REQUEST FOR QUALIFICATIONS

LEGAL SERVICES - GENERAL COUNSEL

McHenry County Conservation District
18410 US Highway 14
Woodstock, IL 60098

Submission Deadline: Thursday, January 30, 2020, 10 a.m. CST
MCCD@MCCDistrict.org
INTRODUCTION
The McHenry County Conservation District is interested in contracting for Legal Services. The District hereby requests qualifications from experienced attorneys/firms to provide District officials and staff with legal services as set forth in this solicitation.

REQUEST FOR QUALIFICATIONS
Attorneys/Firms are invited to submit sealed proposals, subject to conditions and instructions as specified for the furnishing of Legal Services.

GENERAL SCOPE OF SERVICES
The McHenry County Conservation District invites proposal submissions from firms interested in providing legal services for general corporate counsel. The successful firm will demonstrate proven technical competence including specialized experience in providing professional legal services for local governments and special district agencies such as Illinois Conservation Districts, Forest Preserve Districts or Park Districts.

RECEIPT OF RESPONSES
Sealed Responses Due Date: January 30, 2020, 10 a.m. CST

Sealed Responses for Legal Services must be delivered to the McHenry County Conservation District (hereinafter referred to as “the District”) at 18410 US Highway 14, Attn: Executive Director Elizabeth S. Kessler, Woodstock, Illinois 60098 on or before, but no later than 10 a.m. CST on Thursday, January 30, 2020. Responses will not be publicly opened. Each attorney/firm shall be required to submit copies of their respective response documents, in a sealed envelope or box as detailed in the RFQ - Scope of Services.

QUESTIONS
All comments or concerns regarding the Request for Qualifications (RFQ) shall be addressed to Executive Director, Elizabeth S. Kessler, via email at EKessler@MCCDistrict.org. All such e-mails must contain “Legal Services” in the subject line of the e-mail. This will allow for responses to go to all Attorneys/Firms in the event that the question has a pertinent relevance to all those involved. All questions must be received by January 20, 2020 at 10 a.m. CST.

For information on how to receive a copy of the Request for Qualifications and any addenda contact District Administration at 815-338-6223, ext. 1234 or visit the McHenry County Conservation District website at www.mccdistrict.org.
SCOPE OF SERVICES REQUESTED

I. Organizational Background
The District is a separate, autonomous, special-purpose taxing district created by a group of ecologically conscientious citizens in 1971 and supported by the Illinois Conservation District Act of 1963. It is governed by a seven-member, volunteer Board of Trustees who each serve a five-year term.

The District exists to preserve, restore, and manage natural areas and open spaces within McHenry County for their intrinsic value and for the benefit of present and future generations. The District owns and manages more than 25,569 acres of open space, which consists of diverse woodlands, prairies, wetlands, ponds, creeks, and rivers. Within the District’s land holdings there are (17) dedicated State Nature Preserves and (34) sites open to the public; featuring hiking, bicycle, equestrian, cross-country skiing and snowmobile trails, picnic shelters, camp sites, fishing sites, educational facilities, cultural sites and rare, threatened and endangered plants and animals. Safety and security at its sites and programs are provided by the District’s police department; consisting of a well-trained staff of police officers, who are certified under the laws of the State of Illinois with full arresting authority.

II. Responsibility of the General Counsel to the District
The District’s General Counsel will provide counsel to the Board of Trustees, Executive Director and staff regarding routine and specialized matters pertaining to District operations. The District Attorney is appointed by the Board of Trustees. The District Attorney performs duties assigned by the Executive Director or his/her designee and the District Board of Trustees.

Submitted proposals should include a specification of the services which the Attorney/Firm proposes to perform for the District, including the nature of such services and the necessity for them.

Attorney/Firms are encouraged to suggest innovative ways whereby legal services could be provided to the District more efficiently and effectively.

It is expected that General Counsel will:

A. Represent the District in all general corporate legal matters, ensure District compliance with the requirements of FOIA, the Open Meetings Act, Gift Ban and conflict of interest laws and serve as the District’s parliamentarian.

B. Be available during all reasonable hours, including weekends and holidays, for consultation with the District Board of Trustees, Executive Director or his/her designee.

C. Be thoroughly familiar with the Illinois Conservation District Act (70 ILCS 410/) and the ordinances and policies of the District as well as being familiar with the Park District Risk Management Agency (PDRMA).

D. Advise Board of Trustees, Executive Director and staff on legal matters affecting the District, including preparing written legal opinions at the request of the Board of Trustees or Executive Director, including options which give priority to resolution without litigation.

E. Draft and or/review contracts, ordinances, intergovernmental agreements and other legal documents.

F. Provide legal assistance as needed in conjunction with project implementation.
G. Perform review of policies.

H. Provide legal counsel in the general operations of the Conservation District.

I. Provide consultation on planning and development issues including: the purchase and sale of land; annexations; condemnations; conveyances; and easements.

J. Make recommendations for compliance with county, state and federal mandates.

K. Advise on employment issues as requested.

L. Maintain communications and participate in meetings and conference calls with the Executive Director, staff or Board of Trustees as needed.

M. Review monthly board packet information.

N. Attend all regular and special meetings of the Board of Trustees as needed. Meetings of the Board of Trustees occur on the third Thursday and the following Tuesday of every month at 5 p.m.

O. Coordinate with lawmakers to effect necessary change.

III. RFQ Submission Process, Due Date and Required Documents

Each Attorney/Firm shall submit one hard copy of its response that is labeled “Original”, two (2) hard copies as well as one (1) digital file on USB Flash Drive in .pdf format of the response, including all required forms and supporting documentation, must be addressed and delivered to the address listed below, which is the address to be used for all communication in connection with this request.

In addition, attorneys/firms may include any other supporting documents that they wish to submit for review. These additional supporting documents should not exceed 10 pages. The entire proposal should not exceed 25 pages. All submittals shall be bound and on 8.5” x 11” paper and one digital copy on USB Flash Drive in .pdf format.

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An Evaluation Committee will review and evaluate all the submittals. The Evaluation Committee will check client references. The recommendation of the Evaluation Committee will be subject to approval by the Board of Trustees.

Interviews may be conducted at the District’s discretion.

Exhibit “A” reflects the criteria used for evaluation and interview.

Exhibit “B” is the Schedule of Prices for Legal Services and must be included as part of the submittal and placed in sealed and marked envelope.

Attorney/Firms interested in providing services requested, must respond in writing by the date specified. All submissions become the property of the District and will not be returned to the Attorney/Firms. All costs associated with submission preparation will be borne by the submitter. The contents of the proposal submitted by the successful firm will be referenced with any contract.
awarded as a result of this request for proposal. Firms should note that all information submitted is subject to public access via the Freedom of Information Act.

IV. **Schedule of Selection Process - Timeline**

   Notice of Intent                  Monday, December 9, 2019
   RFQ Documents Released           Monday, January 6, 2020
   RFQ Questions Date               Monday, January 20, 2020, 10 a.m. CST
   RFQ Submission Date              Thursday, January 30, 2020, 10 a.m. CST
   First Interview: In-Person/Phone Interviews w/ Evaluation Committee Week of February 17-21, 2020
   Finalists: In-Person Interviews w/ Board of Trustees Week of March 2-5, 2020
   Selection Date                   March 24, 2020
   Estimated Contract Start-Date    On or before May 1, 2020

V. **Insurance Requirements and Quality Assurance**

   The District requires evidence of Professional Liability Insurance Coverage. Attorney/Firm shall procure and maintain, for the duration of the Contract, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by the Attorney/Firm, agents, representatives, employees or subcontractors.

VI. **Development of an Agreement - Fees, Length of Contract and Renewal Terms**

   The District intends to negotiate an agreement for Legal Services. If an acceptable agreement cannot be negotiated within an acceptable time period from the date of Attorney/Firm selections, negotiations with the next-ranked Attorney-Firm may be initiated.

VII. **Contents of Response Requirement/Selection Criteria**

   Each submittal will be evaluated to determine the ability of each firm to provide the required services. The recommendation of the Evaluation Committee will be subject to approval by the McHenry County Conservation District Board of Trustees.

   A. **Introduction to Attorney/Firm**
      The Introduction to Attorney/Firm must include a brief overview of the key elements of your response. Please highlight any features or areas that differentiate your services from competitors and any specializations or solutions for local government.

   B. **Services - Qualifications and Experience**
      Submitted proposals should include a specification of the services which the Attorney/Firm proposes to perform for the District, including the nature of such services and the necessity for them. Use examples to demonstrate the Attorney/Firm’s experience, service profile, philosophy and approach to service delivery in representing local governments and special district agencies such as Illinois Conservation Districts, Forest Preserve Districts or Park Districts.

   C. **Resumes and Organization**
      Proposals submitted should include the resumes of each attorney and support staff in the firm who would be assigned to work with the District. The person appointed to
be the principal contact must be designated and available to be interviewed before proposal acceptance.

Proposals should also include a brief history and description of your firm (years in business, type of ownership, size of firm, professional affiliations, accreditations or awards that indicate a high-level of service and mission/vision); and the nature of the firm’s previous and current experiences with units of local government in the Chicago metropolitan area.

D. Evidence of Insurance
Provide an explanation of insurance coverage and limits customarily covered by the Attorney/Firm.

E. References
Provide at least five (5) references consisting of Illinois conservation districts, forest preserve districts, park districts and local government clients with the primary contact of each client and current addresses and phone numbers.

F. Disclosures
A statement describing existing or potential conflicts of interests which might affect the Attorney/Firm’s ability to represent the District.

Provide statement and brief explanation on any pending litigation or complaints filed against Attorney/Firm and Firm’s employees within the past five (5) years and the disposition thereof.

G. Schedule of Prices
A completed Schedule of Prices (Exhibit B) which will include the following:
- Schedule of hourly rates (including weekend/holiday rates);
- Charges for services of paralegal, copying, computer research, travel and out-of-pocket expenses;
- Fees for any additional or optional services;
- Itemized list of fees per task, discipline;
- Flat fee for specific project tasks e.g. contract review; and
- Client response policy.

Creative proposals for alternative billing methods (other than entirely on the basis of hourly rates) by which your firm can provide effective legal services to the District on a more economical basis are welcomed and solicited.

Fees proposed in these submissions shall be valid for one year.

VIII. Request Additional Information
The District reserves the right to request any further additional documentation that it deems necessary for the review and award process.

IX. Reservation of Rights/Cancellations
The District reserves the right to cancel this request for professional services at any time, to elect not to award the work listed, to reject any or all of the responses received, to waive any informality in any response received, and is the sole judge of the merits of the respective responses received.
EXHIBIT A
RESPONSE REVIEW AND EVALUATION CRITERIA

The District will establish an Evaluation Committee to review and evaluate the written responses to the RFQ in accordance with the evaluation criteria identified. The Evaluation Committee will check client references. The District reserves the right to reject any and all submissions and to waive informalities and minor irregularities in submissions received and to accept any submissions deemed to be in the best interest of the District.

Attorney/Firm Ranking
Based on the results from the written responses to the RFQ and client reference responses, the Evaluation Committee will select and conduct in-person/phone interviews. Following first interviews, finalist(s) will be invited to meet with the Board of Trustees and provide presentations and respond to questions. Contract negotiations will proceed with the top-ranked firm.

Evaluation Criteria
The following criteria will be used to evaluate the written qualification submissions of the Attorney/Firm along with interviews of current clients and responses of the Attorney/Firm during the interview selection process (these are not listed in order of importance).

- Standards regarding response time to requests for service
- Demonstrated expertise and ability in the following areas:
  - Local Government - Special Districts: Conservation, Forest Preserve or Park Districts
  - Public Finance (advising the district regarding its budget and revenue sources, such as the applicable property tax levy, the authority to issue bonds, joint ventures with private or public entities, private or public agency grants, and tax-exempt foundations;
  - Labor and Employment Law; and
  - Risk Management
- Experience working on different projects (ex. litigation, land acquisition, intergovernmental agreements, land use, construction/public works projects, etc.)
- Knowledge and understanding of the Conservation District Act and other statutes applicable to conservation district operations:
  - Experience in the preparation of voter referenda.
  - Experience interacting with the McHenry County Board and the Illinois General Assembly.
- Ability of the Attorney/Firm to understand and work well with Board of Trustees, Executive Director, staff and partner organizations
- Disclosures
  - Conflict of Interest. Does the Attorney/Firm currently represent a unit of local government in McHenry County in which there would be a real and/or perceived conflict of interest?
  - Complaints/Suits. Have any complaints/suits been filed against the Firm/Employees within the past five (5) years? Disposition thereof.
- Qualifications of Attorneys of the Firm
- References
- Fee Schedule

Weighted Rankings
All responses will be ranked and weighted in four categories:
- Services (25%)
- Qualifications and Experiences (25%)
- References and Resumes (20%)
- Affiliations, Awards, and Accreditations (5%)

Any response that substantially fails to meet the requirements set forth in the instructions may not process forward to the point value evaluation step.
Once all submittals have been reviewed, the Schedule of Prices (Exhibit B) will be opened. The final category Cost will be taken into consideration in order to complete the selection process.

- Cost (25%)
EXHIBIT B
SCHEDULE OF PRICES - LEGAL SERVICES

**IMPORTANT:** Include in a separately sealed and marked envelope.

TO: The McHenry County Conservation District

FROM: __________________________________________

(Full Name of Attorney/Firm)

The undersigned, declares that it has carefully examined the Scope of Services and the Legal Services RFQ, and it proposes and agrees, if this proposal is accepted, that it will contract with the McHenry County Conservation District, in the form of a Professional Services Agreement, to complete the work titled “Legal Services”, and that it will take in full payment as set forth in the following Schedule of Prices.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PER MEETING</th>
<th>QUANTITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Preparation &amp; Attendance</td>
<td>$</td>
<td>12 to 24 Meetings Year - Avg. Length 2 to 4 Hours</td>
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<tr>
<td>-Flat Rate or Hourly</td>
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<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>EST. AVG. HOURLY RATE</th>
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<tr>
<td>General Corporate</td>
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<tr>
<td>Special Projects</td>
<td>$</td>
</tr>
<tr>
<td>Litigation</td>
<td>$</td>
</tr>
<tr>
<td>*Other</td>
<td>$</td>
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<table>
<thead>
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<th>CATEGORY</th>
<th>WEEKDAY HOURLY RATES</th>
<th>WEEKEND/HOLIDAY HOURLY RATES</th>
<th>OTHER</th>
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<tr>
<td>Of Counsel</td>
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<td>Paralegal</td>
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<tr>
<td>Other</td>
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<table>
<thead>
<tr>
<th>CATEGORY</th>
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<tr>
<td>Computer Research</td>
<td>$</td>
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<tr>
<td>Travel</td>
<td>$</td>
</tr>
<tr>
<td>Out of Pocket-Incidentals</td>
<td>$</td>
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*If your firm provides additional services, please attach a page describing the optional service (e.g., drafting legislation/public policy, environmental law, etc.) and the cost for that service as well as any ongoing costs for that service.

________________________________  __________________________________
(Date)      (Phone)

________________________________  __________________________________
(Signature)     (E-Mail)

________________________________
(Print Name)