



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 20, 2024

### **Agenda Item**

**Supplemental - Item 7. B. – Biennial Solicitation of Letters of Interest for legal, technical, and other professional services**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

On Wednesday, March 13, 2024, the Managers were sent an email with links to the letters of interest/proposals for professional services received. An Executive Summary was also sent with my observations and recommendations.

The LMRWD has received multiple proposals in the past and the Board has asked for my recommendations, since the Administrator is the person that works most closely with the consultants. It is always up to the Board to retain the service providers they are most comfortable with and with the proposed services that they believe will serve the best interests of the Lower Minnesota River Watershed District, regardless of recommendations from the Administrator.

Since the message was sent to the Board, I have been informed that some of the providers were invited to submit only letters of interest. That explains why some of the submittals provided less information than what was asked for through the information posted to the LMRWD website.

The current Board should understand that current professional service providers have been giving service to the LMRWD for a long time. If the Board is unhappy with the service that the District is receiving, the Board should sit down with those firms to discuss those services. The Board will likely do this with any new providers that are selected. If it is a matter of the cost of the services, then the Board can make a decision how much the District should pay for services.

The Board may choose to interview representatives from firms that have submitted proposals or letters of interest. The Board should remember that there is an element of fairness to be considered. Those firms/individuals that have submitted letters of interest rather than proposals may have been able to see the proposals submitted by others and are able to use those proposals to prepare for an interview.



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

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Wednesday, March 20, 2024

### Agenda Item

#### Item 7. A. – Biennial Solicitation of Letters of Interest for legal, technical, and other professional services

##### Prepared By

Linda Loomis, Administrator

On February 5, 2024, the Lower Minnesota River Watershed (LMRWD), in accordance with MN Statutes 103B.227, released a request for letters of interest from firms interested in providing professional services to the LMRWD. Letters were requested for firms interested in being included in an engineering pool, a primary technical/engineering support firm, legal counsel and education and outreach services.

Letters of interest were to be submitted on or before Wednesday, March 6, 2024. The LMRWD received eight responses from firms interested in being included in an engineering pool, one response for primary technical/engineering support, four responses for firms interested in becoming legal counsel and two responses to provide education & outreach services.

An evaluation of the responses received follows along with supporting information. Managers will be provided with a link to review all the responses received prior to the March 20, 2024 Board meeting.

### 2024 Engineering Pool Evaluation

The LMRWD issued a Request for Qualifications to update its engineering pool. The intent of an engineering pool is to have a prequalified group of firms the LMRWD can call upon to provide specific types of services or projects. The service areas solicited are listed below:

1. Watershed, Sub-watershed and Water Resource Management and Planning
2. Lake, Wetland and Stream Restoration and Management
3. Hydrologic, Hydraulic and Water Quality Modeling Analysis
4. Groundwater and Hydrogeological Modeling, Monitoring and Analysis
5. Natural Resources Management (e.g., wetlands, fens)
6. Slope Stability and Geotechnical Services
7. Urban Stormwater Best Management Practice (BMP) Design and Construction Management
8. Water Resource Permitting
9. Land Surveying
10. Geographic Information Systems
11. Civil Engineering (e.g., roadway and site design)

The LMRWD asked responders to submit Statements of Qualifications, demonstrating their firm's experience with one or more of the service areas. The LMRWD received eight SOQs from Barr Engineering, Bolton & Menk,

CK Wetlands Services, Inc., Emmons & Oliver Resources, Inc. (EOR), Geosyntec Consultants, ISG, MNL, and Ulteig, CK Wetlands Services, Geosyntec Consultants and MNL are new firms this year. HR Green, IMO Consulting Group, Windsor Engineers and WSB were included in the 2022 Pool, but the LMRWD did not receive SOQs from these firms in 2024.

Staff has reviewed the SOQs and offer the following observations and recommendations.

### *Observations*

Table 1 provides a summary of each firm's service areas Proposals and SOQs received from professional service providers were shared with the Board. Barr, Bolton & Menk, EOR, and ISG provided qualifications for all 11 service areas. Geosyntec and Ulteig provided qualifications for several service areas. CK Wetlands and MNL provided lake wetland and stream restoration and management services. Table 2 summarizes the billing rates provided in the SOQs based on the general job-type category.

### *Conflicts of Interest*

Several of the firms the LMRWD is considering for the engineering pool also work within the LMRWD boundaries for partner municipalities and counties. However, only Barr Engineering and EOR included a section about potential real or perceived conflicts of interest.

### *Recommendations*

Based on the review of proposals, all firms we found to be qualified in the services areas in Table 1. It is recommended that the LMRWD accept all firms into the engineering pool for service areas identified in Table 1, pending receipt of the following:

- All firms should provide a conflicts of interest statement, including how they would address the occurrence of a real or perceived conflict.

## **2024 Primary Engineer**

Young Environmental Consulting Group, LLC (YECG) was the only response received to provide primary technical/engineering support services to the LMRWD. YECG has provided this service to the LMRWD since its inception in 2016, and that prior to that, YECG Principal, Della Young provided the same services through the firms she worked with; Burns & McDonnell and HDR Engineering.

### *Recommendations*

Based on the relationship YECG has with the LMRWD and services provided to date, YECG is qualified to continue this service. It is recommended that YECG be retained to provide technical/engineering support services to the LMRWD.

## **2024 Legal Counsel**

Four responses were received from firms interested in providing legal services to the LMRWD. The LMRWD asked responders to submit letters of interest with general information about the company, the experience of the individual(s) who propose to perform services for the LMRWD, resumes of staff that would assist in providing contractual services and rates of the individuals. The LMRWD received four letters of interest from Flaherty|Hood P.A., Ojanen Law Office, Rinke Noonan, Attorneys at Law, and Smith Partners.

### *Observations*

Two firms have watershed experience, Rinke Noonan, and Smith Partners. Ojanen Law Office did not provide references but did offer a summary of legal experiences. Flaherty|Hood does not have watershed experience but has a variety of other services such as lobbying and human resources, that might be of benefit to the LMRWD if at some point the LMRWD were to hire staff. It is possible that Rinke Noonan, Smith Partners and Ojanen Law Office offer similar expertise, but it was not cited in the proposals. Table 3 summarizes the billing rates provided in the proposals received.

### *Conflicts of Interest*

The LMRWD did not ask for conflicts of interest, potential or perceived, to be addressed. Only Flaherty|Hood addressed conflicts of interest and noted they do not represent any cities within the boundaries of the LMRWD. They do, however, represent cities with Municipal Separate Storm Sewer System permits within the MN River basin, upstream of the LMRWD. Based on proposals received the potential or perceived conflicts of interest exist among all respondents. Of the firms that responded only Rinke Noonan and Smith Partners have watershed management experience. Flaherty|Hood has experience that might be of benefit to the LMRWD in the future, such as Human Resources.

### *Recommendations*

It is recommended that the LMRWD continue its relationship with Rinke Noonan Attorneys at Law and accept the proposal from Rinke Noonan. There are current legal issues that will benefit from continued representation by Attorney Kolb.

## **2024 Education & Outreach Services**

Two responses were received for Education & Outreach services. The LMRWD asked respondents to submit a cover letter, curriculum vitae, three references with contact information and an example of a successful grant application. Responses received were from Young Environmental Consulting Group LLC and Meeks & Schultz. Meeks & Schultz did not provide references with contact information or an example of a successful grant application. Rates for services were not provided.

### *Observations*

The application from Michelle Meeks and Maddie Schultz are more suited to an advertising and marketing position, rather than an education and outreach position. While advertising and marketing certainly can be a component of an education and outreach strategy, it is not identified explicitly in the LMRWD Comprehensive Watershed Management Plan, other than working with partners to foster sustainable behavior.

One of the main reasons the Education & Outreach position was developed was to recruit and manage the Citizen Advisory Committee (CAC). The Citizen Advisory Committee is established in MN Statutes 103D.331. Efforts to create a CAC were begun with the development of the 2009 Comprehensive Watershed Management Plan, but the LMRWD was not able to sustain the CAC. The main purpose of the Education & Outreach Coordinator was to establish and manage the CAC.

### *Recommendations*

It is recommended that the LMRWD accept the proposal from Young Environmental Consulting Group, LLC for education and outreach services.

## **Attachments**

A link to SharePoint was provided to the Board to

## **Recommended Action**

Motion to accept proposals as recommended and authorize preparation of professional services agreements with recommended firms

Table 1. Summary of Service Area Qualifications by Firm

Service Area	Barr	Bolton & Menk	CK Wetlands	EOR	Geosyntec	ISG	MNL	Ultieg
1. Watershed, subwatershed and water resource management and planning	X	X	-	X	X	X	-	-
2. Lake, wetland and stream restoration and management	X	X	X	X	X	X	X	X
3. Hydrologic, hydraulic, and water quality modeling analysis	X	X	-	X	X	X	-	X
4. Groundwater and hydrogeological modeling, monitoring, and analysis	X	X	-	X	X	X	-	-
5. Natural resources management (wetlands and fens)	X	X	X	X	-	X	X	X
6. Slope Stability and geotechnical services	X	X	-	X	X	X	-	-
7. Urban Stormwater BMP design and construction management	X	X	-	X	X	X	-	X
8. Water resource permitting	X	X	X	X	X	X	-	X
9. Land surveying	X	X	-	X	-	X	-	-
10. Geographic information systems (GIS)	X	X	X	X	X	X	-	X
11. Design, construction and maintenance of the built environment	X	X	-	X	X	X	-	-

Table 2. Summary of 2024 Billing rates in US Dollars per Hour (White Rows indicate the Minimum Rate, and the Blue Rows indicate the Maximum Rate)

General Job Type	Barr	Bolton & Menk	CK Wetlands	EOR	Geosyntec	ISG	MNL	Ultieg
Administrative/support	60	50	60	85	100	70	85	60
	200	176	60	85	100	130	85	84
Engineer	120	115	85	123	230	<b>130</b>	<b>115</b>	100
	200	216	150	208	255	250	115	226
Designer/technician	70	85	75	88	205	100	155	90
	200	216	125	130	205	190	155	166
Environmental scientist	80	-	75	-	-	115	105	136
	200	-	75	-	-	180	105	204
GIS Specialist	70	-	80	-	100	115	-	115
	200	-	115	-	155	170	-	172
Project manager	205	145	150	-	230	125	135	115
	325	261	150	-	230	210	135	216
Principal	170	165	200	254	275	250	170	240
	350	320	200	254	295	250	170	240

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*Table 3. Summary of 2024 Billing rates in US Dollars per Hour (White Rows indicate the Minimum Rate, and the Blue Rows indicate the Maximum Rate)*

General Job Type	Flaherty Hood	Ojanen Law Office	Rinke Noonan	Smith Partners
Principal/Senior attorney	235	250	415	289
	250	250	415	319
Attorneys	220	-	290	269
	220	-	330	293
Litigation Matters Attorneys	285	-	-	-
	285	-	-	-
Paralegals	125	125	145	-
	125	125	255	-
Law Clerks	115	-	*	125
	115	-	*	125
Legal Assistant	-	-	-	80
	-	-	-	80
Case Assistant	-	-	-	70
	-	-	-	70
*No charge for clerical staff				