TOWN OF LOOMIS

TOWN ATTORNEY

REQUEST FOR PROPOSAL (RFP)

TO PROVIDE TOWN ATTORNEY SERVICES



Issued on: June 13, 2025

Proposal responses due: July 17, 2024, by 5:00 pm

Town of Loomis—Town Hall
Attention: Wes Heathcock, Town Manager
wheathcock@loomis.ca.gov
3665 Taylor Road, Loomis, CA 95650

I. Introduction

A. Purpose

The Town of Loomis ("Loomis") invites interested legal firms and/or individuals ("Proposer" or "Proposers") to submit proposals for Town Attorney Services as described in the scope of work set forth in this request for proposals (RFP). Loomis seeks a Town Attorney who will provide clear, understandable, and independent legal advice. The firm/individual must be qualified to provide expertise in the areas of general municipal law, land use, personnel and labor relations, open meeting and conflict of interest laws and other legal matters affecting a general law town as such may arise. The Town Attorney will serve under the direction and supervision of the Town Council and acts as its legal advisor and work closely with the Town Manager. The Town Attorney is not a Town employee and is not entitled to the benefits of a Loomis employee; the position is strictly on a contractual basis. The Loomis Town Council reserves the right to retain or employ other attorneys or special counsel as may be needed, in its sole judgment, to take charge of any litigation or legal matters or to assist the Town Attorney.

B. Submittal Closing, Time and Location, and Inquiries

All proposals shall be delivered in an express courier package and shall be sealed in a separate envelope within the courier package. Any proposal found ineligible or incomplete shall not be considered for selection. Proposers assume full responsibility for having their proposal deposited at the proper address no later than the scheduled closing time. Faxed or emailed proposals or modifications will not be considered. Proposals will not be received after the closing date and time indicated below.

Proposal Labeling: REQUEST FOR PROPOSAL FOR TOWN ATTORNEY SERVICES

Submittal Closing: July 17, 2025, 5:00pm, PST Location:

Town of Loomis

Attention: Wes Heathcock, Town Manager

3665 Taylor Road Loomis, CA 95650

Number of Copies: Five (5) Bound copies of the proposal; one (1) unbound reproducible copy;

and one (1) electronic version (USB flash drive or equivalent) must be

submitted.

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C. Inquiries

Any prospective Proposer desiring an explanation or interpretation of this Request for Proposals must submit a written request no later than five (5) days before the proposal due date to allow a reply to reach prospective the Proposer before the proposal submission date. The written request must be submitted to the individual identified below. Inquiries regarding this solicitation shall be directed to:

Town of Loomis

Attention: Wes Heathcock, Town Manager 3665 Taylor Road Loomis, CA 95650 wheathcock@loomis.ca.gov

Please reference "Request for Proposals for Town Attorney Services" when contacting Loomis regarding this solicitation. The Loomis website (loomis.ca.gov) will contain a copy of this document as well as a summary of any/all applicable addenda, if any.

D. Background

Loomis is a general law city that operates under a council-manager form of government and serves a population of 6,836 (based on the 2020 census) with approximately 18 full-time staff. Police and fire services are contracted with other agencies. Loomis has an elected five-member Council. The Town Manager and Town Attorney are appointed by the Council and serve at-will.

The Town Council is the legislative body responsible for overall policy development and direction of the Town. The Town Council appoints the Town Manager, who serves as the Town's chief executive officer and is responsible for the day-to-day operations of Loomis.

The Town Council appoints the Town Attorney and contracts with that individual's firm for legal services. The Town provides a variety of municipal services including public works, engineering, planning, fire (by contract), police (by contract), streets and storm drain maintenance as well as all of the traditional internal financial and administrative support functions. The Town has a FY 2024/25 General Fund Operating Budget of about \$6,636,000.

Loomis is a small, semi-rural community located in western Placer County in California's agricultural Central Valley. Incorporated in 1984, the Town is located within a fast-growing metropolitan region approximately 25 miles northeast of the City of Sacramento, along Interstate 80 (I-80). Loomis is in the western portion of the Loomis Basin, an 80-square mile area of the Placer County foothills. Loomis maintains a distinct small-town, semi-rural character through large residential lots with continuing agricultural activities, rural roads and trails, a compact downtown, the preservation of historic structures, creeks and riparian areas, and extensive open space areas.

Loomis is divided into two distinct areas by I-80, oriented northeast to southwest through the center of Town. The area north of I-80 contains all of the community's existing retail, office, and industrial development, as well as higher-density residential development, bounded by larger, semi-rural residential lots. The area south of I-80 is almost exclusively rural and residential in character, with a few small, dispersed commercial uses.

Loomis has undertaken the revitalization and beautification of its downtown commercial area. A Town Center Master Plan was adopted in December 1992, and has been periodically updated and partially incorporated into the Town's General Plan. Downtown improvements call for a compact, pedestrian-oriented, commercial core, which includes the rehabilitation and reuse of local historic structures. Retail and office development is focused predominantly along Taylor Road and Horseshoe Bar Road, the community's major commercial corridors.

Most of the Town's land area is occupied by large-lot residential/agricultural and single-family residential development, particularly around the Town's periphery and the area south of I-80. Many local property owners maintain small-scale, "hobby" agricultural activities on small ranches, including the raising of farm animals. Higher-density residential development is concentrated near the Taylor Road commercial corridor at the center of the Town.

II. Terms and Conditions

A. Proposal Preparation Costs

Loomis is not, nor shall be deemed, liable for any costs incurred by any Proposer in the preparation, submittal, or presentation of their proposals.

B. Reservation of Rights

This RFP does not commit or obligate the Town to accept or execute an agreement for any expressed or implied service. The Town reserves the right to:

- Reject any and all proposals received and to accept or reject any item(s) in this RFP or in any proposal:
- Take all proposals under advisement for up to one hundred and twenty (120) days after opening;
- Waive any informality in any proposal;
- Be the sole judge of the relative merits of the material mentioned in the respective proposal received;
- Request any firm/individual submitting a proposal to clarify its proposal during the selection phase;
- Negotiate the service schedule and reasonable costs with the selected firm/individual;
- Modify or alter any requirements in this RFP, and issue addenda or amendments to this RFP;
- Terminate this RFP process at any time.

C. Acceptance of Conditions

It is the Proposer's responsibility to examine the scope and location of the proposed work to fully acquaint themselves with the specifications and the nature of the work to be accomplished. Proposers shall have no claim against the Town based upon ignorance of the nature and requirements of the services provided, misapprehension of the work environment, or misunderstanding of the scope of the Town Attorney's services.

By submitting a proposal, each Proposer expressly agrees to and accepts the following conditions:

- Proposal and cost schedules shall be valid and binding for one hundred and twenty (120) days
 following the proposal due date and will become part of any Agreement that is negotiated with
 the Town.
- Loomis may require whatever evidence is deemed necessary relative to the Proposer's financial stability and ability to perform these services.
- The Town reserves the right to request further information from the Proposer, either in writing or orally, to establish any stated qualifications.

• The Town reserves the sole right to judge the Proposer's representations, and to determine whether the Proposer is qualified to undertake these services of Town Attorney. The Proposer, by submitting a proposal, expressly acknowledges and agrees that the judgment of the Town as to whether or not the Proposer is qualified to perform these services shall be binding, final and conclusive.

D. Proposal Inclusions

The Request for Proposal documents shall be submitted in their entirety, with all applicable portions fully completed by the Proposer. All Proposers are encouraged to review and confirm that their proposal includes and specifically addresses all of the proposal requirements prior to submitting.

E. Withdrawal of Proposal Before Closing

Any Proposer may request the withdrawal of their submitted proposal by written request at any time prior to the scheduled closing date and time. Upon receiving a written request to withdraw any proposal, the Town will consider the proposal null and void and return the proposal to the Proposer. Withdrawal of proposal will not impact Proposer's resubmittal for this or any future proposal(s).

F. Professional Licensing

The Proposer shall possess any necessary professional certification(s) and/or license(s) relative to the work to be performed required by an appropriate licensing authority of the State of California and shall provide evidence of such to the Town with their proposal or prior to commencement of the work in such a form as the Town shall require.

G. Insurance Requirement

The Proposer shall, at its own expense, procure and maintain for the duration of their tenure as Town Attorney, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the services as Town Attorney, its agents, representatives, employees, or subcontractors. Proposer shall also require any subcontractors assigned to provide services to Loomis to procure and maintain the same insurance coverage as the Town Attorney. Specific insurance requirements are as follows:

- General Liability Insurance of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate liability.
- Automobile Liability Insurance of at least \$1,000,000.00 per accident Combined Single Limit (CSL);
- Worker's Compensation Insurance at least equal to the State of California required minimums.

• Professional Errors and Omissions Insurance of at least \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate liability.

H. Business License

The Town Attorney, and any sub-consultant(s), will obtain a business license with the Town of Loomis before their commencement of any work for the Town.

I. Public Record

All information contained in submitted proposals shall become a matter of public record upon contract award, and made available upon request, unless otherwise specified. The Proposer must identify, in writing, all copyrighted material, trade secrets or other proprietary information the Proposer claims are exempt from disclosure pursuant to the California Public Records Act. The Proposer who claims such an exemption must also state in the proposal that:

"The Proposer agrees to indemnify and hold harmless the Town and its officers, employees and agents from any claims, liability or damages against the Town and to defend any actions brought against the Town for its refusal to disclose such material, trade secrets or other proprietary information to any party."

J. Equal Opportunity

Loomis requires all Proposers to comply with equal opportunity policies.

K. Independent Contractor

The Town Attorney will be an independent contractor. All persons employed by a firm in accordance with an Agreement resulting from this RFP will be employees of the firm or law practice and not of the Town.

L. Conflict of Interest

No official, officer, or employee of the Town or of a local public body during his/her tenure or for one year thereafter shall have any interest, direct or indirect, in the Town Attorney's contract or the proceeds or benefits thereof. Furthermore, all Proposers covenant and agree that to their knowledge, no board member, officer or employee of the Town has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, or in the business of the contracting party other than the Town of Loomis, and that if any such interest comes to the knowledge of the Proposer at any time, a full disclosure of such information will be made in writing, even if such interest would not be considered a conflict of interest under Article 4 (commencing with Section 1090) or Article 4.6 (commencing with Section 1120) of Division 4 of Title 1 of the Government Code of the State of California.

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M. Appendix

The appendix shall include any suggested additions or modifications to the scope that the individual/firm believes will enhance the quality of their proposal. Individual/Firm brochures, exhibits, and any other pertinent documents may be included in the Appendix.

N. Contract

Award of a professional services contract, if any, will be to the Proposer whose proposal best complies with all of the requirements of this RFP and which provides the best solution for the needs of the Town of Loomis, and on the results of interviews with the Town Council.

The successful firm will be required to enter into a Legal Services Agreement with the Town of Loomis, which will include the requirements of this RFP, as well as other requirements to be determined. The Town reserves the right to negotiate the price, terms, and scope of services with the Proposer, prior to entering into an Agreement. The agreement will contain provisions requiring the selected law firm to indemnify the Town and provide that the Town Attorney and any support staff are independent contractors serving at the will of the Town Council. Provisions will also be included in the contract allowing the Town Council to terminate the agreement, at its sole and entire discretion, upon the provision of notice.

The duration of any contract with the Town Attorney is negotiable.

III. Scope of Work

A. Understanding the Scope of Work

The Town Attorney is appointed by and reports to the Town Council. The Town Attorney is the chief legal counsel for the Town of Loomis and, as such, is responsible for advising on all legal matters. The primary responsibilities the Town will require of its Town Attorney will include, but not be limited to, the following:

- Represent and provide legal advice and consultation on a regular basis to the Town Council, Town Manager and Town Staff as requested or required. Contacts are usually made by email or telephone, and same-day response is typically expected.
- Attend Town Council meetings unless excused and be prepared to advise the Council on matters on the agenda as well as procedural or substantive issues that arise during the meeting. Attendance at Planning Commission or other Town meetings is required when requested.
- Coordinate and manage the services and costs of all outside or special legal counsel within budgetary limits as approved by the Town Council.
- Recommend policies and procedures that comply with the requirements of the law.
- Keep the Town Council and Town Manager informed of legislation or judicial opinions that may impact the Town.
- Prepare, review and revise staff documents, including, but not limited to, initiation of
 memorandums concerning legal issues, contracts, agreements, ordinances, resolutions, land
 use decisions on appeal, and staff reports for the legal support of Town functions and duties.
- Provide staff assistance, legal research and counseling related to the acquisition or sale of property, preparation of leases, deeds and easements, agreements, utility franchise agreements, operations governed by law, liability situations, grant guidelines, pension law, personnel, employee relations and other matters as necessary requiring legal advice.
- Interpret the Town's Municipal Code.
- Provide guidance concerning the requirements of the Brown Act, Conflict of Interest (AB 1234), the Political Reform Act, the Public Records Act, due process, and other legal requirements imposed by statute and common law.
- Assist with responses to Public Records Act requests.
- Represent the Town in litigation not covered by the Town's self-insured risk pools.
- Provide legal advice and assistance to Town departments.
- Research and interpret laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the Town Council and management staff on the legal

matters pertaining to Town operations.

- Represent the Town as requested before other governmental bodies and agencies to promote the interest of Loomis.
- Oversee coordination with special legal counsel on all Town litigation as directed by the Town Council and/or Town Manager.
- Maintain legal files and provide the Town Clerk copies of pertinent pleadings and orders in all litigation the Town Attorney is handling for the Town. Maintenance of all files in electronic format is acceptable to Loomis.
- Perform other legal duties as may be required by the Town Council as may be necessary to complete the performance and functions mentioned above.
- Promptly return all phone calls and communications from the Town Council and Town Staff.

IV. Evaluation and Selection Process

A. Areas of Performance Effectiveness

The Town of Loomis recognizes that a successful and effective Town Attorney will demonstrate specific qualities. The following areas will serve as part of the basis for evaluation of the Town Attorney.

- Competent representation
- Ethical leadership
- Adherence to legal policies and procedures
- Professional conduct
- Customer service (Town Council, Town Manager, Town staff, and others as appropriate)

B. Proposal Evaluation

Selection of Proposers to interview with the Town will be based on the contents of their written proposal. Proposals will be rated according to the following criteria, in no particular order of importance:

- Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government;
- Understanding of municipal government issues and municipal law;
- Capability to perform legal services promptly and in a manner that permits the Town Council and staff to meet established deadlines and operate in an effective and efficient manner;
- Qualifications of the key staff that will be assigned to the Town under this proposal;
- Familiarity with State of California Land Use Law;

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- Communication skills;
- References of past or current municipal law clients or municipal practice;
- Proposed fee structure, including but not necessarily limited to, a monthly retainer, services included in monthly retainer, hourly rates for services not included in monthly retainer.
- Cost of providing services.
- Results of interviews with Town Council.

During the evaluation process, the Town reserves the right, where it may serve the Town's best interest, to request additional information or clarification from proposing firms/individuals to allow corrections of errors or omissions. The Town reserves the right to verify any information contained in proposals, including references, resumes, and the like. The Town reserves the right to investigate and research proposals, including facts and opinions that could be helpful in evaluating the capabilities of firms/individuals whether or not they were specifically included in the proposals.

C. Selection Process

The top-ranked firms/individuals may be requested to attend a meeting with the Town Council to be interviewed, and the Town Council will interview up to two individuals proposed as Town Attorney from each firm. The interviews will allow the designated firms or individuals an opportunity to answer any questions the Town Council may have regarding their proposals. Participation in the interviews will be at no cost to the Town. The Town Council will make the final determination of the successful firm/individual.

Please note that in an effort to maintain the integrity of the interview process all proposing firms are prohibited from contact with the Town Council members outside of the formal interview process.

D. Tentative RFP Timeline

Release of RFP June 13, 2025

Proposal Submission Deadline July 17, 2025, 5:00 p.m.

PST RFP Internal Reviews July 21, 2025

Candidate Firm Interviews Week of July 28, 2025

Award of Contract First Council meeting after interviews

V. Requested Information

All proposals must provide specific and succinct answers to all questions and requests for information. Please answer the questions in the format and order presented. Submissions of individual resumes alone will not be considered responsive to any specific question.

A. General Proposal

- 1. Letter of Transmittal: Signed by an authorized representative of the firm or the individual committing to provide the legal services described above, including a brief introduction and history of the firm, number of employees, proven work history, and a statement as to qualifications.
- 2. Table of Contents: Include a clear identification of the material by section and page number included in the proposal.
- 3. Firm Qualifications: Provide professional experience and qualifications for the Proposer and/or firm and the designated individuals to provide the services specified in the Request for Proposals. Please include responses to the following specific information:
 - a. Describe your firm's background and history; include number of years in business and number of years providing legal services to public sector agencies.
 - b. Location of office(s) that would serve the Town of Loomis.
 - c. Provide the name(s) and qualifications of attorney(s) who would be assigned to represent the Town of Loomis and who will attend Town Council meetings regularly, including the following for each: Responding firms may propose either one or two alternatives for proposed appointment to Town Attorney. Attachment of resumes containing this information is acceptable.
 - i. Certificates or licenses, including the date of admission to the State Bar of California;
 - ii. Length of employment with the firm;
 - iii. Description of education including name of educational institutions, degrees conferred, and year of each degree;
 - iv. Professional background and professional associations;
 - v. Years of municipal or other local public sector experience;
 - vi. Knowledge of, and experience with California Municipal Law relating to general law cities including, but not limited to, land use and planning, environmental law (CEQA), general plans, code enforcements and other related areas of law, administrative law, labor relations/personnel law, contracts, Public Records Act and other areas of municipal law;
 - vii. Specific expertise and training;

- d. Describe your view of the role of the Town Attorney.
- e. Describe how you would develop and maintain an effective partnership between the Town Attorney, Town Manager and Town Council.
- f. Describe how you will keep the Town Council and the Town Manager informed about the status of litigation and other legal matters on a regular basis, and what that basis would be.
- g. Describe the response time we can expect from the Town Attorney to inquiries made by the Town Council and Town Manager.
- h. Describe how you will track and manage legal costs so that the Town's legal costs are held to a minimum.
- i. Describe how you will proactively advise the Town Council, Town Manager and staff about legal developments or issues of concern, without being asked.
- j. Describe how as the Town Attorney you would coordinate your daily work with the Town Manager and Town Council.
- k. Describe how as the Town Attorney you would coordinate your daily work with the Town Department Heads.
- I. Clearly describe your range of experience with project negotiation, eminent domain issues, and the drafting and implementation of agreements and contracts (i.e., lease, purchase) and litigation.
- m. How would you evaluate whether to use an attorney within your law firm or an attorney from another law firm to handle a case, provide expert advice, or provide other needed services?
- n. Describe the firms' practices regarding professional development training and keeping current with the laws and legal matters affecting its clients.
- o. Identify the types of in-service training (such as ethics, commission roles and responsibilities, how to conduct performance evaluations, harassment investigations, etc.) your firm is capable of providing to municipalities.
- p. Describe systems/mechanisms that would be established from monthly reporting of status of routine projects, requests, and litigation.
- q. Describe the firm's philosophy in addressing complete matters within the context of balancing legal limitations with project goals and objectives.
- r. Describe your firm's suggested process for transmittal of requests and other material to the Town Attorney.
- s. Describe the firm's experience with contract services provided to a municipality.

- t. It is anticipated that the Town will require monthly-itemized statements for all services and will subject these statements to audit at least annually. Describe how you will provide this reporting.
- u. Describe how the firm proposes to obtain client satisfaction with provided services, and what tools or resources are available to ensure continued satisfaction.
- 4. Please complete and submit the Certification of Proposal Form (Attachment A) and Business Information Form (Attachment B) with your Proposal.
- 5. References: Provide contact information for three (3) municipal, public agency and/or key clients for which legal services have been provided in the last ten (10) years (preferably performed by the attorney being proposed to represent the Town of Loomis). Please include the contact person's name, address, phone number and email address.
- 6. Clients/Potential Conflicts of Interest:
 - a. Identify any foreseeable or potential conflicts of interest with public clients you serve and the manner in which you propose to resolve such conflicts.
 - b. For the person to be designated as Town Attorney and any substitute Town Attorney(s), list all public clients that person presently represents as Town Attorney, City Attorney, or general counsel, along with the meeting dates and times for each governing body.
- 7. Insurance: Please include a description and pertinent information regarding the general liability and malpractice insurance carried by the firm or individual, including the amount of coverage provided by such insurance.

B. Cost Proposal

The Town is open to reviewing various cost structures. For example, the Town is willing to consider cost proposals wherein "general" services are provided under a fixed monthly retainer/fee or favorable hourly rate and any additional "special" services are billed at a negotiated hourly rate.

- 1. General Services: Please give your definition of "general" legal services and the rate at which you propose to provide them.
- 2. Special Services: Please give your definition of "special" legal services. How are they differentiated from general legal services? Please provide your rates for special services.
- 3. How would your firm help the Town to remain within its adopted legal services budget?
- 4. Billing Method: Describe your firm's preference for method of payment, payment terms, and your procedure for billing retention, hours, and expenses and other accounting requirements.
- Reimbursable: Define the type and unit rates for reimbursement of expenses. For example, rate for
 mileage, reproduction of documents or word processing charges, unit costs for telephone costs,
 etc.
- 6. In-Service Training: Please provide the costs of any in-service training(s) that your firm can provide to the Town.
- 7. Adjustments: Do you expect to have a cost-of-living adjustment incorporated into the agreement with the Town? If so, please explain how you propose it be computed and implemented.
- 8. Would your firm be willing to operate under a maximum annual expenditure cap with the Town? If so, please explain how it might be structured.
- 9. Monthly Retainer/Billable Hours: Please complete and submit the Cost Proposal Form (Attachment C) with your Proposal. The proposed compensation shall be in one of two (2) formats. The Proposer shall either propose an hourly rate(s) for work, including meeting attendance <u>OR</u> the submittal shall contain a billing system wherein regular attendance at Town Council, Planning Commission, or Successor Agency meetings are billed at a fixed, per meeting fee (i.e. monthly retainer) and services beyond the scope are billed at the proposed hourly rate(s). Billing should correspond to the Scope of Work and hourly involvement by each staff member. Alternatively, the Proposer may choose a blended cost structure, in which case the structure should be described in sufficient detail to be understood by staff and Council members.
- 10. Cost of Proposal Worksheet: Please complete and submit the Cost of Proposal Form (Attachment C) with your proposal.

Attachment A Certification of Proposal

- The undersigned hereby submits its proposal and, by so doing, agrees to furnish services to the Town in accordance with this Request for Proposal and to be bound by the terms and conditions of the RFP, as may be modified by any legal services agreement with the Town.
- This firm has carefully reviewed its proposal and understands and agrees that the Town is not responsible for any errors or omissions on the part of the Proposer and that the Proposer is solely responsible for such errors or omissions.
- It is understood and agreed that the Town reserves the right to accept or reject any or all proposals and to waive any informal or irregularity in any proposal received by the Town.
- The proposal includes all components, figures and dates required by this Request for Proposal.
- This firm has carefully read and fully understands all of the items contained in this Request for Proposals. This firm agrees to all of the requirements of the RFP.
- The Town is not responsible for any cost associated with preparing the Proposal.

Date:	
Name of Firm:	
Authorized Signature:	
Print/Type Name:	
Title:	
Address:	
Telephone:	
Fax:	
Email:	

Attachment B

Business Information Form

Business Contact			
Information: Name of Firm:			
Address:			
Town/State/Zip Code:		_	
Telephone:		_	
Fax:		_	
Email:		_	
Website:		_	
Federal Tax Number:		_	
Number of Years in Business:		_	
Number of Employees:		_	
Does the firm/business maintain amounts	of insurance specified by the Town?	Yes	No
Are there any claims that are pending again	inst any malpractice insurance polici	ies? Yes	No
If yes, describe:			
Has the firm/business been in bankruptcy.	, reorganization, or receivership in t	the last five years? Yes	No
Has the proposed designated Town Attorn	ney practiced municipal law a minim	num of five (5) years? Ye	es No
Is each of the proposed attorneys accredite	ed and in good standing with the Sta	nte Bar of California? Ye	s No
Business Classification: Corporation	Partnership In	ıdividual	

If a Corporation:

Date of Incorporation:

State of Incorporation:

President's Name:

If a Partnership:

Date of Organization:

Name of all Partners:

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Attachment C Cost Proposal Form

s, faxed
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End of Document