



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 1/8/2019

ALL

Item Creation Date: 12/3/2018

Q26565 - Various Legal Services - Water Rights - ORDINANCE

Agenda Item#: 16.

Summary:

ORDINANCE approving and authorizing a contract for legal services with **BICKERSTAFF HEATH DELGADO ACOSTA LLP** for legal representation of the City of Houston; establishing a maximum contract amount; containing provisions relating to the subject; and declaring an emergency - \$500,000.00 - Enterprise Fund

Background:

Request for Qualifications received April 20, 2018, for S67-Q26565 – Approve an Ordinance authorizing a legal services agreement with Bickerstaff Heath Delgado Acosta, LLP in the amount not to exceed \$500,000.00 for the purpose of legal professional services for the Legal Department.

Specific Explanation:

The City Attorney and the Chief Procurement Officer recommend that the City Council approve an ordinance authorizing a legal services agreement with **Bickerstaff Heath Delgado Acosta, LLP** for **three (3) years with two (2), one-year options** in the amount not to exceed **\$500,000.00** for the purpose of representing the City in water rights legal matters. The City Attorney may terminate this contract at any time upon ten (10) days written notice to the law firm.

The scope of work allows the Firm to provide services related to water rights legal matters. Such related services may include, but may not be limited to, consultation or handling matters involving water rights issues, assisting with permitting as well as state and federal regulatory matters related to water, negotiating water contract, participating in evidentiary proceedings or litigation impacting such water related issues, attending administrative hearings regarding water rights matters, and reviewing proposed legislation and regulations that may affect the City's water rights or water supply.

The Request for Qualifications (RFQ) was advertised in accordance with the State of Texas bid laws, and submittals were received from five (5) firms, Bickerstaff Heath Delgado Acosta LLP, Hunton Andrews Kurth, Winstead, Diamond McCarthy and Olson & Olson. Lloyd Gosselink Rochelle & Townsend was included in the pool of law firms for Water Rights, however, the Evaluation Committee deemed their submission as not strongly related to water rights representation. The evaluation committee consisted of evaluators from the Legal Department with subject matter experts from Houston Public Works. The evaluation was based upon the following criteria:

1. Responsiveness of Submittal
2. Technical Competence
3. Rate Proposal

Bickerstaff Heath Delgado Acosta LLP was deemed as having met all the requirements and highly qualified.

M/WBE Participation:

This Request for Qualifications was issued as a goal-oriented contract with an 24% goal for 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	%
Baker Wotring	Legal Services	\$120,000.00	24%

Pay or Play Program:

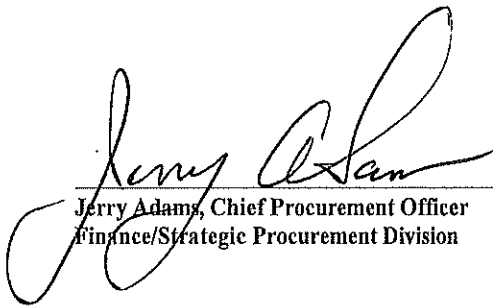
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding to legal services for water rights. In this case, Bickerstaff Heath Delgado Acosta LLP, provides legal services as it pertains to Water Rights in compliance with City policy.

Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses, while supporting job creation. In this case, Bickerstaff Heath Delgado Acosta LLP does not meet the requirements for HHF designation, and no firms were within three percent.

Fiscal Note:

Funding for this item is included in the FY2019 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.



Jerry Adams, Chief Procurement Officer
Finance/Strategic Procurement Division

Department Approval Authority

Estimated Spending Authority			
DEPARTMENT	FY19	OUT YEAR	TOTAL
Houston Public Works	\$95,000.00	\$405,000.00	\$500,000.00

Prior Council Action:

Amount of Funding:

\$500,000.00

Water & Sewer System Operating Fund
Fund 8300

Contact Information:

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ATTACHMENTS:

Description

Coversheet signed by CPO for Q26565
Affidavit of Ownership or Control
Form A - Fair Campaign
Form B
Play or Pay
Certificate of Insurance
Form 1295
Funding Information
Funding Verification
Signed Ordinance
TAX report
Letter of Intent (revised)
Letter of Intent
Budget vs. Actual Q26565 Legal Services
Dept. sign off Coversheet

Type

Signed Cover sheet
Backup Material
Backup Material
Backup Material
Backup Material
Backup Material
Backup Material
Financial Information
Financial Information
Ordinance/Resolution/Motion
Backup Material
Backup Material
Backup Material
Financial Information
Signed Cover sheet