

Suwannee River Water Management District

Governing Board Materials

Executive Office

The following materials have been reviewed and approved for distribution to the Governing Board and the public.

Director of Governmental Affairs

Assistant Executive Director

Executive Director

MEMORANDUM

TO: Governing Board

FROM: David Still, Executive Director
Charlie Houder, Asst. Executive Director
Steve Minnis, Governmental Affairs Director

DATE: February 11, 2011

RE: Activity Report, Executive Office

The following is a brief summary of Executive Office activities during the past month for David Still, Charlie Houder, and Steve Minnis.

David:

- Attended the Taylor County Board of County Commissioners meeting to discuss rural subdivisions and home owners' associations.
- Participated in the Council Meeting for the Banner Center for Agriscience Industry Advisory with the Florida Farm Bureau.
- Lectured at University of Florida on "Sustainable Water Resource Planning in SRWMD".
- Met with various legislative committees, Senators, and Representatives in Tallahassee.
- Continues to meet with staff on Data Management, Suwannee River Partnership, and Accelerated Permitting initiatives.

Charlie:

- Attended the Surplus Land Committee meeting.
- Conducted land management visits on the Ruth Springs, Walker, Adams, and R. O. Ranch tracts.
- Continues to work with staff on a facilities assessment report for the Department of Management Services.
- Attended the monthly R. O. Ranch Board meeting.

David and Charlie:

- Met with the Mayor and City Manager of White Springs to discuss water supply issues and the town's economic development strategy.

Steve:

- Participated on the Rural Economic Development Initiative (REDI) conference call.
- Attended the Nature Coast Regional Water Supply Authority Meeting.
- Attended the Bradford County and Union County Legislative Delegation Meetings.
- Attended the Legislative Interim Committee Week in Tallahassee.

MEMORANDUM

TO: Governing Board

FROM: Charlie Houder, Assistant Executive Director

DATE: March 1, 2011

RE: Governing Board Counsel

At its January 10, 2011 meeting, the Governing Board authorized staff to prepare and advertise a request for proposals (RFP) for Governing Board counsel. During the review of the document we realized that adding the solicitation for staff counsel to the RFP would provide significant savings for both the District and respondents. The draft RFP was amended and then provided to the members of the Legal Services Committee for final review.

With the concurrence of the Governing Board, staff is prepared to advertise the amended RFP, which is attached to this memo.

CH

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

REQUEST FOR PROPOSALS

NO. 10/11-021EO

LEGAL SERVICES

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Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060
386.362.1001
800.226.1066 (Florida only)
386.362.1056 (Fax)
www.mysuwanneeriver.com

SECTION 1 –INTRODUCTION

The Suwannee River Water Management District (District or SRWMD) is issuing a Request for Proposals (RFP) for legal counsel for the District's Governing Board (Governing Board) and for District staff.

The District has identified the need to retain the services of an attorney to represent the Governing Board. The legal counsel to the Governing Board shall include, but is not limited to, attendance and participation at meetings and conference calls, handling of legal matters entrusted to the Proposer by the Governing Board; enforcement (including civil and/or criminal litigation); and making recommendations to the Governing Board as to actions to be taken. The Governing Board's attorney will not be handling the legal matters of the staff.

The staff attorney(s) will be selected by the Executive Director to do the legal work to support the day-to-day operations of the District. Such work shall include, but is not limited to, contracts; real estate; rule compliance; rulemaking; personnel/human resource matters; and staff representation. The staff's attorney(s) will not be handling the legal matters of the Governing Board.

SECTION 2 - PROPOSED SCHEDULE

March 18, 2011	Release of Request for Proposal (RFP)
April 1, 2011	Proposals due prior to 4:00 PM, at SRWMD Headquarters in Live Oak. Opening will occur at this time. *
April 12, 2011	Selection Committee Meeting for Governing Board counsel at 9:00 AM, at SRWMD Headquarters in Live Oak.*
April 26, 2011	Selection Committee Meeting for staff counsel at 9:00 AM, at SRWMD Headquarters in Live Oak.*

All times are Eastern Standard Time (EST).

* Denotes a public meeting.

SECTION 3 - INSTRUCTIONS TO RESPONDENTS

1. Delivery of Proposal: Proposers, also referred to as respondents, are required to complete and submit one (1) original and five (5) copies of the Proposal Response Form included in Section 6. Proposal forms shall be sent in one envelope to:

Kristel Callahan, Business Resource Specialist II
Suwannee River Water Management District
9225 County Road 49
Live Oak, Florida 32060 Phone: 386.362.1001

2. All Proposal forms shall be submitted in sealed envelopes with the following clearly marked in large, bold and/or colored lettering.

RFP No. 10/11-021EO
Legal Services
Proposal Opening April 1, 2011
4:00 PM

Proposals delivered in an envelope not properly marked with the RFP number and opening date and time that are inadvertently opened by District personnel will not be considered. The Proposals shall be hand-delivered or mailed, preferably by registered mail.

3. **Proposals are due at the above address by 4:00 PM on April 1, 2011.** Proposals received after this time, for any reason, will be rejected.
4. Proposals must be hard copy. FAX transmittals will not be accepted.
5. Additional Information: Additional Proposal packages may be obtained by logging on to www.mysuwanneeriver.com.

SECTION 4 – KEY POINTS

Evaluation by District Selection Committee: The District Selection Committee composed of four (4) Governing Board members will select an applicant deemed to be the most highly qualified to perform the required services. In determining whether an applicant is qualified, the District shall consider such factors as experience in pertinent areas of law; the ability of the professional personnel; whether the applicant is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current and projected workloads of the applicant; and the volume of work previously awarded each applicant by the District. A separate selection committee consisting of three (3) senior staff members will evaluate submitted proposals to develop a list of firms best qualified to meet the legal needs of staff. Contracts for staff legal services will be negotiated with these firms as needed and be approved and executed in accordance with District contracting procedures.

Challenge of Solicitation Process: If a potential respondent protests any provisions of this RFP, a notice of intent to protest shall be filed with the District in writing within 72 hours after the posting of the request for qualifications on the District's website and the respondent shall file a formal written protest within ten (10) days after filing of notice of intent to protest. Any respondent who files a formal written

protest pursuant to Chapter 28-110, Florida Administrative Code, and Section 120.57(3), Florida Statutes shall post with the District at the time of filing the formal written protest, a bond pursuant to Section 287.042(2) (c), Florida Statutes (2010).

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed in Chapter 28-110, Florida Administrative Code and Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. More specifically, **“Failure to file a protest within the time prescribed in Section 120.57(3) Florida Statutes shall constitute a waiver of proceedings under Chapter 120 of Florida Statutes.”**

Challenge of District’s Intent to Award Contract: If a respondent intends to protest District’s intent to award contract, the notice of intent to protest must be filed in writing within 72 hours after posting of a notice of intent to award contract and the respondent shall file a formal written protest within ten (10) days after filing of notice of intent to protest. Any respondent who files a formal written protest pursuant to Chapter 28-110, Florida Administrative Code, and Section 120.57(3), Florida Statutes shall post with the District at the time of filing the formal written protest, a bond pursuant to Section 287.042(2) (c), Florida Statutes (2010).

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed in Chapter 28-110, Florida Administrative Code and Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. More specifically, **“Failure to file a protest within the time prescribed in Section 120.57(3) Florida Statutes shall constitute a waiver of proceedings under Chapter 120 of Florida Statutes.”**

Americans with Disabilities Act: The District does not discriminate upon the basis of any individual’s disability status. This nondiscrimination policy involves every aspect of the District’s functions including one’s access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District at 386.362.1001 or 800.226.1066 (Florida only). The District’s fax number is 386.362.1056.

Minority Business Enterprises: The District recognizes fair and open competition as a basic tenet of public procurement. Respondents doing business with the District are prohibited from discriminating on the basis of race, color, creed, national origin, handicap, age, or sex. The District encourages participation by

minority business enterprises. Whenever two or more service providers are ranked equally, a minority business enterprise shall be given preference in the award process.

Veteran's Preference: In the absence of minority business enterprise, whenever two or more service providers are ranked equally by the District, a veteran-owned business enterprise shall be given preference in the award process.

Drug Free Workplace Act: The selected respondent shall represent that it has established a drug free workplace.

Public Entity Crime: Section 287.133(2)(a), Florida Statutes, states "A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list."

Insurance Requirements: If awarded, respondent shall represent and guarantee that all employees, agents, servants or representatives of the respondent, and all agents, servants, employees or representatives of subcontractors are covered by workers' compensation insurance. Prior to entering into contract with the District, respondent agrees to furnish the District certificates of insurance on all insurance, naming District as additional insured for items 2 and 3 below, providing evidence that respondent has in full force and effect the following minimum insurance with insurers authorized to do business in the State of Florida:

- 1) Workers' compensation insurance as required above;
- 2) Motor vehicular liability insurance with limits of not less than \$1,000,000 combined single limit which insurance shall be applicable to any and all vehicles utilized by respondent to provide the services requested by District;
- 3) General liability insurance for all services rendered by respondent for the requested services with a minimum of \$1,000,000 personal and advertising injury and \$1,000,000 general aggregate; and
- 4) Legal malpractice insurance with a minimum coverage of \$1,000,000.

The certificate of insurance shall also provide that District shall be notified in writing by the carrier at least 30 days prior to any cancellation of said insurance.

Rejection of Responses: Pursuant to Rule 40B-1.812, Florida Administrative Code, the District reserves the right to reject any and all proposals or other proposals submitted in response to District invitation.

SECTION 5 - SCOPE OF SERVICES

Legal Services for the Governing Board

The duties of the selected attorney(s), when requested by the Governing Board, may include the following:

- Attend, participate and represent the Governing Board in public meetings and conference calls, and report on the status of the Governing Board's legal matters.
- Handle legal matters assigned to the Proposer by the Governing Board.
- Make recommendations to the Governing Board from time to time as to actions to be taken to avoid possible future legal problems.
- Consult with staff counsel to ensure compliance with the Governing Board directives.
- Represent Governing Board with respect to acquisition and disposition of real property.
- Carry out enforcement of District rules, pursuant to Governing Board policy.

Legal Services for Staff

The duties of the selected attorney(s), when requested by staff, may include the following:

- Consult with Governing Board counsel to ensure compliance with Governing Board directives.
- Consult with staff regarding compliance issues with District rules.
- Review and provide direction on contract documents, pursuant to Governing Board policy.

- Review and provide direction regarding acquisition of District lands, pursuant to Governing Board policy.
- Review and provide direction regarding personnel/human resource issues, pursuant to Governing Board policy.
- Review and provide direction and representation with regard to Florida water law issues and Chapter 373, Florida Statutes.
- Assist staff in the development and adoption of administrative rules.
- Assist staff in the implementation of the District's regulatory program.

Reimbursement

District will reimburse the selected attorney(s) for its time and costs. Costs will be reimbursed as follows:

- Travel at standard District rate;
- All costs of recording documents, obtaining certified copies of documents, court costs incurred in filing lawsuits;
- Any court reporters or professionals engaged on Governing Board's behalf for court appearances, when selected Proposer finds it necessary to engage such services to protect the Governing Board's interests.
- Lodging and other expense items as per District policy;
- Courier service, actual cost if furnished by third party; and
- Computer assisted research at selected Proposer's cost.

All time will be itemized by Governing Board assignment.

Section 6
Response Form
RFP 10/11-021EO
Legal Services

The District will use the factors of proposed fee, experience of the attorney(s) and/or firm, and references as the primary evaluative factors in determining the proposals that are most favorable. In order for the District to properly conduct its evaluation, please provide the following information:

1. Name of Attorney and/or Firm, and contact information:

Phone: (____) _____ Email: _____

Address: _____

Website Address: _____

2. Name of Individual Submitting Proposal:

3. Signature of Individual Submitting Proposal:

4. Name of Individual Personally Responsible for Legal Representation, and Respective Florida Bar Number:

5. Proposed Fee(s) for Service (\$):

Shareholders	_____	Law Clerks	_____
Associates over 3 years	_____	Paralegals	_____
Associates 1 to 3 years	_____	Clerks	_____
Associates less than 1 year	_____	Other (please specify)	_____

6. Please indicate the preferred work:

Governing Board Counsel

Staff Counsel

7. List of 3 Current Professional References and Contact Information:

Name: _____ Phone: (____) _____

Address: _____

Name: _____ Phone: (____) _____

Address: _____

Name: _____ Phone: (____) _____

Address: _____

8. List Practice Areas of Attorney/Firm and Litigation Experience (in years)
Relevant to this Proposal: (Printed materials or brochures may be submitted.)

9. List Board Certifications of Attorney/Firm Members and Experience (in years)
Relevant to this Proposal: (Printed materials or brochures may be submitted.)

10. Statement of Qualifications or Relevant Experience in Practice Areas: (Printed materials or brochures may be submitted.)
