



## **Request for Qualifications**

### **General Counsel Legal Services for Clackamas River Water**

**October 2016**

**Request for Qualifications**  
**General Counsel Legal Services for Clackamas River Water**

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**SECTION 1**  
**INTRODUCTION AND GENERAL INFORMATION**

Clackamas River Water (CRW) is seeking a Statement of Qualifications (SOQ) submittals from experienced and qualified attorneys or firms licensed in the State of Oregon to provide General Counsel legal services for Clackamas River Water.

The SOQ is not meant to be a resume for the members of the firm or the individual attorney providing the SOQ. At this stage, CRW is primarily interested in a firm's or attorney's experience in relation to the General Counsel legal service needs of CRW.

CRW intends to enter into a two-year Professional Services Agreement with a qualified firm or attorney to provide General Counsel legal services to the District.

The District's selection method will be composed of a two-step process. The first step will be an evaluation of the SOQ submitted in response to this Request for Qualifications (RFQ). CRW reserves the right to conduct interviews of the firm or the individual attorney as part of the first step. In the second step, CRW will proceed with negotiation of a professional services contract with the firm or attorney receiving the highest score on the SOQ. In the event CRW and the firm or attorney are unable to negotiate a contract, the firm or attorney receiving the next highest score on the SOQ will be invited into contract negotiations. This second-step will continue until a contract is negotiated or CRW determines it is in its best interest to discontinue the process.

CRW is a domestic water supply district organized under ORS 264. Its current service area includes approximately 42 square miles of unincorporated Clackamas County, including urban and rural areas within and adjacent to Clackamas, Oregon City, and Milwaukie, Oregon. CRW provides potable water to approximately 80,000 people through approximately 12,000 residential, commercial and industrial service connections.

CRW's primary water supply is from the Clackamas River, and we withdraw and treat our water at our treatment plant in Clackamas, Oregon.

Typically, the legal services provided by counsel to CRW involve general municipal governance, public meetings and public records issues, water rights, intergovernmental agreements with other water providers and wholesale partners, real estate agreements, public contracting issues, construction and construction related issues, water rate collections, labor and employment issues and litigation. The District's General Counsel also typically services as the District's registered agent.

The District's elected Commissioners serve as the District's governing body and are responsible for hiring the District's counsel. Although the relationships could change, the District typically enters into a contract with General Counsel and General Counsel hires any special counsel needed for certain designated issues. However, while the General Counsel hires the specialized counsel, the District remains the client and the selection of such special counsel is done in consultation with the Board and General Manager. The District's General Manager is the primary communication contact with the General Counsel. The District's representative and primary contact for counsel for the services anticipated by this RFQ is Todd Heidgerken, General Manager. The role of the District's representative is to work closely with the District's General Counsel on legal issues with which the District deals and to provide a communication link with the District's elected Board members.

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**SECTION 2  
STATEMENT OF QUALIFICATION S SUBMITTAL**

The deadline for submission of the complete SOQ in response to this RFQ is Wednesday November 9, 2016 at 3:00 PM local time. The SOQ submittals should be directed to the following:

**Karin Holzgang, Contracts Administrator  
Clackamas River Water  
16770 SE 82<sup>nd</sup> Drive  
Clackamas, OR 97015**

Provide 1 original and 3 copies of your SOQ submittal.

The SOQ Submittal shall be no greater than 20 pages, 8-1/2 x 11" sheet size.

**Additional Submittal Requirements**

Submittals shall contain the following sections (in any order as desired by the submitter):

1. **Introduction.** This section may include an attachment (not included in the 20 page limitation) of any marketing materials of the attorney or firm which provides general information as the general experience of the firm and representative clients.
2. **Proposed Attorney or Team.** This section must include identification of the attorney or team of attorneys and their relevant experience in the areas described in the Evaluation Criteria.
3. **Certifications of License to Practice Law.** This section shall include a certification of each attorney or attorney team member that such attorney is licensed to practice law in the State of Oregon and is not under any disciplinary review or action by the Oregon State Bar Association.
4. **Insurance.** This section shall include information as to the current liability and professional errors and omissions insurance in place for the attorney and team members (if the submittal includes team members).
5. **Special Capabilities.** Describe any special capabilities that may be relevant to the general scope of work described in this RFQ.
6. **Conflicts of Interest.** List any current (or potential) clients or projects which may be (or cause) a conflict of interest in working for Clackamas River Water and describe the possible extent of the conflict.
- 7.

**SECTION 3  
EVALUATION AND SELECTION PROCESS**

Evaluation Process -- After ranking all submittals, the District will proceed with negotiations with the attorney or firm determined to be the most qualified in accordance with the ranking criteria set forth in this RFQ. The District will begin negotiating the cost, and contract conditions after the determination of the most qualified attorney or firm. If these negotiations are unsuccessful, the District will release the attorney or firm initially selected and begin negotiations with the attorney or firm selected as the next most qualified. This process will continue until a professional services contract is negotiated or the District determines it is in its best interest to cancel the solicitation.

When negotiations are completed successfully, a two year contract (with possible one-year extension(s)) will be executed by signature of authorized representatives of the parties.

No pre-submittal meeting will be held.

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The submitted SOQ will be evaluated based upon the following criteria:

### **Evaluation Criteria and points**

1. Certification of the attorney's and each team member's (if the submittal includes team members) license to practice law in the state of Oregon. **Must Provide – disqualified if not provided**
2. Experience and expertise of attorney or proposed attorney team members both individually and as a group with respect to representation of special districts or other governmental entities; **25 points**
3. Experience of the attorney or the attorney designated as the primary attorney on the team in dealing with elected officials in Board meetings and executive sessions. **10 Points**
4. Experience in Specific Areas of the Law – **45 Points (points distributed below)**
  - a. Experience of the attorney or a member of the team of attorneys with public contracting – 10 points
  - b. Experience of the attorney or a member of the team of attorneys with the development of intergovernmental agreements – 10 points
  - c. Experience of the attorney or a member of the team of attorneys with Oregon's public records and public meetings laws – 5 points
  - d. Experience of the attorney or member of the team of attorneys with real estate matters – 5 points
  - e. Experience of the attorney or member of the team of attorneys with construction law matters – 5 points
  - f. Experience of the attorney or member of the team of attorneys with domestic water supply and special district laws and water rights matters – 5 points
  - g. Experience of the attorney or a member of the team of attorneys with labor and employment matters – 5 points
5. Standard Fee Schedule – **10 points**
6. Special Capabilities – **5 points**
7. Conciseness and completeness of the submittal – **5 points**

### **Submittals As A Team**

An individual attorney submitting a SOQ may not have experience in all of the areas identified as evaluation criteria. The lack of experience in a specific area or areas may be satisfied by including other attorneys as members of the team whether through subcontracting or other similar arrangements for joint representation of a client.

### **Insurance Requirements**

All submittals shall include information as to the insurance coverage currently held by the attorney or firm, including evidence of compliance with the professional liability fund and Oregon State Bar Association requirements.

### **False or Misleading Statements**

If, in the opinion of the District, any SOQ contains false or misleading statements or references which do not support any attribute, capability or condition as contended by the attorney or firm, it will be rejected.

### **Clarification of the SOQ**

The District reserves the right to obtain clarification of any point in the submitted SOQ or to obtain additional information necessary to properly evaluate a particular SOQ. Failure of the submitter

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to respond to such a request for additional information or clarification may result in rejection of the

**Requests for Additional Information**

All questions or clarifications related to this RFQ must be submitted to Karin Holzgang, via email to: [kholzgang@crwater.com](mailto:kholzgang@crwater.com). All requests must be submitted **before the close of business on Friday November 4, 2016**. Responses that are determined to pertain to clarification of the RFQ will be communicated by CRW to all sole practitioners and firms who have expressed an interest in being on the mailing list for this RFQ.

**Complete Submittals**

All submittals shall be complete when submitted by the deadline set forth in this RFQ. No modifications or additions to a submittal may be made after the deadline. Any such attempted modifications will result in a determination by the District that the submittal is non-responsive.

**Cancellation** -- The District reserves the right to cancel this Request for Qualifications at any time.

**Waiver of Informalities**. The District reserves the right to waive minor informalities or discrepancies contained in any Statement of Qualifications.

**Expenses** – Individuals or firms responding to this RFQ do so solely at their expense, and the District is not responsible for any expenses associated with responding to this RFQ. The consultant's billable time will start after the signing of the contract to perform the work.