



**Request for Statements of Interest and Qualifications for
General Counsel and Related Legal Services**

RFQ No. 06072024-002

The Barton Springs/Edwards Aquifer Conservation District (District) requests statements of interest and qualifications (SOQs) from qualified firms to provide general counsel and related legal support services. The selected firm shall employ members that are licensed to practice law with the State Bar of Texas.

BACKGROUND

The Barton Springs/Edwards Aquifer Conservation District (“District”) is a Groundwater Conservation District with a mandate to conserve, preserve, protect, and enhance all groundwater resources within the District. The District was formed in 1987 and its jurisdictional territory was enlarged in 2015 to its present-day extent. The District has the authority to undertake various studies and implement structural facilities and nonstructural programs to achieve its statutory mandate. The District has rule-making authority to implement its policies and procedures consistent with the statutory mandates, established mission, and the Texas Water Development Board-approved management plan. The District carries out its mission and goals through aquifer studies, establishing rules and policies, education programs, District provided services, and through the cooperation of local, state, and federal agencies. The District issues a variety of water-well permits, collaborates on aquifer tests and evaluations, and maintains a regulatory framework based on science and collected data analysis within the framework of Texas Water Code, Chapter 36.

PROCESS AND TIMEFRAME

The following table identifies estimated dates for receipt, evaluation, and notice of acceptance as a legal resource of the District.

<i>DESCRIPTION</i>	<i>DATE*</i>
Release of RFQ	June 7, 2024
Statement of Interest and Qualifications due	July 15, 2024
Qualified Respondent Interviews by District	To be determined
Notice of Selection as Preferred Source of Legal Services	By October 1, 2024

* The above-noted dates are subject to change without notice.



EVALUATION CRITERIA

Those responding to this RFQ are advised that all documents shared will be evaluated to determine each firm's ability to best meet the needs of the District. The District's evaluation will include, but is not limited to, a consideration of the following criteria:

- a. Qualifications – Experience of the firm to provide the District with prompt legal-counsel services including appropriate staffing as needed: legal research and other resources, and demonstrated history of competence in handling legal affairs experienced in groundwater regulation and permitting. Such experience may also include assessment of the firm's outcomes for particular matters handled by the firm.
- b. Responsiveness – the Statement of Interest and Qualification should indicate the firm's practice areas and services and provide evidence of and/or a commitment to being highly responsive to both District Board members as needed and the day-to-day needs of the District General Manager (GM).
- c. Costs – The firm's proposed legal fees for service provided, including detailed fee schedules for different classifications of attorneys, support staff, research tools, and a detailed explanation of billing practices (e.g., time billing increments).
- d. References – information obtained by the District from the firm's references provided.

SCOPE OF LEGAL SERVICES

The chosen firm will serve as the District's general counsel, chief legal advisor, and is responsible for assisting the District's Board of Directors with:

- a. litigation, including administrative and judicial hearings and mediations;
- b. permitting and achieving the purpose of a groundwater conservation district as outlined in section 36.0015 of the Texas Water Code;
- c. rulemaking, including working with the GM and staff in amending existing rules and creating new rules in response to the Texas State Legislature;
- d. operational procedures, including attending monthly Board meetings and occasional special meetings to ensure compliance with, for example, the Texas Open Meetings Act, and matters being addressed at meetings;
- e. human resources and employment matters; director elections; redistricting; Texas Public Information Act requests; real property transactions; contracting; purchasing; enforcement compliance; and, legislative drafting, and
- f. providing additional legal briefs/reports and advice as requested or needed (i.e., being proactive in response to a policy-related need or discussion) by the Board of Directors.

STATEMENT OF INTEREST AND QUALIFICATIONS



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All information contained in the Statement of Interest and Qualifications may be subject to the Texas Public Information Act and/or the Texas Open Meetings Act, and the use and disclosure of the information provided are governed by these Acts. Any information deemed confidential or proprietary should not be submitted.

1. Statement of Interest, to include:
 - a. Identification of submitting firm;
 - b. A listing of principals of the firm;
 - c. identification of person – name and title – authorized by the firm to contractually negotiate and obligate the organization;
 - d. Identification of person – name, title, and full contact information – of the person(s) being proposed as general counsel;
 - e. Identification of person – name, title, and full contact information – to be contacted with questions or for clarification on submission; and
 - f. The signature by the person authorized to contractually obligate the firm.

2. Statement of Qualification, to include:
 - a. Brief history of the firm including involvement with groundwater conservation districts;
 - b. Legal firm’s experience and qualifications for similar types of engagements including experience under each of the areas listed under the Scope of Legal Services;
 - c. Resume or curriculum vitae of the person proposed to provide the legal/general counsel services;
 - d. Professional certifications, licenses, memberships, and other qualifications for key individuals assigned to the District (i.e., expected to support the lead attorney);
 - e. A listing of representative cases/matters and outcomes, if applicable, for water-law clients that have been handled by the firm through consultation, negotiation, mediation, arbitration, litigation, or settlement; and
 - f. Statement certifying the proposing firm is not aware of any existing conflicts of interest with the District or its Board of Directors. In connection with this statement, please identify any firm clients that have sued the District and describe how you would be willing to resolve any potential conflicts of interest.

3. Rate/Fee Schedule:
 - a. All costs included in the proposing firm’s submission are the sole responsibility of the proposing firm;
 - b. Proposing firm shall include a description of the method of determining charges for work performed, and include hourly rates associated with different staff levels;
 - c. Proposing firm shall include other necessary costs and expenses to include, but not limited to, the following:
 - i. Hourly rate for telephone consultation,



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- ii. Hourly rate for litigation and administrative proceedings,
 - iii. Hourly rate for attendance at Board meetings, and
 - iv. Hourly rate for travel time.
 - d. Proposing firm shall indicate how fees are calculated (i.e., in quarter hour increments, 1/10 of an hour increments, fixed fee, etc.)

4. References (Exhibit A):
A minimum of three references shall be provided. This list may include current or former clients (with reason for cancellation if applicable), with all references being able to fully comment on the proposing firm's related experience.

5. Verification Required by Texas Gov't. Code:
The proposing firm selected by the District must provide certification under Texas Government Code that the firm does not boycott energy companies, discriminate against firearm entities or associations, or boycott Israel. As required by Section 2252.908, Texas Government Code, the proposing firm selected by the District is required to complete online and submit to District a completed Texas Ethics Commission Form 1295 upon execution of this Agreement.

REQUEST FOR CLARIFICATION OR INFORMATION

Questions regarding this RFQ and any guidance provided herein shall be directed to Tim Loftus, General Manager at tloftus@bseacd.org.

STATEMENT OF INTEREST AND QUALIFICATIONS SUBMITTAL

Interested parties are asked to submit their SOQs, not to exceed ten pages, to the District by **5:00 pm on Monday, July 15, 2024**. Submittal of SOQs may be hand delivered or mailed via the US Postal Service to the attention of the Tim Loftus at the following address:

Barton Springs/Edwards Aquifer Conservation District
Attn: Tim Loftus, General Manager
1124 Regal Row
Austin, Texas 78748

Submittals may be made via email to: tloftus@bseacd.org (Subject: legal services SOQ)

Upon receipt by the District, each statement will be stamped with the date and time received. All statements become the property of the District, which will, to the extent permitted by law, hold the contents of all statements confidential until an award is made.



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Any SOQs received after the time set for the opening will be declared late and not eligible for opening and consideration. The District is not responsible for mail, courier or other delivery methods, in-transit time or nondelivery.

The District in its sole discretion may choose to respond only to the questioning entity or to post such questions, posed via email, and responses to be available to all potential offerors via the District website at www.bseacd.org.