



**REQUEST FOR
QUALIFICATIONS
FOR
LEGAL COUNSEL SERVICES**

RFQ# 01-2019

Brazos Valley Groundwater Conservation District
112 W. 3rd Street
Hearne, TX 77859

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NOTICE TO PROPOSERS

The Brazos Valley Groundwater Conservation District is presently accepting **Statement of Qualifications for Legal Counsel Services**, as more described herein, **until 12:00 PM, Friday, October 25, 2019**. Any questions concerning the contents of this document should be emailed to Alan M. Day, General Manager at aday@brazosvalleygcd.org.

To facilitate the evaluation process, **one (1) complete electronic version of the Statement of Qualifications shall be provided by email transmittal to aday@brazosvalleygcd.org**. All Statements of Qualifications are to be provided in a prepared Adobe Acrobat Portable Document File. The electronic version of the Statement of Qualifications shall be deemed delivered on the date and time in the email transmitting the submission.

Proposer may (optional but not required) also send a Delivered Statement of Qualifications. Delivered Statements of Qualifications shall be enclosed and sealed in an envelope or container clearly marked **RFQ No. 01-2019, BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT Legal Counsel Services** and addressed to Brazos Valley Groundwater Conservation District, Attn: Alan M. Day, General Manager.

Statements of Qualification may be delivered in one of the following methods:

<p>Hand delivered, UPS, FedEx, or other common carrier must be received by 12 PM, October 25, 2019 to:</p> <p>Brazos Valley Groundwater Conservation District Attn: Alan M. Day 112 W. 3rd Street Hearne, TX 77859</p>	<p>U.S. Postal Service</p> <p>Brazos Valley Groundwater Conservation District Attn: Alan M. Day P.O. Box 528 Hearne, TX 77859</p>
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FAXED STATEMENTS OF QUALIFICATION WILL NOT BE ACCEPTED.

STATEMENTS OF QUALIFICATION DELIVERED IN ANY MANNER OTHER THAN THE ABOVE STATED MANNER WILL BE REJECTED AND RETURNED TO THE PROPOSER UNOPENED. It is the Proposer's sole responsibility to ensure that his/her Statement of Qualification is delivered by the proper method to the proper address by the deadline. Postmarks will not validate Statements of Qualifications which arrive after the deadline date/time listed above. Any Statement of Qualifications received after the scheduled closing time for receipt of Statement of Qualifications may be discarded without further consideration. Statements of Qualifications may be withdrawn by submitting a request to aday@brazosvalleygcd.org prior to the scheduled closing time for receipt of Statements of Qualifications.

Proposers shall be bound to the pricing terms contained within their submitted Statements of Qualifications, which shall remain in effect as stated until at least **December 31, 2019**. Statements of Qualifications shall be signed by an authorized individual or officer of the firm submitting the Statement. If the Proposer is a corporation or limited liability company, the Statement of Qualifications shall be executed by the chairman of the board, officer, or managing member.

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Section 1 – Request for Statement of Qualifications Overview

1.1 Purpose of Request for Qualifications

The District is seeking Statement of Qualifications from law firms with the capability and expertise to provide Legal Counsel services.

The District shall receive responses to this RFQ and may conduct individual interviews in order to select firms, which, in the District’s opinion, are best suited to perform Legal Counsel services for the District.

1.2 Anticipated Statement of Qualification Review Dates

The following table identifies the estimated dates/time frame for receipt, evaluation, and notice of acceptance as a legal resource of District. Please note the following key dates when preparing your response to this RFQ.

Description	Date*
Release of RFQ	October 11, 2019
STATEMENTS OF QUALIFICATIONS DUE	October 25, 2019
Firm Interviews by District (<i>if any</i>)	To Be Determined
Notification of Selection as a Legal Resource for District	To Be Determined

* The above noted dates are subject to change without notice.

1.3 Statement of Qualification Evaluation

The Statement of Qualification review process used to select qualified law firms will be as follows:

- a. The District will review and evaluate all Statements of Qualification received using the criteria below. Incomplete Statements of Qualification may be rejected as non-responsive, and may result in being excluded from this process.
- b. A District Evaluation Team may select firms for interviews. The District Board may request selected firms to make an oral/visual presentation in connection with the oral interview.

1.4 Evaluation Criteria

Proposers submitting Statements of Qualification are advised that all responsive documents will be evaluated to determine each firm's ability to best meet the needs of the District. The District’s evaluation will include, but is not limited to, a

consideration of the following criteria:

- a.** Responsiveness. Responsiveness of the Statement of Qualifications in clearly stating the firm's practice areas and services, and in meeting the requirements of the RFQ for Legal Counsel services.
- b.** Experience/Ability. The extent of the firm's previous experience working with groundwater districts, and the firm's knowledge of and/or experience with water law in Texas, applicable regulations, and permitting and hearing procedures. Such experience may also include assessment of the firm's outcomes for particular matters handled by the firm.
- c.** Qualifications. Qualifications of the firm to provide the District with prompt, responsive Legal Counsel services, including appropriate support staffing as needed; firm research and other resources; and demonstrated history of competence in handling legal affairs experienced in groundwater regulation and permitting.
- d.** Proof of Professional Liability Insurance to be in affect during the contract period.
- e.** References. Information obtained by the District from the firm's provided references and other clients.
- f.** Costs. The firm's proposed legal fees for services provided, including detailed fee schedules for different classifications of attorneys, support staff, research and search tools, and a detailed explanation of billing practices (e.g., time billing increments).

Section 2 – Scope of Work

The Legal Counsel will serve as the District's chief legal advisor and is responsible for assisting the Board of Directors with litigation, permitting, rulemaking, and operational procedures.

The Legal Counsel will provide legal services to the District, as authorized by the Board of Directors including legal advice, policy approach, training, and opinions to the Board of Directors.

The Legal Counsel is responsible for the oversight of all litigation involving the District, including hearings and arbitrations. The Legal Counsel works to insure that legal services are provided in a manner that serves the District's best interests.

The Legal Counsel attends regular and special meetings of the Board when requested and be available for consultation as needed.

The Legal Counsel provides additional legal reports and advice as requested by Board of Directors.

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Section 3 – Statement of Qualifications

3.1 Statement of Qualifications Format and Content

The Proposer's Statement of Qualifications should fully state its Legal Counsel experience. The submitted Statement of Qualifications should be organized and indexed in a format that ensures the District can easily review to effectively evaluate the Proposer's Statement of Qualifications.

Preferred Format

I. LETTER OF INTEREST

- I.A. Identify the submitting organization.
- I.B. A listing of all principals of the firm;
- I.C. Identify the name and title of the person authorized by the organization to contractually negotiate and obligate the organization;
- I.D. Identify the name, title and telephone number of the person(s) being proposed as Legal Counsel
- I.E. Identify the names, titles and telephone numbers of persons to be contacted for clarification;
- I.F. Be signed by the person authorized to contractually obligate the organization.

II. SUBMISSION OF STATEMENT OF QUALIFICATIONS

- II.A. Brief History of the firm, including a resume or Curriculum Vita of the personnel proposed to provide Legal Counsel Services.
- II.B. The location and listing of resources of the local office (e.g., number of partners, associates, clerical staff, etc.), and the distance from this office to the District.
- II.C. Professional memberships, certifications, licenses, and other qualifications for key individuals assigned to the District. Please identify all associations listed below:
 - 1. All professional associations, groups, organizations or entities of which you are a member, i.e. Texas Young Lawyers Association, West Texas Groundwater Rights Association, Texas Farm Bureau, etc.
 - 2. List any previous representation, assistance in the representation of, or association in any manner with the representation of any individual, group, organization, association or entity with regard to groundwater rights and/or groundwater districts, or have been an interested party thereto, including but not limited to contested cases, transactions, and/or legislation.

- II.D. Company's experience and qualifications for similar types of engagements; this summary must include your firm's experience in each of the areas of specialty listed herein for which the Proposer is submitting a Statement of Qualifications.
- II.E. A listing of cases/matters and outcomes, if applicable, for water law clients that have been handled by the firm through consultation, negotiation, settlement, mediation, arbitration, or litigation.
- II.F. Statement certifying that the Proposer and/or his/her firm is not aware of any existing conflicts of interest with the Brazos Valley Groundwater Conservation District or its Board of Directors.

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III. RATE/FEE SCHEDULE

III.A. Proposer will include a fee proposal specifically reflecting the method of determining charges for work performed; and include hourly rates associated with different staff levels.

III.B. Proposer shall include other necessary costs and expenses, to include, but not limited to the following:

- i. Hourly rate for telephone consultation
- ii. Cost for faxtransmission/receiving
- iii. Cost per hour for court litigation and administrative proceedings
- iv. Cost per hour for attendance at the Board meetings
- v. Hourly rate for travel time

III.C. Proposer shall indicate how Proposer's fees are charged (i.e., 1/10th Hour increments, quarter hour increments, fixed fee, per transmission, etc.).

IV. CERTIFICATE OF NON-DISCRIMINATION (Exhibit A)

IV.A. Proposer shall complete, sign, date, and include with its Statement of Qualifications the Certificate of Non-Discrimination attached to this RFQ.

V. REFERENCES FORM (Exhibit B)

V.A. A minimum of three (3) verifiable references shall be listed on the "References" sheet provided in this RFQ; this list may include current and former clients (with reason for cancellation if applicable), with all references being able to fully comment on the Proposer's related experience;

All costs related to the Proposer's Statement of Qualifications/Proposal submission are the sole responsibility of the Proposer. All Statements of Qualifications that are submitted are the property of the District.

All information contained in Statements of Qualifications submitted may be subject to the Texas Public Information Act and/or the Texas Open Meetings Act, and the use and disclosure of the information provided are governed by these Acts. Any information deemed confidential or proprietary should be clearly identified by the Proposer as such. Such information may then be protected and treated with confidentiality to the extent permitted by state law.

3.2. Request for Clarification/Information

Questions regarding the meaning of the Scope of Work, Qualifications, or other pre-proposal documents shall be directed to Alan M. Day at aday@brazosvalleygcd.org.

3.3. Request for Qualifications (RFQ) Submittals

For the purpose of this Request for Qualifications, it should be noted that the documents submitted by prospective Proposers are sealed Statements of Qualifications. When submitted Statements of Qualifications are opened, rates and other information shall not be made public unless the firm submitting the Statement of Qualifications is selected as legal counsel by the District. At that time, any executed retainer agreement or other executed contract between Proposer and District shall become public information, subject to disclosure under Texas law.

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EXHIBIT A

CERTIFICATION OF NON-DISCRIMINATION

**TO BE EXECUTED BY PROPOSER AND SUBMITTED WITH
STATEMENT OF QUALIFICATIONS**

Proposer hereby certifies in performing work or providing services for the District, there shall be no unlawful discrimination in its hiring or employment practices, and Proposer shall comply with applicable federal and Texas anti-discrimination laws.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Non-Discrimination this _____ day of _____, 2019.

PROPOSER:

(Type or print complete legal name of firm)

BY:

(Signature)

NAME:

(Type or Print)

TITLE:

(Type or Print)

ADDRESS:

CITY _____, STATE _____, ZIP _____

EXHIBIT B

REFERENCES

Proposer shall provide a minimum of three (3) References with three (3) or more years' experience with the Proposer.

REFERENCE #1

NAME	
ADDRESS	
CITY, STATE ZIP CODE	
TELEPHONE #	
CONTACT	
DATES OF SERVICE	
DESCRIPTION OF SERVICES	

REFERENCE #2

NAME	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
DATES OF SERVICE	
DESCRIPTION OF SERVICES	

REFERENCE #3

NAME	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
DATES OF SERVICE	
DESCRIPTION OF SERVICES	

(ATTACH ADDITIONAL SHEETS IF DESIRED)

STATEMENT OF QUALIFICATIONS/PROPOSAL SUBMITTAL CHECKLIST

This checklist is provided to assist in the preparation of Proposer's Statement of Qualifications. It is only intended as a guide.

Proposers are encouraged to use the following checklist when preparing their proposed Statement of Qualifications/Proposal:

- LETTER OF INTEREST** – all requested information included, and signed by authorized representative
- RESPONSE TO MANDATORY REQUIREMENTS** – include narrative, resumes, experience and qualifications, proof of professional liability insurance, association memberships, groups/individuals represented regarding groundwater, and statement of no conflict of interest
- FEE PROPOSAL** – all requested information included, including hourly rates, billable hours, increments, and other expenses that may be incurred by the District
- EXHIBIT A – Certification of Non-Discrimination** – completed and signed by authorized representative
- EXHIBIT B - References** – complete as requested