

# **Request for Qualifications – NHCRWA Legal Counsel**

## **1) Purpose**

The North Harris County Regional Water Authority (“NHCRWA” or the “Authority”), a Special Authority codified as Chapter 8888, as amended of the Special Authority Local Laws Code (the “Act”), is soliciting Request for Qualifications (RFQ) from experienced professional legal firms or individual attorneys for the purpose of providing Legal Counsel services to the Authority on a contractual basis.

The firm/individual will be tasked with providing general water Authority counsel and basic legal services, guidance on special projects, and advising the Board of Directors and general manager of the Authority. The NHCRWA requests that one attorney be designated as the lead attorney.

More background regarding the NHCRWA may be found on its website: [www.nhcrwa.com](http://www.nhcrwa.com).

## **2) Services Required and Experience Preferred**

The firm or individual selected must possess a license to practice law in the State of Texas, and be a member in good standing with the Texas Bar. Ten (10) years of experience of legal services for Texas special purpose Authorities or other local governmental entities would be preferred. A working knowledge of local government law, water law, public finance, employment law, and land use regulation is preferred.

Basic legal services that may be needed and where experience will be helpful include:

- a) Providing a variety of proactive, high-quality and timely legal opinions to the Board of Directors and NHCRWA staff.
- b) Work directly with the Board of Directors, general manager, and other consultants of the NHCRWA to ensure compliance with governmental and regulatory rules and regulations.
- c) Reviewing and drafting rules and regulations, resolutions, contracts, agreements, deeds, easements, orders, interlocal agreements, construction and maintenance agreements, corporate resolutions, permits, agendas, minutes, certificates, notices and any other documents needed in conjunction with the business of the NHCRWA.
- d) Negotiating and administering contracts, as well as assisting with the resolution of contractual disputes.
- e) Providing timely advice regarding government operations, elections, rate orders, bond and other funding issues, NHCRWA Rules and Regulations, state law, contract matters, and real estate matters, including condemnation matters.
- f) Providing proactive legal counsel on issues pertaining to personnel policies and procedures and providing counsel in all compliance employment matters such as, but not limited to, state and federal employment law, Workers Compensation, EEOC, FLSA, FMLA and OSHA requirements.
- g) Reviewing agendas and materials for the Board of Directors meeting, preparing legal advice.

- h) Attending regular meetings of the Board of Directors and occasional special meetings and taking minutes at all meetings and emailing a draft version to the board to review, well in advance of next meeting. (Generally, one regular monthly meeting - typically the first Monday evening, and sometimes a second special called meeting about mid-month);
- i) Staying abreast and informing the NHCRWA staff and Board of new or proposed local, state, or federal legislation affecting the NHCRWA.
- j) Knowledge of the Texas Public Information Act, Texas Open Meetings Act, Professional Services Act, and other statutes relevant to NHCRWA policy and operations issues.
- k) Knowledge of laws and methods to facilitate effective enforcement of the NHCRWA's rules and regulations.
- l) Providing counsel and advice to the NHCRWA's Board of Directors and staff.
- m) Assisting with legislative and regulatory agency efforts to improve NHCRWA efficiencies and/or water quality to customers and/or lower water costs to customers.
- n) Assisting with ensuring NHCRWA elections are conducted properly and for a reasonable cost;
- o) Assisting NHCRWA officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions;
- p) Conducting or coordination of litigation when required.
- q) Compliance with administrative and legal requirements, including applicable rules, regulations, and requirements of local, state and federal agencies, such as open meetings, open records, public funds investment and collateral, financial reporting and filing.
- r) Protect and defend the legal interests of the NHCRWA.
- s) Work with the Board and general manager in matters related to public communications with residents of the NHCRWA and with elected officials.
- t) Assisting the Board in formulating and executing policy changes.
- u) Other legal work which may be required from time to time.

### 3) Responses

Each Request for Qualification (RFQ) response should consider addressing the items below. You are not limited by this list.

- a) Introductory letter.
- b) Full CV of attorneys likely to be assigned to the NHCRWA account, including prior knowledge or work with the NHCRWA, and his or her ability to provide services anticipated in 2) above.
- c) Provide a complete list of all current special district and municipal clients, including email and phone contact information. Please identify one or more clients which you think are most comparable to the NHCRWA. Complete the Conflicts of Interest (COI) forms and survey in the NHCRWA Policies and Procedures ([located here](#)).
- d) If your firm has represented any clients in the past fifteen years that have been in a dispute against or related to the NHCRWA or one of its employees or contractors, please describe the case(s).
- e) If you have filed any litigation in the last ten years in which a special district was a defendant, please describe the case(s).

- f) Demonstrate methodologies that your firm has used in the past to create efficiencies in the delivery of your services, thus reducing costs to your clients. Examples might be remote participation in meetings, reduced rates for travel time, use of paralegals for some services, artificial intelligence (AI) etc. Propose how those efficiencies might be applied to the NHCRWA.
- g) Explain if and how you plan to support the current boards direction which is to minimize costs to rate-payers.
- h) Provide a list of references with contact information.
- i) Provide contact information for the NHCRWA or Board members to obtain clarifying information.

#### **4) Preparation and Submission of Responses**

- a) Please submit your Responses directly to the NHCRWA no later than May 31, 2023, at 2:00 pm (CST) 3648 Cypress Creek Pkwy #110, Houston, TX 77068 to the attention of general manager Jun Chang ([jchang@nhcrwa.com](mailto:jchang@nhcrwa.com)), and copy Lisa Randecker ([lrandecker@nhcrwa.com](mailto:lrandecker@nhcrwa.com)) and board president Mark Ramsey ([mramsey@nhcrwa.com](mailto:mramsey@nhcrwa.com)). Responses should be either physically delivered or submitted electronically or both. It is the responsibility of responding law firms to ensure that the responses are received by the date and the time specified. If your response is delivered electronically only, the NHCRWA will not be responsible for any delays in transmission or filtering programs that may cause electronic submissions to be delayed or to not actually be received. All costs incurred in the preparation of responses to this RFQ will be the responsibility of the responding law firm and will not be reimbursed by the NHCRWA.
- b) If any law firm has any questions or needs additional information to clarify the intent of this RFQ, such law firm should submit questions or requests to the NHCRWA's current general manager, Jun Chang. To the extent necessary, the current general manager will confer with the NHCRWA's Board of Directors regarding such questions or requests, and respond to the law firm who submitted the question or request. If the questions and answers is of a nature deemed relevant to all potential responders, it may be sent to them as well at the sole discretion of the NHCRWA.
- c) Please submit 3 hard copies of the document to the NHCRWA, and a pdf copy of the document to facilitate distribution to the Board.

#### **5) Evaluation and Selection**

The Board reserves the right to accept or reject any and all submissions in the best interest of the NHCRWA. In connection with the evaluation, the NHCRWA may invite one or more applicants to make an oral presentation to the Board of Directors at a time and location to be announced, (possibly as early as June 5<sup>th</sup>, 2023), and may require the submission of supplemental material intended to substantiate or clarify information previously submitted. In-person, "Zoomed," or telephone interviews with individual Directors or group of Directors may also be utilized.

The following information will be taken into consideration during the evaluation process:

- a) The degree of complete and clear responses to items in 2) and 3) above.

- b) Demonstrated expertise and experience in the relevant areas of law.
- c) Available support staff and range of services offered.
- d) Demonstration of availability for the level of service required by the NHCRWA.
- e) The perceived ability to work cooperatively with the Board of Directors, general manager, Authority staff, consultants, and contractors to the NHCRWA, along with regulators, and legislators.
- f) The opinion of the Board on which firms can provide the best overall support of the goals and requirements of the Board and the NHCRWA.

Based on the Board's review of submittals, it is anticipated that one or more firms may be short listed for further consideration, and may be required to submit supplemental information or hold further discussions.

The NHCRWA will notify the most qualified law firm via email and in writing. Upon notification, the selected law firm will attempt to negotiate a contract for legal services with the NHCRWA. In all instances, the Authority shall comply with the Texas Water Code, and any related provisions of the Texas Professional Services Procurement Act.

## **6) Contract award**

The contract will be awarded for an initial period of one year. The agreement will then be automatically renewed for additional one-year periods unless terminated by either party in writing. However, the NHCRWA Legal Counsel shall work at the pleasure of the NHCRWA, and nothing herein shall limit their ability to terminate the contract at will with no notice or penalty, including during the first year.

The NHCRWA reserves the right to require additional technical and pricing information, have discussions with respondents regarding all elements which comprise the respondents' proposals; to accept all or part of any proposal, to reject any or all proposals; and to resolicit for proposals.