

Request for Proposal for General Legal Services

General Description of the Big Sky Resort Area District:

In the 1980's, the influx of tourists to the Big Sky area was straining local infrastructure and emergency services. The Big Sky sewer system reached capacity resulting in a moratorium on new construction until necessary repairs and upgrades were made. Further, as Big Sky's visitation continued to increase, community leaders anticipated the need for community parks, trails, tourism development, local transportation, and other services that would make Big Sky a competitive destination resort town. For these many services, Big Sky needed more funds than the resident property tax base could provide. Therefore, the community began the legislative effort to institutionalize a local resort tax that would allow visitors to help with the costs to maintain local services. The Big Sky Owners Association and many concerned citizens spearheaded the effort, which became complicated for Big Sky as an unincorporated area. It took a unified, creative, and resilient group from Big Sky to convince the Montana State Legislature to create the resort tax option for Big Sky; and after three attempts, with the help of a hired lobbyist, the Big Sky Resort Area was successfully created. In April of 1992, the voters of Big Sky approved the imposition of the 3% resort tax on the retail value of all luxury goods and services sold within the boundaries of the Big Sky Resort Area. The resort tax became effective on June 1, 1992 for a duration of 20 years and the first appropriation of funding to the community occurred in 1993.

Originally, the Big Sky Resort Area resort tax funding was administered and appropriated by the Madison and Gallatin County Commissioners and a local 9-member Board of Advisors appointed by the Commissioners made recommendations for the allocation of funds. In 1996, the County Commissioners entered into an interlocal agreement with the Big Sky County Water & Sewer District No. 363. The agreement, to expire in 2012, mandates the annual appropriation of an amount which is the lesser of \$500,000 or 50% of the total amount of the resort tax revenues collected in any fiscal year for the purpose of funding improvements to the sewer system. In 1998, the voters of Big Sky approved creation of the Big Sky Resort Area District which brought the administration and appropriations away from the Counties and under the management of a locally elected 5-member Board of Directors. In November 2006, the voters extended the life of the District another 20 years to 2032. As of 2018, the Resort Tax has generated more than \$50,000,000.00 for the community of Big Sky.

Current Board of Directors of the Big Sky Resort Area District:

Kevin Germain, *Chairperson*
Steve Johnson, *Vice Chair*
Sarah Blechta, *Treasurer*
Buz Davis, *Secretary*
Mike Scholz, *Director*

Important Dates:

Issue Date: December 12, 2018
Submittal Due Date: January 31, 2019 @ 5:00 p.m.

Proposals may be submitted either electronically (1) or by hard copy (6 copies) in a sealed envelope. Submit via email to: Whitney@resorttax.org
Hard copy versions should be delivered to:

Resort Tax
11 Lone Peak Drive, Suite #204
P.O. Box 160661
Big Sky, MT 59716

Legal Services / Scope of Services Solicited:

The Big Sky Resort Area District is soliciting proposals from interested attorneys and law firms to provide professional legal services with expertise including but not limited to:

1. Attend Board meetings as requested by the Board to report on legal issues. If attendance is not needed, prepare a monthly report to the District Manager with updates on all current / pending legal matters;
2. Coordinate with the Board and consultants on legal matters;
3. Advise the Board on legal compliance matters as needed, and coordinate with the District Manager to comply with legal requirements in the most cost-effective manner;
4. Prepare research on legal issues pertaining to the District as requested by the Board;
5. Prepare agreements, resolutions, ordinances, and other documents on behalf of the District as requested by the Board;
6. Prepare contracts for all appropriations in accordance with State law, and the ordinances of the Big Sky Resort Area District;
7. Review and analyze draft contracts, agreements, and other documents not prepared by the District's General Counsel;
8. Work with the Board or its designated representative to cost-effectively manage legal services, prioritize legal tasks within a budget, creatively contain costs related to legal services, and pro-actively communicate to the Board difficulties or impediments that may impact the District's legal budget;
9. Provide legal assistance to District staff with the collection of taxes, including litigation if needed;
10. Provide general legal advice and counsel to or for the benefit of the Board of Directors, with respect to District business.

Proposal Submission Requirements:

The attorney or legal firm shall prepare an effective, clear, and concise proposal. Proposals submitted must include the following minimum information:

1. Name, address, and telephone number of the principal office.
2. Type of organization (e.g. partnership, Professional Corporation, etc.).
3. Firm overview, including description of the type of legal services provided.
4. Team / individual attorney that will be working with District staff.
5. Team / individual's experience, including professional qualifications, State Bar number(s), and resumes.

6. List of Districts of similar size and purpose of which you are currently serving.
7. Hourly billing rates of team members or anyone that will be working with the Big Sky Resort Area District.
8. Submit names, addresses, e-mail addresses, and telephone numbers of at least three (3) client references.
9. Proof of Error and Omissions Insurance Coverage must be provided.

Additional Evaluation Information to be Considered:

1. Relevant honors or awards received by members of the firm who will be working with the Big Sky Resort Area District.
2. Proposed approach for the management of legal services to ensure cost containment and communication with the District Manager and the Board of Directors.

Selection Process:

Proposals received will be evaluated to determine if they meet the stated requirements. Failure to meet these requirements will be cause for eliminating the proposal from further consideration.

The Big Sky Resort Area District reserves the right to reject any and all proposals, to waive technicalities, informalities and irregularities, to accept or reject all or part of any proposal, and to be the sole judge of the sustainability of the proposals.

Proposals will be evaluated general on the following criteria, which are neither weighted nor prioritized:

1. Demonstrated understanding of the professional services requested / required;
2. Prior experience in performing similar work;
3. Qualifications of the firm and assigned individuals;
4. Fees charged and cost effectiveness of the proposed services;
5. Strength of proposed approach for the management of legal services including cost containment and communication with the General manager and the Board of Directors;
6. Cost; and
7. References.

Terms and Conditions:

Term of Agreement –

The District anticipates awarding of the Legal Services Agreement / Engagement to commence on or around February, 2019 and continue through December 31, 2019. Future annual renewals are anticipated, subject to annual appropriations.

Proposal may be withdrawn before the RFP deadline by submitting a written request to:

Big Sky Resort Area District
11 Lone Peak Drive, Suite #204
P.O. Box 160661
Big Sky, MT 59716

District Point of Contact:

The designated individual responsible for coordination of this RFP is Whitney Brunner. Any questions related to this RFP should be directed to Ms. Brunner at 406-995-3234 or via e-mail to Whitney@resorttax.org