

Request for Qualifications (RFQ) for
Legal Services to
El Oso Water Supply Corporation

Submission Due by 12:00 Noon, CST on January 7, 2021

Mrs. Carolyn Pfeil Black, General Manager
El Oso Water Supply Corporation
4098 S Hwy 181
Kenedy, Texas 78119

The Legal Firm shall submit three (3) copies of the Statement of Qualifications Package (SOQ). Packages may be delivered by courier, U.S mail, or electronically via e-mail to elosowsc@elosowater.com. **No faxes will be accepted.** If delivered by courier or U.S. mail, the Qualifications Statement Package should be in sealed envelopes which are clearly labeled and addressed as follows:

CONFIDENTIAL: STATEMENT OF QUALIFICATIONS FOR LEGAL SERVICES ENCLOSED

El Oso Water Supply Corporation
4098 S Hwy 181
Kenedy, Texas 78119

Regardless of submission method, the submission deadline for SOQs is no later than 12:00 p.m., CST, Thursday, January 7, 2021.

Selection Date: January 12, 2021

1. REQUEST FOR QUALIFICATIONS

1.1. General Information

El Oso Water Supply Corporation's (El Oso WSC or Corporation) mission is to serve as a provider of clean, reliable potable water to its ever-increasing membership at the lowest possible cost while ensuring that it meets both the members' current and future water needs. El Oso WSC is dedicated to being a responsible member of our community utilizing all of the financial and physical resources necessary to meeting these objectives. El Oso WSC's priorities are to provide reliable services to its members, a good working environment for its employees, and positive benefits to our community.

The EL OSO WATER SUPPLY CORPORATION (El Oso WSC or Corporation) in Karnes County, Texas requests the submission of Statements of Qualifications (SOQ) for legal support, associated with water system management and improvements serving El Oso WSC. This Request for Qualifications (RFQ) solicits information that will enable El Oso WSC to determine the qualified Legal Firm that may provide professional legal services for the Corporation.

1.2. Intent

The intent of El Oso WSC is to hire a Legal Firm to provide support and advice. El Oso WSC will evaluate all Respondent SOQs and may conduct interviews with short-listed Respondents. At the conclusion of this process, El Oso WSC will rank candidates by order of qualifications and attempt to negotiate a fair and reasonable agreement with the chosen qualified Legal Firm. If unable to negotiate a mutually acceptable contract, El Oso WSC will terminate negotiations with the chosen qualified Legal Firm and begin negotiating with the next qualified candidate. If necessary, El Oso WSC will repeat these steps until an acceptable agreement is obtained. Complete procedures for procuring the Legal Services are presented in Section 2. of this RFQ.

El Oso WSC reserves the right to reject any and all qualification statements received in response to this RFQ. El Oso WSC reserves the right to short list respondents and base final selection rankings on personal interviews. El Oso WSC reserves the right to conduct new services selection procedures for current and/or future needs.

1.3. Standards

The selection of a service provider and award will be contingent upon the funding and approval through the El Oso WSC Board of Directors.

Fees provided in agreements shall be reasonable. El Oso WSC shall consider fees to be reasonable if they are not in excess of those ordinarily charged by the profession as a whole for similar work when state and federal financing is not involved. El Oso WSC will negotiate for procurement of professional services, whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiations of fair and reasonable compensation.

1.4. Schedule and Submittal Deadline

The legal services are anticipated to be awarded Tuesday, January 12, 2021 by El Oso WSC Board of Directors. The SOQ Package (See Section 2.2) must be submitted to the El Oso WSC by 12:00 Noon, CST on Thursday, January 7, 2021. See Section 2.3 for mailing or delivery instructions.

1.5. Public Record

All data and information submitted by the Legal Firms in response to this RFQ shall become public information, as provided by the Texas Open Records Act, Texas Government Code Sections 552.001 - 552.026. El Oso WSC does not assume responsibility for asserting legal arguments for confidentiality on behalf of the Legal Firm.

1.6. Cost of Preparing Statement of Qualifications Package

Costs for preparing the SOQ Package and any subsequent materials or presentations shall be the sole responsibility of the prospective Legal Firm.

1.7. Scope of Services

The chosen Legal Firm shall provide timely and professional written opinions and responses to El Oso WSC requests as well as timely and professional billing documents. It is the intent of this RFQ that a consistent quality of services is provided for all of El Oso WSC legal requirements. The proposed various needs, at the El Oso WSC's determination and schedule, for the period of service may include, but are not limited to, the following:

Legal work required for land and water rights acquisition, legal opinions of El Oso WSC board actions, any legal reporting required by funding organizations not handled by El Oso WSC. Desired areas of practice include Commercial Real Estate; preparing and/or negotiating leases or contracts; Business & Commercial Law; Experience in all facets of water law; and Non- Profit Entities

2. INSTRUCTIONS AND PROCEDURES

2.1. SOQ Package Preparation

The Qualification Package will include the following four (4) components and shall be numbered as shown:

- Part 1: One Page Transmittal Letter. The letter shall provide the names, title, address (physical and mailing) and telephone number of the official contact and shall be numbered if more than one page.
- Part 2: Statement Concerning Insurance. Confirmation that the Legal Firm has in place general liability insurance, worker's compensation, and professional liability insurance.
- Part 3: Statement Concerning Conflict of Interest. Those interests of the Legal Firm that would impede with or interfere in the carrying out the duties and responsibilities of the position of a Privileged Attorney are deemed conflicting. Utilize the attached Conflict of Interest Statement form.
- Part 4: Qualifications Statement. Use the format in Section 3., Statement of Qualifications - Format. No material shall be incorporated by reference only, nor should brochures, photos, or additional data be submitted. Any such material will not be considered in the evaluation process. The entire Qualification Package shall stand alone and include full responses to all RFQ instructions. The Qualification statement must not exceed 25 pages of 8 ½" X 11" paper.

Note: If the Legal Firm is a Joint Venture firm, then documentation of its incorporation may be requested.

2.2. Submitting the SOQ Package

The Legal Firm shall submit three (3) copies of the Statement of Qualifications Package. Packages may be delivered by courier, U.S mail, or electronically via e-mail to elosowsc@elosowater.com. No faxes will be accepted. If delivered by courier or U.S. mail, the Qualifications Statement Package should be in sealed envelopes which are clearly labeled and addressed as follows:

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ENCLOSED

El Oso Water Supply Corporation
4098 S Hwy 181
Kenedy, Texas 78119

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2.3. Evaluation Factors

The following factors will be used in identifying the highest qualified Legal Firm:

- The Legal Firm's familiarity and previous project experience with water purveyors, including water supply corporations.
- Professional qualifications of the individual(s) (including subcontracted personnel) who will perform the work.
- The Legal Firm's record and experience (including subcontractors) with Federal Funding agencies.
- The Legal Firm's performance record and experience (including subcontractors) with similar type clients.
- The Legal Firm's office locations.
- The Legal Firm's insurability and status of current work-related litigation or arbitration.
- The Legal Firm's subcontractors, (if applicable).
- The Legal Firm's anticipated workload during period of engagement and availability of personnel.
- The Legal Firm's hourly rate schedule.

2.4. Inquiries

If any Legal Firms have any question or need any additional information to clarify the intent of this RFQ, all inquiries should be directed to El Oso WSC at 830-583-3543.

2.5. Evaluation Process

- El Oso WSC may call upon anyone they deem necessary to assist with the evaluation.
- El Oso WSC may obtain information from references.
- El Oso WSC may contact the Legal Firms for the purpose of obtaining additional information or clarification during the evaluation period.
- El Oso WSC will evaluate each Qualification Package received, in accordance with the factors in Section 2.3, based on the contents of the SOQ package, any subsequent written clarifications required, and reference information obtained.
- El Oso WSC may rank and determine the qualified Legal Firm based solely upon the evaluation of the Statement of Qualifications package, any subsequent written clarifications required, and reference information obtained.
- If, based on the review of the Qualifications Packages El Oso WSC deems it necessary to interview Legal Firms in order to determine the qualified Legal Firm, El Oso WSC may identify two or more Legal Firms to be interviewed using the procedure in Section 2.6.

2.6. Interviews

If interviews are conducted, El Oso WSC will develop a list of questions to be answered by each Legal Firm interviewed, and provide additional instructions to be followed. El Oso WSC will rank and determine the qualified Legal Firm upon completion of the interviews.

2.7. Notification of Selection

The El Oso WSC will notify the chosen, qualified Legal Firm in writing. Upon notification of selection by El Oso WSC, the Corporation and Proposer will attempt to negotiate scope and extent of work to be performed, time for full performance, compensation, and other terms. Final selection of the successful Legal Firm will be contingent upon approval of the El Oso WSC Board of Directors.

3. STATEMENT OF QUALIFICATIONS – FORMAT

The information in the Legal Firm's Statement of Qualifications in this Package shall be presented in the same order and sequence as outlined below.

3.1. Organization

Describe the Legal Firm's organization in accordance with the format below:

- Firm Name
- Address & Phone Number
- Texas Board of Legal Specialization
- Submittal is for: Home Office or Branch Office
- Year Firm Established
- Former Firm Name(s)
- Type of Ownership
- Name of Parent Company (if any)
- Name of Principals and Titles
 - Principal Name
 - Title
- Office Locations, Number of Personnel in each Office and Types of Disciplines in each Office.
 - Office Location
 - Employees
 - Disciplines

3.2. Key Personnel

3.2.1. The Legal Firm shall provide a resume for key personnel that will be assigned to El Oso WSC. The information for each individual must include the following: Name, Area(s) of Expertise, Years of Experience, and Professional Licenses(s).

3.3. Experience

The Legal Firm shall list examples of the Firm's experience with other non-profit organizations similar to El Oso WSC. Experience must include: Name, Location, and description, and contact Person and telephone Number.

3.4. References

Provide at least three references. References must include: Name & Location, Legal Firm's role and responsibility. Project description and reference phone contact information.

3.5. Claims/Performance/Insurance/Bonding

- If the Legal Firm is currently involved in litigation or arbitration based on its work, briefly describe the nature of the claim.
- If the Legal Firm has ever been terminated from an assignment for non-performance, please briefly explain.
- Is the Legal Firm currently carrying General Liability, Workers Compensation and Professional Liability insurance, and will it continue to carry such insurance for the duration of the project?

3.6. Submittal Shall Be Signed in Accordance with The Following Format:

Submitted By: (must be Principal of the Firm)

Signature

Name T Title (Print)

Date

4. CONFLICT OF INTEREST STATEMENT

I certify that the following statement is true with respect to the Request for Qualification for Legal Services for El Oso WSC of Karnes County, Texas.

No principal or employee of this firm has offered or promised to pay or deliver directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit, or reward as an inducement to secure this assignment;

No employee, officer, director or agent of El Oso WSC, or their immediate family members, has financial or other interest in this firm;

This firm is not associated or affiliated, either directly or indirectly, with firms, individuals, or commercial organizations that have a vested interest in El Oso WSC.

Signed by Principal of Firm

Date

Principal Name & Title (Print)