



**HARTSVILLE/TROUSDALE COUNTY WATER AND SEWER UTILITY BOARD  
REQUEST FOR QUALIFICATIONS – LEGAL SERVICES - UTILITIES**

The Hartsville/Trousdale County Water Utility Board (hereinafter “The Board”) is soliciting proposals from attorneys/law firms to provide legal services specifically related to operation of the public waterworks and sewerage system. The Utility Board has annualized revenues of over \$ **3,660,411** million and provides service to approximately **1045** of sewer and **3125** of water customers.

The selected applicant will provide legal services on utility matters that remain the direct authority of THE UTILITY BOARD. The selected applicant will work closely with the Utility Board’s General Manager to provide such services directly to the Hartsville/Trousdale County Water Utility Board.

The selected applicant is expected to provide legal services on Utility Board matters including, but not limited to, the following:

- drafting and amending Utility Board tariffs, resolutions, and policy statements;
- assisting with rate design and implementation;
- providing related guidance on public meeting, notice, and other administrative matters;
- assist with Capital Improvement Project borrowings;
- negotiating and drafting contracts; and
- advising on other related utility matters as needed.

The selected applicant is expected to attend Water Utility Board meetings, relevant County Commission meetings and other meetings as needed.

Attorneys/law firms with utility expertise are invited to submit proposals containing their qualifications to provide such services. To be considered, proposals must include a response to each item listed in this document and a complete rate and fee schedule for each category of services. Applicants must also demonstrate through their answers and documentation that they have sufficient capacity to provide a high level of service and expertise on utility-related legal matters.

Applicants are asked to submit an hourly rate for general services. Proposed rates will only be considered after an applicant has first been determined to be qualified.

THE UTILITY BOARD reserves the right to not select any of the submitted proposals. THE UTILITY BOARD also reserves the right to hire other, outside counsel for special purposes.

Any questions regarding this Request for Qualifications (RFQ) should be addressed to Tommy McFarland, Utility General Manager, at [tommy.mcfarland@trousdalecountyttn.gov](mailto:tommy.mcfarland@trousdalecountyttn.gov). To be considered, proposals must be received no later than: Deadline: **4:00 pm on October 18, 2021**.

Submission of a hard copy must be received prior to the deadline in a sealed envelope addressed to:

Tommy McFarland  
Hartsville/Trousdale Utility General Manager  
328 Broadway  
PO Box 66  
Hartsville, TN 37074

An electronic version of the proposal will also be accepted by the same deadline at the following e-mail address:

[tommy.mcfarland@trousdalecountyttn.gov](mailto:tommy.mcfarland@trousdalecountyttn.gov)

Please note on the cover of the envelope or in the subject line of the email: LEGAL SERVICES RFQ – WATER UTILITY - (Attorney/Firm Name)

Upon selection, it is anticipated that THE UTILITY BOARD and the selected attorney/law firm will enter into a contract subject to the information contained in the RFQ and the proposal.

#### STATEMENT OF QUALIFICATIONS - PROPOSAL

Each applicant should provide a proposal, no more than 15 pages long including attachments, that addresses each of the following items:

1. name of firm, year organized, brief history of the firm, and any utility-related specialties;
2. address and telephone number of the applicant;
3. provide the name of the principal attorney, and any other attorneys, who will provide services to THE UTILITY BOARD;
4. include a description of each attorney's education, years of legal experience, years of municipal government experience, and information on any utility-related specialties;
5. provide a list of up to three current municipal or other governmental clients, a contact person for each, and a telephone number for the contact person;
6. for each municipal or other governmental client, please summarize the type of services provided;
7. summarize your legal philosophy and how you can help THE UTILITY BOARD achieve their goal of developing an efficient, effective, and transparent waterworks and sewerage system;

8. please note if the firm has represented or sued THE UTILITY BOARD during the last five years and if so the outcome;
9. summarize the three largest utility projects and/or cases in the past five years led by the principal attorney assigned to this contract and the outcome;
10. please list any clients that you currently represent that may cause a conflict of interest with your responsibilities with THE UTILITY BOARD. Describe how you plan to resolve these or any future conflicts of interest;
11. please provide proof of a malpractice policy in an amount of \$1 million aggregate and an agreement to keep in effect while representing THE UTILITY BOARD;
12. please provide proof that the firm and its attorneys are in good standing with the TN State Bar;
13. please provide a list of grievances filed with the TN State Bar against the attorneys' providing services to THE UTILITY BOARD;
14. please provide a list of any lawsuits filed against the attorneys that will be providing services to THE UTILITY BOARD or against the law firm;

## **FEES**

The scope of services for which fees and rates are requested is divided into two categories: general legal advice and representation and other expenses. These categories are more fully described below for your clarification. The firm will be required to provide a monthly, detailed, and itemized billing for each category (including general legal advice and representation).

### General Legal Advice and Representation

- consultation with THE UTILITY BOARD staff and/or Board of Directors via telephone and/or email on a variety of utility-related legal matters;
- preparation and/or review of tariff documents, resolutions, ordinances, and other policy-related documents prior to THE UTILITY BOARD or city action;
- preparation and review of utility-related contracts and other transactional documents prior to city action;
- research local, state, and national laws, as needed, and provide legal advice on matters concerning THE UTILITY BOARD business;
- attend THE UTILITY BOARD, city council and ordinance committee meetings as requested (generally no more frequent than bi-weekly);
- attend other special meetings as requested; and
- other general utility legal service needs as requested.

### Other Fees and Expenses

. any other fees associated with providing legal services including travel, copies, carrier service, etc.

## SELECTION OF LEGAL SERVICES PROVIDER FOR UTILITY PROJECTS

The following factors will be considered when selecting a qualified applicant to provide utility-related legal services for THE UTILITY BOARD:

- a complete proposal that includes responses to all the items listed in this RFQ (must be complete to be considered);
- experience working on utility-related legal matters for a combined regional waterworks and sewerage system of comparable size and complexity; and
- demonstrated success working on utility-related projects and/or cases for a combined regional waterworks and sewerage system of comparable size and complexity.

Applicants that are determined to be qualified will be further evaluated based on the proposed cost of service.

**HARTSVILLE/TROUSDALE COUNTY WATER UTILITY BOARD**

**Proposed Fee Schedule for Legal Services - Utilities**

The following rates are proposed for Legal Services - Utilities to THE UTILITY BOARD by the individual or firm listed below:

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General Legal Advice and Representation: (per hour rate) \$ \_\_\_\_\_

Other Fees and Expenses (please explain):

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I, \_\_\_\_\_, acting on behalf of the firm of \_\_\_\_\_ certify that I have reviewed and fully understand THE UTILITY BOARD Request for Qualifications for Legal Services. I further certify and swear that the information submitted in response to the Request for Qualifications is a true, correct, and complete representation of our firm's ability to provide such services.

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Signature

Date