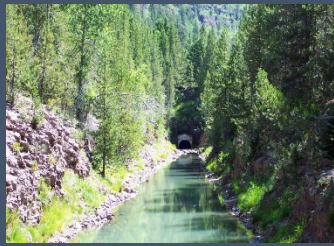




# REQUEST FOR STATEMENTS OF QUALIFICATIONS To Provide Strategic Communications and Legislative Counsel Services

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Issued: September 21, 2020  
Statements of Qualifications Due:  
October 23, 2020, 4:00 p.m. (MST)



## PROJECT NO. RFSOQ 2020-03

ISSUED BY:  
JORDAN VALLEY WATER CONSERVANCY DISTRICT  
8215 South 1300 West  
West Jordan, Utah 84088  
(801) 565-4300  
[www.jvwcd.org](http://www.jvwcd.org)

### COOPERATIVE PURCHASING AND CONTRACTING AGENCIES:

CENTRAL UTAH WATER CONSERVANCY DISTRICT  
1426 EAST 750 NORTH, STE. 400  
OREM, UTAH 84097  
(801) 226-7100  
[www.cuwcd.com](http://www.cuwcd.com)

WEBER BASIN WATER CONSERVANCY DISTRICT  
2837 UT-193  
LAYTON, UTAH 84040  
(801) 771-1677  
[www.weberbasin.com](http://www.weberbasin.com)

WASHINGTON COUNTY WATER CONSERVANCY DISTRICT  
533 WATERWORKS DR.  
SAINT GEORGE, UTAH 84770  
(435) 673-3617  
[www.wcwcd.org](http://www.wcwcd.org)

## 1. RFSOQ CONTACT AND COOPERATIVE PURCHASING

Inquiries regarding this Request for Statements of Qualifications (RFSOQ) should be directed, in writing, to:

Bart Forsyth, General Manager  
and Beverly Parry, Executive Assistant  
Jordan Valley Water Conservancy District  
8215 South 1300 West  
West Jordan, UT 84088  
[bartf@jvwcd.org](mailto:bartf@jvwcd.org)  
Telephone: (801) 565-4300

This RFSOQ is issued by Jordan Valley Water Conservancy District as the appointed administering agency for the following four local districts:

Central Utah Water Conservancy District (CUWCD)  
Jordan Valley Water Conservancy District (JVWCD)  
Weber Basin Water Conservancy District (WBWCD)  
Washington County Water Conservancy District (WCWCD)

The firm or consortium selected for providing these services will execute a contract with JVWCD, CUWCD, WCWCD, and WBWCD. These four water conservancy districts are referred to in this RFSOQ as “the Districts.” The selected firm or consortium will provide services to these four water conservancy districts, and will be compensated with payments from all four districts. Therefore, this RFSOQ represents a cooperative purchasing/procurement process under the Utah Procurement Code, UCA 63G-6a-15 and 63G-6a-2105.

## 2. BACKGROUND INFORMATION

### 2.1. THE DISTRICTS

The following background information is generally common among the Districts.

#### 2.1.1. Organization

The Districts were organized in the 1950s and 1960s under the provisions of the Utah Water Conservancy District Act (“the Act”).

#### 2.1.2. Statutory Powers

Pursuant to the provisions of the Act and the Limited Purpose Local Government Entities – Local Districts Act in the Utah Code, the Districts are authorized, among other things, to acquire, own, and operate water systems, borrow money, issue bonds, and levy taxes. Their statutory powers also include acquiring, owning, and selling water rights; making trans basin diversions of water; and contracting for water deliveries to public and private agencies.

#### 2.1.3. Governance

Each District is governed by an appointed, part-time Board of Trustees. Appointments are made by the Utah governor with State Senate confirmation (in the case of multi-county districts) or by the County Commission in the case of WCWCD.

#### 2.1.4. Water Systems and Facilities

Each District operates extensive water system infrastructure for deliveries in its water service area. Each District system is an integrated water utility system that collects surface water and groundwater from various sources, stores water, transports water to treatment facilities, and then transports treated water to wholesale customers and distributes it to retail customers. The facilities of each District system are also used to capture, store, and deliver irrigation water to various public and agriculture users. District system facilities include aqueduct systems, water treatment plants, finished water transmission pipelines, pumping stations, finished water storage and distribution facilities, raw water storage, and agricultural water facilities. The Districts are considered leaders in the Utah water industry in design, construction, and operation of innovative and state-of-the-art facilities, as well as in research and demonstration projects for water treatment processes and engineering design work.

#### 2.1.5. Water Sales and Contracts

The Districts' wholesale and retail sales of water are made with written agreements between the Districts and their purchasers. The wholesale agreements generally are perpetual in term, and are cancelable by mutual consent or by a District for nonpayment of water bills. Wholesale customers of the Districts include cities, water improvement districts, irrigation districts, and private corporations. Retail customers served by some of the Districts include residential, commercial, industrial, and institutional end users.

#### 2.1.6. Funding Infrastructure and Services

The Utah Legislature has defined a general funding model for the Districts. The funding model includes three potential sources of revenue: user charges, impact fees, and property taxes. Property tax levy rates include ceiling amounts identified by the Legislature for each type of water conservancy district.

#### 2.1.7. Water Conservation and Demand Management

The Districts are active in the development, management, and conservation of water resources in Utah. The Districts strive to achieve efficient utilization of existing water resources as a means of optimizing supply and managing demand. This is done to slow down or postpone, to the extent reasonable, development of additional water supply projects and sources.

The Districts have long range plans for their water conservation efforts, and are acknowledged as the leaders in water conservation initiatives in Utah. The Districts are pursuing their goals of reducing water use, per capita, within their service areas. Each District has its own set of regional goals to reduce use. Water conservation is accomplished through a number of innovative initiatives in the form of education, demonstration, financial incentives, grant and rebate programs, conservation-related water rate structures, and promotion of various water efficiency standards within their respective service areas. The Districts are advocating the use of Locascapes<sup>®</sup>, a landscape methodology that is scalable to any climate zone in Utah and which will produce beautiful landscapes in any community.

#### 2.1.8. Planning Horizon

The Districts use long-term planning horizons for their planning for meeting future water needs. The Districts are actively planning for a 50-year horizon, including projected achievements in water conservation, new water supplies to be developed, water metering initiatives, and changing climate conditions.

## 2.2. CENTRAL UTAH WATER CONSERVANCY DISTRICT

CUWCD was created in 1964 under a decree of the Fourth Judicial District Court of the State of Utah. CUWCD is governed by a Board of 18 trustees who are nominated by County Councils and Commissions and appointed by the Governor and confirmed by the Utah State Senate to four-year terms. Gene Shawcroft serves as General Manager and Chief Executive Officer. CUWCD employs 113 full-time and 10 part-time employees. Its service area includes all or part of eight counties in central Utah, including: Duchesne, Juab, Salt Lake, Sanpete, Summit, Uintah, Utah, and Wasatch. CUWCD sponsors the extensive federal Central Utah Project (CUP) and operates its locally funded Central Water Project (CWP). As a sponsor of the CUP and owner of the CWP, CUWCD provides untreated and finished water under wholesale contracts throughout its service area.

Major water sources include tributary Colorado River water in the CUP and deep underground water in its CWP. CUWCD operates eight major dams and reservoirs, over 100 miles of large diameter tunnels and pipelines, nine diversion dams, two hydroelectric power plants, and wide-ranging conveyance facilities. Major reservoirs include Strawberry Reservoir and Jordanelle Reservoir. CUWCD operates the Jordanelle Hydroelectric Power Station, the new Olmsted Hydroelectric Power Station, the Don A. Christiansen Regional Water Treatment Plant (with a capacity of 100 million gallons per day (mgd)), the Ashley Valley Water Treatment Plant (20 mgd), and the Duchesne Valley Water Treatment Plant (8 mgd). Major planned initiatives include development of the ULS south branch for southern Utah County and expansion of the CWP to its ultimate capacity.

CUWCD uses each of the three major funding sources authorized by the Utah Legislature. These include user charges, capital charges (for CWP), and property tax revenues. The property tax ceiling identified by the legislature for CUWCD is a levy rate of 0.0004, since CUWCD develops Colorado River water.

## 2.3. JORDAN VALLEY WATER CONSERVANCY DISTRICT

JVWCD was created in 1951 under an order of the Third Judicial District Court of the State of Utah. JVWCD is governed by a Board of nine trustees who are nominated by cities or the Salt Lake County Council and are appointed by the Governor and confirmed by the Utah State Senate to four-year terms. Under the direction of the Board of Trustees, Barton A. Forsyth serves as the General Manager and Chief Executive Officer. JVWCD employs 148 full time and 8 part time employees. Its service area includes most of the west side of the Salt Lake Valley, and the cities of Draper, Midvale, Murray, and South Salt Lake on the east side of the Salt Lake Valley. Its service area also includes portions of northern Utah County within the boundaries of Draper City. JVWCD provides 85% of its Municipal and Industrial (M&I) water under wholesale contracts to 17 Member Agencies. Fifteen percent of its water service is provided to about 9,000 retail customers in various communities of the Salt Lake Valley.

Major water sources include Provo River from the CUP Bonneville Unit, additional Provo River water, water supplies from the Weber River and Duchesne River through the Provo River Project, and substantial underground water supplies in Utah County and Salt Lake County. Major water facilities include the Jordan Valley Water Treatment Plant (180 mgd), Jordan Aqueduct Terminal Reservoir (100 million gallons, or mg), 40 deep production wells, and 250 miles of large diameter finished water transmission pipelines. JVWCD also owns and operates the Southeast Regional Water Treatment Plant (20 mgd) and the Southwest Groundwater (reverse osmosis) Water Treatment Plant (7 mgd). Major water supplies planned for the future include water from Strawberry Reservoir delivered by CUWCD in its Utah Lake Drainage Basin Water Delivery System (ULS) component of the federal CUP, reverse osmosis demineralization of Utah/Jordan

River water, and development of Bear River water.

Of the three funding sources in the legislature's funding model for a water conservancy district, JWCD utilizes user charges, property tax, and impact fees for retail water service. The property tax ceiling identified by the legislature for JWCD is 0.0004, since JWCD receives Colorado River water through the CUP and PRP.

#### 2.4. WEBER BASIN WATER CONSERVANCY DISTRICT

WBWCD was created in 1950 by a decree of the Second Judicial District Court of the State of Utah, under the guidelines of the Utah Water Conservancy Act. WBWCD is governed by a Board of nine trustees who are nominated by County Councils and Commissions and appointed by the Governor to four-year terms. Under the direction of the Board of Trustees, Tage I. Flint serves as General Manager and Chief Executive Officer. WBWCD employs 102 full-time and 20 seasonal employees. WBWCD is the local sponsor of the federal Weber Basin Project. Its service area includes five northern Utah counties: Davis, Weber, Box Elder, Summit, and Morgan.

WBWCD provides wholesale treated and untreated M&I water, wholesale and retail water for secondary and agricultural use, and replacement water for wells in areas where a municipal system is not available, or all water has been appropriated. WBWCD provides water to 75 M&I water purveyors, 50 irrigation contracting entities, and thousands of individual landowners east of the Wasatch range. WBWCD is the regional water supplier within the Ogden and Weber River drainages and provides surface water from those two river systems to five counties. Additionally, ground water from 22 wells supplement supplies in Weber and Davis Counties. WBWCD operates the Federal Weber Basin Project and the following dams and reservoirs: Causey, Pineview, East Canyon, Lost Creek, Smith and Morehouse, Wanship, and Willard. WBWCD also operates 3 hydroelectric power plants at Causey, Gateway, and Wanship, and 4 drinking water treatment plants—Weber South, Davis North, Davis South, and East Canyon. Major conveyance facilities include the Davis Aqueduct, Gateway Canal and Tunnel, Layton Canal, Willard Canal, Weber Aqueduct, and hundreds of miles of pipelines, together with a number of pumping stations and secondary reservoirs. WBWCD also operates an Aquifer Storage & Recovery system. A major planned water source initiative is the ongoing installation of retail secondary water meters in the Weber and Davis County service areas of WBWCD.

WBWCD utilizes user charges, capital assessments (built into wholesale water rates) and impact fees, and property tax revenues. The property tax ceiling identified for WBWCD, which does not develop water from the Colorado River, is 0.0002.

#### 2.5. WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

WCWCD was created in 1962 under the Utah Water Conservancy Act as a regional water supply agency to develop a water supply for rapidly growing areas in Washington County. WCWCD is governed by a Board of seven trustees who are appointed by the Washington County Commission. Under the direction of the Board of Trustees, Zach Renstrom serves as General Manager and Chief Executive Officer. WCWCD employs 40 full-time and 10 part-time employees. Its service area is the rapidly growing Washington County and southwestern Utah. WCWCD has developed a Regional Water Supply Agreement (RWSA) to define its wholesale water service to eight municipalities that are partners in the RWSA: St. George, Ivins, Washington, Santa Clara, Hurricane, La Verkin, Toquerville, and Virgin.

The district's sole water source is the Virgin River basin. Major water facilities include diversion structures, Quail Creek Dam and Reservoir, Sand Hollow Dam and Reservoir, Quail Creek Water Treatment Plant (60 mgd), 34 underground water wells, and more than 250 miles of large and

medium diameter pipelines. A major future water supply initiative is the Lake Powell Pipeline (LPP). The LPP is defined by the Utah Legislature as a future state project that will divert and pump water from the Colorado River at Lake Powell and convey the water westward to Kane and Washington counties. WCWCD staff are working closely with Utah Division of Water Resources (UDWRE) in performing environmental and planning studies for the LPP.

WCWCD fully uses the funding model authorized by the legislature. This includes user charges for M&I water deliveries, wholesale level impact fees, and property tax revenue. Because WCWCD can capture lower division Colorado River water, its property tax ceiling authorized by the legislature is a levy rate of 0.001

## 2.6. PREPARE60

The four Districts cooperated in water planning issues during 2005-2014, including hosting a “water coalition” among many water entities. The Districts decided to fortify their cooperative efforts in important statewide water planning and advocacy issues. In 2014, the Districts formed Prepare60, the center established to secure Utah’s economic future through water planning to protect what we have, use it wisely, and provide for the future. Prepare60 has provided substantial benefits to the water community and to elected officials by producing a 50-year Statewide Water Infrastructure Plan for all of Utah. Important documents produced by Prepare60 can be seen at [www.prepare60.com](http://www.prepare60.com). These include 1<sup>st</sup> and 2<sup>nd</sup> editions of the Statewide Water Infrastructure Plan, Prepare60’s Guide to Securing Utah’s Water Future, and the Prepare60 publication of “Understanding Utah’s Water-Municipal Manual.” Prepare60 has also been very successful in advocacy for important water legislation. Prepare60 has created and registered a service mark for Prepare60, “securing Utah’s water future, protecting what we have, using it wisely, and providing for the future.” The four General Managers of the Districts annually elect a chairman for Prepare60 from among themselves.

## 3. SCOPE OF WORK AND SERVICES

The Districts desire to retain the services of a firm or a consortium of firms to provide strategic communications and legislative counsel services. The firm or consortium of firms will be referred to as “the Team.” If the SOQ is from a consortium of firms, the consortium must have close working relationships to provide seamless services to the Districts. The scope of work and services must include the following categories and individuals:

### 3.1. CHIEF LEGISLATIVE LEGAL COUNSEL

The leader of the Team shall be the Chief Legislative Legal Counsel. This person should be an experienced attorney, licensed to practice law in the State of Utah, with experience in legal services affecting the Districts and state legislative advocacy or lobbying or representation. The Chief Legislative Legal Counsel will be the leader of the Team, provide guidance to the Team, provide combined invoicing to the Districts, and distribute payments from the Districts to the Team members. The Chief Legislative Legal Counsel shall also schedule and coordinate at least monthly meetings among the four general managers (the General Managers) of the Districts and the Team, with weekly meetings scheduled during each general legislative session. The Chief Legislative Legal Counsel shall also write memos and briefs concerning legislative and legal matters as needed and provide input to the legislative process throughout the year.

During the general legislation session, the Chief Legislative Legal Counsel shall provide a weekly, written status report on all water-related legislative bills, as well as legislative bills of interest that have impact or potential impact to the Districts. In addition, the Chief Legislative Counsel, as well as other Team members, shall provide the General Managers with assistance,

advice, and counsel in their communications with legislators regarding water-related bills and other bills of interest. During the 2020 general legislation session, the General Managers tracked over 60 such bills.

### 3.2. STRATEGIC COMMUNICATIONS

Member(s) of the Team shall provide strategic communications services. These will include a strategic plan for communications and involvement of the Districts annually, recommendation and planning of key events to be held by the Districts, and other strategic communications advisory services.

Through the Prepare60 effort, the General Managers have developed many relationships with Legislators, public officials, and organizations. One such organization is the Utah League of Cities and Towns (ULCT). In 2020, the General Managers and ULCT embarked on a major joint venture initiative as part of a strategic communications plan to advance water conservation progress across Utah. While this initiative is in its early stages, it is anticipated that through this partnership, a tool kit will be developed, offering a range of options that cities and others can adopt to achieve greater water conservation. Major emphasis will be placed on the development of indoor and outdoor water efficiency standards that can be adopted statewide. Members of the Team shall facilitate this major initiative, including arranging for and conducting regular meetings and work sessions, and preparation of appropriate materials.

### 3.3. STRATEGIC POLITICAL ADVISORY SERVICES

This Team member(s) shall provide advisory services from senior, experienced personnel. These strategic, political advisory member(s) shall coordinate and collaborate with the strategic communications and legislative communications (see below) members of the Team.

### 3.4. LEGISLATIVE COMMUNICATIONS

The Chief Legislative Legal Counsel shall contract with an appropriately sized group of legislative communications Team members. These Team members must be included in the SOQ and have substantial experience in legislative lobbying among Utah legislators. The legislative communications Team members shall actively represent the interests of the Districts, as they are developed in monthly and weekly meetings and during other communications among the Team members. The legislative communications team members must have proven success and display recognized credibility and reputation with Utah legislators.

### 3.5. MEETINGS

The Chief Legislative Legal Counsel shall coordinate and schedule at least monthly Prepare60 meetings among the four General Managers, their key staff, and the Team members. In addition, weekly meetings shall be held during each legislative general session. Under the direction of the Chief Legislative Legal Counsel, a Team member shall work with the Prepare60 Chair in developing an agenda for each meeting. The Team members or the General Managers shall plan other meetings with community leaders, legislators, other elected officials, and news media, from time-to-time as decided by the General Managers and the Team.

## 4. TIMELINE

The following timeline will be followed for this RFSOQ:

RFSOQ issue date: September 21, 2020

SOQ submission deadline: October 23, 2020, by 4:00 p.m. (MST)

Evaluation Committee review of SOQ's: October 26-28, 2020

Evaluation Committee recommendation review by the 4 GMS: October 29-30, 2020

Consideration of award of contract: November 12, 2020 (at JVVCD Board meeting, which will be at 3:00 p.m. (MST) at 8215 South 1300 West, West Jordan, UT 84088)

The foregoing timeline is subject to change by addendum.

## 5. REQUEST FOR STATEMENTS OF QUALIFICATIONS

### 5.1. PURPOSE

The purpose of this RFSOQ is to select a top ranked firm or consortium and enter into a contract with that firm or consortium to provide strategic communications and legislative counsel services to the Districts. The contract term will be for a period of up to five years, but authorized annually. Services will be provided as described in this Request, and additional services as the Team and the Districts decide each year.

This RFSOQ is designed to provide basic information sufficient to solicit SOQ's from qualified firms/consortiums, but, except to the extent expressly provided otherwise, is not intended to limit SOQ content or exclude any relevant, important, or essential information.

### 5.2. SUBMISSION TIME, PLACE, AND MANNER

#### Statement of Qualifications:

An electronic copy (in PDF format) or 8 hard copies must be received by Bart Forsyth and Beverly Parry (for electronic pdf files), or by the receptionist at JVVCD (for hard copies), on or before October 23, 2020, by 4:00 p.m. (MST). If SOQ's are submitted electronically, they shall be provided by email to the following individuals and email addresses:

Bart Forsyth - [bartf@jvwcd.org](mailto:bartf@jvwcd.org)

Beverly Parry - [beverlyp@jvwcd.org](mailto:beverlyp@jvwcd.org)

If an SOQ is submitted in hard copy form, 8 copies may be mailed or hand-delivered to the following address:

Attention: Bart Forsyth or Beverly Parry  
Jordan Valley Water Conservancy District  
8215 South 1300 West  
West Jordan, UT 84088  
Telephone: (801) 565-4300

#### Late Submissions of SOQ's:

SOQ's received after October 23, 2020, at 4:00 p.m. (MST) will not be considered.

### 5.3. RESPONDER INFORMATION

Include a section in the SOQ that includes the following information:



Title: “Statement of Qualificatons for Strategic Communications and Legislative Counsel Services to Jordan Valley Water Conservancy District, Central Utah Water Conservancy District, Weber Basin Water Conservancy District, and Washington County Water Conservancy District – JWCD RFSOQ 2020-03”

Responder Summary Information:

Name:  
SOQ Contact Person:  
Address:  
Telephone:  
Email:

#### 5.4. DESCRIPTION

The SOQ shall not exceed 12 pages (including appendices and attachments) and should include at least the following information:

- 5.4.1. A narrative of the responder’s assessment of the work to be performed to accomplish the scope of work and services described in Section 3. The narrative shall also include the responder’s ability, approach, and resources necessary to fulfill the requirements. This narrative shall demonstrate the responder’s understanding of the overall performance expectations within the scope of work and services generally described in Section 3. List any relevant experience with or ability to perform the following:
  - i. Professional services provided to water conservancy districts, or other local districts, similar to the services described in Section 3
  - ii. Strategic communications advisory services
  - iii. Strategic Utah political advisory services
  - iv. Utah legislative communications and lobbying, including indications of levels of success
  - v. Ability to assist the Districts with state legislative issues, when the need arises
- 5.4.2. Provide a short description of the firm, or of each firm in a consortium, including a short history of each firm’s experience in business, the number of staff members it employs, and the number of years it has been in business.
- 5.4.3. If a consortium of firms is proposed, provide a short description of the consortium, and the number of years and purposes the consortium has served together in business.
- 5.4.4. A description of the qualifications, including experience, education, training, knowledge, and level of success of each individual that the responder will designate in the proposed Team.
- 5.4.5. A list of references, including a contact person and contact information for each, of persons or entities for which the proposed firm or consortium has provided services as described in Section 3. Designate references for service as a consortium and include contact people for consortium work.
- 5.4.6. A statement indicating whether the responder has any potential conflicts of interest, in either a legal or business setting, that would affect the ability to actively and fairly represent the Districts. For each potential conflict of interest, state:

- i. the names of the individuals or entities involved;
- ii. the nature of the conflict(s); and
- iii. the steps the responder will take to avoid conflicts.

## 5.5. ORAL PRESENTATION

JVWCD, at its discretion, may require an oral presentation and interview by all firms or consortiums submitting an SOQ. These presentations will be scheduled, if required, by Bart Forsyth or Beverly Parry.

## 5.6. PROFESSIONAL SERVICES AGREEMENT

The Professional Services Agreement that JVWCD intends to use can be found in Attachment A. The firm or consortium shall comment on the acceptability of the Agreement in the SOQ. Any requested changes to the Agreement will not be considered after the SOQ submission date. Additional provisions regarding a contract can be found in Section 8 of this RFSOQ.

## 5.7. RFSOQ COMPLIANCE

JVWCD and the Districts intend to comply fully with the Utah Procurement Code requirements.

## 6. MINIMUM QUALIFICATIONS

The following minimum qualifications are required of each responder to this RFSOQ:

- i. The firm, or any firm in a proposed consortium, shall not have any legal or business conflicts of interest with other entities that cannot reasonably, in the discretion of JVWCD and the Districts, be mitigated and avoided.
- ii. Each firm shall have been in business for at least 5 years.
- iii. The Chief Legislative Legal Counsel shall have successful experience in performing in a similar lead role for a Team providing similar services as those described in Section 3 for at least 3 years.
- iv. The Team shall have worked together providing similar services to those described in Section 3 for at least 3 years.

## 7. EVALUATION OF SOQ'S

### 7.1 EVALUATION CRITERIA

An evaluation committee consisting of representatives from each of the Districts will convene to consider all responsive and responsible SOQ's submitted and rank the SOQ's based on the criteria below.

Evaluation categories are assigned a maximum number of points for evaluation purposes, with a cumulative maximum total of 100 points.

<b>Maximum Points</b>	<b>Weight</b>	<b>Criteria</b>
10	2	Clearly written SOQ which indicates a good understanding of the key issues, clearly defines deliverables, and the responder's team ability to meet the demands of services as described in Section 3.
15	3	Qualifications and expertise of responder's key team staff, including support staff, who will provide or assist in providing strategic communications and legislative counsel services, including firm resources.
15	3	For Chief Legislative Legal Counsel services, quality of experience in providing services, including legislative advocacy experience and level of recognition/reputation to state legislators, with positive references.
20	4	For strategic communications services, demonstrated experience, creativity, and success in strategic communications, with positive references.
20	4	For strategic political advisory services, quality of experience in providing political advisory services, and demonstrated success in key initiatives and guidance, with positive references.
20	4	For legislative communications, quality of experience in lobbying among Utah legislators. Appropriate size of team members in legislative communications. Amount of time and focus committed to representing the interests of the Districts. Recognized credibility and reputation with Utah legislators. Proven success in key previous lobbying initiatives, with positive references.

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100

All criteria will be graded on the following scale:

- 0: No response or information
- 1: Inadequate, and/or fails to meet the requirements
- 2: Fair, and/or only partially responsive
- 3: Average, and/or meets minimum requirements
- 4: Above average, and/or exceeds minimum requirements
- 5: Superior

These grades will be multiplied by the appropriate weighting factor to determine the total score. The formula for cost is described in Part 4, below.

## 7.2. EVALUATION PROCESS

### 7.2.1. Part 1:

The evaluation committee will review all SOQ's that are timely received. SOQ's that are not responsive, responsible, meet minimum qualifications, or do not strictly comply with the requirements of this RFSOQ and the required submission format will be eliminated

from further consideration.

7.2.2. Part 2:

The evaluation committee will evaluate SOQ's in accordance with the criteria provided in Section 7.1.

7.2.3. Part 3:

If needed, oral presentations or interviews may be conducted with responders. The presentations/interviews may be conducted in person or by electronic means. The scores awarded under Part 2 could be adjusted, if justified. If presentations/interviews are deemed unnecessary, SOQ's may be evaluated without presentations/interviews.

7.2.4. Part 4:

A fee proposal will be requested from the firm or consortium receiving the highest score. The fee proposal will be due 2 days after it is requested by JWCD. If the procurement officer is unable to agree to a satisfactory contract with the highest scoring firm or consortium, at a price the procurement officer determines to be fair and reasonable to the procurement unit, the procurement officer shall formally terminate discussions with that firm or consortium, and undertake discussions with the second highest scoring, qualified firm or consortium. For additional information, see Utah Code Title 63G, Chapter 6a, part 15, Section 1505.

The fee proposal shall be provided in a spreadsheet format and include hourly billing rates and number of hours for the services to be provided, any fees for reimbursable expenses, and overhead factors, with a total estimated fee for calendar year 2021. The Districts anticipate executing an annual contract with a not-to-exceed fee amount with the firm or consortium.

7.3. UTAH PROCUREMENT CODE

All SOQ's will be evaluated in accordance with the requirements of the Utah Procurement Code, including UCA 63G-6a-15.

8. CONTRACT PROVISIONS

8.1. CONTRACT TERM

The term of a contract for services under this RFSOQ will be up to 5 years, beginning on the effective date of the contract. The contract must be renewed annually by the Districts. A contract may be terminated earlier by either party upon 30 days prior written notice.

8.2. INSURANCE

The successful firm or consortium shall maintain, during the term of any contract resulting from this RFSOQ, comprehensive General and Professional Liability (Malpractice) Insurance coverage in an amount not less than five million dollars (\$5,000,000) and such other coverages as are required by Federal, State, and local laws governing the services described in its SOQ. The successful firm also shall maintain all employee-related insurance in statutory amounts, including unemployment compensation, worker's compensation, and employer's liability insurance, for its employees involved in performing services pursuant to a contract.

8.3. ACCOUNTING

The successful firm or consortium shall keep accurate accounting records of all services and expenses covered by this RFSOQ and any contract resulting from this RFSOQ, and the successful firm/consortium shall establish and maintain a system of bookkeeping and accounting satisfactory to JWCD. The successful firm/consortium shall be able to summarize and concisely report pertinent accounting information in a timely manner through the duration of any contract with the Districts resulting from this RFSOQ.

#### 8.4. INVOICING

The Chief Legislative Legal Counsel shall be the coordinator of invoicing of all members of the Team to the Districts. The Chief Legislative Legal Counsel shall regularly prepare and submit invoices to the four districts for their share of costs for the services described in this RFSOQ.

### 9. QUESTIONS

Any questions and/or requests for clarification through October 23, 2020, should be submitted by email to [bartf@jvwcd.org](mailto:bartf@jvwcd.org) and [beverlyp@jvwcd.org](mailto:beverlyp@jvwcd.org). Responses to substantive questions, and responses to requests for clarification, will be provided in the form of addenda to this RFSOQ.

### 10. PROTECTED INFORMATION

Protection or disclosure of information submitted in response to this RFSOQ are governed by Title 63G, Chapter 2, Government Records Access and Management Act. A responder who desires to request protected status of any information submitted in the response must specifically identify the information that the responder desires to protect and the reasons that the information should be afforded protection status under the law. In making this request, the responder shall comply with the requirements of Utah Code Section 63G-2-305, Utah Code Section 63G-2-309, and all other applicable requirements of law. The Districts decision regarding the protected status of information shall be final and binding on the responder. Each responder will indemnify, defend, and hold forever harmless the District from any and all liability relating to the disclosure of information included in the responder's response to this RFSOQ, even if the responder requested protected or other confidential status for the information. Attempts to designate an entire SOQ, or large portions of a SOQ, as protected will not be honored. Attempts to protect information relating to cost will also not be honored.

### 11. COMPLIANCE WITH UTAH PROCUREMENT CODE

#### 11.1. COOPERATIVE PURCHASING

As required in Utah Code 63G-6a-2105(4)(b), JWCD hereby notifies potential responders that it will be administering a cooperative procurement of professional services on behalf of itself and the following Districts: CUWCD, WBWCD, and WCWCD. Each of the four Districts involved in this cooperative procurement of professional services has entered into an agreement describing the rights and duties of each party.

#### 11.2. OTHER

JWCD and the Districts intend to follow all pertinent provisions of the Utah Procurement Code, in Utah Code 63G-6a, for all parts of this procurement of professional services and contracting.

### 12. MODIFICATIONS TO, OR WITHDRAWAL OF, AN SOQ RESPONSE

A responder may modify or withdraw the responder's SOQ, at any time before the closing date and time for submitting, by providing a written modification or a written statement withdrawing the SOQ

to the RFSOQ contact. Modifications or letters of withdrawal received by the RFSOQ contact after the closing date and time for submitting a SOQ will be rejected as invalid. The version of a response to this RFSOQ, as it exists at the closing date and time for submitting an SOQ, will be binding on the responder.

### 13. ADDENDA - REGISTER WITH JVVCD

- i. All addenda to this RFSOQ (including answers to questions provided by addendum) will be posted on the JVVCD's website at:

<http://www.jvwcd.org/public/publicresources>

- ii. Addenda and notifications of addenda are not required to be provided in any other manner. All responders, potential responders, and other interested persons are required to check the website on a regular basis in order to receive notice of, or a copy of, any addendum.
- iii. **JVVCD strongly encourages any person interested in receiving notification of an addendum to be placed on a contact list by registering with:**

[bartf@jvwcd.org](mailto:bartf@jvwcd.org) and [beverlyp@jvwcd.org](mailto:beverlyp@jvwcd.org)

### 14. COST OF RESPONDING TO RFSOQ AND NEGOTIATIONS

- i. All expenses relating to responding to this RFSOQ, including, but not limited to, preparing, submitting, and presenting a proposal, attending meetings in relation to this RFSOQ, discussions, and all travel, dining, lodging, and communication expenses will be borne by the responder. The Districts assume no liability for any costs incurred by a responder in responding to this RFSOQ.
- ii. All expenses of the successful responder relating to conducting contract negotiations, including, but not limited to, drafting, research, legal review, preparation, attending meetings, site visits, travel, dining, lodging, and communication expenses will be borne by the responder. The Districts assume no liability for any costs incurred by a responder relating to contract negotiations.
- iii. Responder will not bill for any expense that was incurred prior to the time that the contract is signed by all parties.