

## REQUEST FOR PROPOSALS: LEGAL SERVICES

Bois de Sioux Watershed District

### INTRODUCTION

**The Bois de Sioux Watershed District (BdSWD) hereby solicits proposals from qualified individual attorneys and/or law firms to serve as the BdSWD's legal counsel on a contractual basis under direction of the BdSWD Governing Board. The individual or firm selected would serve as chief legal advisor to the BdSWD on an at-will basis.**

The Bois de Sioux Watershed District is a special purpose local unit of government operating under Minnesota Statutes 103D, managing water quantity and quality activities for the Bois de Sioux and Mustinka Watersheds. Also acting as the Drainage Authority under Minnesota Statutes 103E, the BdSWD has jurisdiction over 400 miles of public ditches. The BdSWD's boundaries cover all, or portions of, Big Stone, Grant, Otter Tail, Stevens, Traverse and Wilkin Counties. Established in 1988, BdSWD is governed by nine board managers who regularly meet the third Thursday of each month; special meetings are scheduled as needed. BdSWD board managers are supported by both staff (one full-time office manager, one full-time engineer technician, one part-time administrator), engineering consultants (Moore Engineering), and an accountant (Morris & Associates).

The BdSWD has many active drainage and watershed-based projects. Over the past 5 years, the BdSWD has spent an average of \$130,000 on legal services; *this figure is provided only for informational purposes, to demonstrate the District's level of activity.*

### PROPOSAL CONDITIONS

The successful respondent must be licensed to practice law in the State of Minnesota and will preferably demonstrate substantial training and experience in all areas of watershed districts and drainage authorities.

The BdSWD will not be responsible for any expenses incurred by an attorney or firm to prepare, submit or present a proposal. All proposals shall provide a straightforward, concise delineation of the attorney's or firm's capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content.

Proposals may be held by the BdSWD for a period not to exceed ninety (90) days from the date of submission (for the purpose of reviewing proposals and investigating the qualifications of the respondent prior to the award of a contract).

The BdSWD reserves the right to accept or reject any or all proposals. The BdSWD reserves the right to waive any informalities in proposals, to accept or reject any or all proposals for any reason, to negotiate with any attorney, law firm, or business and to select one or more of the attorneys and/or law firms deemed to have submitted a proposal that in the judgment of the BdSWD Board is in the best interest of the BdSWD. The BdSWD prefers to contract with a single attorney/firm. However, the BdSWD reserves the right, at its discretion, to appoint a respondent to represent the BdSWD in one or more areas. The BdSWD may engage more than one individual or firm for services should that be in its best interest. This RFP does not obligate the BdSWD to accept or contract for any expressed or implied service.

### PROPOSAL REQUIREMENTS

### I. Scope of Legal Services

The successful respondent will provide legal advice to BdSWD Board Managers, staff, and consultants (in their work related to the BdSWD), and will represent them in court as may be required. Legal counsel will also prepare and review contracts, easements, etc., and provide opinions for the BdSWD on a variety of subjects. Legal counsel will attend BdSWD Board meetings and may be asked to attend other meetings and hearings. The successful respondent will be expected to provide legal assistance in a prompt and efficient manner.

The proposal must describe the respondent's ability to fulfill the duties of legal counsel to:

1. Furnish the BdSWD with legal representation and counsel;
2. Defend the BdSWD in actions and suits against the BdSWD (unless covered and provided by the League of Minnesota Cities Insurance Trust);
3. Prosecute suits on claims or demands of the BdSWD;
4. Furnish Board Managers, staff, and consultants with opinions on legal subjects which may be requested by them;
5. Prepare for execution all legal documents (including easements, real estate contracts, board resolutions, findings of fact, etc.) necessary to carry out the duties of the position;
6. Mediate disputes to produce fair/equitable outcomes;
7. Attend regular board meetings and special board meetings, as needed.

### II. Names, Qualifications and Experience of Legal Counsel

The proposal must identify the principle attorney(s) who will be providing legal services to the BdSWD. The proposal should demonstrate the qualifications, competence, and capacity of the attorney(s) to represent the BdSWD in each of the legal service areas. Resumes shall be submitted for each lead attorney specifically assigned to the providing of services to the BdSWD. The proposal must describe the respondent's expertise in providing watershed legal services (especially matters pertaining to Minnesota Statutes 103D and 103E) and also contract law, real estate, court experience, mediation, and risk management.

### III. Client References

Please provide at least three client references, with email addresses and phone numbers, who may be contacted by in connection with the proposal. References preferred: watershed-related cases; drainage-related cases; watershed district clients; other local government unit clients.

### IV. Confirmation of Good Standing and License

The attorney and/or law firm submitting a proposal must confirm their status in good standing and licensure to practice law before all courts and administrative agencies of the State of Minnesota.

### V. Compensation

The respondent must provide full details regarding the compensation. For firms: the respondent must provide an explanation of how the BdSWD will be billed for consultations between two attorneys who are both members of your legal firm, and also include billing rates/fee structure for: attorney, associate attorney, paralegal, clerical, other staff, mileage, research services, informational correspondence, courtesy copies, emails, and any other.

### VI. Insurance

Describe malpractice insurance coverage: carrier, limits, and exemptions.

### VII. Non-Discrimination Policy

In performing services on behalf of the BdSWD, the respondent will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service, or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no

person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

#### **PROPOSAL SUBMISSION & EVALUATION**

**Review of proposals will begin August 20, 2018.** Proposals will continue to be evaluated until contracts are awarded; for full consideration, proposals should be submitted on or prior to August 20, 2018.

Please send/deliver ten copies of the proposal to:

Bois de Sioux Watershed District  
704 Highway 75 S  
Wheaton, MN 56296

BdSWD's selection will be based on evaluations of the written proposals, the respondent's qualifications and experience, client references, the areas of legal services that the attorney and/or firm are willing to provide, oral presentations (if requested) and compensation. Respondents selected for an oral presentation will be notified by the BdSWD.

Inquiries pertaining to this RFP should be directed to the BdSWD Administrator Jamie Beyer, who can be reached at [bdswd@runestone.net](mailto:bdswd@runestone.net), or 320/563.4185.