



**REQUEST FOR PROPOSALS
REQUEST FOR QUALIFICATIONS**

Attorney for
Mt. Crested Butte Water and Sanitation District
RFP/RFQ

P.O. Box 5740
100 Gothic Road
Mt. Crested Butte, Colorado 81225

Proposals must be received by 5:00 PM MST on December 14, 2018

Proposals will be accepted via email at mfabbre@mcbwsd.com

Or delivered to:

**Offices of Mt. Crested Butte Water and Sanitation District
Mike Fabbre, District Manager
100 Gothic Road
Mt. Crested Butte, Colorado 81225**

REQUEST FOR PROPOSAL

The Mt. Crested Butte Water and Sanitation District, (the “District”) is seeking the services of an attorney or attorneys who specialize in special district law, to fulfill the duties and responsibilities described in this Request for Proposals (RFP) Request for Qualifications (RFQ) for the District’s Legal Counsel. The District is inviting individual attorneys, or firms, to respond to this RFP/RFQ with Statements of Qualifications for the purpose of providing the District with the needed legal services listed in the request. Proposals will be received until 5:00 p.m. December 14, 2018, at the offices of the Mt. Crested Butte Water and Sanitation District, 100 Gothic Road, P.O. Box 5740, Mt. Crested Butte, Colorado 81225 or mfabbre@mcbwsd.com

Late proposals will not be accepted. Any proposal(s) received after the scheduled time for closing will be returned to the originator unopened. Sole responsibility rests with the proposing firm or attorney to see that their proposal is received on time.

The District reserves the right to reject all proposals, or to reject any proposal in part or in whole, and to award the proposal to the most responsive and responsible firm or attorney as deemed in the best interest of the District. Further, the right is reserved to waive any formalities or informalities contained in said proposal.

1. Introduction

The District is currently seeking the services of a special district attorney or attorneys to fulfill the duties of District Counsel. It is intended that any legal counsel hired by the District would successfully perform the service(s) listed in this request for qualifications.

2. Inquiries and Corrections

Any questions or clarifications should be directed to:

Mike Fabbre
District Manager
Mt. Crested Butte Water and Sanitation District
100 Gothic Road, P.O. Box 5740
Mt. Crested Butte, CO 81225
mfabbre@mcbwsd.com

3. Submission Date, Location, and Opening

The District must receive all proposals prior to 5:00 p.m. December 14, 2018. Proposals must be submitted in a sealed envelope plainly marked “Request for Proposals – District Legal Counsel Services: The District requests that six (6) copies of the proposals be submitted to mfabbre@mcbwsd.com or 100 Gothic Road, P.O. Box 5740, Mt. Crested Butte, CO 81225

4. Late and Telegraphic Proposals

Late proposals will not be accepted, and any late proposals shall be returned to the originator unopened. Proposing attorneys or firms will be expected to allow adequate time for delivery of their proposals.

5. Conditions of Proposal Submission

5.1 All prospective firms or attorneys shall comply with all conditions, requirements, and specifications contained in this RFP/RFQ, any departure will be sufficient cause for rejection of the proposal.

5.2 Only one proposal will be accepted from any one person, firm or corporation.

5.3 The District reserves the right to reject all proposals or to reject any part of any proposal submitted. In addition, the right is reserved to waive any formalities or informalities contained in said proposal, and to award the proposal to the most responsive and responsible attorney, firm or company as deemed in the best interest of the District.

5.4 The proposing attorney, firm, or company will bear all costs, including travel and expenses, incurred in the preparation and presentation of this proposal.

5.5 A duly authorized person of the firm submitting the proposal must sign the submitted proposal.

6. Evaluation of Proposals

District Manager and the Board of Directors of the District will evaluate all proposals. The District Board will conduct interview with the selected attorney of firm after consideration at a District work session at 5:00 p.m. on January 4, 2019. The District reserves the right to make an award based directly on the proposals or to negotiate further with one or more firms or attorneys, all in its sole and absolute discretion. The District Board of Directors will make the final determination of the firm or attorney selected.

7. District Background

The District serves a population of approximately 3,500. The District was established as special district in 1963. It has a District Manager and a five-member Board of Directors.

The District provides water and sanitation services to occupants of the Town of Mt. Crested Butte, Meridian Lake Park, Meridian Lake Meadows, and Pristine Point Subdivisions; sanitation services to Saddle Ridge Subdivision; and water services to Crested Butte Ski Ranches.

The District employs a District Manager and a staff of 14 full time employees to manage the District's day-to-day operations.

The District holds regular meetings at 5pm on the second Tuesday of every month at the offices of the District located at 100 Gothic Road, Mt. Crested Butte.

Legal Counsel for the District serves at the pleasure of the Board of Directors and is required to review Board packets prior to each Board meeting and attend regular Board Meetings and special meetings as requested.

8. Qualifications

The following should be addressed as submitted qualifications:

8.1 Describe your background and experience with special districts and special district law generally or other government work and specifically your experience with special district elections, real property, contracts, construction, governmental finance issues and any other areas you believe are relevant to the District's decision.

8.2 Provide a list of other special districts and governmental entities you have worked with as an attorney in the past five (5) years or other relevant experience.

8.3 Please provide a list of any other attorneys in your firm who may provide services under this request.

8.4 Describe any knowledge or experience that makes you, or any attorney(s) in your firm, particularly qualified to fulfill the District counsel duties.

8.5 Describe the support services the District would receive from you or your firm if selected and if an individual attorney, back-up coverage in your absence.

8.6 Identify and services or methods of approach you use that make you more qualified for this position or would give you a competitive edge.

8.7 Please disclose any potential conflicts of interest that may arise in the performance of District counsel duties by you or any member of your law firm.

8.8 While cost to the District is important, the selection will not be based solely on cost. Please detail and explain your required fees to perform the requested services.

8.9 If you propose to bill for services at an hourly rate, provide the current hourly rate for each attorney and for each employee of your firm who may work on District matters. Or, state specifically whether you will work on a fixed fee (retainer) basis and, if so, how you propose that such a fee be determined. Please specify how your hourly or fixed fees will be

based and whether such fees would be raised prior to January 1, 2021. Please disclose any applicable billable rates and expenses such as travel mileage, photocopying and postage.

8.10 Please provide a minimum of three client references preferably from local governments or other political subdivisions.

8.11. Please provide the name of your professional liability insurance carrier and worker's compensation carrier and the limits of your insurance.

8.12 Describe your philosophy for servicing the District and commitment to customer service and quality assurance.

Submittal of a proposal shall be taken as prima facia evidence that the proposing attorney or firm has full knowledge of the scope, nature, quality, and quantity of the work to be performed, and the detailed requirements and conditions under which the work is to be performed.

Any attorney(s) hired or contracted by the District for legal services must meet the following minimum requirements:

- Graduation from an accredited law school with a Juris Doctor degree in law;
- Five (5) years of experience as a practicing attorney or equivalent; and
- A license to practice law in Colorado, with a State Bar Association membership in good standing.

Specific Qualifications

Section 9 details the scope of services that are considered the duties of the District's legal counsel. For the purpose of this position, the District will consider qualifications submitted by:

- Individual attorneys that meet the duties and requirements listed.
- Law firms with qualified attorneys on staff that specialize in the duties and requirements listed below, and will jointly fulfill the requirements of the District's legal counsel position.

9. Scope of Services

District Legal Counsel

For the purpose of providing legal services to the District, the attorney(s) will be required to:

- Attend monthly Board meetings to provide counsel on legal issues (regular meetings are the second Tuesday of each month) and attend other meetings as requested by the District Manager or Board.
- Act as legal advisor to and counsel for the Board.

- Provide guidance on personnel matters, including employee disciplinary and grievance matters.
- Draft, review, or present all agreements, bonds, contracts, resolutions, and other written instruments pertinent to District functions of that will be considered by the District Board, District Manager, and District staff and provide a legal opinion as necessary as to the consequences of such documents.
- Provide counsel regarding inclusions and the ability to draft, review and present legal documents relating to inclusions, easements, liens, foreclosures, rules and regulations of the District.
- Provide counsel for general special district procedures involving: Board of Directors procedures under the Colorado Revised Statutes pertaining to Colorado Open Meetings Law, the Colorado Open Records Act, TABOR, and special district election law.
- Research and submit legal opinions on special district and other legal matters as requested by the District Manager, Board of Directors or District staff.
- Assure compliance with all District Rules and Regulations, state or federal laws, and call attention to any legislative matters or changes that may affect the District.
- Water Rights issues.

Selection Process

The following is the timeline for the selection process.

December 14, 2018 5:00 p.m.:	Deadline for submittal
December 21, 2018:	District Board decides on finalists and set up schedule for interview if necessary
January 8, 2019	Contracts for legal counsel are presented and approved by the Board of Directors.

The District reserves the right to accept or reject any and all submittals and to waive any informalities or irregularities in said submittals. The RFP/RFQ does not bind the District to accept a submittal when, in the District's sole discretion, the District determines not to do so. Additionally, the District reserves the right to modify the schedule as necessary and will notify those participating in the RFP/RFQ of any changes.

Other Terms and Conditions

1. The District reserves the right to undertake its own investigation to evaluate a candidate. The District shall have the sole discretion to accept or reject any submittal.
2. The District reserves the right to solicit or recruit any attorney(s), or law firms directly to request qualifications.

3. All submittals become the property of the District upon receipt and will not be returned to the candidate. Selection or rejection of the candidate's qualifications will not affect this right.

4. The District operates under the public disclosure laws, as part of normal procedures. Proprietary information must be identified and will be protected as far as possible.]

5. Cost of submitting qualifications, attendance at an interview, or any other such costs are entirely the responsibility of the candidate and shall not be reimbursed in any manner by the District.

6. Failure to conform to directions under this RFQ may lead to the rejection of the submittal. The submittals should contain all information necessary to evaluate the qualifications of a candidate or firm.

7. The successful candidate shall not, at any time, permit any individual employed by the District, to benefit because of a financial interest in the candidate's firm, any affiliate of the successful candidate, or any subcontractor.