

## Decision Paper

### The Appointment of Two Board Members to Oversee the Legal Services Request for Proposal (RFP) and Two Proposed Amendments to the RFP

The Board will be asked to appoint two Board members to conduct the RFP process – including evaluating the candidate law firms and preparing recommendations for the Board’s consideration.

The Board will also consider two amendments to the legal services RFP that was approved by the Board at its November 18, 2017 meeting. The first amendment removes the Executive Assistant as the person to send questions to regarding the RFP. The email address of one of the designated Board members will be substituted. The second amendment deletes the process whereby proposers can submit questions. The plan was for those questions and TD’s answers to be posted on a web page for all proposers to view. In December, the General Manager objected to this procedure and argued that it would be costly. In the absence of a formal process, the two directors overseeing the RFP will decide how best to handle any questions from proposers.

The proposed amended Legal Services RFP is attached (proposed amendments are on page 3)

## LEGAL SERVICES REQUEST FOR PROPOSALS

(Approved Nov. 18, 2017; as proposed to be amended Jan. 27, 2018)

### INTRODUCTION

The Tahoe Donner Association requests proposals from qualified individuals or firms to provide legal services. The Attorney selected under this procurement will be expected to work closely with both the Tahoe Donner Board and management. The selected firm will have experience in: the Davis Stirling Act, governing homeowners associations, non-profit corporation law and general business law. It would be advantageous for the firm to have experience in employment law, as well.

The following request for proposals describes the client background, the required services, the proposal requirements, and the evaluation process.

Proposals must be submitted by:

### BACKGROUND

Tahoe Donner is one of America's largest homeowner's associations, with nearly 6,500 properties and 7,300 acres in the Sierra Nevada mountains. Tahoe Donner was established in 1971 and is 90% built-out. Tahoe Donner's 2017 budget is \$23.3 million, with approximately one half of that coming from annual homeowner assessments. 84% of Tahoe Donner homes are owned as second homes.

Tahoe Donner owns and operates a wide variety of recreational facilities – some of which are for members only and others which are also open to the general public. The facilities open to members and their guests include a recreation center with a gym, pools, tennis courts and a marina at Donner Lake. The facilities open to the public include: a golf course, cross-country and downhill ski areas, an equestrian center, campground and restaurants.

Tahoe Donner is governed by a five-member Board. A general manager serves as the Board's principal employee, managing 91 full-time employees and a large seasonal workforce.

### REQUIRED SERVICES

Tahoe Donner Association is seeking proposals from qualified attorneys and law firms to provide legal services to the Association on an as-needed basis.

Tahoe Donner is seeking proposals from attorneys/law firms with expertise in the following areas of legal practice: a. State law as relates to homeowners associations and California Mutual Benefit Corporations b. Federal law as relates to Tahoe Donner's status as a 501(c)(4) social welfare organization c. Employment and accessibility laws d. Environmental law. Other legal issues beyond those above, but within the selected firm's expertise, may also be directed through this contract.

### PROPOSAL REQUIREMENTS

Proposers should provide one electronic copy or a mailed copy to Tahoe Donner no later than

Supplemental information such as firm brochures, similar project deliverables, and full resumes can be included within the submittal. Proposals should be organized in the following format:

1. Letter of Transmittal:

The letter of transmittal must contain the following statements and information: a. Company name, address, telephone number(s), and website; b. Name, title, email address, and telephone number of the person(s) to contact and who are authorized to represent the firm and to whom correspondence regarding this RFP should be directed; c. A statement indicating that the proposal and cost schedule will be valid and binding for at least six months following the proposal due date, and will become part of the contract negotiated with Tahoe Donner.

2. Company Profile:

The profile of the attorney/firm should include at a minimum: a. Length of time in business; b. Number of homeowner association clients; c. Location of office to service Tahoe Donner

3. Project Staff:

Provide the following information for all attorneys and other staff who will actively work on this project:

- a. Experience and education
- b. Number of years representing homeowners associations
- c. List of homeowner association clients and size of the association
- d. Number of years with the firm

4. Cost:

Provide an hourly rate for each attorney and other staff person proposed to work on the contract and an annual cost escalator, if applicable.

5. Standard Legal Services Agreement:

Provide a sample of the firm's standard legal services agreement.

6. References:

Provide at least three references (names and current phone numbers and email addresses) from recent clients (previous three years). Include a brief description of the work associated with each reference.

#### PROPOSAL SUBMITTAL PROCEDURE

Proposals may be submitted electronically to [mrodman@tahoedonner.com](mailto:mrodman@tahoedonner.com). In addition, proposals may be mailed to Megan Rodman at Tahoe Donner, 11509 Northwoods Blvd., Truckee, CA 96161.

Questions pertaining to this RFP should be directed to: [mrodman@tahoedonner.com](mailto:mrodman@tahoedonner.com) (insert email address of lead Board member)

~~Answers to questions received by the deadline will be provided on the Tahoe Donner website (<http://www.>). It is the responsibility of the proposer to visit the Tahoe Donner website to obtain the question and answer information.~~

#### PROPOSAL EVALUATION AND AWARD PROCEDURE

All proposals will be evaluated and ranked based on the criteria defined below. Tahoe Donner Board members and staff may interview one or more proposers as part of the evaluation procedure.

Tahoe Donner plans to take an award recommendation to its Board by early 2018. The following criteria will be considered in the selection of the Legal firm/team (relative weights as shown):

Criteria Pts.

Firm's experience in the areas of the law identified in this solicitation 40

Qualifications and experience of personnel who will be providing the services 45

Cost 15

Total 100

Once the individual/firm has been determined, Tahoe Donner will start contract negotiations with that individual/firm. If contract negotiations are not successful, the remaining individuals/firms may be asked to negotiate a contract. The Tahoe Donner Board of Directors is required to approve the negotiated contract.

#### SOLICITATION DISCLAIMER

Tahoe Donner reserves the right to reject any and all responses and to execute multiple contracts. Tahoe Donner reserves the right to award to other than the low proposer. Tahoe Donner will consider waiving the potential conflict of interest if proposer or any of its attorneys owns property in Tahoe Donner.

All responses to this RFP become the property of Tahoe Donner upon submission. The costs of preparing a proposal and participating in an interview are at the sole expense of the proposer.