

MEMORANDUM

TO: Board of Trustees

THROUGH: Mike Bandelin, Interim General Manager

FROM: Susan Herron, Director of Administrative Services

SUBJECT: Review, discuss and provide direction to Staff on the presented Request for Proposal for District Legal Counsel Services

RELATED STRATEGIC PLAN BUDGET INITIATIVE(S): **LONG RANGE PRINCIPLE #7 - GOVERNANCE**
The District is a local agency that delivers exemplary recreational experiences and provides the highest level of water, sewer, and solid waste services while striving for fiscal and environmental sustainability through collaboration, civic participation, and transparen

RELATED DISTRICT POLICIES, PRACTICES, RESOLUTIONS OR ORDINANCES Policy and Procedure Number 142/Resolution 1898, subparagraph IV. F. - Link: https://www.yourtahoeplace.com/uploads/pdf-ivgid/PP_142.pdf

DATE: August 30, 2023

I. RECOMMENDATION

That the Board of Trustees provides edits on the presented request for proposal, provide Staff the timeline for execution of this effort, and, if desired, assign one Trustee to work with Staff to answer any questions or concerns that might arise during the effort.

II. BACKGROUND

At the July 12, 2023 Board of Trustees meeting, District General Counsel Joshua Nelson, of Best, Best & Krieger, announced that his firm would not be seeking an extension to their existing contract for legal services. This decision was made based on staffing at the firm. At this same meeting, Board Chairman Matthew Dent asked that an agenda item be brought forward to address these services going forward.

III. BID RESULTS

Not applicable at this time.

IV. FINANCIAL IMPACT AND BUDGET

The 2023/2024 budget has monies included for professional services which includes legal services. Depending upon rates quoted, the budget may or may not need modification. Presently, it is too early to identify the budget impact.

V. ALTERNATIVES

Not seek these services and do a search for an in house legal counsel.

VI. COMMENTS

The last time this process was undertaken was in 2020 when Best, Best & Krieger was hired. Prior to that, it was conducted in 2018. Staff anticipates starting this effort mid-to late September with a recommendation back to the Board of Trustees at their November meeting and no later than their meeting in December.

VII. BUSINESS IMPACT/BENEFIT

There is no business impact as this is a Request for Proposal.

VIII. ATTACHMENTS

1. Final Draft RFP for Legal Services

IX. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

Provide changes, if necessary, to the provided documents.

Offer alternative ideas.

Appoint one (1) Trustee to serve as a resource.



**REQUEST FOR PROPOSALS FOR
INCLINE VILLAGE GENERAL
IMPROVEMENT DISTRICT FOR
GENERAL COUNSEL LEGAL
SERVICES**

REQUEST FOR PROPOSALS FOR INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT FOR GENERAL COUNSEL LEGAL SERVICES

The Incline Village General Improvement District (IVGID or District) is requesting proposals from qualified law firms to provide legal services to the District serving in the capacity of General Counsel, in addition to advising on matters related to a broad range of general legal services.

I. ABOUT IVGID

1. District Overview: The District is a General Improvement District, established under Nevada Revised Statutes (NRS) Chapter 318 and chartered to provide water, sewer, trash and recreation services for over 9,000 residents in the communities of Incline Village and Crystal Bay, Nevada. Within the limits of the NRS, IVGID is empowered to determine what facilities and services it should offer that will preserve or enhance the general health, safety and welfare of the community. For more information about the District, please visit: <https://www.yourtahoeplace.com/ivgid>.
2. Governing Board: IVGID is governed by an elected five-member Board of Trustees that serve staggered four-year terms of office.
3. Organization: The District has approximately 112 full time employees, structured under departments that serve under the direction of a General Manager. Departments include Public Works, Community Services, and Administration.

II. SCOPE OF WORK

Services to be Provided Regularly

1. Provide advice to the Board of Trustees and District Management Staff on matters of law including, but not limited to, the Open Meeting Law, NRS 318, Ethics Law, conflict of interest issues, the Public Records Act, and parliamentary procedures.
2. Attend all regular and special Board meetings. Regular Board Meetings are held at 6:00 p.m. on the 2nd and last Wednesday of each month.
3. Attend all meetings of the IVGID Audit Committee. The IVGID Audit Committee meets as needed.
4. Attend all meetings of the Board Advisory Committees; presently there are two – Capital Projects Investment Committee and Golf Committee. These meetings are scheduled to be held via Zoom however there might occasionally be an in person meeting requiring attendance.
5. Attend other meetings as requested by the Board of Trustees, General Manager, or other designee.
6. Provide regular updates on items of specific legal concern of the District as well as on current general topics of interest.
7. Provide advice to the Board of Trustees and District Management Staff on commencement or defense of litigation to protect IVGID's interests, and litigation of such issues, as directed.
8. Prepare and/or review ordinances, resolutions, Board packets, contracts, memoranda of understanding and other agreements entered into by IVGID.
9. Provide written updates on new State and Federal regulations, legislation, and judicial decisions or other activities impacting or having the potential to impact IVGID, and suggest

REQUEST FOR PROPOSALS FOR INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT FOR GENERAL COUNSEL LEGAL SERVICES

- actions to affect the outcome of those activities or, once implemented, changes needed in District policies, procedures and operations to ensure compliance.
10. Research and interpret laws, court decisions and other authorities in order to prepare legal opinions to advise the Board and staff on legal matters pertaining to District interests.
 11. Review contracts, bid specifications, and purchasing documents for the purposes of legal and policy compliance, appropriate risk avoidance and transfer, and manufacturer’s defect protection.
 12. Consult with Board and staff on personnel, labor relations, retirement, forced staff reductions, litigation, worker’s compensation, and other matters concerning District business as requested.
 13. Provide legal assistance and consultation to the Board and staff as requested on matters of property acquisition, eminent domain, property rights and property management, trespass, encroachment, lease agreements, lessee obligations, easements, and access.
 14. Coordinate and attend weekly meetings with District Staff to provide guidance on contracts and other legal items.

III. PROPOSAL SCHEDULE

The tentative schedule is as follows:

1. Proposals due at IVGID Office: _____
2. Interviews: _____
3. Finalist Negotiations Complete: _____
4. IVGID Board Selection: _____
5. Implementation Date: _____

IVGID expects, but does not guarantee, that the decision or selection of a firm will be made by the Board of Trustees on the date indicated.

IV. The Proposal

1. Statement of Qualifications

Responding firms shall provide a clear description of the size and experience of the firm in providing legal guidance in all areas of general governance for general improvement districts and similar Nevada public agencies. The proposal should include the complete resumes of all attorneys and associates that will be assigned to the District contract, including membership status in the Nevada State Bar.

The proposal should also provide:

- A. A description of the firm’s current workload and the firm’s ability to perform work required on a timely basis.
- B. A full description of any areas of possible conflict of interest.
- C. The geographic location of the firm’s office(s) and the location of the primary staff to be assigned to this contract.

REQUEST FOR PROPOSALS FOR INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT FOR GENERAL COUNSEL LEGAL SERVICES

- D. A statement of the firm’s experience and qualifications that make it uniquely qualified to represent the District in current and future general counsel matters with reference to the items listed in Section II of this RFP.
- E. A list of a minimum of three references comprised of clients for which the firm has competed similar work, including their contact information.
- F. The limits of your professional liability insurance coverage.
- G. A draft legal services agreement.

2. Fee Proposal

Responding firms should provide a fee proposal listing the hourly billing rates for each attorney that will be assigned to the contract. The fee proposal should also list hourly billing rates for Paralegal, Legal Assistant, and clerical and administrative support services. Indicate the increment of billing time associated with billing by hourly rate.

The District will consider alternative proposals, including a lump sum retainer for all or certain services. If a retainer is proposed, indicate the amount and the maximum chargeable hours assumed in the retainer. Include the proposed hourly rates above the maximum. If a combination of retainer and hourly, indicate what services would be covered by the retainer and what would be covered hourly. Indicate how/whether travel time and other reimbursable expenses will be billed, including the hourly rate for travel.

V. PROCEDURE FOR SUBMITTING PROPOSALS

Proposals will be accepted by the Director of Administrative Services until _____. Each firm responding to this RFP must submit a written copy of the proposal in a sealed envelope, plainly marked:

“Proposal for the Incline Village General Improvement District for General Counsel Legal Services”

Proposals shall be addressed to: Ms. Susan Herron
Director of Administrative Services
IVGID
893 Southwood Boulevard
Incline Village, NV 89451

Questions regarding this Request for Proposal (RFP) shall be directed only to Ms. Susan Herron, Director of Administrative Services. Do not contact any other IVGID employee, official, or consultant regarding this RFP. Doing so may disqualify the proposer. Answers to all questions will be issued to all prospective proposers via e-mail.

VI. PROPOSAL EVALUATION

Evaluation of the proposals will be based upon a competitive selection process. It will not, however, be limited to price alone.

- 1. The Process

**REQUEST FOR PROPOSALS FOR INCLINE VILLAGE GENERAL IMPROVEMENT
DISTRICT FOR GENERAL COUNSEL LEGAL SERVICES**

- A. All proposals will be evaluated, references will be checked and the final firms may be invited to an interview during the month of _____. Approximately one (1) hour will be available for each interview to insure that each firm has ample time to present its credentials.
- B. Consultant must satisfy IVGID of its ability to perform the services required. Consultant must demonstrate and document a history of timely and satisfactory performance of similar projects in a manner which addresses the stated criteria. Consultant shall be responsible for the accuracy of the information supplied concerning references.
- C. IVGID reserves the right to request additional information from each applicant.
- D. IVGID reserves the right to reject all proposals submitted, and no representation is made hereby that any contract will be awarded pursuant to this RFP. IVGID accepts no financial responsibilities for costs incurred by any consultant regarding this RFP.
- E. All proposals submitted to IVGID shall become the property of IVGID and may be disclosed publicly.
- F. Consultant may withdraw its proposal, either in person or by telegraphic or written request; it should, however, do this prior to the time set for opening of proposals.

2. Evaluation Criteria

A. Mandatory Elements

- 1) The firm is independent and properly licensed to practice in the State of Nevada.
- 2) The firm has no conflict of interest with regard to any other work performed by the firm for IVGID.
- 3) The firm adheres to the instructions in this RFP on preparing and submitting the proposal.

B. Technical Qualifications

- 1) Expertise and Experience
 - a. The firm's past experience and performance on comparable private/governmental engagements.
 - b. The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
 - c. References
- 2) Interest Letter
 - a. Understanding of work to be done.
 - b. Firm's statement on why it believes itself to be best qualified.
 - c. Local experience and knowledge of local conditions.

C. Price

- 1) Proposals will be evaluated to determine the best economic value of the proposal.

D. Final Selection

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- 1) The Board of Trustees will make a final selection.

VII. MISCELLANEOUS

1. Amendments to Proposals: No amendment, addendum or modification will be accepted after a proposal has been submitted to IVGID. If a change to a proposal that has been submitted is desired, the submitted proposal must be withdrawn and the replacement proposal submitted to the District prior to the deadline for proposal submittals.
2. Cancellation of RFP: IVGID reserves the right to cancel this RFP at any time prior to contract award without obligation in any manner for proposal preparation, interview, fee negotiation or other marketing costs associated with this RFP.
3. No Commitment to Award: Issuance of this RFP and receipt of proposals does not commit IVGID to award a contract. IVGID expressly reserves the right to postpone the proposal for its own convenience, to accept or reject any or all proposals received in response to this RFP, to negotiate with more than one Proposer concurrently, or to cancel all or part of this RFP.
4. Right to Negotiate and/or Reject Proposals: IVGID reserves the right to negotiate any price or provision, task order or service, accept any part or all of any proposals, waive any irregularities, and to reject any and all, or parts of any and all proposals, whenever, in the sole and absolute discretion of IVGID, such action shall serve its best interests and those of the tax-paying public. The Proposers are encouraged to submit their best prices in their proposals, and IVGID intends to negotiate only with the Proposer(s) whose proposal most closely meets IVGID's requirements at best value. The Agreement, if any is awarded, will go to the Proposer whose proposal best meets IVGID's requirements.

Publication Date of RFP: _____