

Request for Proposals
General Legal Services/Counsel
to the Tiverton Wastewater District

09-29-2017

Advertisement/Notice

The Tiverton Wastewater District (TWWD) is requesting proposals from qualified attorneys and firms to serve as general legal counsel and provide general legal services to the District and Board of Directors.

Proposal documents may be obtained from the District in person at their offices located at 400 Fish Road; Tiverton, RI 02878 or via the District's website at: www.TWWD.org

Proposals will be received by the District via email (judy@twwd.org CC: pat@twwd.org) or via hard copy at their offices located at 400 Fish Road; Tiverton, RI 02878 until **2:00 PM, Friday, October 20, 2017** at which time they will be opened and reviewed. Awards shall be made on the basis of responsiveness, qualification, and price. Should you have any questions regarding this RFP, please contact: Judith M. Rapoza at 401-625-6701.

Tiverton Wastewater District
Request for Proposals #2017-001

RFP Brief

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The bidder understands they will not discriminate against any employee or applicant for employment because of physical or mental handicap for any position for which the employee or applicant is qualified and that in the event of non-compliance the District may declare the contractor in breach and take any necessary legal recourse including termination or cancellation of the contract. Bidders acknowledge they will not discriminate on the basis of race or color, religion, sex, disability, sexual orientation, gender identity or expression, age or country of ancestral origin; or any other protected class.

A bidder filing a proposal certifies that no officer, agent, or employee of the District has a pecuniary interest in the proposal or has participated in contract negotiations on the part of the District, that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same call for proposals, and that the bidder is competing solely on their own behalf without connection with, or obligation to, any undisclosed person or firm.

Bid Processes

All proposals should be submitted with in hard copy or electronic (PDF) format. Hard copy responses should be sealed in an envelope addressed as below:

RFP Response – Legal Services
Tiverton Wastewater District
400 Fish Road
Tiverton, RI 02878

Electronic submissions shall be emailed as an attachment with the subject line **RFP Response – Legal Services** and emailed to Judy Rapoza (judy@twwd.org) and copied to pat@twwd.org. No proposals will be accepted via fax. Should you have any questions regarding this RFP, please contact: Judith M. Rapoza at 401-625-6701 or judy@twwd.org.

Any questions pertaining to interpretation of the proposal specifications shall be answered in writing and provided to all prospective bidders in the form of an addendum to the initial bid specifications. Failure of a Bidder to receive any such addenda will not relieve the Bidder from any obligation under the proposal submitted.

General Terms

The bidder must provide the District with Lawyer's Professional Liability insurance in a minimum amount of \$1,000,000.00 per occurrence, \$3,000,000 aggregate and agree to indemnify the District against all claims of any nature, which might arise as a result of the operations or conduct of this work.

The person/firm selected will be considered an independent contractor and not an employee of the Tiverton Wastewater District.

Any deviation from the specifications must be noted in writing and attached as part of the proposal. The bidder shall indicate the item or part with the deviation and indicate how the proposal will deviate from specifications.

The successful bidder must comply with all Rhode Island Laws, and all other applicable local, state and federal laws.

The District reserves the right to terminate the contract or any part of the contract in the best interests of the District, upon 30-day notice to the contractor. The District shall incur no liability for materials or services not yet ordered if it terminates in the best interests of the District. If the District terminates in the interests of the District after an order for materials or services have been placed, the contractor shall be entitled to compensation upon submission of invoices and proper proof of claim, in that proportion which its services and products were satisfactorily rendered or provided, as well as expenses necessarily incurred in the performance of work up to time of termination.

All costs directly or indirectly related to the preparation of a response to this solicitation, or any presentation or communication to supplement and/or clarify any response to this solicitation which may be required or requested by the District shall be the sole responsibility of and shall be borne by the respondent.

The successful bidder must adhere to all Town, State and Federal Laws, where applicable.

Tiverton Wastewater District
Request for Proposals (RFP #2017-001)
Legal Services

I. INTRODUCTION:

The Tiverton Wastewater District is seeking proposals for an individual or firm to provide legal services and counsel to the District and Board of Directors.

II. BID BRIEF:

The Tiverton Wastewater District seeks a law firm or individual to provide comprehensive legal services through for a period of three years (with the option to renew the contract for two additional years) according to the “**Scope of Services and Qualifications**” outlined below. The Tiverton Wastewater District wishes to retain a law firm or individual to handle all legal services on a single-fee retainer basis and/or on an as-needed hourly-rate basis. The Tiverton Wastewater District holds its regularly scheduled meetings on a monthly basis with one meeting per month. In addition, the Tiverton Wastewater District reserves the right to call special meetings (48 hours advance notice). The general legal counsel to the Board and District attends Board meetings when necessary providing general legal advice and counsel.

The general legal counsel also performs contract review and negotiations, litigation, review policies and procedures, assistance in development and review of rules and regulations, preparation of utility easements, development and review of bonds and mortgages for surety, conducts land evidence research, real estate negotiations and settlements, drafting of legislation and other such services desired and necessary to protect the legal and financial interests of the District and to maintain the integrity of the District’s wastewater system.

III. SCOPE OF SERVICES AND QUALIFICATIONS:

The successful bidder should be regarded as a “Full Service” entity with its primary office located in Rhode Island or southeastern Massachusetts. The respondents must be licensed to practice in the Rhode Island, Massachusetts, and Federal Court System.

Respondents should have experience in the following:

Qualifications and Services:

1. Experience in drafting of legislation; knowledge of RI Public and General Laws and the Tiverton Town Charter and Ordinances.
2. Knowledge of the Tiverton Wastewater District Enabling Legislation.
3. Knowledge of utilities law, land use law, and general public sector law.
4. Familiarity with R.I. Clean Water Finance Agency programs and procedures, RIDEM regulations, the Community Septic System Loan Program (CSSLP), and general USDA guidelines for septic and sewer finance programs.

5. May be required to appear at Tiverton Wastewater District meetings, committee meetings, public hearings and budget hearings as well as occasional Town Council meetings, on an as needed basis.
6. Preparation of legislative advice and legal opinions as necessary.
7. Perform legal research, draft and present findings as necessary.
8. Contract drafting and review.
9. Assist with regulatory compliance and permitting requirements of an ongoing and expanding sewer system.
10. Provide the Tiverton Wastewater District staff with the day-to-day legal advice necessary for the District to operate.

Public Law:

The successful bidder should have experience in representing clients with respect to all facets of public law, including Open Meetings Act, Access to Public Records Act, Clean Water Act, contract law, real estate law, general environmental law and similar issues. It is recognized that attorneys who represent public entities may concentrate their practice in other specific areas.

IV. ADDITIONAL REQUIREMENTS:

1. **Termination for Default:** If the successful bidder refuses or fails to perform the work, or any separable part thereof, with such diligence as shall ensure its completion within the written contracted time frame, the Tiverton Wastewater District may, upon written notice to the law firm or individual, terminate the right to proceed with the work or such part of the work which has been delayed.
2. The Tiverton Wastewater District reserves the right to include additional terms and conditions during the process of contract negotiations. These terms and conditions shall be within the scope of the original RFP and contract document, and shall be limited to cost, definition, and administrative and legal requirements.
3. **Subcontracting:** The successful bidder, in the event of a conflict or for other reasons approved by the Tiverton Wastewater District shall be required to subcontract services to an alternate legal firm or entity to be approved by the Tiverton Wastewater District at no additional cost to the District.

V. SUBMISSION REQUIREMENTS:

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Interested firms are requested to submit their qualification statements to demonstrate the extent to which they meet the requirements of this request, according to the outline below. Submissions should include but not be limited to, staff experience, recent legal work on behalf of public or governmental organizations, and previous work that demonstrates an understanding of the District's legal needs and public service objectives. Selection of the firm is to be generally based on selection criteria, as listed in this RFP, however, the District reserves the right to amend their selection criteria as necessary.

1. **Company Profile:** Provide a general description of the firm or individual, its history with respect to legal work for governmental entities, and the range of legal services that it provides. Identify office locations, number and type of personnel available to serve the District.
2. **Key Personnel:** Each proposing firm must submit resumes of key personnel and the manner in which the legal work requests will be organized. The lead attorney must be a member of the Rhode Island Bar Association. All support personnel must be identified with their respective roles enumerated. Provide complete resumes for all personnel.
3. **Legal Experience:** The proposal must include examples of work which demonstrate experience with municipal or governmental agencies, environmental law, land use, utilities law, and general risk management. Please be as specific as possible. Please include a summary of the experience and special expertise of the proposed attorney with particular emphasis on the following areas of interest to the Board:
 1. Knowledge of and experience in interpreting Rhode Island General and Public Laws. The firm should be familiar with the applicable provisions of the Rhode Island General Laws applicable to the District and any other relevant laws and regulations of the State of Rhode Island.
 2. Experience in environmental law, especially the federal Clean Water Act and Rhode Island water quality regulations, programs and procedures, RIDEM regulations, the Community Septic System Loan Program (CSSLP), general USDA guidelines for

septic and sewer finance programs and TWW enabling legislation and regulation is highly desirable.

3. General legal counsel to water and wastewater utility companies, governmental or quasi-governmental agencies, councils and boards, utility companies, and construction companies
 4. General litigation, contract negotiations
 5. Development and review of bonds, review of construction bidding documents
 6. Development of rules and regulations
 7. Utility easements, real estate negotiations and closings, and land evidence research
 8. Insurance coverage review and claims
4. **Fee Schedule:** A schedule of fees and charges for legal services for the contract years one, two, and three including:
1. Hourly billing rate for attorney(s)
 2. Hourly billing rate for paralegal services
 3. Hourly billing rate for title searches
 4. Fixed fees for any specific services
 5. Description of fees and billing policies for all miscellaneous services including, but not limited to; telephone, faxes, email receipt and response, postage, mileage, travel time to meetings, minimum charges for services, and any miscellaneous services or charges specifically included in the stipulated hourly rates shall be so identified.
5. **References:** A minimum of three (3) references for related municipal or governmental legal work shall be provided with recently verified phone numbers, email addresses, and mailing addresses.
6. **Insurance:** The attorney or firm shall procure and shall maintain lawyer's professional liability insurance in an amount not less than \$1,000,000 per occurrence, \$3,000,000 aggregate. A certificate of insurance will be required from the selected attorney.

VI. SELECTION CRITERIA:

The useful bidder shall be selected based on relevant qualifications and experience, special expertise relative to District operations and needs, ability to service the District, education, references, quality of proposal, fees and charges, or any other factors that the District determines to be relevant and in its best interests. After review of the proposals, the Board may, at its sole discretion, interview one or more attorneys before making a selection.

The firms credentials will be evaluated generally based on the following criteria:

1. Competence to perform the services as reflected by proper licensing, legal training and education; general experience; experience in providing the required services; and the

qualifications and competence of persons who would be assigned to perform the services in a timely manner;

2. Ability to perform the services as reflected by workload and the availability of professional staff, equipment, and facilities to perform the service expeditiously;
3. Past performance as reflected by the evaluation of previous performance or interactions with the District or references of officials of other governmental entities that have retained the services of the firm, with respect to control of costs, quality of work, and an ability to meet deadlines.