

KENNEWICK IRRIGATION DISTRICT(KID)

Request for Qualifications KID LEGAL SERVICES – RED MOUNTAIN LID

NOTICE

The Kennewick Irrigation District (KID or District) is requesting qualifications for the services of Bond & Irrigation LID Counsel (Legal Counsel) as described in this Request for Qualifications. Organizations with the qualifications requested are invited to submit one electronic copy of their qualifications as outlined in the Submission Requirements herein.

There is no fixed term for the contract. The initial pre-development period is expected to last for approximately one year, though it may be extended if bond financing is sought, until the completion of the project, which should occur by April 2015.

SUBMISSION REQUIREMENTS

To receive consideration, the documentation of qualifications must be submitted in accordance with the following instructions (address questions to Colleen Storms at cstorms@kid.org):

1. All Submittals shall be emailed by February 1, 2012, in .pdf format to:

cfreeman@kid.org and cstorms@kid.org

Re: RFQ KID LEGAL SERVICES – RED MOUNTAIN LID

2. A printed copy of the submission can also be mailed to the address above, but the emailed document is required. If a printed copy is submitted, please address to:

Address: Colleen Storms, Treasurer
Kennewick Irrigation District
12 W. Kennewick Ave
Kennewick, WA 99336

3. The summary of qualifications should be limited to five (5) pages including a listing of references with contact information; other references and prior related project information can be in addition to the five pages, but are optional, and should not make the entire document more than 25 pages.
4. The Kennewick Irrigation District reserves the right to negotiate with the Legal Counsel it considers most qualified to meet the District's needs.

DATE: January 18, 2012

KENNEWICK IRRIGATION DISTRICT LEGAL SERVICES – RED MOUNTAIN LID

Overview of Request for Qualifications.

A. General Description

The Kennewick Irrigation District is currently in the pre-design and financing phase of a project with complexities that require the services of a Legal Counsel with closely related experience. The full scope of work required of said counsel will be dependent upon decisions made during the current phase. The final financing methodology and proposal is still in development.

The Kennewick Irrigation District expects to have a funding need somewhere between \$5 million and \$12 million in capital over the next three years for the construction of a new diversion intake, pump station, and delivery system for the Red Mountain AVA irrigation service area. There will be some urgency to quickly develop the plan for funding in April, 2012 when the current design work results in a projected final cost.

The State of Washington Department of Ecology has committed \$5 million and may commit an additional \$5 million in funds toward this project, which is providing a stable water source to one of the most promising wine grape growing regions on the west coast. The second \$5 million is contingent upon the passage of a State departmental budget including these funds. The District has some reserve funds available that may possibly be a source of some financing.

The Kennewick Irrigation District has identified a financial consultant, Seattle Northwest Securities, to represent our interests in any outside financing issue. The District also has the ability to use the local improvement district (LID) funding mechanisms available to irrigation districts under RCW Ch. 87.03 to finance part of this project. An LID has already been formed by the members to be served by the finished project.

B. Scope of Possible Services

Because of the financing options available to the District and the lack of clarity in the irrigation LID statutes, the District is seeking the following assistance from said counsel:

- Review the LID formation documents and changes to the project since formation and prepare a detailed report to the Board of next steps recommended with regards to the LID
- Prepare a report to the Board and District Manager with regard to the District's ability to use LID-backed bonds or Revenue bonds to fund the gap between the project estimate and the State funding available, including: a recommendation regarding funding mechanism, approximate legal costs of respective financing options, guidance regarding possible subordination discussions, ongoing requirements of the funding methods, etc.
- If the Board and District move forward with bond issuance, act as Bond Counsel for said issue
- Other assistance related to this project's funding and legal organization

as requested.

C. Selection of Legal Counsel

The District will evaluate responses to this request based on evaluation criteria to include in part: experience with irrigation district representation and bond debt issuance for districts specifically, experience with LID bond issuance and revenue bond issuance for districts or other governments, experience with bond issuance on projects with a State funding source, capacity to work on this project on a fairly tight timeframe, and references from similar clients. The District will select the Legal Counsel that in its estimation has the highest qualifications and will negotiate a contract with that Counsel to proceed with these services.

The District will reserve the right to cancel this agreement for its convenience at any time with 30 days advanced written notice.

OTHER INFORMATION

Interviews: Some or all proposing Legal Counsel may be invited to an interview with the District's Selection Committee. Firms or individuals chosen to be interviewed will be contacted regarding time and location of an interview.

Appeals: Bidders who wish to appeal the award of a contract may submit the appeal in writing to the District Manager's Office within five (5) working days of the postmarked Notice of Award or disqualification. Disagreement with the process, e.g., scoring by evaluators, is not subject to appeal.

Address: Kennewick Irrigation District
District Manager
12 W. Kennewick Ave.
Kennewick, WA 99336

Ownership of Documents: Any material submitted by a proposer shall become the property of the District. Materials submitted after a contract is signed will be subject to the ownership provision of the executed contract.

Confidentiality of Information: All information and data furnished to the proposing legal counsel by the District and all other documents to which the proposer's employees have access during the preparation and submittal of the qualifications shall be treated as confidential to the District to the extent reasonably possible, subject to the Washington Public Records Act and any other applicable laws.

Public Record: All Submittals and information submitted by Legal Counsels are not open for public inspection until after the notice of intent to award a contract is issued. Except for exempt materials, all qualification information submitted will be available for viewing after the evaluation process is complete and the notice of intent to award is sent to all participating parties.

Insurance: The Counsel shall maintain insurance coverage per contract negotiation with the District, which names the District and its officers and employees as "Additional Insured's" where appropriate.