



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date:

WS1211040023 - Water Rights Legal Representation (Bickerstaff Heath Delgado Acosta LLP) - ORDINANCE

Agenda Item#:

Background:

Professional Service (S92-WS1211040023) - Approve an ordinance authorizing professional service agreement between the City of Houston and Bickerstaff Heath Delgado Acosta LLP in the maximum contract amount of \$850,000.00 for a three-year term with two one-year options for Legal Professional Services for Water Rights for Houston Public Works.

Specific Explanation:

The Chief Procurement Officer and the Chief Operating Officer of Houston Public Works (HPW) recommend that the City Council approve an ordinance awarding a **three-year contract with two one-year options to Bickerstaff Heath Delgado Acosta LLP** in the maximum contract amount of **\$850,000.00** for legal representation in water rights legal matters for Houston Public Works.

The scope of work for the related services includes but is not limited to, consultation and management of matters involving water rights issues, assistance with permitting and state and federal regulatory matters related to water, negotiation of water contracts, and participation in evidentiary proceedings or litigation impacting such water-related issues. Services also include attending administrative hearings and reviewing proposed legislation and regulations that may affect the City's water rights or water supply. Bickerstaff Heath Delgado Acosta LLP was originally selected for these services through the Request for Qualifications (RFQ) process. This agreement will allow them to continue representation on pending legal rights matters.

This recommendation is made pursuant to section 252.022(a)(4) of the Texas Local Government Code, which provides that "a procurement for personal, professional, or planning services" is exempt from the competitive requirements for purchases.

MWBE Participations:

This service was issued as a goal-oriented contract with a 20% M/WBE participation level. Bickerstaff Heath Delgado Acosta LLP has designated the below-named company as its certified M/WBE subcontractor.

Name	Type of Work	Amount	Percentage
Baker Wotring LLP	Legal Services	\$170,000.00	20%

Pay or Play Program:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, Bickerstaff Heath Delgado Acosta LLP has elected to 'Play' by providing health benefits for each covered employee.

Hire Houston First:

This procurement is exempt from the City's 'Hire Houston First' Ordinance. Bids/proposals were not solicited because the department is utilizing a professional service for this purchase.

Fiscal Note:

Funding for this item is included in the FY2025 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

8/16/2024

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Jedediah Greenfield,
 Chief Procurement Officer
 Finance/Strategic Procurement Division

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Randall V. Macchi, Chief Operating
 Officer
 Houston Public Works

8/21/2024

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Estimated Spending Authority

Department	FY25	Out Years	Total
Houston Public Works	\$130,000.00	\$ 720,000.00	\$ 850,000.00

Amount and Source of Funding:

\$850,000.00

HPW – Water and Sewer System Operating Fund
Fund No.: 8300

Contact Information:

Name	Dept/Division	Phone No.:
Erika Lawton, Division Manager	HPW/SPD	(832) 395-2833
Brian Blum, Assistant Director	HPW/PFW	(832) 395-2717
Carolyn Hanahan, Assistant Chief Policy Officer	Finance /SPD	(832) 393-9127
Jedediah Greenfield, Chief Procurement Officer	Finance/SPD	(832) 393-9126

ATTACHMENTS:

Description	Type
Proposal	Backup Material
M/WBE CONTRACT SPECIFIC GOAL	Backup Material
LETTER OF INTENT	Backup Material
AFFIDAVIT OF OWNERSHIP-BICKERSTAFF	Backup Material
POPs	Backup Material
Subcontractor - MWBE	Backup Material
PROFESSIONAL SVCS. JUSTIFICATION	Backup Material
CONFLICT OF INTERESTS	Backup Material
TX SECRETARY OF STATE-SOS	Backup Material
INSURANCE	Backup Material
AM BEST RATING	Backup Material
DRUG FORMS	Backup Material
TAX REPORT	Backup Material
PARTIALLY SIGNED CONTRACT	Backup Material
FINANCIAL ATTACHMENT A	Financial Information