



Town of Bedford • City of Danville • City of Martinsville • City of Radford • Town of Richlands • City of Salem  
Virginia Polytechnic Institute and State University • Central Virginia Electric Cooperative

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**Blue Ridge Power Agency**  
**Legal Counsel**  
**Request for**  
**Statements of Qualifications**

*April 23, 2018*

## **Background**

The Blue Ridge Power Agency (Agency) is a joint action agency, comprised of 8 members from Central and Southwest Virginia. Each member owns and operates its own electric distribution utility, providing electric service to residential, commercial and industrial customers. Combined, the Blue Ridge members serve over 3 million MWh to 270,000 customers annually.

Power supply and the electric markets are the foundation of the Agency's work. These issues are regulated by the Federal Energy Regulatory Commission (FERC), and thus the Agency has long relied on FERC-experienced counsel, now at McCarter & English, for guidance and support. However, the organization has periodic need for advice on Virginia's laws, either existing or proposed, as well as general business questions and issues specific to municipalities. Accordingly, the Agency wishes to establish a relationship with a legal firm experienced in business, organizational, and municipal issues in the Commonwealth of Virginia.

A fact sheet describing the Blue Ridge members can be found at the end of this RFQ.

## **Objective**

The Blue Ridge Power Agency desires to establish a relationship with a legal firm with expertise in municipality-related organizational and business issues, and expertise in the laws of the Commonwealth of Virginia. This relationship will allow the Agency ready access to cost-effective legal representation and advice aligned with the Agency's needs, values, and mission.

## **Who May Respond**

Only attorneys who are currently licensed to practice law in Virginia and who maintain an office in the state, or law firms including such attorneys, may respond to this RFQ.

## **Scope of Services**

The Respondent shall be readily available to perform the following legal services, as requested by the Agency's General Manager and/or Board of Directors:

1. Review, draft, and negotiate contracts
2. Advise on municipality and tax-exempt organization legal issues
3. Review existing or proposed laws and provide interpretation of their application to the Agency and Agency members
4. Advise on Virginia public access laws
5. Review and provide advice on personnel, fiscal, and other Agency policies
6. Advise on insurance claims, individual labor, and employment matters
7. Upon request, attend Board of Directors meeting
8. Conduct litigation as necessary
9. Other legal services as needed

## Agency and Member Relationship

The Agency will be the primary point of contact for all work performed pursuant to this relationship. On occasion the counsel may need to communicate or work with the Agency's engineering firm, FERC counsel, affiliate organizations, or directly with Agency members. Attorney-client privilege will be primarily between the Agency and the counsel, but on occasion this privilege may extend to include Agency members. Respondents must disclose any potential conflicts with this member-inclusive privilege.

## Statement of Qualifications Content and Format

The statement shall include the information requested below, at a minimum:

1. Cover letter summarizing the qualifications (one page)
2. Legal Experience. The Respondent should describe its legal experience, preferably including matters and clients similar to the Agency and/or its members. Experience should include the following categories:
  - a. Experience advising municipal organizations
  - b. Experience advising utilities
  - c. Experience with public access laws
3. Organization, Size, Structure, and Areas of Practice. If the Respondent is a firm, it should describe its organization, size, structure, areas of practice, and office location(s).
4. Attorney Qualifications. The Respondent should have experience in the following areas: municipal utilities, non-profit and tax-exempt organizations, utility laws, and general business operations. The Respondent should describe the qualifications of attorneys to be assigned to the representation. Descriptions should include:
  - a. Professional and education background of each attorney.
  - b. Overall supervision to be exercised.
  - c. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.
5. References. The Respondent should provide contact information, including the organization, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to the Agency and/or its members.
6. Price. The Respondent's proposed price should include the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. The Agency reserves the right to negotiate with the Respondent on the structure of the billing.
7. Conflicts. The Respondent must disclose potential conflicts of interest that may occur with its existing clientele, the Agency, and the Agency's members.

## Selection Procedure and Schedule

The following is an outline of the selection procedure and a schedule:

Release RFQ	Monday, April 23, 2018
Deadline to submit questions on the RFQ	4pm on Friday, May 4, 2018
Deadline for submission of qualifications	4pm on Friday, June 15, 2018
Responses reviewed by Agency; shortlist developed	June 16 – June 28
Member meeting to review Agency shortlist	Thursday, June 28, 2018
Conduct interviews with shortlisted firms	Anticipated July 2018
Sign engagement letter	Anticipated August 2018

## Selection Criteria

The Agency's General Manager will review submissions, contact references, and develop a shortlist of respondents to recommend to the Board of Directors. The General Manager and one or more Directors will conduct interviews with selected Respondents prior to final selection. Qualifications will be reviewed in accordance with the following criteria:

- Level of experience of the attorney(s) identified for the work
- The Respondent's experience with similar clients and legal matters.
- Proposed approach to the work.
- Responsiveness to the requirements of the Agency
- Response from references.
- Interviews.
- Cost.

## Discretion and Liability Waiver

The Agency reserves the right to reject all responses or to request and obtain, from one or more Respondents, supplementary information as may be necessary to analyze the information pursuant to the selection criteria listed above.

By submitting a response to this RFQ, Respondent waives all right to protest or seek any legal remedies whatsoever regarding any aspect of this RFQ.

## Contacts

Direct all questions regarding this request to:

Alice Wolfe, General Manager  
Blue Ridge Power Agency  
[brpa@gamewood.net](mailto:brpa@gamewood.net)  
540-739-5899

## **Directions for Delivery of the Qualifications**

One electronic copy of the proposal delivered no later than 4pm on June 15 to [brpa@gamewood.net](mailto:brpa@gamewood.net). All emails must be clearly titled "BRPA Legal Counsel RFQ".

Before receiving an award, the successful Respondent will be required to provide copies of their Virginia State Bar and City of Salem business licenses.



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## Fact Sheet

The Blue Ridge Power Agency is a non-profit corporation created by its members to pursue joint action. Through the members' collective resolve and economies of scale, the Agency pursues the most reliable and lowest cost wholesale electric power supplies possible for its members.

Power supply and related transmission service are the Agency's top priorities. The Agency also serves as its members' voice in industry organizations, monitors state and federal regulatory proceedings and litigation, and advocates for member interests both directly and through associated trade organizations.

### Blue Ridge by the numbers

- Eight members
- 3 million Megawatt-hours annually
- All time peak of 833 megawatts
- Four cities and 19 counties served
- Established in 1988
- Sources include solar, wind, and hydro
- Eight shared power supply projects
- 121,000 meters serving 271,000 customers

*BRPA members own and operate generation locally to benefit their customer-owners.*

<i>BRPA Member</i>	<i>Fuel</i>	<i>Kilowatts</i>
Town of Bedford	Solar, hydro, diesel	12,800
Central Virginia Electric Cooperative	Solar	10,000
City of Danville	Solar, hydro	15,000
City of Martinsville	Hydro, landfill gas, natural gas	2,300
City of Radford	Hydro	1,000
Town of Richlands	Diesel	1,100
City of Salem	Diesel	4,900
Virginia Tech	Natural gas, coal	6,500

<i>BRPA Member</i>	<i>Year Established</i>
Town of Bedford	1899
Central Virginia Electric Cooperative	1937
City of Danville	1886
City of Martinsville	1905
City of Radford	1922
Town of Richlands	1920
City of Salem	1892
Virginia Tech	1893

*BRPA members have a long history of service to their communities.*

Affiliations: American Public Power Association, Municipal Electric Power Association of Virginia, Transmission Access Policy Study group, Public Power Coalition, Southeast Federal Power Customers