



## THURSTON CONSERVATION DISTRICT

### REQUEST FOR PROPOSALS

#### LEGAL SERVICES – GENERAL & EMPLOYMENT LAW

Thurston Conservation District **Board of Supervisors (BoS)** is accepting proposals from qualified professional law firms or individuals to provide General and Employment Related Legal Services on a contractual basis upon selection on or around August 01, 2018, then as needed.

**Proposals may be mailed, e-mailed or hand-delivered to:**

Eric Johnson, Chair, Board of Supervisors  
ericjohnsontcd@gmail.com or Sarah Moorehead, Acting Executive Director  
Attention: Legal Services Proposal  
Thurston Conservation District  
2918 Ferguson St. SW, Ste. A  
Tumwater, WA 98512

**Alternatively, proposals may be e-mailed as an attachment, with the e-mail subject “Legal Services Proposal”** to Eric Johnson, Chair, Board of Supervisors, [ericjohnsontcd@gmail.com](mailto:ericjohnsontcd@gmail.com) or [smoorehead@thurstoncd.com](mailto:smoorehead@thurstoncd.com). E-mail attachments should be in Word or PDF format. Consideration will only be given to proposals received either in person, through standard mail or electronically by July 27, 2018.

The **BoS** reserves the right to reject any and all proposals, to request additional information concerning any proposal, to accept or negotiate modifications to any proposal, to interview any proposer, and to waive any irregularities in any proposal following the proposal submission deadline date, in order to serve the best interests of the **BoS**.

All inquiries about this Request for Proposal and current legal services received by the **BoS**, should be directed by e-mail to Eric Johnson, Chair, Board of Supervisors, [ericjohnsontcd@gmail.com](mailto:ericjohnsontcd@gmail.com) or to Sarah Moorehead, Acting Executive Director, at [smoorehead@thurstoncd.com](mailto:smoorehead@thurstoncd.com).

## **I. INTRODUCTION**

Thurston Conservation District ([TCD Board of Supervisors \(BoS\)](#)) invites interested individual attorneys and law firms to submit written proposals to provide general legal services beginning upon selection.

The [BoS](#) is seeking general and employment related legal services, anticipated to be approximately 10 hours per month through December 31, 2018 (then on an as needed basis), which would include advising the TCD [BoS](#) on matters specifically before the [BoS](#) that arise during conduct of regular TCD business. It is expected that this individual or firm will attend [BoS Board meetings](#), work sessions, regular, and special meetings as needed and indicated by the [BoS](#).

This individual or firm would be responsible for or assist with preparation and review of all [TCD Policies, Procedures, Resolutions, contracts and other legally-related documents; legal opinions and memorandums; purchasing of real property or development rights; employment matters; public disclosure laws; Union Contracts, and certain other limited legal services as designated by the \[BoS\]\(#\).](#)

All proposals shall be considered valid for a period of ninety (90) days from the proposal closing date and shall contain a statement to that effect. Accepted proposals shall be subject to applicable laws and regulations governing public disclosure. Any information received within the proposal will be considered part of the public record of this procurement.

The individual or firm selected to provide general legal services will serve at the pleasure of the [BoS](#), [reporting directly to the BoS](#) and may be removed per terms of an approved contract.

The [BoS](#) is prepared to review proposals from individuals or firms to serve as an independent contractor. The [BoS](#) is requesting that proposals include fees calculated on an hourly basis, or a monthly retainer based on 10 hours per month (followed by an hourly basis for as needed consultation.)

## **II. ORGANIZATIONAL BACKGROUND**

Washington conservation districts help people take care of most everything they can see outside their windows – from farms, to forests, to urban yards, to rivers, lakes, and coastline. For more than 75 years, they have served as trusted, non-regulatory local partners helping people care for natural resources.

Conservation districts are locally led. Each district is directed by a [five-member board of supervisors](#). Three members are elected locally. The Washington State Conservation Commission appoints the remaining two members. The District has approximately 10 staff.

[Chapter 89.08 of the Revised Code of Washington \(RCW\)](#) is the enabling statute for conservation district work in Washington and was adopted by the legislature in 1939.

The [TCD](#) is a member of Enduris Washington. Enduris Washington provides General Liability, auto, and other insurance coverage for the [TCD](#). The individual or firm selected would work for The Thurston Conservation Districts Board of Supervisors ([BoS](#)), [on TCD issues or claims against the](#)

**District Board of Supervisors.** The Board of Supervisors meets regularly on the last Tuesday of each month at 2:00 P.M. Occasional special meetings may be held, based on need, and at the request of the Board.

### **III. CONTRACT PERIOD**

It is anticipated that the period of contract will be **twelve** months, continuing on an as needed basis thereafter. The **TCD** retains the right to solicit other proposals for legal services at any time after the initial **12** month contract, or if the **TCD** needs for general legal services change substantially.

### **IV. SCOPE OF SERVICES**

#### 1. Description

- a. Act as general legal counsel to the **TCD's** Board of Supervisors. Legal counsel will provide representation, advice, and interpretation of federal and state laws as well as local statutes, ordinances, Union Contracts, as it applies to TCD. (Estimated average of 10 hours per month, or as needed)

#### 2. Typical Duties (not exhaustive)

- a. Provide general legal advice to the BoS regarding all legal matters relating to the performance of their duties.
- b. Attend Board of Supervisors meetings (regular meetings typically the last Tuesday of each month at 2:00pm) and other **TCD** special BoS meetings and work sessions as requested.
- c. Review policy changes and updates to be considered by the Board of Supervisors.
- d. Advise Board of Supervisors on employment related issues.
- e. Prepare and/or review policies, resolutions, contracts and other documents as necessary to represent and protect the TCD **Board of Supervisors interest**.
- f. Represent the TCD **Board of Supervisors** in litigation as requested.
- g. Provide research, recommendation, written legal opinions, preparation and review of issues relating to RCW 89.08, finance, personnel law, private/public partnerships, Union Contracts, and public record requests as requested by the Board of Supervisors.

### **V. DESIRED QUALIFICATIONS**

1. Minimum five (5) years of experience in providing general legal services to Conservation Districts, or like entities, is desirable.
2. Extensive knowledge of federal and state law, case law, regulations and policies relevant to Conservation Districts and of legal procedures.

3. The **BoS** will give preference to individuals or firms with experience in personnel issues, contract development and interpretation, public records act, open public meetings act, and RCW 89.08.
4. Experience in working with public entities and boards.
5. Member of the Washington State Bar. The selected firm will be required to declare that it will represent the **BoS** and declare any potential conflicts with the interests of the **BoS**.
6. Firm preferably to be located within 75 miles of Thurston County for the purpose of timely interactions between **BoS** and legal counsel.

## **VI. PROPOSAL REQUIREMENTS**

Proposals should include the following information. Proposers may submit additional information as deemed appropriate.

1. Individual or firm name, address, phone, email and fax number.
2. A summary of the individual or firm's qualifications as they relate to the duties and desired qualifications described above, as well as demonstrated knowledge relating to Conservation Districts and RCW 89.08
3. A list of at least three (3) local professional references, addresses, phone numbers, and your relationship with them. Provide the same information on three personal references.
4. A description of how the individual or firm would propose to provide the required legal services to the **Board of Supervisors (BoS)**. This should include an understanding of the **TCD's** service requirements, the individual or firm's ongoing service commitment, responsiveness, attendance at Board Meetings, and other meetings as necessary, office location, etc. Include information on availability and back-up attorney services, if absent for illness, vacation, trials, etc.
5. Qualifications and experience for each attorney likely to provide legal services, along with detailed resumes. Clearly identify the person who will serve as the primary attorney and differentiate this person from other supporting key personnel and their particular area(s) of expertise. For each attorney, please include the following:
  - a. Law School (including year of graduation), year of admission to Washington State Bar, and years of practice. Must be a member in good standing of the Washington State Bar Association. Provide each attorney's Washington State Bar Admittance Number.
  - b. A description of related experience with public entities of similar size and scope to the District. Including, years of public sector law practice in a law firm or as a sole practitioner.

- c. Particular areas of knowledge and experience in Washington government law, including but not limited to law related to Conservation Districts. Examples of areas may include but are not necessarily limited to law related to:
  - i. RCW 89.08;
  - ii. Personnel matters and Union labor negotiations;
  - iii. Public purchasing and contracting;
  - iv. Open meetings, public records, and public disclosure;
  - v. Government ethics; and
  - vi. District Elections.
- d. Litigation experience, including descriptions of representative cases and outcomes.
- e. Discuss experience in working with public record requests.
- f. Discuss experience in working with Human Resource, Employment law, and employee grievance, Union Contract and Negotiations, as well as employee and supervisor education and training.
- g. Discuss experience in working with Conservation District's, if any, **Board of Supervisors** on reducing liability/exposure to the District **Board of Supervisors**.
- h. Drafting experience, such as drafting of contracts, memorandum, ordinances, and resolutions.
- i. Experience giving oral advice such as during the course of Board of Supervisor meetings and by telephone to District Board of Supervisors.
- j. Other types of clients represented.

Describe any conflicts of interest (real or perceived) that may be incurred with this appointment, and how you propose to address or mitigate them.

- 6. A Statement of Contract Compliance: Upon execution of a Professional Services Agreement the person/firm selected will be required to provide proof of comprehensive insurance, general liability or other financial security in a manner satisfactory to the District and sufficient to provide a minimum of \$1,000,000 per occurrence or claim in liability and lawyers' professional errors and omissions coverage. Thurston Conservation District **Board of Supervisors** must be named as an additional named insured on liability policy(s) and a certificate of insurance provided for lawyers' professional policy(s).

7. Proposed compensation for general legal services should be proposed at a fixed monthly amount based upon 10 hours a month to start and an hourly rate for additional services, as needed. As an independent contractor, this should include any proposal for expense reimbursements beyond payments for time. For a firm's proposal, if the proposed compensation will vary depending on which attorney does work, this should include the proposed method of charging for each attorney who will be performing work. (Final agreement will be negotiated under a professional services agreement.)

## **VII. PROPOSAL REQUIREMENTS**

All proposals will be reviewed and screened based upon the qualifications and requirements outlined in this request by a committee comprised of the [Board of Supervisors](#). Those individual and/or firms deemed most qualified will be screened further by the District Board of Supervisors based upon reference checks. The finalists will be invited for interviews. The approval of a professional services contract will be made by the Thurston Conservation District Board of Supervisors.