



# CANYON LAKE PROPERTY OWNERS ASSOCIATION

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## **REQUEST FOR PROPOSAL REQUIREMENTS FOR LEGAL SERVICES**

ISSUANCE DATE IS JULY 19, 2010

DUE DATE IS SEPTEMBER 16, 2010, 4 O'CLOCK PM

## **INTRODUCTION**

### **General Information and Invitation to Submit Proposal**

The Canyon Lake Property Owners Association (CLPOA) is a California nonprofit corporation that manages a community association under the Davis Sterling Common Interest Development Act. The CLPOA is inviting responses to its request for proposals from qualified professional legal firms to provide CLPOA with legal counsel and assist the Board of Directors in their duties and efforts in managing the affairs of the community. CLPOA is a community of 4800 residential units and lots within a gated community located in western Riverside County. The community has many resources and activities that include a lake for water sports and fishing, an equestrian facility, tennis, golf, and swimming facilities, as well as a senior facility, and restaurant facilities. The finance base of the community is primarily funded by association assessments, and secondarily by fees, special assessments, and revenues from operations.

### **INQUIRIES**

Any inquiries regarding this association or this invitation should be directed to:

Canyon Lake Property Owners Association

Att: General Manager

31512 Railroad Canyon Road

Canyon Lake, CA 92587

Phone: 951-244-6845 ext. 213 or 211 Fax: 951-244-6845

e: [drudat@canyonlakepoa.com](mailto:drudat@canyonlakepoa.com)

e: [jgrogan@canyonlakepoa.com](mailto:jgrogan@canyonlakepoa.com)

**NOTE:** Any specific questions should be prepared and submitted in writing so as to avoid misunderstanding, and will be responded to in writing.

### **INTERPRETATION OF CONTRACT DOCUMENTS**

The CLPOA reserves the right to make corrections or clarifications of the information provided in the RFP. If any person is in doubt as to the true meaning of any part of the specifications or other contract documents, or finds discrepancies in the specifications, he/she may submit to the CLPOA a written request for an interpretation or correction.

## **IRREGULARITIES**

The CLPOA reserves the right to waive non-material irregularities if such would be in the best interest of the CLPOA as determined by the Board of Directors.

## **NON-EXCLUSIVE CONTRACT**

The successful Proposer will enter into a NON-EXCLUSIVE CONTRACT and the CLPOA reserves the right to enter into agreements with other firms for legal services.

## **PROPOSAL, REJECTION OF**

The CLPOA reserves the right to reject any or all proposals or any part of a Proposal for any reason.

## **NO OBLIGATION**

The release of this RFP does not obligate or compel the CLPOA to enter into a contract or agreement.

## **SUBMITTAL SCHEDULE**

To be considered, ten (10) copies of the proposal must be submitted in a sealed envelope and submitted to the address listed below, **before September 16, 2010 at 4 o'clock p.m.** (post marks this date and not meeting the delivery time will not be accepted). Facsimile proposals will not be accepted. Additionally, please email an electronic copy of the proposal to David L. Rudat, General Manager, [drudat@canyonlakepoa.com](mailto:drudat@canyonlakepoa.com). The mailing address for the proposal is:

General Manager

Canyon Lake Property Owners Association

31512 Railroad Canyon Road

Canyon Lake, CA 92587

NOTE: Please mark the outside of the envelope:

**LEGAL SERVICES PROPOSAL**

**SEPTEMBER 16, 2010**

ATT: GENERAL MANAGER

The Canyon Lake Property Owners Association will not be responsible for delays in mail or by common carriers.

## **NATURE OF SERVICES REQUIRED**

### **Scope of Work**

- The legal counsel shall be present at the monthly Executive Sessions and Regular Sessions of the Association, which are currently held on the first Tuesday of each month. Executive Sessions may begin as early as 2pm to discuss and review confidential matters including but not limited to property assessments, legal, personnel, and negotiation matters. Regular Sessions traditionally begin at 7pm on the same evening.
- The legal counsel shall be experienced in community association law and associated matters and issues commonly found with property owner and home owner associations under the Davis-Stirling Common Interest Development Act.
- The legal firm selected will provide services in the capacity of General Counsel for the Board of Directors and the matters of the Association.
- The scope of the General Counsel will also be to advise the Board of Directors and General Manager on a variety of legal matters that come before the leadership of the CLPOA, including but not limited to real estate liens, property assessments, property association dues, fines, fees, personnel matters, election issues, association reserves, legal liability, and risk management.
- The legal firm will be familiar with the rules, regulations, and by-laws of the CLPOA Association.
- The legal firm selected will be able to provide additional resources and training to the employees of the association to maintain compliance with personnel laws and regulations.
- At the discretion of the Board of Directors, the legal firm may be requested to handle financial matters of the association related to the legal proceedings involved in representing the association in filing foreclosures, and representing the Association in court for all real estate related matters, in negotiations, mediation, and in court on other matters.
- The legal firm will have expertise in all variety of personnel matters and workers compensation issues.

### **Reports Required**

The legal firm shall prepare and/or provide:

1. Verbal and/or written guidance and advice to the General Manger, and as directed by the General Manager to the Department Heads and Board of Directors on legal matters that may arise on a daily basis, and sometimes several times a day. The principal point of contact at the CLPOA is the General Manager.
2. Written opinions on questions or situations that may arise on a daily basis that will be relied upon by the Board of Directors, General Manager, and Department Heads in the daily management of the affairs of the Association.

3. Correspondence between the firm and the CLPOA will be on electronic medium and the firm will provide such electronic communications in a manner that is compatible to the software programs of the Association. (Microsoft Office Suite)
4. Personal appearances for meetings, in the offices of the CLPOA, for two staff meetings each month, in addition to the one monthly meeting of the Board of Directors for the Executive and Regular Association meetings.
5. Provide written reports that may be required for each meeting of the Executive and Regular Sessions of the Board of Director meetings of the Association.

## **QUALIFICATIONS**

Proposals will be accepted from qualified legal firms with demonstrated experience and competency in California property/homeowners association law and have acceptable references from clients currently under contract. The minimum qualifications for firms submitting proposals are:

1. A primary attorney, with supporting attorney(s) and staff knowledgeable in legal matters of the Civil Code, Corporations Code, Business and Professions Code, and Davis-Stirling Common Interest Development Law, and California Employment Law.
2. The legal firm selected will identify the primary attorney that will handle the account of the CLPOA and who will be the primary attorney directly responsive to the Board of Directors and General Manager of the Association.
3. For the Primary and supporting attorney(s), please provide the following: certificates or licenses, including dates of admission to the State Bar of California; description of education; name of educational institutions; degrees conferred; year of each degree; professional background and professional associations; work experience.
4. The legal firm selected will maintain offices in reasonable proximity to the offices of the CLPOA so as to be reasonably responsive to meetings at the CLPOA so as to minimize the travel time charges and mileage charges to the CLPOA, if such charges are in fact agreed to by the CLPOA.
5. Experience in litigation in the California court system.
6. Must provide the names, titles, addresses, and phone numbers of other California associations to whom services have been provided as key references. Submittal of proposal is an express acknowledgment and agreement that references can be contacted at the discretion of the CLPOA.
7. The legal firm selected will provide the limits of their malpractice insurance and must be prepared to provide proof of this malpractice insurance upon selection of the firm as General Counsel.
8. Please identify and provide explanation for any and all complaints to the California Bar Association and determinations of the Bar for the past ten years.

## **EXPECTATIONS**

1. The selected legal firm shall prepare reports and summaries for specific items, as necessary for each Board of Directors meeting of the Association, and any Special Meeting called by the Board of Directors that may occur from time to time.
2. The primary attorney of legal firm selected will be present at all Executive and Regular Sessions of the Board of Directors Meetings of the Association.
3. The legal firm selected will stay abreast of changes in the laws relative to the business of the Association and so advise the Association, and prepare amendments to the By-Laws of the Associations so that the Association stays in compliance with State and Federal Law at all times. And where the discretion of the Board of Directors is required, will provide written opinions/recommendations in such a manner as allowing for complete disclosure and understanding by the Board of Directors, so as to provide them an opportunity to make a fully informed decision on all such discretionary matters.
4. The legal firm selected will have enough time availability to timely respond to requests for advice, opinions, coaching, or counseling as may be required to insure a reasonably quick response and or action back to the Board of Directors and General Manager so that they may act in the best interest of the Association and the membership of the Association.
5. The legal firm shall serve as a resource and be available for consultation on legal matters of the association.
6. Where the legal expertise of the General Counsel is not sufficient to fully address the legal question(s) before the Association, they shall provide direction and referrals to at least two other legal firms to which the proper legal advice can be obtained.

## **PROPOSAL CONTENTS AND FORMAT**

1. Title Page  
Include the firm's name, address, name and phone numbers/fax of contact person.
2. Table of Contents  
Include a table of contents identifying sections and / or page numbers.
3. Letter of Transmittal  
Include a statement of your understanding of the work to be done and briefly describe your firms approach applied to reach the objectives for the engagement.  
State the names of the person(s) who will be the primary attorney authorized to make representations for the firm, their title, address and phone numbers.
4. Profile of the Firm  
Provide an overview of your firm, size, experience of the firm and its key personnel.  
Provide a list of current or former Association clients and give the names and phone numbers which will serve as references for your firm.

5. Services to be Performed

Provide descriptions of the firm's approach to addressing the 'Scope'; 'Required Reports'; 'Qualifications'; and 'Expectations' required as being responsive to the Request for Proposal.

6. Fee Structure

Provide proposed fees, itemizing basic legal services, with specific matrix of attorney fees, paralegal fees, staff fees, travel, preparation fees, etc.

7. Proposal of Agreement

Provide a proposal that is specific to how the legal firm would propose to provide legal services to the Association (CLPOA reserves the right to prepare its own contract for this engagement) that is specific to fees for the Executive and Regular Session meetings of the Association; two staff meetings each month at predetermined dates and times; Special Meetings of the Board of Directors and the Association; special training sessions as required for staff or the Board of Directors; how the fees described in #6 would propose to be applied to the services required by the Association. In addition, the fees or proposed rate structure for additional assignments (if requested and/or granted to by the CLPOA) for handling the legal matters relating to foreclosures; and specifically for handling fines, fees, and assessments and the collection of those monies due the Association. The proposal may be presented for General Counsel; General Counsel and Human Relations/Personnel; or the firm may propose an agreement/fees that include General Counsel, Human Relations/Personnel and the special assignment of handling the foreclosures, fees, assessments, etc.

NOTE: ANY PROPOSAL FOR ALL THREE SEGMENTS OF SERVICES MUST ALSO PROVIDE A PROPOSAL OF GENERAL COUNSEL SERVICES AS A SEPARATE SEGMENT, AS IT WILL BE THE SOLE DISCRETION OF THE BOARD OF DIRECTORS AS TO WHETHER THEY GRANT ONE, TWO, OR ALL THREE SEGMENTS OF WORK TO ONE OR MORE FIRMS.

**Please be specific about the cost of your firm handling the collection of fines, fees and assessment. Please include in your proposal the use of paralegal or other trained, non-attorney personnel in an effort to reduce costs. Please also include a statement of your willingness (or lack thereof) to train a paralegal or other non-attorney hired by the CLPOA to handle these matters with your assistance. If you do not believe this is a viable approach, please describe why.**

8. Authorized Signatures.

Every proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work.

9. Additional Information

Note additional information here. If there is no additional information, please note: "There is no additional information to present".

**Please include with your proposal:**

1. A brief resume of key personnel who would be involved in the association's legal representation.
2. Provide the certificates or license numbers, including the date of admission to the State Bar.
3. Any potential conflicts of interest that your legal firm may have, or key representatives of the firm may have that may impact the business of representing the Association.
4. Provide a description of the limits of malpractice insurance of the firm, and be prepared to provide proof of the malpractice insurance if awarded the engagement to provide legal services to the CLPOA.