

SANTA YNEZ BASIN EASTERN MANAGEMENT AREA
GROUNDWATER SUSTAINABILITY AGENCY
REQUEST FOR QUALIFICATIONS (RFQ) FOR LEGAL COUNSEL

DEADLINE FOR SUBMISSION

July 26, 2024

INTRODUCTION

The Santa Ynez Basin Eastern Management Area Groundwater Sustainability Agency (EMA GSA) was originally formed via a Memorandum of Agreement under the Sustainable Groundwater Management Act (SGMA). The EMA GSA is in the process of transitioning to governance through a Joint Powers Agreement (expected July 16, 2024) to more effectively implement its Groundwater Sustainability Plan (GSP). As a result, the EMA GSA is seeking Statements of Qualification (SOQs) from qualified firms and individuals to serve as Legal Counsel of the GSA.

BACKGROUND

The Eastern Management Area (EMA) GSA includes the Santa Barbara County Water Agency, the Santa Ynez River Water Conservation District, the City of Solvang, and the Santa Ynez River Water Conservation District, Improvement District No. 1 (ID #1). The EMA GSA Committee unanimously endorsed the proposed JPA Agreement at its May 23, 2024 meeting.

The Santa Ynez River Valley Groundwater Basin is designated as a medium-priority basin and is subject to SGMA. Public agencies in the Basin created three GSAs representing the three main areas of the Basin (Western, Central, and Eastern Management Area). Groundwater Sustainability Plans (GSPs) for each management area were submitted to the California Department of Water Resources for review in January of 2022. All three GSPs were approved by DWR in January 2024.

PROJECT SCOPE

The precise scope of work will be approved by the EMA GSA Board in consultation with the successful firm for this RFQ. The successful firm will enter into a contract with the EMA GSA. The scope of work as Legal Counsel would include, but not be limited to, the following:

1. Respond to legal questions presented by members of the GSA Board and Executive Director, including, but not limited to, during meetings of the Board of Directors;
2. Review and approve various legal documents as to form and content;
3. Apprise the GSA Board and the Executive Director of appropriate actions to comply with applicable laws as a public agency, including but not limited to SGMA, the Brown Act, the Public Records Act, and various water rights laws relating to the Groundwater Sustainability Plan.

ORGANIZATION AND CONTENTS OF QUALIFICATIONS SUBMITTALS

At a minimum, please provide the following information in support of your response to this RFQ. Note that straightforward pertinent information is encouraged rather than general company brochures. Please limit your response to 15 pages (excluding any attached resumes).

General Firm Information

Please provide information on your firm's location, number of employees, years in business, etc.

Applicable Experience/Potential Conflicts

Please provide a description of your firm's recent and relevant experience related to the types of activities listed in the scope of work above. Please provide a description of your firm's specific experience in that regard performed in the last five (5) years, including the name of the clients, the scope of services provided and a contact person and pertinent contact information. Please identify any potential conflicts of interest in representing your existing and past clients if you were selected to represent the GSA and how such conflicts might be resolved.

Project Team Information

Please identify the personnel that will be directly involved in the project. Please provide resumes with relevant experience.

GENERAL ADMINISTRATIVE INFORMATION

Please also provide the following:

Proprietary Statement

Firms submitting qualifications must provide a statement that nothing contained in the submittal or subsequent interview (if required) is proprietary.

Insurance

In a table, confirm the firm's ability to secure insurance coverage with a waiver of subrogation (including comprehensive general liability, automotive liability, workers compensation, and errors and omissions).

Consulting Rates and Other Costs

Please provide information regarding personnel rates and any other unit costs that may be applied for this project (e.g. copies, computer usage, travel, etc.).

SELECTION AND APPROVAL PROCESS

Prior to award of a contract, the EMA GSA may schedule a meeting with selected firms to provide the firms an opportunity to describe their qualifications with members of the Board of Directors or a Committee of the GSA and to answer questions regarding the firm's qualifications.

An award of contract may be made to the firm who provides the best overall response to the requirements of this RFQ. The EMA GSA may select whichever firm it determines will best serve its interests. Upon completion of the evaluation process, initial discussions may be conducted

between the EMA GSA and firms to clarify the scope of services, staffing schedules, level of effort, and costs. The EMA GSA will then enter final negotiations with the selected firm with the intent of agreeing on a mutually acceptable agreement.

Due Date, Number of Submittals, and Contact Information

Four hard copies and one electronic copy should be submitted to:

Randy Murphy
City of Solvang
1644 Oak Street
Solvang, CA 93463

Qualification submittals should be received no later than 12:00 pm on July 26, 2024.

Questions can be directed to Randy Murphy by email at randym@cityofsolvang.com.

GENERAL REQUIREMENTS

All submitters are hereby advised that this RFQ is an informal solicitation and is not a commitment or offer to enter into an agreement or engage into any competitive bidding or negotiations pursuant to any statute, ordinance, rule, or regulation. The submitter understands and agrees to the following:

- A. The GSA reserves the right to negotiate with any qualified source.
- B. The GSA reserves the right to reject any or all submittals for any reason or for no reason at all.
- C. The GSA reserves the right to request further information from the submitters either in writing or orally. Such request will be addressed to that person or persons authorized by the submitter to represent the submitter.
- D. The GSA reserves the sole right to judge the submitters' representations, either written or oral.
- E. Submitters understand and agree that a submittal constitutes acknowledgement and acceptance of, and a willingness to comply with, all the terms, conditions, and criteria contained in this RFQ.
- F. False, incomplete, or unresponsive statements in connection with a submittal may be sufficient cause for the rejection of the submittal. The valuation and determination of the fulfillment of the above requirement will be the GSA's responsibility and its decision shall be final.
- G. The GSA reserves the right to interpret or change any provisions of this RFQ at any time prior to the submission date. Such interpretations or changes will be in the form of addenda to this RFQ.
- H. All submittals in response to this RFQ will become the exclusive property of the GSA. At such time as the GSA legal counsel selection appears on the GSA Board Agenda, all such submittals become a matter of public record, and shall be regarded as public records. The GSA shall not in any way be liable or responsible for the disclosure of

any such submittals (or any part thereof) if disclosure of any such submittal or any part thereof is required under the Public Records Act.

- I. The GSA shall not in any way be liable for any costs incurred in connection with the preparation of any submittal in response to this RFQ.