



Request for Proposals

To Provide General Legal Counsel Services

Request for Proposals Issued: December 1, 2020
Proposals Due: 3:00 pm, December 29, 2020

Hi-Desert Water District

Attention: Codi Mix, Board Secretary/Community Outreach Coordinator
55439 29 Palms Highway, Yucca Valley, CA 92284
codim@hdwd.com

Request for Proposals

I. Purpose

The Hi-Desert Water District invites qualified law firms and individuals with a minimum of ten (10) years of California water and local government law experience to submit a proposal for General Legal Counsel Services.

II. Background

The Hi-Desert Water District (District) was formed on December 14, 1962, and was organized under the laws of the State of California and has broad powers relative to the provision of water and sanitation service to the residents of the District. The District provides water and sewer services within a 57-square mile area located in the eastern desert area of San Bernardino County which encompasses the Town of Yucca Valley in its entirety and portions of unincorporated areas of San Bernardino County. The District serves a population of over 25,000 customers through approximately 10,700 service connections. The District has a total of 12 groundwater wells with a maximum production capacity of 6,600 gallons per minute and over 300 miles of water distribution and transmission pipelines.

The Board of Directors is governed by a five-member Board of Directors who serves overlapping four-year terms. The General Manager, who is appointed by the Board of Directors, is responsible for day-to-day operations. The District employs 44 full-time employees and an operating budget of \$10.5 million (FY 20/21).

The District is dedicated to provide a dependable water supply and wastewater treatment to meet our community's present and future needs in a safe, efficient, and financially responsible manner. Additional information about the District is available online at www.hdwd.com.

III. Scope of Services

As General Counsel, the selected law firm or individual will be expected to provide a wide range of legal services to the District. General Counsel is selected by the Board of Directors and will work closely with the General Manager and staff. The District prefers to hire one attorney or firm to serve as District Counsel, but that firm may employ others for specific issues (e.g. litigation). All qualified individuals and firms are encouraged to submit a proposal. The anticipated scope of services will include, but are not limited to, the following:

GENERAL SERVICES

- Oversee and manage the legal affairs of the District and ensure that the policies, programs, and activities of the District and its employees and agents are carried out in compliance with all applicable law and that the best interests of the District are otherwise protected to the fullest extent possible.
- Provide legal advice and opinions as requested by the Board of Directors, General Manager or staff.
- Interpret laws, legislation, rulings and regulations for the District.
- Advise the Board of Directors and staff on issues related to wastewater and water law.
- Represent and advise the Board of Directors as the governing body and all District Officers in all matters of law pertaining to their offices.
- Represent the District in administrative and legal proceedings, providing litigation services as needed.
- Represent and work with Board of Directors and staff on negotiations.
- Monitor current, new and pending state and federal legislation, and case law as applicable to the District, and inform and provide direction to Board members and the General Manager regarding compliance issues and/or impacts to the District.
- Provide prompt responses and have availability for telephone consultation and to render written opinions on given issues related to District business in a timely manner.

III. Scope of Services, continued

BOARD SERVICES

- Attend Board Meetings as needed (held at 5 pm on the first and third Wednesday of each month) and special meetings when called.
- Advise the Board of Directors and staff on relevant laws and regulations including, but not limited to the Brown Act, Public Records Act, Fair Political Practices Commission (FPPC) requirements, Ethics, Risk Avoidance, parliamentary procedures for running meetings, and public official conflict requirements.
- Provide the District with education and in-service seminars as mutually agreed to maintain a level of education among the Board of Directors, staff and management, to the fullest extent possible, to increase the knowledge of District staff and Board Members.

STAFF SERVICES

- Review and prepare board and committee agendas and reports as required.
- Aid in responding to public records requests as needed.
- Prepare or review all ordinances, resolutions, contracts, easements, deeds, leases, agreements, property management, and all other legal documents as requested by the General Manager or staff.
- Draft language related to issues raised during negotiations.
- Advise on individual labor and employment matters.
- Provide legal counsel to the District for Human Resources policies and issues, including personnel actions and appeals.

SPECIALIZED SERVICES

- Review citations for violations of District ordinances in accordance with criminal/civil law and procedures
- Prepare and try infractions, misdemeanors, and ordinance violations as required and requested by the General Manager.
- Enforce all ordinances and regulations through administrative and judicial actions as requested by the Board of Directors.
- Advise on conjunctive use and water storage rights.
- Provide support while working with Government Oversight Agencies (Department of Water Resources, State Water Resources Control Board, United States Bureau of Reclamation, Fish and Wildlife, California Environmental Quality Act), including bond, assessment district formation and management.

IV. Qualifications

A. Required Qualifications

1. The General Counsel shall be licensed to practice in California. All attorneys in the firm who will provide services must be members in good standing of the State Bar of California.
2. The General Counsel shall have knowledge of and experience with, California special districts, water law and codes or other public-sector experience. The relevant laws and regulations include, but are not limited to:
 - California Government Code and California Water Code
 - Ralph M. Brown Act
 - California Public Contract Code and Labor Code
 - California Public Records Act
 - Political Reform Act
 - California Conflict of Interest Code
 - Americans with Disabilities Act
 - Joint Powers Act

IV. Qualifications, continued

B. Preferred Qualifications

1. Environmental law, including: California Environmental Quality Act (CEQA); Federal National Environmental Policy Act (NEPA); California and Federal Endangered Species Acts; Federal Clean Water Act; California Porter Cologne Water Quality Act; Sustainable Groundwater Management Act (SGMA); Proposition 218.
2. Real estate law, easements, rights-of-way, encroachment permits, and other related agreements and negotiations.

V. Submittal Requirements and Response Format

The District requires the applicant to submit a well-organized, concise proposal clearly addressing all the requirements outlined in this RFP. Responses should demonstrate the firm's and the individual's qualifications and experience related to the required professional services and legal support. To be considered responsive, the proposal must provide specific answers to all requests for information (see A-K below). Emphasis should be on completeness and clarity of content with sufficient detail to allow for accurate and comparative evaluation.

For the sake of efficient review, please restrict the proposal to a total not-to-exceed limit of 20 sized 8½" by 11" single sided pages, including preprinted material. The minimum font size for the proposal is 11-point. The 20-page limit does not include the cover letter, dividers, resumes, appendices, front cover or back cover included in the proposal. Please limit resumes to 2 pages per individual.

Interested firms shall submit three (3) hard-copies and one electronic format (on a USB flash-drive) of the proposal at the date and contact information indicated below.

Proposals must be delivered to this address:

Hi-Desert Water District
Attention: Codi Mix, Board Secretary/Community Outreach Coordinator
55439 29 Palms Highway
Yucca Valley, CA 92284

DEADLINE: 3:00 PM PST ON DECEMBER 29, 2020

Proposals will not be accepted after the date and time designated above. It is the sole responsibility of the respondent to see that his/her proposal is delivered and received by the deadline. Any proposal received at the designated location after the required time and date specified for receipt shall be considered late and non-responsive. Any late submissions will not be evaluated for award.

The District anticipates a five-year agreement (three-year firm with a two-year extension option) with the selected legal firm. Estimated start date for legal services would be February 1, 2021.

At a minimum, the Proposal shall include:

A. Cover Letter

This letter shall be a brief formal letter from the Law Firm that provides information regarding the Firm and its ability to perform the requirements of this RFP. This letter must include the following information:

- Complete legal (company) name (as it should appear in a contract).
- Company Address.
- Contact person, telephone number, and email address.
- Identify all materials and enclosures being forwarded in response to this solicitation.
- The letter must be signed by an individual authorized to bind the proposing entity.

V. Submittal Requirements and Response Format, continued

B. Qualifications

1. Describe the nature of your law firm's practice and your qualifications for providing general legal services for the District.
2. Provide the overall capabilities, qualifications, training and areas of expertise for each of the principals, partners and associates of the law firm, including the length of employment for each person and his/her area of specialization for those involved in the assignment.

C. Approach to Legal Services

A clear description of the Firm's approach and methodology to complete the work tasks outlined in this RFP, including:

1. Describe your view of the role of the General Counsel, your interaction with the Board of Directors (both collectively and individually), the General Manager and staff.
2. Describe how the firm would keep the District informed about the status of litigation and other legal matters.
3. Provide your best example of a written communication to a governing body about a legal issue, prepared within the past five 5 years and not to exceed four pages, in which options are explained and a recommendation is given. (Redaction of privileged information is expected.)
4. Describe how you track and manage legal fees and costs.
5. Describe how you would proactively advise the District about legal developments or issues of concern, without being asked. If you use newsletters or other published communications, please describe the general content and frequency of publication.
6. Please identify whether the firm has had an agreement with a public agency terminated within the past five years, and provide contact information for persons knowledgeable regarding the contract's termination.
7. Please identify the most significant water policy, program or legal matter that the firm has handled within the past five years, explain in detail why the matter was significant, and indicate the outcome of the legal matter.
8. Please provide the most creative advice the firm has provided to a public agency client within the past five years, explain why the advice was creative, and describe the outcome of the matter upon which the advice was provided.

D. Legal Team

The Proposal shall identify the primary lead counsel who will be responsible for providing legal services to the District, and other attorneys and staff to be assigned to the District legal matters. Provide a brief overview of the firm and identify local and regional branch offices. Provide a specific organizational chart identifying key project personnel by name, title, work office location, California Bar Membership or other qualifications for each employee and the areas of expertise for which each team member will be responsible. Provide the percentage of time that the Senior Partner/Shareholder/Senior Associate will be working on this project.

E. Experience

Include a summary of the experience and performance for similar agencies. Include the following information:

1. Agency, contact person (name, title, phone number, and email)
2. Agency size and description
3. Agency budget
4. Total term of relationship with Agency

V. Submittal Requirements and Response Format, continued

F. Local Experience

Describe the firm's experience and knowledge with the County of San Bernardino, HI-Desert Water District, and other local agencies.

G. Location

Provide intended office location and accessibility and include a commitment of availability to attendance at District meetings.

H. Conflict of Interest / Ethics

It is the desire of the District to hire a law firm that does not frequently have to recuse itself from issues due to conflict of interest or concerns. Please provide a statement identifying any potential conflicts of interest with other clients or interests in the firm.

The firm should identify and disclose any business relationship, direct or indirect, with any of the neighboring agencies, cities or special districts.

I. References

Please provide three (3) professional references, particularly from work with similar agencies.

J. Resumes

Please include resumes for the primary lead counsel who will be responsible for providing legal services to the District, and each attorneys and staff to be assigned to the District legal matters. Please limit each resume to two (2) pages.

K. Fee Schedule

Please provide either a monthly retainer fee and specific expenses (i.e. rate for mileage, reproduction of documents, travel) proposed for compensation and/or reimbursement for the above legal services. Also, please provide an hourly rate in case the District elects to hire a firm on an hourly basis and not based on a monthly retainer.

General Counsel will provide additional litigation services as needed. Please provide an hourly billing rate (this will not be included in a monthly retainer), for litigation services.

Specific tasks and budgets will be negotiated as needed, but are expected to meet the Scope of Services (Section III).

L. Exceptions to this RFP

The General Counsel shall certify that it has fully read the RFP and takes no exceptions to this RFP including, but not limited, to the Consultant Services Agreement (attached). If the Consultant does take exception(s) to any portion of the RFP, the specific portion of the RFP to which exception is taken shall be identified and explained.

The District will require a professional liability insurance verification for coverage of not less than \$1,000,000.

VI. Review and Selection Process

A. Process

Proposals will be evaluated based on the criteria established above (see evaluation criteria below) Top-rated firms will be invited to an in-person interview with the District's Evaluation Committee, which may be comprised of District board members, other agency staff and district staff.

VI. Review and Selection Process, continued

B. Schedule

The District anticipates that the process for selection of firm and awarding of the contract will be according to the following tentative schedule:

Action	Approximate Date
District Releases RFP	Tuesday, December 1, 2020
Last Day for Respondent's Questions*	Thursday, December 17, 2020 at 4:30 pm PST
Proposals Due	Tuesday, December 29, 2020 at 3:00 pm PST
In-Person Interviews	Wednesday, January 13, 2021 (interview time to follow)
Selection Award/Contract	Wednesday, January 20, 2021

* Failure to qualify with the requirements of this RFP may result in disqualification. All questions and/or requests for clarification regarding this RFP must be received in writing (via mail or email) to the point of contact (below) no later than 4:30 p.m PST., December 17, 2020. Contact information below:

Hi-Desert Water District
Attn: Codi Mix
55439 29 Palms Highway
Yucca Valley, CA 92284
codim@hdwd.com

C. Evaluation Criteria

Firms will be evaluated on the information presented in the Proposal. Final selection will be based on the proposal as well as an interview with the top-rated firms. Evaluation factors shall include the following:

1. Qualifications as they relate to this RFP (40%).
 - a. Firm's knowledge of and experience with, California special districts, water law and codes, other public-sector experience and local government law;
 - b. Qualifications of proposed key personnel; and
 - c. Communication skills.
2. Firm's approach to complete the scope of services outlined in the RFP (30%).
3. Apparent ability to provide the required services in a timely matter (15%).
 - a. Accessibility of staff.
 - b. Flexibility and readiness for completing specified work.
4. Firm's reputation for integrity, competence and input from the references (15%).

VII. General Terms and Conditions

A. Limitation

This RFP does not commit the District to award a contract, to pay any cost incurred in the preparation of a response or to procure or contract for services or supplies.

B. Information Disclosure to Third Parties

Proposals are a matter of public record and are open to inspection under the California Public Records Act. If any respondent claims any part of its proposal is exempt from disclosure and copying, they shall so indicate in the transmittal letter. By responding to this RFP, respondents waive any challenge to the District's decision in this regard.

If any proposal contains confidential information, the respondent shall clearly label and stamp the specific portions that are to be kept confidential. The respondent is urged to identify the truly confidential portions of the RFP and not simply mark all or substantially all response as confidential.

Notwithstanding the foregoing, respondents recognize that the District will not be responsible or liable in any way for losses that the respondents may suffer from the disclosure of information or materials to third parties.

C. District Rights and Options

The District, at its sole discretion, reserves the following rights:

1. To determine which respondents, if any, shall be included on a short list of semi-finalists based on the criteria set forth in the RFP;
2. To reject any, or all proposals or information received pursuant to this RFP;
3. To supplement, amend, substitute or otherwise modify this RFP at any time by means of written addendum;
4. To cancel this RFP with or without the substitution of another RFP or prequalification process;
5. To request additional information;
6. To verify the qualifications and experience of each respondent;
7. To require one or more respondents to supplement, clarify or provide additional information in order for the District to evaluate proposals submitted;
8. To hire multiple firms to perform the necessary duties and range of services if it is determined to be in the best interests of the District;
9. To use any techniques or concepts included in the submitted proposal regardless of firm's selection; and
10. To waive any minor defect or technicality in any proposal received.

VIII. Attachments and Resources

- A. Sample Professional Services Agreement (attached)
- B. Website: www.hdwd.com
- C. [Hi-Desert Water District Boundary Map](#)
- D. [2020 Organizational Chart](#)