



VIRGIN ISLANDS
WATER AND POWER
AUTHORITY

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OFFICE OF THE GOVERNING BOARD

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

FOR THE PERIOD

July 1, 2021 to July 31, 2022

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

RENEE SOMME

EXECUTIVE ASSISTANT

VIRGIN ISLANDS WATER AND POWER AUTHORITY

OFFICE OF THE GOVERNING BOARD

POST OFFICE BOX 1009

CHRISTIANSTED, VIRGIN ISLANDS 00820

340-712-6657

renee.somme@viwapa.vi

1. GENERAL INFORMATION.

A. **Purpose.** This request for proposal (RFP) is being issued to solicit an attorney or law firm who will provide legal services to the VIWAPA Governing Board for the period of (1) **One Year**. The selected contractor will be required to perform services in accordance with the enclosed Scope of Services.

The VIWAPA Governing Board has general responsibility to set policy and provide general oversight of the operations of the VIWAPA and is authorized through title 30, section 104 of the Virgin Islands Code to enter into contracts for the services being solicited under this RFP.

B. **Who May Respond.** Only attorneys who are currently licensed to practice law in the United States Virgin Islands who are currently in Good Standing and maintain an office in the Territory or law firms including such attorneys, shall be considered under this RFP.

C. Instructions on Proposal Submission.

1. **Closing Submission Date.** Proposals must be submitted no later than 10am on June 22, 2021 at the Virgin Islands Water and Power Authority, PO Box 1009, Christiansted, Virgin Islands 00820, or hand delivered to the Virgin Islands Water and Power Authority, 4095 Diamond Ruby, Christiansted, Virgin Islands 00820. All interested parties shall submit one original proposal and [9] copies.

2. **Inquiries.** Inquiries concerning this RFP should be mailed to: Renee Somme, Executive Assistant, Governing Board Chair, Virgin Islands Water and Power Authority, PO Box 1009, Christiansted, Virgin Islands 00820 and/or emailed Inquiries to: renee.somme@viwapa.vi. Only written requests are permitted. The last day for receipt of written requests for clarification shall be: June 14, 2021. Mailed inquiries shall be returned/answered/responded to (6) days after receipt and emailed inquiries shall be responded to in 24 hours.

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by Governing Board, (hereinafter referred to as (VIWAPAGB)).

4. **Instructions to Prospective Offerors.** Your proposal should be addressed as follows: Renee Somme, Executive Assistant, Virgin Islands Water and Power Authority, PO Box 1009, Christiansted, Virgin Islands, 00820 or Virgin Islands Water and Power, 4095 Diamond Ruby, Christiansted, Virgin Islands 00820.

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

SEALED PROPOSALS FOR LEGAL SERVICES – DO NOT OPEN

RFP No.
[Name of Respondent]
[Mailing Address of Respondent]
[Telephone Number of Respondent]
[Email Address of Respondent]
[Fax Number of Bidder]

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Offeror to ensure that the proposal is received by VIWAPAGB, by the date and time specified above. Late proposals will not be considered.

5. Right to Reject. VIWAPAGB reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.

6. Small and/or Minority-Owned Businesses. Efforts will be made by VIWAPAGB to utilize small businesses, women and/or minority owned businesses. Offeror qualifies as a small business firm if it meets the definition of "small business" as established by the Small Business Administration (13C.F.R. §121.201).

7. Notification of Award. It is expected that a decision selecting the successful Firm will be made within four (4) weeks of the closing date for the receipt of proposals. Upon conclusion of final negotiations with the successful Firm or individual, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful Offeror. It is expected that the contract shall be for one year with four (4) renewal options and will be for work performed within a monthly period with a retainer and additional fees considered.

8. Evaluation Procedure and Criteria. The Governing Board shall appoint an Evaluation Committee to review proposals and make recommendations to the Governing Board for final approval. The Committee may request a meeting with some qualified Offerors prior to final selection. Proposals will be reviewed in accordance with the following criteria:

- (a) Proposed approach to scope of work.
- (b) Level of experience of the individual(s) identified to work on this matter.
- (c) The Offeror's experience with similar clients and legal matters.
- (d) Response from references.
- (e) Cost.
- (f) Interviews, if conducted.

9. Contents of Proposal

The following is a list of information to be included in the written proposal. Failure to comply with all the requirements as outlined, will disqualify the applicant.

A. Introductory letter about the applicant:

- (i) Name, address, fax, and telephone
- (ii) Type of service for which individual/ firm is qualified.

B. Organization:

- (i) Name/ address of Principals of Firm
- (ii) Name of key personnel with experience of each and length of time in organization.
- (iii) Number of staff available for assignment
- (iv) Copy of Articles of Incorporation, (if applicable)
- (v) Copy of Corporate Resolution or Memorandum Authorizing Signatory of equivalent
- (vi) Copy of Certificates of Good Standing for attorneys and corporation (if applicable)

C. Legal Experience of the individual attorneys. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and board experience, continuing professional education will be considered.

D. References. Including a notarized written consent from the authorized representative which must include: Name; telephone number; email address and facsimile number.

E. Cost. The Offeror's proposed price should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. Also include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. VIWAPAGB reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

II. Conflict of Interest

An Offeror filing a proposal hereby certifies that no officer, agent or employee of Government of the Virgin Islands or any of its instrumentalities has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of the Government of the Virgin Islands or any of its instrumentalities; that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Offeror for the same request for proposals; the Offeror is competing solely in its own behalf without connection with or obligation to any undisclosed person or firm.

III. License Requirement

An award will not be made to any firm or individual doing business in the Virgin Islands to perform work with the Government of the Virgin Islands unless that individual is licensed to practice law in the Virgin Islands and is a member in good standing with the Virgin Islands Bar or the firm contains such attorneys.

IV. Required Insurance

Professional Liability: The successful bidder will be required to supply proof of professional liability insurance for the services to be performed, with policy limits of no less than one million dollars per claim. The VIWAPAGB shall be listed thereon as a certificate holder but not as an additional insured. Proof of professional liability coverage must be provided within ten (10) working days after award.

V. Scope of Services

The Successful Offeror and ultimate contractor will be required to provide general legal services in accordance with the Rules of Supreme Court of the Virgin Islands to the VIWAPAGB including but not limited to the following services:

- (a) Review, draft, and negotiate contracts and leases
- (b) Review contracts and action items
- (c) Provide legal advice on organization legal issues
- (d) Conduct legal research and advise the VIWAPAGB on the legality of actions and policy decisions
- (e) Attend Board meetings as necessary, prepare policies and other written correspondence for the VIWAPAGB

- (f) Advise on responses to subpoenas, court orders, and requests for information from third parties
- (g) Serve as a liaison with litigation counsel in defending lawsuits, administrative claims, or other legal claims
- (h) Conduct litigation as necessary [price separately for litigation if necessary]
- (i) Provide advice on bond and financing disclosures under the scope of services
- (j) Other legal services as needed