

REQUEST FOR QUALIFICATIONS FOR LEGAL COUNSEL

INQUIRIES AND RESPONSES SHOULD BE DIRECTED TO:

Makenzi Scales

512-457-1166

I. **GENERAL INFORMATION.**

- A. **Purpose.** This request for qualifications (RFQ) is to contract for general legal counsel to be provided to the **Williamson Travis Counties Municipal Utility District #1 (WTCMUD1)**.
- B. **Who May Respond.** Attorneys currently licensed to practice in Texas, or law firms including such attorneys, may respond to this RFQ.
- C. **Instructions on Proposal Submission**
 - a. **Closing Submission Date.** Proposal must be submitted no later than **4:00 pm on January 10, 2022.**
 - b. **Inquiries.** Inquiries concerning this RFQ should be mailed to :

**Makenzi Scales
14050 Summit Drive
Suite 103
Austin, TX 78727**

Or emailed to: Makenzi.Scales@Inframark.com

- c. **Instruction to Prospective Responders.** Your response should be addressed as follows:

**Makenzi Scales
WTCMUD1, Account Manager
14050 Summit Drive
Suite 103
Austin, TX 78728**

- d. **Right to Reject.** WTCMUD1 reserves the right to reject any and all responses received for this RFQ. A contract for the accepted response will be drafted based upon the factors described in this RFQ.
- e. **Notification of Award.** It is expected that a decision selecting the successful proposal will be made within four (4) weeks of the closing date. Upon conclusion of final negotiations regarding the successful submission, all other respondents will be informed of the name of the successful submission. It is expected that the term of service shall be a three-year contract.

Description of Entity. WTCMUD1 is a TX Municipal Utility District established in 1985 by order of the Texas Commission on Environmental Quality. The WTCMUD1 contains approximately 562 acres of land located in the Extra-territorial Jurisdiction (ETJ) of Cedar Park in both Williamson and Travis Counties. WTCMUD1 provides a wide variety of services to its residents

and visitors including water, wastewater, police, fire, sanitation and street lighting. WTCMUD1 also has constructed and maintains a community center, multiple parks and approximately 3 miles of trails. WTCMUD1 serves approximately 1900 water connections. The WTCMUD1 contains multiple neighborhoods with and without mandatory HOA's:

- Volente Hills (Mandatory HOA)
- Lakeline Oaks (Mandatory HOA)
- Hunters Glenn (Mandatory HOA)
- Hunters Glenn II (No Mandatory HOA, No Neighborhood Association)
- Anderson Mill West (Voluntary Neighborhood Association with an Architectural Control Committee)

Currently, the WTCMUD1 handles deed restriction enforcement for all neighborhoods with the exception of Lakeline Oaks. WTCMUD1 has contracted with an outside Deed Enforcement vendor who performs day and night tours twice a month. Timely communication with the Deed Enforcement vendor is critical to the smooth enforcement of deed restrictions.

PLEASE NOTE: The selection of an attorney or firm to provide the described scope of services will not be made on cost alone, but may be made based on the consideration of qualification-related factors contained in the Request for Qualifications.

II. Scope of Services.

- A. Provide a variety of high quality and timely legal opinions to the WTCMUD1. This requires becoming intimately familiar with the WTCMUD1 charter, code of ordinances, applicable state and federal law and other applicable documents like the DRC Rules of Enforcement.
- B. Attend all meetings of the full board. Currently, the board meets 2 times a month in a public forum. Meetings occur twice on the 3rd week of the month (Monday: Deed Restriction, Wednesday: General Board meeting).
 1. Provide guidance to keep meetings on point and clarification on legal issues during board meetings.
 2. Attend special board meeting if requested by board members when they occur.
- C. Prepare and publish all agendas for all public open meetings.
- D. Prepare meeting minutes for all public meetings.
- E. Attend subcommittee meetings when requested.
- F. Oversee the elections of board members in concert with Williamson and Travis Counties every 2 years.

- G. Interact with Williamson and Travis Counties Appraisal Districts regarding appraised values and delinquent taxes.
- H. Prepare and publicize Rate Orders.
- I. Oversee all open records request and their responses. This includes conferring with Special Council and the Attorney General.
- J. Oversee and review all contracts the WTCMUD1 enters into.
- K. Work with the Account Manager, Inframark as needed.
- L. Work with the WTCMUD1 Engineering firm as needed.
- M. Oversee all Special Counsel for:
 - 1. Litigation
 - 2. Open Records
 - 3. Bonds
 - 4. Annexation
- N. Guide the Board on Deed Restriction enforcement policies and procedures.
- O. Defend lawsuits, administrative claims or other legal claims.
- P. Respond to directives from the Board of Directors.
- Q. Review and draft ordinances, resolutions, charter changes etc. as requested by the WTCMUD1 Directors.
- R. Represent the WTCMUD1 as the point of contact to other governmental entities like the TCEQ, City of Cedar Park, or Williamson and Travis Counties.
- S. Maintain an appropriate relationship with professional organizations in the field of municipal legal services.
- T. Appendix I contains an analysis of the categories of legal services provided over the last 12 months. This list isn't inclusive of all possible services needed but is included as a reference.
- U. Appendix II contains the same elements and categories of legal services. This Appendix contains two columns. The left column list all the categories of service. The right column is provided to allow you to write a narrative describing your firm's experience in these services.

III. **QUALIFICATION CONTENTS.** The submitter shall, as a minimum, include the following:

- A. **Legal Experience.** The Respondent should describe its experience related to the areas outlined in the scope of services above. There is a particular interest in the following topic areas: Texas Water Code, Chapters 49 and 54 which governs the MUD, Public Information Act, Personal and Data Privacy regulations, Document Retention Policies and Procedures, Disaster Recovery, Bond Financing, Government Grants. In addition, if applicable provide a description of any experience advising organizations comparable to WTCMUD1 that offer programs and government services.
- B. **Organization, Size, Structure and Areas of Practice.** The Respondent should describe its organization in terms of the following:
 - 1. Name of the Firm

2. Size
 3. Structure
 4. Areas of Practice
 5. Office Location(s)
- C. **Attorney Qualifications.** The Respondent should separately attach a description of the qualifications of the firms staff assigned to the WTCMUD1. Descriptions should include:
1. Professional and education background of each attorney.
 2. Prior experience of the individual attorney with respect to the required experience listed above. Include the resume(s) only of the attorney(s) likely to be assigned to the WTCMUD1. Education, position in the firm, years and type of experience and continuing professional education will be considered.
 3. Please include qualifications of all paralegals to be assigned to the WTCMUD1.
 4. Provide information about the attorney and firm's experience in providing legal services to municipal organizations. Provide at least two references from these organizations including names, contact persons and phone numbers.
 5. Provide information about the attorney and firm's capacity and capability to perform on short notice and in a timely manner. If the appointed Attorney is not available are there other means of responding to requests?
 6. Describe the attorney or firms understanding of the scope of work.
 7. Describe the Attorney or firms' approach to communication with the WTCMUD1 in regard to progress reports, status reports, recommendations, status of opinions. This communication includes all stakeholders of the District:
 - a) Board of Directors
 - b) District vendors such as Engineer, Account Manager
 - c) Special Counsel for Litigation, Open Records, Bonds, Annexation.
 - d) Other governmental entities such as the City of Cedar Park, Williamson County, Travis County, TCEQ etc.
 8. Describe your data processes or systems in place used to organize District Information.
 - a) Describe your method and experience migrating and organizing data from a previous Attorney.
 9. Provide the plan for service delivery.
- D. **Conflict of Interest.** The attorney or firm, by submitting a proposal, certifies that to the best of its knowledge or belief, no elected or appointed official of the District is financially interested directly or indirectly, in their firm or in the purchase of services as described in this RFQ. They also certify that the information contained in the Statement of Qualifications is correct and complete to the best of their knowledge.

- E. **Price.** The Respondent's proposed price should include price information on the hourly billing rates of each attorney or other legal staff who are expected to work for the WTCMUD1.
- IV. **PROPOSAL TIMELINE.** During the period from your organization's receipt of this Request for Qualifications and until a contract is awarded, Makenzi Scales will be the contact if you need any additional information.
- V. **QUESTIONS.** Questions for the purpose of clarifying the RFQ must be submitted **in writing by email** and must be received no later than **4:00 p.m. on November 5, 2021.**

Questions must be emailed to Makenzi Scales at Makenzi.Scales@Inframark.com. Questions and responses will be emailed to all respondents on November 12, 2021.

VI. GENERAL INFORMATION

- A. **Contract Award.** WTCMUD1 reserves the right to award the contract in a manner deemed to be in the best interests of WTCMUD1
- B. **Amendment or Cancellation of the RFQ.** WTCMUD1 reserves the right to cancel, amend, modify, or otherwise change this RFQ at any time if it deems it to be in the best interests of WTCMUD1.
- C. **Respondent Modifications.** No additions or changes to any submission will be allowed after the due date unless such modification is specifically requested by WTCMUD1. WTCMUD1, at its option, may seek retraction and clarification of any discrepancy or contradiction found during its review of submissions.
- D. **Respondent Demonstration of Proposed Services and/or Products.** Respondent must be able to confirm their ability to provide all proposed services.
- E. **Ownership of Submissions.** All submissions shall become the property of the WTCMUD1 and will not be returned.
- F. **Oral Agreement or Arrangements.** Any alleged oral agreements or arrangements made by Respondents with WTCMUD1 will be disregarded in any evaluation or associated award.
- G. **Not a Contract.** This RFQ is not a contract and, alone shall not be interpreted as such. Rather, this RFQ serves only as the instrument through which qualifications are solicited. WTCMUD1 will pursue negotiations with the submission approved by the Board of Directors. The selected Respondent will be required to sign a formal contract.

APPENDIX 1 – Attorney Service Matrix

Category Description of Service
Board Member Communications
Audit committee
Infrastructure Committee
Parks Committee
PC with board members
Solid Waste Committee
Bonds, Rate Order, Taxes
Arbitrage Analysis
Bond counsel
Customer deposits
Delinquent property taxes
Director Bonds
Investment Policy
Order approving the districts appraisal rolls
Rate Order
Review financial report
Tax compliance policy
Tax rate website
Truth in taxation entity website questionnaire
TXR Certification Report
Williamson CAD Appraised Value Notice
Yield restriction reports from ACS
Contracts
Audit contract
Consumer confidence report
Insurance
Law Enforcement Contract
License agreements with County
Sage Contract (Deed Restriction Vendor)
Touchstone (Media and Video Vendor)
Waste Management contract
DRC
Anderson Mill West ACC
HOA Service Agreement
Review tour documents
Review violations and fines
Rules Governing Violations of Deed Restrictions
Elections
Campaign finance reports

- Code of fair campaign practices form
- Election law calendar
- Election Notice
- Review PUC complaint

Legislation

- Director replacement process
- Director training
- State Legislation
- TCEQ
- TEC Ethics complaints
- Transportation code
- Watercode and case law regarding per diems
- Website

Litigation

- Demand Letters
- Draft Lawsuit
- Draft No fault judgement

Meetings

- Attend Board Meetings
- Attend Committee Meetings
- Board Meeting Prep
- Post agendas
- Post notices
- Prepare Agendas
- Prepare Meeting Minutes
- Review managers report
- Review meeting minutes

Open Records Requests

- Attorney General Open Records
- Code and label open records requests
- Redact open records responses
- Review email from special counsel
- Track Open Records hours by requestor

Policies and Procedures

- Cyber Security
- Drought Contingency Plan
- Nonenforcement of signs
- Records Management / Organization
- Records Modernization
- Technology Use Policy

Vendor Communications

- DRC related phone calls from residents or their attorney
- Interaction with DRC Inspector

Appendix II

Please fill out any and all experience your firm has for the elements below. If the Service doesn't apply to your firm indicate so by typing N/E = No Experience

Description of Service	Narrative Describing Applicable Experience of Service
Committee Communications	
Guiding Audit Committee	
Responding to Deed Restriction Committee	
Working with Infrastructure Committee	
Working Parks Committee	
Working with Solid Waste Committee	
Working with Management Committee	
Overseeing Bonds, Rate Order and Taxes	
Arbitrage	
Bond Counsel	
Property Taxes regulations	
Director Bonds	
Investment Policy	
District Appraisal Roll	
Rate Order	
Financial Reports	
Tax Rate Policy	
Tax Rate Website	
TXR Certification	
Truth in Taxation questionnaire	
Williamson CAD Appraised Value Notice	
Yield Restriction Report ACS	
Reviewing Contracts	
Audit Contracts	
Consumer Confidence Reports	

Insurance	
Law Enforcement Contract	
License Agreements with Counties	
Deed Restriction Vendor	
Media and Video Vendor	
Waste Management Contract	
Counseling Deed Restriction Committee	
Review of Inspection Tour Documents from Vendor	
Review Violations and Fines	
Review Texas rules for Violations and Fines of HOAS and Voluntary Neighborhood Associations	
Elections Oversight	
Campaign Finance Reports	
Code of Fair Campaign Practices Form	
Election Law Calendar	
Election Notice	
Legislation	
Regulations for Director replacement	
Regulations for Directors Training	
State Legislation Updates	
TCEQ	
Transportation Code	
Water Code and Case Law regarding Water Code	
Litigation	
Generate Demand Letters	
Draft Lawsuits	
Draft No-Fault Judgements	
Meetings	
Attend Board Meetings	
Attend Committee Meetings	
Board Meeting Preparation	

Prepare Agendas	
Post Public Notices	
Post Agendas	
Prepare Meeting Minutes	
Review Meeting Minutes	
Open Records Request	
Attorney General Open Records statue	
Code and Label Open Records Requests	
Redact Open Records Responses when necessary	
Review emails from Special Counsel	
Track Open Records hours by requester	
Policies and Procedures for:	
Cyber Security Admin	
Drought Contingency Plan	
Records Management/Organization	
Records Modernization	
Reimbursement resolution	

Below are the scoring criteria elements for all respondents to this RFQ. Scoring of proposed vendors will consist of Performance Ability which contains Legal Qualifications, Proposed Legal Personnel, Transition Plan, Value Added, Proposed qualifications, Past Performance, Reference Check, Financial Ability and Interviews with Board Members. These scoring points will be determined by the Board based on the responses from proposed vendors for Scope of Services and Qualification Content described above in paragraphs II and III and the services form Appendix II.

Proposal Scoring Criteria

Evaluation Factors	Pts	Company A	Company B	Company C
Performance Ability				
Legal Qualifications	20			
Proposed Legal Personnel	10			
Transition Plan	10			
Qualifications based on Appendix II	20			
Reference Check	20			
Resource Capacity	10			
Interview with Key board members	10			
Total – All Evaluation Points (100%)	100			