

MEETING DATE: March 22, 2018

TITLE: Authorization to Release Request for Qualifications for Professional Services

RESOLUTION NUMBER: 18-025

PREPARED BY: Cathy Reynolds

E-MAIL: creynolds@minnehahacreek.org

TELEPHONE: 952-641-4503

REVIEWED BY: Administrator Counsel Program Mgr. (Name): _____
 Board Committee Engineer Other

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): Approval at the March 22 Board Meeting	

PURPOSE or ACTION REQUESTED:

Authorization to release Request for Qualifications (RFQ) for Professional Services for Accounting, Legal, Engineering, Government Relations and Information Technology.

PROJECT TIMELINE:

- Week of March 26 – RFQs will be issued the week of March 26
- Week of April 23 – Response deadline
- May 10 – Staff recommendation to the Board of Managers
- June 1 – Signed Contract in Place

SUMMARY:

Pursuant to Minnesota Statute 103B.227 a watershed District is required to solicit interest proposals for legal, professional or technical consultant services at least every two years. MCWD professional services subject to this requirement include:

- Accounting
- Legal Services
- Engineering Services
- Government Relations
- Information Technology Managed Services

Requests for Qualifications (RFQ) will be submitted to the state register, distributed to qualified companies in the Twin Cities metropolitan area, posted on the District's website, and published in the District's official newspaper.

Following review of qualified responses, staff will recommend final selection to the Board of Managers on May 10, 2018.

ATTACHMENTS:

1. **RFQ – Accounting**
2. **RFQ – Legal Services**
3. **RFQ – Engineering Services**
4. **RFQ – Government Relations**
5. **RFQ – Information Technology Managed Services**

RESOLUTION

RESOLUTION NUMBER: 18-025

TITLE: Authorization to Release Request for Qualifications for Professional Services

WHEREAS, pursuant to Minnesota Statutes 103B.227 at least every two years watershed districts are required to solicit responses for professional services before retaining the services of a consultant; and

WHEREAS, professional services needed by the MCWD, and subject to 103B.227 include:

- Accounting
- Legal Services
- Engineering Services
- Government Relations
- Information Technology Managed Services

WHEREAS, District staff have prepared, and the MCWD Board has reviewed, the Request for Qualifications and Scope of Services for professional services.

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to issue a request for qualifications for the following professional services: accounting, legal, engineering, government relations, and information technology.

Resolution Number 18-025 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: _____.

Secretary

Date: _____

Request for Qualifications – Accountant

Overview:

Minnehaha Creek Watershed District (MCWD) Accountant shall provide an ongoing process of setting the accounting parameters within which the District will operate to protect the fiduciary interests of the District by identifying the financial consequences of choices; discuss alternative solutions; educate the Board and Administrator about the accounting issues involved; and inform the District Administrator or Treasurer, of laws, regulations, and accounting practices that might affect District finances. In this function, District Accountant shall routinely review and assess District accounts as well as bookkeeping practices and procedures to consider, among other things, whether they are 1) consistent with acceptable governmental practice, 2) consistent with federal and state laws and regulations, and 3) likely to protect the financial interests of the District.

The District Accountant shall possess considerable experience in 1) watershed bookkeeping, 2) laws, regulations and practices relative to municipal/government accounting.

Scope of Services

General Accounting Services on Retainer

The District Accountant shall provide an ongoing process of setting the accounting parameters within which the District will operate to protect the fiduciary interests of the District by:

- 1) Identifying the financial consequences of choices;
- 2) Discuss alternative solutions; educate the Board and administrator about the accounting issues involved; and
- 3) Inform the District Administrator and Treasurer, of laws, regulations and accounting practices that might affect District finances

In this function, the District Accountant shall routinely review and assess District accounts as well as bookkeeping practices and procedures to consider, among other things, whether they are 1) consistent with acceptable governmental practice, 2) consistent with federal and state laws and regulations, and 3) likely to protect the financial interests of the District.

Retainage shall also provide for:

- 1) Payroll, including direct deposits and withdrawals, payroll tax liabilities, quarterly reports, annual reports (e.g. w-2, 1099 etc.), tracking accruals, benefits, garnishments, deferred compensations, etc.
- 2) Monthly accounting, including accounts payable, financial statements, PERA, account reconciliation, etc.
- 3) Monthly financial tracking of operational expenses and cumulative legal and engineering costs.
- 4) Quarterly meetings with the District Administrator and Treasurer.
- 5) Maintain a duplicate set of financials reports, books, payroll, and other documents relating

to the District.

Understanding of State, Regional and Local Government and Watershed Management

- 1) The District Accountant will demonstrate a current understanding of accounting practices and other issues relative to financial management of watershed districts.
- 2) The District Accountant will possess a high professional regard among his/her peers.

Additional Services

Upon written request of the District Administrator or his/her designee, Accountant shall provide the following additional services:

- 1) Budgeting Assistance – The District Accountant shall provide assistance in connection with the preparation of the MCWD annual budget and tax levy.
- 2) All other accounting services he/she is qualified to provide and authorized by the District Administrator.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the Policy of the District that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the District without prior written approval from the District Administrator.

District Policy Related to Non-Discrimination

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

Submittal Requirements (please limit your response to 5 pages or less):

1. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
2. The names and qualifications of accountants/bookkeepers working for MCWD.
3. A list of other staff, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
4. A list of sub-consultants, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
5. The proposed fee structure including those charged by sub-consultants.

Request for Qualifications – Legal Services

Overview:

Minnehaha Creek Watershed District (MCWD) Counsel shall provide an ongoing process of setting the legal parameters within which the District will operate to avoid litigation or other legal disputes by identifying the legal consequences of choices; discuss alternative solutions; educate the Board about the legal issues involved; and inform the District Administrator or project managers of laws, regulations, and judicial decisions that might affect District rules, policies or practices (e.g. preventative law). In this function, District Counsel shall routinely review and assess District rules and policies as well as organizational practices and procedures to consider, among other things, whether they are 1) consistent with acceptable governmental practice; 2) consistent with federal and state laws and regulations, and case law; and 3) likely to produce fair/equitable outcomes.

District Counsel shall possess considerable experience in 1) watershed/environmental law and policy development, 2) ditch law, 3) municipal/governmental law and land use regulation, 4) real estate law, 5) employment law, 6) public sector contract law, 7) conflict resolution and mediation, and 8) litigation.

Scope of Services

1. General Legal Services on Retainer

Attorneys will provide general, ongoing legal counsel to the MCWD Board of Managers through an ongoing process of setting the legal parameters within which the District will operate to avoid litigation or other legal disputes by identifying the legal consequences of choices; discussing alternative solutions; educating the Board about the legal issues involved; and informing the District Administrator or project managers of laws, regulations, and judicial decisions that might affect District rules, policies or practices. In this function, District Counsel shall routinely review and assess District rules and policies as well as organizational practices and procedures to consider, among other things, whether they are 1) consistent with acceptable governmental practice 2) consistent with federal and state laws and regulations, and case law, and 3) likely to produce fair/equitable outcomes.

Retainage shall also provide for:

- 1) The preparation for and attendance at any Board or Committee meeting of the MCWD, including the review of relevant correspondence or agenda materials in connection with said meetings and any advice and opinions rendered therein;
- 2) The preparation of Board meeting minutes in a timely manner.
- 3) Advice or response to routine questions from Board members or staff to assure that watershed activities are carried out in accordance with applicable district rules and policies and within proper legal and ethical requirements and standards.
- 4) The retention of original bond documents and copies of contracts, agreements, and other documents established by Board resolution and the retrieval of said

documents that are considered “active” or that have been archived for 5 years or less.

2. Litigation, Enforcement Actions, and Other Special Matters

Upon Board resolution, Counsel will provide representation for the MCWD in litigation, preparation for litigation, investigation, negotiation, compromise or settlement of claims made against or on behalf of the MCWD, or enforcement actions initiated by the MCWD in the enforcement of its rules or permit conditions, including legal advice and representation in administrative or judicial proceedings.

3. Legal Services for Management Planning, Capital Improvement Projects, and Interagency Agreements.

Upon written request of the District Administrator or his/her designee, Counsel shall provide legal counsel for the MCWD in connection with management planning activities; the development, implementation, and enforcement of rules relating to same; negotiation and drafting of contracts, interagency agreements or resolutions; and legal counsel concerning the initiation, financing, and implementation of capital improvement projects, including any necessary acquisition and/or disposition of property or other interests in real estate.

4. Maintain a duplicate set of all contracts, agreements, and other documents relating to issues of concern to the District.

Understanding of State, Regional and Local Government and Watershed Management

1. Counsel will demonstrate a current understanding of issues relative to District governance, projects, or programs.
2. Counsel will demonstrate a current understanding of watershed management.
3. Council shall be aware of state and regional plans and priorities related to watershed and natural resource management.
4. Counsel will possess a high professional regard among his/her peers.

Additional Services

Upon written request of the District Administrator or his/her designee, Counsel shall provide the following additional services:

1. Preparation of contracts, agreements and supporting documents.
2. Assistance with matters related to employment law, employee discipline, and employee termination.
3. All other legal services he/she is qualified to provide and authorized by the District Administrator.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the Policy of the District that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the District without prior written approval from the District Administrator.

District Policy Related to Non-Discrimination

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

Submittal Requirements (please limit your response to 5 pages or less):

1. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
2. The names and qualifications of attorneys working for the district.
3. A list of other staff, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
4. A list of sub-consultants, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
5. The proposed fee structure including those charged by sub-consultants.

Request for Qualifications – Engineering Services

Overview:

Minnehaha Creek Watershed District (MCWD) Engineer shall assist in an ongoing process of setting and implementing the water management parameters within which the District will operate by:

- Identifying the technical consequences of choices;
- Discuss alternative solutions;
- Educate the Board and staff about the technical and regulatory issues involved; and
- Inform the District Administrator or project managers of the consequences of decisions that may affect natural resources within the District.

In this function, District Engineer shall routinely review and assess District water management plans, studies, capital programs and procedures to consider, among other things, whether they are 1) consistent with acceptable engineering practices, 2) achieve District goals, and 3) likely to produce positive, cost effective outcomes.

The District Engineer shall possess considerable experience in 1) watershed/natural resource planning and engineering, 2) construction management, 3) municipal/governmental permitting and land use regulation as it applies to watershed programs and projects, 4) hydrologic, hydraulic, and pollutant modeling, 5) Federal, state, and regional programs related to watershed and natural resource management, 6) limnology, 7) groundwater and hydro-geology, and 8) public involvement.

Scope of Services

General Engineering Services on Retainer

The MCWD Engineer shall assist in an ongoing process of setting and implementing the water management parameters within which the District will operate by:

- Identifying the technical consequences of choices;
- Discuss alternative solutions;
- Educate the Board and staff about the technical and regulatory issues involved; and
- Inform the District Administrator or project managers of the consequences of decisions that may affect natural resources within the District.

In this function, District Engineer shall routinely review and assess District water management plans, studies, and capital programs and procedures to consider, among other things, whether they are 1) consistent with acceptable engineering practices 2) achieve District goals, and 3) likely to produce positive, cost effective outcomes.

Retainage shall also provide for:

1. The preparation for and attendance at any Board or Committee meeting of the MCWD, including the review of relevant correspondence or agenda materials in connection with said meetings and any advice and opinions rendered therein;
2. Advice or response to routine questions from Board members or staff to assure

- that watershed activities are carried out in accordance with sound engineering and natural resource management standards and practices.
3. The retention of copies of plans, studies, data and other documents and the retrieval of said documents that are considered “active” or that have been archived for 5 years or less.
 4. Other activities as negotiated under contract.
 5. Maintain a duplicate set of all studies, plans, designs, and other documents relating to issues of concern to the District.

Understanding of State, Regional and Local Government and Watershed Management

1. The District Engineer will maintain a current understanding of issues relative to District policies, projects, or programs.
2. The District Engineer will demonstrate a current understanding of watershed and natural resource management.
3. The District Engineer shall be aware of state and regional plans and priorities related to watershed and natural resource management.
4. The District Engineer will possess a high professional regard among his/her peers.

Additional Services

Upon written request of the District Administrator or his/her designee, The District Engineer shall provide the following additional services:

1. Review and comment on plans, studies, designs, and other documents prepared by other engineering consultants.
2. The preparation of studies, plans, and designs to implement activities identified in the MCWD Water Management Plan.
3. Construction and/or Project management.
4. Water quality and flow monitoring, data analysis and repair and calibration of water monitoring equipment.
5. Assist staff with permit review and compliance issues.
6. All other engineering services he/she is qualified to provide and authorized by the District Administrator.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the Policy of the District that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the District without prior written approval from the District Administrator.

District Policy Related to Non-Discrimination

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is

protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

Submittal Requirements (please limit your response to 10 pages or less):

1. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
2. The names and qualifications of engineers and scientists that may be working on MCWD projects/programs.
3. A list of other staff, their qualifications and a description of the type of activities they will do on behalf of the MCWD.
4. A list of sub-consultants, their qualifications and a description of the type of activities they will do on behalf of the MCWD.
5. The proposed fee structure including those charged by sub-consultants.

Request for Qualifications – Lobbying Services

Overview:

Minnehaha Creek Watershed District (MCWD) Lobbyist shall provide an ongoing process of advancing the interests of the MCWD by assisting in the development and promotion of the District's legislative agenda and by:

- Identifying the legislative consequences of choices;
- Discuss alternatives;
- Educate the Board and District staff about the issues involved; and
- Inform the District Administrator of potential legislation that might affect District governance, programs, or operations.

In this function, District Lobbyist shall possess an understanding of current MCWD programs and priorities; establish and maintain a professional relationship with key legislators and other elected or appointed officials and agency representatives; and seek to advance MCWD priorities in formal and informal settings.

The District Lobbyist shall possess considerable experience in 1) legislative process, 2) watershed/natural resource governance, and 3) agency and local government, as related to water and natural resource management. In addition, the District Lobbyist will have a working knowledge of the statutes and rules under which watersheds operate.

Scope of Services

General Lobbyist Services on Retainer

The District Lobbyist shall provide government relations services as outlined above, including lobbying services during regular legislative sessions and advocacy services on behalf of the client for the remaining months of the agreement. During the legislative session the Lobbyist shall provide semi-monthly written legislative updates to the District Administrator and Board of Managers and meet with a representative of the MCWD regularly.

Retainage shall also provide for:

- 1) The preparation for and attendance at Board or Committee meetings of the MCWD in which MCWD legislation is discussed, including the review of relevant correspondence or agenda materials in connection with said meetings and any advice and opinions rendered therein.
- 2) The preparation of the MCWD legislative platform.
- 3) The development of strategic partnerships to advance District interests.
- 4) Advice or responses to routine questions from Board members on legislative issues.
- 5) Maintaining a duplicate set of legislative agendas and actions.

Understanding of State, Regional and Local Government and Watershed Management

The District Lobbyist will:

- 1) Demonstrate a current understanding of issues relative to District governance, projects, or programs.
- 2) Maintain a current understanding of MCWD programs and activities.
- 3) Be aware of state and regional plans and priorities related to watershed and natural resource management.
- 4) Possess a high professional regard among his/her peers.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the Policy of the District that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the District without prior written approval from the District Administrator.

District Policy Related to Non-Discrimination

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

Submittal Requirements (please limit your response to 5 pages or less):

1. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
2. The names and qualifications of lobbyists working for MCWD.
3. A list of other staff, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
4. A list of sub-consultants, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
5. The proposed fee structure including those charged by sub-consultants.

Request for Qualifications – Information Technology Managed Services

Overview:

The intent of this proposal is to establish an Agreement with a qualified Proposer which will provide the Minnehaha Creek Watershed District (MCWD) with a proposal to provide Managed Services surrounding the MCWD's information technology infrastructure and operations. The MCWD Management and the Board of Managers are committed to improving the organization in regards to information technology operations and the components within the organizational environment to assure a solid foundation to support the current environment as well as future growth.

District Information Technology Managed Services Provider shall provide ongoing support and maintenance of the District's information technology (IT) system including:

- Proactive care and maintenance to provide stability, availability and reliability of the District IT systems;
- Data backup management with offsite replication;
- Server, network and workstation monitoring;
- Remote management and support tools;
- Customer service ticket tracking and reporting;
- Asset tracking and inventory;
- Anti-virus management;
- Hardware and Software patch management;
- Alignment of Provider and MCWD goals;
- Agreed upon service level agreements (SLA's)

Scope of Services

See attached Exhibit A.

Understanding of State, Regional and Local Government and Watershed Management

The District Information Technology Managed Services Provider will:

- 1) Maintain a current understanding of issues relative to District IT needs.
- 2) Demonstrate a current understanding of Data Practices Act (DPA) requirements applicable to MCWD relative to data storage and retrieval.
- 3) Be aware of state and regional opportunities and programs for partnerships related to information technology.
- 4) Possess a high professional regard among his/her peers.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the Policy of the District that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the District without prior written approval from the District Administrator.

District Policy Related to Non-Discrimination

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

Submittal Requirements (please limit your response to 5 pages or less):

1. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
2. The names and qualifications of consultants working for MCWD.
3. A list of other staff, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
4. A list of sub-consultants, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
5. The proposed fee structure including those charged by sub-consultants.

EXHIBIT A
SCOPE OF SERVICES

District Information Technology Managed Services Provider provide services in accordance with the scope of services outlined below and as discussed with the Operations Manager for MCWD

1. Managed Services

Managed Services will include the following:

- a) Provide ongoing maintenance of MCWD's client and server computing environment.
- b) Provide technical assistance and support for the MCWD's network, computers, peripheral devices and servers.
- c) Provide a needs assessment including hardware and software technology recommendations to allow MCWD to accomplish tasks and goals.
- d) Provide onsite installation and maintenance of our Onsite Manager (OM). The OM will provide us with up to date information on the health of the environment and alert our team of techs of issues. Patches and updates will be deployed through the OM as scheduled with MCWD.
- e) Network security and virus protection appropriate for a computer network and system of similar capacity, complexity, accessibility and feasibility of reinstatement. Manage the installation of critical software and anti-virus definition updates.
- f) Provide system monitoring to MCWD through a remote monitoring service of the servers that MCWD places on the managed services plan. Remote monitoring will occur on a 24/7 basis.
- g) Provide Training as requested by the MCWD staff on the network hardware and software (limited to Microsoft software products).
- h) Provide emergency services include responding to a loss of computer, computing, or network service, including but not limited to a loss of server or email functionality.

2. Additional Services

Additional Services are defined as those services provided by District Information Technology Managed Services Provider beyond the scope of Managed Services, including but not limited to:

- a) Work on special IT projects of the MWCD.
- b) Temporary staffing of IT personnel at MWCD.
- c) Recommend purchase of new hardware or software and the cost of it.
- d) Phone system purchases and/or installations.
- e) Hourly IT work on site work outside the allotted number of IT hours per month included within the managed services program.
- f) Training for non-Microsoft Software applications or other general IT training of employees.