalty litigation under California Health & Safety Code sections 42402 through 42403 or other similar penalty provisions in other environmental statutes, as well as enforcement cases seeking injunctive relief
- Major litigation cases involving significant violations, large penalties, extensive discovery, and/or complex legal issues
- Private attorney general litigation (also known as “citizen suits”) under the federal Clean Air Act or other similar statutes
- Civil litigation in the state and federal court systems
- Civil appellate litigation

The successful firm(s) will advise and represent the Air District on all phases and in all aspects of civil enforcement matters throughout the entire conduct of the litigation, beginning with initial case assessment prior to first filing and continuing through discovery, pretrial and trial proceedings, and any appellate proceedings after entry of final judgment. The selected firm(s) will work with the Air District’s Legal Division, program staff, and the Board of Directors throughout the term of the engagement.

The Air District requires skilled resources for handling such litigation matters. Specific expertise is required in all subject matter areas involved in litigating such cases, including:

- Initial case assessment, including an assessment of the size of the penalty that could likely be recovered and any injunctive or other relief available, as well as any potential defenses to liability or other impediments to successful recovery
- Assessing potential settlement options, advising Air District management on settlement strategies, and engaging in settlement negotiations
- Pretrial discovery practice, including propounding and responding to discovery requests and litigating any discovery disputes and related motion practice
- Other pretrial motion practice
- Development of expert witnesses as necessary
- Trial representation
- Post-trial proceedings
- Evaluating cases for potential writs or appeals
- Appellate practice, including briefing and arguing writs and appeals
- All aspects of case management

- Liaising with other governmental enforcement agencies as appropriate in joint enforcement situations

The selected firm(s) will be expected to meet regularly with the Air District's general counsel and other Legal Division staff to review case status and strategy and to provide periodic oral and written status updates. Firms must demonstrate the ability to maintain strict confidentiality with respect to sensitive information that may be accessed during work on the project(s).

2) Defensive litigation services related to environmental law.

Under this category, the RFQ will qualify law firm(s) to provide legal representation in defending lawsuits involving the air quality issues that are the subject of the Air District's work, including civil complaints and writ petitions. Some recent examples of litigation matters the Air District has been involved in defending include the following:

Chevron U.S.A Inc. v. Bay Area Air Quality Management District (Contra Costa Sup. Ct. Case No. MSN21-1739) and *Martinez Refining Co. LLC v. Bay Area Air Quality Management District* (Contra Costa Sup. Ct. Case No. MSN21-1568) (CEQA and Health & Safety Code challenges to Air District regulation);

The Athletics Investment Group, LLC v. Bay Area Air Quality Management District (Alameda County Sup. Ct. Case No. 22CV010930) (challenge to Air District permitting action);

Communities for a Better Environment v. Bay Area Air Quality Management District et al. (Alameda County Sup. Ct. Case No. 22CV020451) (challenge to purported "underground regulation");

Valero Refining Co.–California v. Bay Area Air Quality Management District (2020) 49 Cal.App.5th 618 (challenge to Hearing Board decision regarding calculation of emission reduction credits);

Communities for a Better Environment v. Bay Area Air Quality Management District (2016) 1 Cal.App.5th 715 (CEQA challenge to Air District permit)

California Building Industry Assn. v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369 (challenge to Air District CEQA thresholds of significance);

United States v. Pacific Gas & Elec. Co., 73 Env't Rep. Cas. (BNA) 1410, 2011 U.S. Dist. LEXIS 6629, 2011 WL 227662 (N.D. Cal. Jan. 24, 2011) (challenge to Air District implementation of federal PSD permitting requirements);

City of Morgan Hill v. Bay Area Air Quality Management District (2004) 118 Cal.App.4th 861 (challenge to Air District permit).

Defensive litigation matters for which the successful firm(s) are retained under this RFQ may or may not include similar types of cases.

The selected firm(s) will have experience and skill in litigating such cases in state and federal courts in California, including experience with the following:

- Representing public agencies led by elected Boards, Commissions, or other similar oversight bodies in litigation matters

- Defending government agency decisions against legal challenges by third parties, including but not limited to:
 - The issuance of permits and other similar entitlements, and
 - The adoption of regulations, ordinances, and other similar enactments
- Litigating cases involving Petitions for Writ of Mandate (administrative and/or traditional mandamus)
- Litigating cases involving the California Environmental Quality Act (“CEQA”)
- Private attorney general litigation (also known as “citizen suits”) under the federal Clean Air Act or other similar statutes
- Civil litigation in the state and federal court systems
- Civil appellate litigation

The selected firm(s) will advise and represent the Air District on all phases and in all aspects of litigation matters throughout the entire conduct of the litigation, beginning with pre-litigation counseling and strategy advice where appropriate, and continuing through initial assessment of a lawsuit when it is filed, discovery matters, pretrial and trial proceedings, and any appellate proceedings after entry of final judgment. The selected firm(s) may also represent the Air District in responding to third-party discovery requests in cases in which the Air District is not a party, and may provide related consultation services to advise the District on best practices for e-discovery in anticipation of such requests. The selected firm(s) will work with the Air District’s Legal Division, program staff, and the Board of Directors throughout the term of the engagement.

The Air District requires skilled resources for handling all aspects of the complex civil litigation matters the Air District becomes involved in from time to time. Specific expertise is required in all subject matter areas involved in litigating such cases, including:

- Pre-litigation counseling and strategy advice in cases where there may be a significant exposure to litigation in order to minimize risk and set up appropriate defenses
- Assessing litigation matters upon receipt of a complaint or petition, including assessing the strengths and weaknesses of the case and potential defenses
- Assessing potential settlement options, advising Air District management and/or the Board of Directors on settlement strategies, and engaging in settlement negotiations
- Developing the Administrative Record in Writ Petition cases
- Pretrial discovery practice, including propounding and responding to discovery requests and litigating any discovery disputes and related motion practice
- Other pretrial motion practice
- Development of expert witnesses as necessary
- Trial representation
- Post-trial proceedings
- Evaluating cases for potential writs or appeals
- Appellate practice, including briefing and arguing writs and appeals

- All aspects of case management
- Working with the Air District's insurance carriers and auditors as necessary

The selected firm(s) will be expected to meet regularly with the Air District's general counsel and other Legal Division staff to review case status and strategy and to provide periodic oral and written status updates to Air District management and the Board of Directors. Firms must demonstrate the ability to maintain strict confidentiality with respect to sensitive information that may be accessed during work on the project(s).

3) Legal consultation and advice related to human resources, personnel, and labor relations.

Under this category, the RFQ will qualify law firm(s) to provide legal advice and consultation services related to human resources, personnel, and labor matters (but not related to litigation, which is covered under subsection III.4. below). The selected firm(s) will have experience and expertise in providing legal guidance on a broad range of employment issues in compliance with federal, state, and local employment laws and regulations.

Services may include, but are not limited to:

- Providing legal advice and consultation on personnel policies and procedures, employee handbooks, and employment contracts
- Conducting legal research on employment-related issues and providing legal memoranda and opinions
- Providing advice and consultation on wage and hour compliance, employee classification, and discrimination and harassment issues
- Advising on employee leave and accommodation issues under the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and related state and local laws
- Providing advice and consultation on employee discipline, termination, and severance matters
- Consulting with the Air District's management and Human Resources Department on labor relations and collective bargaining issues
- Providing general human resources consulting, such as training and development, workforce planning, and performance management
- Providing guidance and support to the Air District's management and Human Resources Department on employee relations and employee communication issues
- Meeting with an employees' association to discuss collective bargaining agreement interpretation and disputes and negotiating with the association if necessary.

The selected firm(s) will provide legal advice and consultation to the Air District's management, general counsel, and Human Resources Department and will work collaboratively with other departments as necessary. The selected firm(s) will provide timely, efficient, and high-quality legal services in accordance with the highest professional standards and will maintain the confidentiality of all matters relating to the Air District's operations and employees. This category of services does not include litigation services.

4) Litigation services related to personnel actions.

Under this category, the RFQ will qualify law firm(s) to provide legal representation in litigation related to personnel actions and employment and labor law matters. The qualified firm is expected to demonstrate an expert level of experience in the following areas:

- Representation of public agencies led by elected Boards, Commissions, or other similar oversight bodies in litigation matters.
- Defending government agency decisions against legal challenges, including but not limited to employee claims, grievances, and appeals.
- Litigating cases involving alleged employment discrimination, harassment, retaliation, and wrongful termination.
- Representing public agencies in wage and hour disputes.
- Advising and representing public agencies in litigation or arbitrations, mediations, and administrative hearings with labor unions.

The selected firm(s) will have experience and skill in litigation involving such issues in state and federal courts in California, as well as before administrative agencies such as the California Department of Fair Employment and Housing (California Civil Rights Department) and the National Labor Relations Board. The selected firm(s) will advise and represent the agency on all phases and in all aspects of such litigation, beginning with initial case assessment prior to first filing and continuing through any administrative hearing processes and any subsequent judicial proceedings, including discovery, pretrial and trial proceedings and any appellate proceedings after entry of final judgment.

The selected firm(s) will work closely with the agency's general counsel, Human Resources Division, other outside counsel, and other program staff, as well as the Board of Directors, throughout the term of the engagement. The selected firm(s) should have a proven track record of success in representing public agencies in litigation involving personnel actions and should demonstrate a thorough understanding of the complex legal and regulatory landscape of California employment and labor law.

5) Legal consultation and advice related to state and federal taxation issues.

Under this category, the RFQ will qualify law firm(s) to provide legal advice on California tax law and United States federal tax law as it relates to tax obligations for the Air District and its employees. The successful firm(s) will have experience and skill in providing tax-related legal advice to government agencies and/or public entities in California. The services sought under this category include, but are not limited to:

- Advising on tax compliance matters related to California state and United States federal tax laws as they relate to the Air District's operations and employees.
- Providing guidance and support related to the tax implications of employment contracts, benefits, and compensation plans.

- Advising on tax compliance matters related to the receipt and use of government grants, awards, and funding.
- Providing general tax advice and consultation related to the Air District's operations and employees.

The selected firm(s) will work with the Air District's Finance Department, Human Resources Department, and Legal Division to provide tax-related legal advice and consultation services. The selected firm(s) may also be required to attend meetings with the Air District's Board of Directors and/or other relevant stakeholders as needed. It is important to note that the services sought under this category do not include litigation or representation before tax authorities or in court.

6) Legal services related to municipal and California government agency law, including land use, administrative law, Brown Act law, and Public Records Act law.

Under this category, the RFQ will qualify law firm(s) to provide legal services related to municipal and California government agency law, including land use matters, for the Air District. The selected firm(s) will have experience and skill in providing legal advice and representation on matters related to municipal and government agency law, including but not limited to:

- Reviewing ordinances, resolutions, and other legislative documents that govern the authority of counties, cities, and other local public agencies.
- Providing legal advice on the interpretation and implementation of municipal and government agency laws and regulations.
- Providing advice and counseling on issues related to the Air District's status as a Special District under California law.
- Providing legal advice on state and local administrative law, including but not limited to the proper implementation of the Ralph M. Brown Act, the California Public Records Act, and other open-government legal requirements.
- Advising and representing the Air District in administrative proceedings and negotiations with municipalities, counties, and other entities such as Local Agency Formation Commissions and successors to redevelopment agencies.

The selected firm(s) will advise and represent the Air District on all phases and in all aspects of legal matters related to municipal and governmental agency law, including land use, throughout the entire engagement. The selected firm(s) will work with the Air District's Legal Division and program staff throughout the term of the engagement.

7) Legal counseling related to affirmative civil rights compliance and policy.

Under this category, the RFQ will qualify individual(s) and/or law firm(s) to provide legal services to the Air District related to ensuring that the agency complies with all state and federal civil rights laws in all of its programs and policies. The individual(s) and/or law firm(s) will assist the Air District in developing an affirmative civil rights compliance analysis and policy for the Air District's programs, such as

permitting, enforcement, air quality planning, and rulemaking. The selected individual(s) and/or firm(s) will have experience and skill in providing legal advice and representation on matters related to civil rights law, including but not limited to:

- Civil rights compliance under laws such as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964 and Cal. Gov. Code § 11135
- Environmental justice principles and issues
- Developing an understanding of an agency's work and structure
- Working with a diverse set of individuals to develop a common vision
- Identifying and developing training materials for affirmative civil rights policies for agency staff
- Applicable guidance published by other governmental agencies regarding civil rights compliance by environmental regulatory agencies, including (but not limited to) guidance from the U.S. Environmental Protection Agency and the California Air Resources Board

The selected individual(s) and/or firm(s) will have experience and skill in developing civil rights compliance materials for government agencies.

8) Legal counseling and legal services related to responding to external civil rights complaints.

Under this category, the RFQ will qualify individual(s) and/or law firm(s) to provide legal services to the Air District related to civil rights complaints filed by third parties against the Air District or Air District staff. In coordination with the Air District's general counsel, the selected individual(s) and/or firm(s) will provide advice and counsel to the Air District's Non-Discrimination Coordinator on responding to individual, external civil rights complaints, including factual investigation and analysis in support thereof. This advice and counsel will also include advising on any settlement of external civil rights claims. The selected individual(s) and/or firm(s) will also assist the Air District's Non-Discrimination Coordinator in developing and/or updating an investigation manual for implementation of BAAQMD's Grievance Procedure for external discrimination complaints.

The selected individual(s) and/or firm(s) will have experience and skill in providing legal advice and representation on matters related to civil rights law, including but not limited to:

- State and federal civil rights compliance under state and federal laws such as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and Cal. Gov. Code § 11135.
- Promptly, thoroughly, and fairly responding to external civil rights complaints on behalf of local, state, and/or federal agencies.
- Developing implementation and training materials for investigating and responding to external discrimination complaints.

The selected individual(s) and/or firm(s) will work closely with the Air District's Non-

Discrimination Coordinator, Legal Division and program staff, as appropriate, throughout the term of the engagement.

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Firms may submit qualifications and be successfully qualified under any or all of the categories listed in this RFQ. **Firms submitting qualifications are requested to specify the category or categories of services under which qualification is sought.**

SECTION IV – SUBMISSION REQUIREMENTS

A. General

1. Interested firms must create an account through the Portal described in this RFQ to view RFQ documents and addenda, and to submit questions and statements of qualifications.
2. All statements of qualifications must be made in accordance with the conditions of this RFQ. Failure to address any of the requirements is grounds for rejection of the submission.
3. All information should be complete, specific, and concise.
4. Statements of qualifications should include any additional information that the bidder deems pertinent to the understanding and evaluation of the submission.
5. The Air District may modify the RFQ or issue supplementary information or guidelines during the submission preparation period prior to the deadline. Please check the [Portal](#) for updates prior to the deadline.
6. The Air District reserves the right to reject any and all submissions.
7. All questions must be in written form and submitted through the Portal no later than **4:00 p.m. PT on Wednesday, August 16, 2023**. Bidders will not be able to submit questions after this time. All questions will be answered in writing and posted on the [Portal](#) by **6:00 p.m. PT on Monday, August 28, 2023**.
8. The cost for developing the statement of qualifications is the responsibility of the bidder and shall not be chargeable to the Air District.
9. A firm's selection and the execution of a contract with the Air District does not guarantee any particular amount of work.

B. Submittal of Statements of Qualifications

All statements of qualifications must be submitted according to the specifications set forth in Section V (A) – Contents of Statement of Qualifications, and this section. Failure to adhere to these specifications may be cause for the rejection of the submission.

1. **Deadline** – All statements of qualifications are due no later than **4:00 p.m. PT on Friday, September 8, 2023**, and should be submitted via the Portal to:

Cynthia Zhang, Staff Specialist
Bay Area Air Quality Management District
375 Beale Street, Suite 600; San Francisco, CA 94105
Portal link: <https://baaqmd.bonfirehub.com>

2. **Uploading large documents** may take significant time, depending on the size of the file(s) and internet connection speed. Submitters should plan sufficient time before the deadline to finalize their submissions and complete the uploading process. Submitters will not be able to submit documents after the deadline. Statements of qualifications received after the deadline will not be considered.
3. **Signature** – All statements of qualifications must be signed by an authorized representative of the firm.
4. **Submittal** – Submit the statement of qualifications electronically (in Adobe Acrobat PDF file format) to the Portal. Submissions will be acknowledged with a confirmation email receipt. Late submissions will not be accepted. Any correction or re-submission of statement of qualifications will not extend the submittal deadline.
5. **Grounds for Rejection** – A statement of qualifications may be rejected at any time if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm.
6. **Disposition of the Submissions** – All responses to this RFQ become property of the Air District and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion “confidential.” The Air District will use reasonable means to ensure that such confidential information is safeguarded but will not be held liable for inadvertent disclosure of the information. Statements of Qualifications marked “confidential” in their entirety will not be honored, and the Air District will not deny public disclosure of any portion of submittals so marked.

By submitting a statement of qualifications with portions marked “confidential,” a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the District for, and to indemnify, defend, and hold harmless the Air District, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys’ fees, expenses, and court costs of any nature whatsoever, arising from or relating to the Air District’s non-disclosure of any such designated portions of a statement of qualifications.

C. Interviews

1. The Air District, at its option, may interview firms that respond to this RFQ. The interviews will be for the purpose of clarifying the statement of qualifications.
2. Submittal of new materials at an interview will not be permitted.
3. Interviews may involve a presentation and/or a question-and-answer session.

SECTION V – SUBMISSION CONTENTS

A. Contents of Statement of Qualifications

Submitted statements of qualifications should follow the format outlined below and include all requested information. Failure to submit statements of qualifications in the required format may result in the submission being eliminated from evaluation and consideration.

1. Experience, Structure, Personnel
 - a. Contact Information (Section I) – Provide the following information about the firm:
 - Address and telephone number of office nearest to San Francisco, California and the address and phone number of the office that each of the proposed staff members are based out of if different.
 - Name of firm’s representative designated as the contact and email address
 - Name of project manager, if different from the individual designated as the contact
 - b. Table of Contents – Clearly identify material contained in the statement of qualifications by section.
 - c. Firm Experience (Section II)
 - Provide a statement of your firm’s experience in providing outside legal counsel services of the kind sought through this RFQ, including experience representing governmental organizations on matters in the category or categories for which your firm is seeking qualification.
 - Clearly identify each category outlined in Section III.1 through III.8 for which your firm seeks to be qualified and describe the firm’s skills and experience relevant to each such category. In particular (as may be relevant to specific categories identified in Sections III.1 through III.8) address the firm’s experience and qualifications in:
 - a. Cases defending public agency permits or other similar entitlements;
 - b. Cases defending public agency rules, regulations, ordinances, or other similar enactments;
 - c. Cases involving the California Environmental Quality Act (“CEQA”);

- d. Writ petition cases (administrative and/or traditional mandamus);
 - e. Private attorney general cases (a/k/a “citizen suit” cases);
 - f. Civil environmental enforcement cases, including cases seeking penalties and/or injunctive or other relief;
 - g. Personnel cases involving employee claims and/or grievances, alleged employment discrimination, harassment, retaliation and/or wrongful termination, and other similar matters;
 - h. Litigation experience in state and/or federal courts;
 - i. Civil writ and appellate experience;
 - j. Advising and counseling governmental entities on human resources, personnel matters, labor relations, taxation issues, land use, California governmental/municipal law issues, California Special District issues, and other similar issue areas as contemplated under this RFQ;
 - k. Advising and counseling governmental agencies regarding compliance with civil rights laws such as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964 and Cal. Gov. Code § 11135; and
 - l. Investigating and responding to civil rights complaints.
- c. Assigned Personnel (Section III) – For each category outlined in Section III.1 through III.8 for which your firm seeks to be qualified, list all attorneys and key non-attorney personnel who would be assigned to Air District matters, including each person’s name and role. Provide descriptions of education and training, along with a summary of experience in the relevant area. Background descriptions can be a resume, curriculum vitae, or summary sheet. Substitution of the principal attorney(s) assigned to a particular matter will not be permitted without prior written approval of the Air District.
- d. References (Section IV) - Provide a minimum of three (3) references of other clients the firm has represented on similar projects, including the name of the entity represented and the name, title, phone number and e-mail address of the appropriate contact person. For each reference, include a description of the matter(s) the firm worked on, the legal services provided, and the dates the services were provided. Three (3) references are required for each category outlined in Section III.1 through III.8 for which your firm seeks to be qualified, although the same reference can be used for multiple categories to the extent the reference has knowledge of the firm’s work in each such category. The three references for each category must be clearly identified in connection with that particular category.
- e. Confidential Information (Section V) – Describe your firm’s processes, policies, and/or procedures on handling confidential and sensitive information during and after the term of the engagement.
- f. Subcontractors (Section VI) – List any subcontractors that will be used and the work to be performed by them.

- g. Conflict of Interest (Section VII) – Address possible conflicts of interest or appearance of impropriety regarding other clients of the firm that could be created by representing the Air District. Describe your firm’s procedures to detect and resolve any conflict of interest or appearance of impropriety. The Air District reserves the right to consider the nature and extent of such work in evaluating the statement of qualifications.
- h. Additional Information (Section VIII) – Provide other essential data that may assist in the evaluation of the statement of qualifications.

2. Fee Information

- a. The normal hourly rate of each attorney or other staff member whose resume is provided or whose job category may be required, and the rate that would be charged to the Air District.
- b. A list of rates for reimbursable expenses, such as expenses for computer-aided research, travel, presentation materials, supplies, deliveries, copies, etc.
- c. Any other fees or charges.
- d. Any reduced rates or fees offered to the Air District.
- e. Any alternative fee arrangements the firm would consider.

SECTION VI – QUALIFICATION EVALUATION

A panel of Air District attorneys and management staff will evaluate all statements of qualifications. The panel will evaluate statements of qualifications with respect to each of the specific categories identified in Sections III.1 through III.8 above for which the submitter seeks to be qualified. For each of these specific categories, the panel will recommend the selection of one or more firms to the Air District’s general counsel and Executive Officer. The panel may recommend that a firm be selected for more than one of the specific categories identified in Sections III.1 through III.8 above, if appropriate. The Air District Board of Directors may be required to approve the contract(s) to carry out the work described in this RFQ. An example of a typical contract for professional services used by the Air District is included in Section VII.

In evaluating statements of qualifications submitted pursuant to this RFQ, the Air District places high value on the following factors, not necessarily in order of importance:

- Experience of the firm generally, and of the specific attorneys and other relevant staff identified in the statement of qualifications, with respect to the category or categories of legal services for which the firm seeks to be qualified under this RFQ.
- Demonstrated knowledge of Air District activities.
- Experience of the firm in representing comparable governmental agencies in similar types of legal work.

- Innovative or outstanding work by the firm that demonstrates the firm's unique, creative qualifications to provide legal advice and representation to the Air District.
- Number, complexity, and nature of relevant legal representations handled by the firm.
- Ability to work effectively with Air District attorneys, directors, officers, staff, and consultants.
- Conformity with applicable Air District requirements as noted in this RFQ.
- Proposed fee structure relating to services the firm would provide, including any alternative fee arrangements.
- Ability to maintain strict confidentiality with respect to sensitive information that may be accessed during work on the project.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFQ is available on the Air District's website at <http://www.baaqmd.gov/about-the-air-district/request-for-proposals-rfp-rfq/samples-previous>. (Click the + to the left of Sample Contracts, and then click on the Master Services Contract link)