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**Pierce County Flood Control Zone District  
Request for Proposals for Legal Services**

**Proposal Due Date: 12/3/18**

**The Pierce County Flood Control Zone District (District) invites proposals for contracted Legal Counsel services. Proposals are due by email to the District's Clerk's Office [kate.kennedy@piercecountywa.gov](mailto:kate.kennedy@piercecountywa.gov) by 5:00 p.m. on December 3, 2018.**

The Pierce County Council established the Pierce County Flood Control Zone District in 2011 by Ordinance No. 2011-95s. The Council determined it was in the best interest of Pierce County citizens to have a District that could fund the acquisition, construction and operation of flood and stormwater control needs in Pierce County that would protect public safety and the County's economic vitality.

The District is an independent special purpose district of the State of Washington, as authorized by Chapter 86.15 of the Revised Code of Washington (RCW). RCW 86.15 authorizes the Pierce County Council to be the District's board of supervisors, the governing body for the District. In addition, the District's governance structure includes an Interlocal Agreement with Pierce County to provide technical support, and contracts with an independent legal counsel and an Executive Director. There is also a volunteer advisory committee. The District is funded through a property tax levy. Information about the District is available at: <https://www.piercefloodcontrol.org>

The District seeks legal services encompassing the traditional scope of legal work, as described in "Scope of Work" below. Attendance at Board of Supervisor and Executive Committee meetings is required. Attendance at various other meetings may be required occasionally.

**Delivery:** Proposals must be sent electronically to the District Clerk, Kate Kennedy at [kate.kennedy@piercecountywa.gov](mailto:kate.kennedy@piercecountywa.gov) Proposals are due to the District's Clerk's Office by 5:00 p.m. on December 3, 2018.

**Questions:** Questions about this RFP should be sent in writing, by email, to Executive Director, Kjrystine Lund at [klund@lundconsulting.com](mailto:klund@lundconsulting.com) no later than November 19 at 5:00 p.m.

**Section 1. MINIMUM QUALIFICATIONS**

- a) Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- b) Each attorney in the proposed team must be a member in good standing of the Washington State Bar Association;
- c) The proposed designated (or lead) attorney must have a minimum of five-years experience in the field of municipal law, with particular experience in land use and development and public works construction.

**Section 2. STATEMENT OF QUALIFICATIONS REQUIREMENTS**

1. Description of your law firm or sole practitioner practice and services the firm or attorney is capable of providing, including an explanation of how these services will best meet the District's needs. If the proposer is a law firm, description of the experience of each attorney who will or can provide services to the District
2. A list of references regarding reputation and qualifications of attorneys proposed by the law firm or the sole practitioner.
3. Proposals shall clearly set forth fees or fee structure to be charged for services.
4. Disclosure of any pending litigation or judgments rendered against the law firm or sole practitioner in any matter relating to professional activities of the firm, including any pending complaints to the Washington State Bar Association.

**Section 3. SCOPE OF WORK**

1. Provides the type of legal services described below to the Board of Supervisors and Executive Director on a wide variety of legal subjects, including but not limited to District powers and authority, , federal and state laws and regulations, eminent domain (condemnation), nuisance abatement, public/private development partnerships, public works bidding and construction, purchasing and procurement, acquisition, sale and transfer of real property and real property interests, employment, public disclosure, open meetings and environmental law. The legal counsel's advice includes methods to avoid civil litigation.
2. Furnishes legal representation at all District business meetings, and at other meetings when requested.
3. Recommends methods and strategies to avoid litigation and claims.
4. Appears before courts and administrative agencies to represent the District's interests.
5. Prepares and reviews resolutions, contracts, Interlocal agreements, and other documents for legal correctness and acceptability.
6. Works cooperatively with the County Prosecuting Attorney and Assistant Prosecuting Attorneys and any special legal counsel retained by the District or County for special projects and matters.
7. Coordinates with other special legal counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special legal counsel.
8. Assists District officials and contractors to maintain awareness of ethical and appearance of fairness standards and avoid conflicts of interest and prohibited transactions.
9. Assists District officials and contractors to understand the legal roles and duties of their respective offices and relationships with others.

10. Provides the District with guidance as to Robert's Rules of Order and related procedural matters relating to Board meetings.
11. Prepares legal opinions at the request of the Executive Director or Board of Supervisors.
12. Provides the District a legal perspective and advice on various governmental issues.
13. Performs other legal services and tasks, as assigned by the Board of Supervisors or Executive Director.

#### **Section 4. SPECIFICATIONS**

1. The lead attorney, or a replacement if necessary, must attend District business meetings, unless excused. The District has an Executive Committee, which meets on the 3<sup>rd</sup> Wednesday of each month, from 9:30 a.m. until noon. The Board of Supervisors meets quarterly in January, October, July, and October on the 2<sup>nd</sup> Wednesday of the month from 9:30 a.m. – noon. From time to time there are special meetings.
2. The Legal Counsel may be asked to attend other meetings as needed by the District Board of Supervisors or Executive Director.
3. A timeliness of response from and accessibility to the Legal Counsel is an important aspect of the services. Accessibility includes the ability of the lead attorney to be available to attend meetings in person and the ability to be reached promptly by telephone. The District does not offer space for offices in a District location.

#### **Section 5. CONTRACT TERM**

The District anticipates an initial contract term of two (2) years. The District anticipates the contract term beginning in the first quarter of 2019.

#### **Section 6. CONTRACT**

A sample contract/service agreement is available upon request.

*Note: The District expects all submitting firms or sole practitioners to consent to the District contract, terms and conditions. Exceptions desired must be noted in the proposal. The District reserves the right to revise the stated contract terms and conditions prior to contract signature.*

#### **Section 7. PROPOSAL CONTENTS AND EVALUATION SCORING**

Interested firms or sole practitioners must submit written proposals electronically to the District Clerk, Kate Kennedy at [kate.kennedy@piercecountywa.gov](mailto:kate.kennedy@piercecountywa.gov) by 5:00 p.m. on December 3, 2018.

The proposals must address the minimum qualifications, including a statement of qualifications, and include a proposed fee structure for providing the scope of services.

Proposals may not exceed 10 single-sided pages, exclusive of resumes and references. Type-face may be no smaller than 11 points.

Proposals will be scored using the following scoring system:

1. Firm or sole practitioner experience (e.g. length of time in business and performing services for municipal clients, municipal law experience and other matters relating to relevant experience). 30%
2. Reputation and qualifications of the specific attorneys who will or can provide services to the District. 30%
3. Competitiveness of the law firm's or sole practitioner's fees or fee structure. 20%
4. The law firm or sole practitioner's experience in providing thorough and timely legal advice. 20%

#### **Section 8. EVALUATION PROCESS**

Step 1: Written proposals will be reviewed for compliance with RFQ requirements and given a score, based upon the scoring system below. Those that comply will go to Step 2.

Step 2: Written proposals will be reviewed and evaluated by an Evaluation Committee comprised of the District Executive Director and a representative from the Pierce County Council staff.

Step 3: Those proposer(s) whose written proposal(s) received the highest scores will be interviewed by representatives from the Board of Supervisors' Executive Committee.

Step 4: The District will conduct reference checks for the finalist. The District Clerk or Executive Director will notify the winning proposer as determined by the Executive Committee representatives.

Step 5: Contract negotiations will commence with the selected law firm or sole practitioner.

Step 6: If negotiations with the initially selected law firm or sole practitioner fail to produce a contract, the District reserves the right to enter into negotiations with one or more other proposers.

Step 7: The Board of Supervisors must vote on the final contract.

#### **Section 9. RESERVED RIGHTS AND PROCEDURES**

1. The Pierce County Flood Control Zone District expressly reserves the following rights:
  - a. To waive any and/or all irregularities in the proposals submitted.
  - b. To reject any or all proposals or portions thereof.
  - c. To base awards with due regard to quality of services, experience, compliance

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Due 5:00 p.m. December 3, 2018

with specifications, and other such factors as may be necessary in the circumstances.

- d. To make the award to any vendor or combination of vendors whose proposal(s), in the opinion of the District, is in the best interest of the District.
2. The Pierce County Flood Control Zone District may return unopened any emails proposals or modification received after the hour and date specified as the due date.