



## LEGAL SERVICES

### REQUEST FOR PROPOSAL | CONTRACT LEGAL SERVICES

The Norwood Water Commission (“Commission”) invites you or your law firm to submit a proposal for all aspects of contract legal representation and services. Attorneys currently licensed to practice law in Colorado, or law firms including such attorneys, may respond to this RFP.

The Commission is a political subdivision of the State of Colorado, formed under the Water Conservancy Act of 1937, whose current commitment is to provide domestic water to approximately 750 residents in the Wright’s Mesa region. The Commission is primarily a rural domestic water provider for areas surrounding the towns of Norwood and Redvale, Colorado.

The Commission’s mission is to provide dependable quality service for deliver of domestic water to its customers and to manage, operate and maintain water operations in an efficient and economical manner. We own and operate an extensive domestic water pipe distribution network including pumps, pressure reducing stations, fire hydrants and treated water storage facilities serving municipal and industrial service connections.

**PURPOSE.** The Commission is seeking a contracted lawyer or firm who can provide all legal representation and services as required by the Commission.

**SCOPE OF SERVICES.** The proposer shall be readily available to perform the following legal services, as requested by the Town Manager, Commission staff and/or Board of Directors.

- A. Advise, review, draft and negotiate agreements, contracts, and leases.
- B. Advise on water law matters, including change of use, interstate compact issues and procedures and rulemaking by water quantity and quality regulatory agencies at the local, State, and Federal levels. Working knowledge of Colorado State Engineer duties, records, and call system. Engineering/scientific background is desirable.
- C. Advise on legal and regulatory issues related to governmental, political subdivision, tax-exempt organization status and the TABOR act.
- D. Review personnel, fiscal, operational, and other policies, as well as organization by-laws.
- E. Advise on responses to Colorado Open Records Act requests, subpoenas, court orders, and requests for information from third parties.
- F. Defend or pursue lawsuits, administrative claims, or other legal claims.
- G. Conduct litigation, as necessary.
- H. Perform a wide variety of professional duties, which include providing legal counsel and legal services to the Board of Directors, management, and the various departments of the Commission.
- I. Efficiently research, analyze, define, and frame policy and legal issues, and recommend appropriate courses(s) of action on those issues.



- J. Discuss with the Board of Directors and management, recommendations, options, alternatives, and course(s) of action that most effectively utilize resources to achieve the Commission's goals, objectives, policies and priorities.
- K. Apply the law to practical situations, gather information and perform research to proactively represent the Commission and its goals, objectives, policies and priorities. Present and communicate orally and in writing, the legal and other information necessary to achieve desired outcomes for the Commission.
- L. Research, analyze, and draft written opinions, resolutions, policies, deeds, easements, contracts and other legal documents and correspondence on various matters and legal topics for the Board of Directors and management of the Commission. Research and analyze law resources such as statutes, water court decrees, judicial decisions, legal articles, legal codes, computer databases, real property, assessor records, real estate tax records, and state engineer records.
- M. Assist departments, as requested, with investigating claims and complaints by or against the Commission and recommend action to be taken. Advise the Board of Directors and Commission management on questions of law pertaining to Commission business.
- N. Render legal opinions to the Board of Directors, the Town Manager, and Commission staff as required.
- O. Oversee all legislative matters impacting or potentially impacting the Commission. Develop legislative policy in accordance with the directive of the Town Manager and policies established by the Board of Directors, including directing formulation of new and revised legislative proposals, analyze and evaluate complex legislative problems and proposed legislation, recommend legislative and policy solutions, and develop recommendations for the Town Manager and Board.
- P. Prepare civil cases for trial; investigate claims and complaints by or against the Commission; and try cases before the County, State, and Federal Courts.
- Q. Attend and participate in monthly Board of Directors meetings, committee meetings, and other meetings to represent the Commission. A thorough knowledge of public meeting procedures and laws is required. Attendance may be in person or via a virtual connection.
- R. Represent the Commission in all matters relating to the Colorado Water Conservancy Act.
- S. Ability to subcontract and engage the services of special counsel as needed.
- T. Other legal services as needed.

**PROPOSAL CONTENTS.** The Proposer, in its proposal, shall at a minimum, include the following:

- A. **Legal Experience.** The Proposer should describe its experience related to the areas outlined in the scope of services above. There is a particular interest in the following topic area: quasi-governmental entities; tax-exempt organizations; political subdivisions of the State; local government; water law decrees, administration, agreements, memoranda of understanding, compacts and contracts; risk



management; litigation experience; and general business operations. Additionally, if applicable, provide a description of any experience advising organizations comparable to the Commission that offer similar services.

**B. Organization, Size, Structure, and Areas of Practice.** The Proposer should describe its organization in terms of the following:

1. Size,
2. Structure,
3. Areas of practice,
4. Office location(s).

**C. Attorney Qualifications.** The Proposer should separately attach a description of the qualifications of attorneys to be assigned to the representation. Descriptions should include:

1. Specifically which attorney will be dedicated to serve the Commission. This should include lead attorney designation, associated attorney(s) to assist lead attorney, and any other staff assigned to the Commission's account.
2. Professional and educational background of each attorney intending to represent the Commission. Particular interest in water law experience or attorney(s) assigned to the Commission's account. Include the details of the number of years(s) of water law experience and specific water law litigation and/or caselaw involvement. Examples will suffice.
3. Overall supervision to be exercised.
4. Prior experience of individual attorneys with respect to the experience listed above. Include resumes only of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.
5. The Commission is interested in other water entities the attorney(s) and/or firm represents or previously represented so we can contact as a reference.
6. Intentions to use special counsel.

**D. Price.** The proposed price should include information on the hourly billing rates of each attorney or other legal staff who are expected to work on this representation and charges for expenses, if any, such as legal research, copies, faxes, electronic communication, and travel. Also include a retainer amount that would be charged to advise the Commission on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. The Commission reserves the right to negotiate with the Proposer on the structure of the billing and/or retainer fee.

## PROPOSAL FORMAT AND EVALUATION

**A. Submission of Proposals.** Interested firms should respond to this request by submitting by email one (1) electronic copy of their proposal in PDF format to Ms. Deana Sheriff, Town Manager, [townmanager@norwoodtown.com](mailto:townmanager@norwoodtown.com), by **5:00 PM MDT on April 30, 2024**.



**B. Evaluation Procedure and Criteria.** A committee from the Board, the Commission’s Town Manager, and appropriate staff will review proposals and make recommendations to the full Board of Directors for final approval. The Town Manager and/or Board of Directors may request a meeting with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following criteria:

1. Proposed approach to scope of work.
2. Level of experience of the individual(s) identified to work on this matter.
3. The Proposer’s experience with similar clients and legal matters.
4. Cost.
5. Phone and/or in-person interviews, if conducted.

**C. Required Format for Proposals.** All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal.

1. Page Limit: 12, including cover page.
2. Attorney Qualifications section should be attached and is not included in the page limit.
3. Page Size: 8½ x 11; portrait.
4. Font Size: 12.
5. Font Type: Times New Roman.
6. Double-spaced.
7. Margins: 1” minimum on the top, bottom, and sides of all pages.
8. All pages must be numbered; double-sided printing is acceptable.
9. Do not use material in proposals dependent on color distinctions, animated electronics, etc.
10. Do not include attachments other than those requested or required by this RFP.

**PROPOSAL TIMELINE.** This timeline is an estimation only, subject to change at the Commission’s discretion.

Date(s) (all CY 2024)	Activity
May 2	Advertise RFP for Contract Legal Services.
May 16 by 5:00 PM MDT	Questions due in writing.
May 23	Responses to questions.
May 30, 5:00 PM MDT	Proposals due: Ms. Deana Sheriff   Town Manager <a href="mailto:townmanager@norwoodtown.com">townmanager@norwoodtown.com</a> NOTE: Email one (1) electronic copy in PDF format.
Week of June 3rd	Commission RFP Evaluation and Selection of top three proposals.
Week of June 10	Interviews of top three proposers.
June 17	Selection and Notification of top Proposer.
June 24 – June 28	Contract review, negotiation, and execution.
July 1	Anticipated start date for Contractor.



## QUESTIONS

Questions for the purpose of clarifying the RFP must be submitted by email and must be received by the Commission no later than 5:00 PM MDT on April 16, 2024. NO questions will be accepted after this deadline.

Questions must be emailed to Ms. Deana Sheriff at [townmanager@norwoodtown.com](mailto:townmanager@norwoodtown.com). All questions and responses will be replied to by email to all Proposers by 5:00 PM on April 23, 2024. Be advised that submissions of questions for response do not in any way enhance or guarantee the chances of receiving a contract through this proposal.

## GENERAL INFORMATION

- A. **Contract Award.** The Commission reserves the right to award the contract in a manner deemed to be in the best interest of the Commission.
- B. **Stability of Proposed Prices.** Any price offerings from Proposers must be valid for a period of 90 days from the due date of the proposals.
- C. **Contract Insurance Requirements.** The Proposer shall be required to carry Professional Liability Insurance with an endorsement for work under this Agreement, and coverage of no less than one million (\$1,000,000) per claim, and one million (\$1,000,000) in aggregate. If coverage is on a claim made basis, such insurance shall continue through the term of this Contract and the Contractor shall purchase at its sole expense an extended reporting endorsement (tail coverage) or prior dates coverage from a new insurer with a retroactive date prior to this Contract of maintain continuous coverage with the original insurer. Coverage shall continue for ten years after the final completion of the Contractor's scope of work under the Contract.
- D. **Compliance with Public Contracts for Services (C.R.S. 8-17.5-101, et seq.).** The Contractor shall be required to certify that the Contractor does not knowingly employ or contract with an undocumented immigrant to perform work under the Contract; or Enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an undocumented immigrant to perform work under the Contract.
- E. **Amendment or Cancellation of the RFP.** The Commission reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interests of the Commission.
- F. **Proposal Modifications.** No additions or changes to any proposal will be allowed after the proposal due date unless such modification is specifically requested by the Commission. The Commission, at its discretion, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.
- G. **Proposer Presentation of Supporting Evidence.** Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that the Commission deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.



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- H. **Proposer Demonstration of Proposed Services and/or Products.** Proposers must be able to confirm their ability to provide all proposed services.
  - I. **Erroneous Awards.** The Commission reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a Proposer and subsequently awarding the contract to a different Proposer.
  - J. **Ownership of Proposals.** All proposals shall become the property of the Commission and will not be returned.
  - K. **Ownership of Subsequent Products.** Any product, whether acceptable or unacceptable, developed under a contract awarded because of this RFP shall be the sole property of the Commission unless otherwise stated in the contract.
  - L. **Oral Agreement or Arrangements.** Any alleged oral agreements or arrangements made by Proposers with the Commission will be disregarded in any proposal evaluation or associated award.
  - M. **Not a Contract.** This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited.

Upon selection of the top Proposer, the Commission will negotiate and engage with the Proposer through an instrument mutually agreed upon by both parties. If, for some reason, the Commission and the initial Proposer fail to reach consensus, the Commission may commence negotiations with other Proposers.

The Commission may decide at any time to start the RFP process again.

- N. **Subcontractors.** The Commission must approve all subcontractors utilized by the Contractor prior to any such subcontractor commencing any work. Proposers acknowledge by the act of submitting a proposal that any work provided under the contract is work conducted on behalf of the Commission and that the Commission's Town Manager or designee may communicate directly with any subcontractor as the Commission deems necessary or appropriate.

It is also understood that the successful Proposer shall be responsible for all payment of fees charged by subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the successful Proposer to the Commission upon request. The successful Proposer must provide the majority of services described herein.

Also, we suggest you review the Commission's website at [www.norwoodtown/Proposals](http://www.norwoodtown/Proposals) for additional general information. We look forward to reviewing your proposals and thank you in advance for your time and efforts.

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Tony Daryani, Board President