



## REQUEST FOR PROPOSALS

### General Legal Counsel Services for the Washington State Transit Insurance Pool

Proposal due by: September 26, 2017

#### **Introduction**

The Washington State Transit Insurance Pool (WSTIP) is a public agency formed for the purposes of risk sharing, loss prevention, and insurance purchasing. This request for proposal (RFP) is to solicit and select a qualified individual working with a firm or as a sole practitioner with expertise in the insurance field to provide legal advice to the WSTIP Executive Committee, Board of Directors and Executive Director. This independent contractor is not a WSTIP employee position.

#### **Organizational Overview**

WSTIP was formed by Interlocal Agreement on January 1, 1989, pursuant to Chapters 48.61 and 39.34 RCW. The purpose for forming WSTIP was to provide member transit agencies joint self-insurance, joint purchasing of insurance and joint contracting for hiring of personnel to provide risk management, claims handling, and administrative services. Transit agencies joining WSTIP must remain members for a minimum of 36 months. Members may withdraw after that time by giving six months' notice. Any member who withdraws will not be allowed to rejoin for a period of 36 months.

WSTIP started with eight members and has grown to 25 members. Provided coverage includes auto liability, general liability, public officials liability coverage, all risk property coverage, auto physical damage coverage, boiler and machinery coverage, employee fidelity/crime coverage, and cyber liability coverage. All members have a \$5,000 deductible for public official's liability coverage and no deductible for general and auto liability risks. Members may select a deductible on the all-risk property program ranging from \$5,000 to \$25,000.

Transit authorities applying for membership in WSTIP may do so on approval of a simple majority vote of the WSTIP Board of Directors. Underwriting and rate-setting policies have been established after consultation with actuaries. WSTIP members are subject to a supplemental assessment in the event of deficiencies. If WSTIP's assets were to be exhausted, members would be responsible for WSTIP's liabilities. WSTIP is regulated by the Washington State Risk Manager and audited annually by the Washington State Auditor.

WSTIP is governed by a Board of Directors consisting of an appointee from every member. This Board of Directors meets quarterly in various locations throughout the state. WSTIP is also managed by a nine-member Executive Committee, elected from the Board of Directors. This Committee consists of the President, Vice President, Secretary and Past President and Board members representing large, medium, and small members, as well as one additional representative representing all members.

WSTIP's appointed treasurer also sits on the Executive Committee in ex-officio, non-voting, capacity. The Executive Committee meets (generally) monthly, usually at the WSTIP office in Olympia. However, the January meeting is a work planning/strategic planning retreat, and traditionally there is no meeting in November. WSTIP's long-term general counsel is retiring at the end of 2017.

For applicant's convenience, WSTIP's interlocal agreement, bylaws, and governance policies have been posted in a file library on the WSTIP website ([click here](#)) to view.

For minutes from recent meetings, please see the WSTIP website ([click here](#)).

### **WSTIP General Legal Counsel**

The role of the WSTIP general legal counsel is to provide legal counsel to the WSTIP Executive Committee, Board of Directors and Executive Director by:

- Provide legal advice as necessary to the Executive Committee and attend its monthly meetings;
- Provide legal advice as necessary to the Board of Directors and attend its quarterly meetings (in state travel required);
- Assist the governing bodies and staff to maintain awareness of ethical and appearance of fairness standards, to avoid potential conflicts of interest;
- Research issues as directed;
- Keep up to date on new legislation or court decisions that impact policies or WSTIP operations;
- Render legal opinions on WSTIP matters;
- Provide legal advice as it pertains to documents, policies, procedures, contracts and the operation of WSTIP;
- Engage specialty counsel when necessary as directed by the President.
- Knowledge of WSTIP Interlocal Agreement, Bylaws, Coverage Documents, and governance policies.
- Submit quarterly reports on activities.
- Attend other committee meetings as directed by the Executive Director.
- Attend training, conferences, and seminars as directed by the Executive Director.
- Advise WSTIP on compliance and legislative issues relating to Washington State Code and directives of the State Risk Management Office (Pooling Section), Department of Enterprise Services
- Interface with reinsurer and/or insurance carriers when coverage issues arise.
- Review contracts, leases, and other documents relating to the general business of WSTIP.
- Respond to summons and complaints, interrogatories, request for depositions, etc. when WSTIP is a named party. This does not entail defense of claims or lawsuits filed against members. General legal counsel will not serve as defense counsel on claims or lawsuits tendered to or defended by WSTIP on behalf of one its members, nor provide coverage opinions to WSTIP members.
- Assist Executive Committee and staff on amending coverage documents on as needed basis
- Interpret insurance policy and reinsurance contractual language if coverage procured by WSTIP from outside insurers/reinsurers. Engage specialty counsel as needed for coverage documents
- Provide opinions relating to WSTIP insurance coverage should questions or conflict arise.
- Be available for general meetings with the WSTIP staff or President.
- Be available to respond to questions and requests for information in a timely manner.

This position is supervised by the Executive Committee. The general legal counsel contract is with the WSTIP Executive Committee.

## **Qualifications**

### Minimum requirements

- Attorneys working on WSTIP matters shall be an attorney licensed in the State of Washington and be a member in good standing with the Washington State Bar Association.
- All proposers shall show proof of professional liability insurance.

### Experience in

- Experience in general legal work for a public entity and understanding how public liability and property pools operate;
- Experience in insurance and/or insurance policies.
- RCW 39.34 Interlocal Cooperation Act;
- RCW 42.30 Open Public Meetings Act;
- RCW 42.56 Public Records Act;
- Roberts Rules of Order;

## **Proposal Requirements**

Written proposals must include the following sections:

1. Your history or history of the firm.
2. Statement of types and scope of services performed by you or your firm and how they relate to the duties and qualifications required by this RFP. Your response should include a description of general counsel experience with public entities, indicating clients of similar makeup to WSTIP for which you provide services AND a description of experience in insurance and/or insurance policies.
3. Slate of recent cases (within the last two years) that were represented by you or your firm and the outcome.
4. A list of references knowledgeable of your firm's municipal representative work. Please include telephone numbers and addresses.
5. Your Curriculum Vitae or a list of personnel with Curriculum Vitae who would be assigned to WSTIP's work.
6. Statement of fees (see fee section below). Hourly rates should include all overhead, indirect costs, incidental travel and any other miscellaneous expenses. Actual cost of required travel for quarterly board meetings will be reimbursed accordingly.
7. List of any conflicts or potential conflicts and description of how those would be handled/managed.
8. List of any bar complaints or disciplinary actions.

## **Fees**

Proposal must include a proposed amount for monthly and hourly expenses related to:

Meeting attendance:

January – Executive Committee retreat (Wednesday evening through Friday afternoon)

February – Executive Committee meeting\*

March – Executive Committee meeting and quarterly Board meeting combined\*\*  
April – Executive Committee meeting\*  
May – Executive Committee meeting\*  
June – Executive Committee meeting and quarterly Board meeting combined\*\*  
July – Executive Committee meeting\*  
August – Executive Committee meeting\*  
September – Executive Committee meeting and quarterly Board meeting combined\*\*  
October – Executive Committee meeting\*  
December – Executive Committee meeting and quarterly Board meeting combined\*\*

Hourly rate for other services

\* 9 a.m. to 3:00 p.m.

\*\* Thursday 9 a.m. into evening, and Friday 9:00 a.m. to noon. In state travel required. You may anticipate at least two meetings per year will be in eastern Washington

### **Contract Term**

WSTIP anticipates a three-year contract, with optional two one-year extensions. Annual adjustments may be proposed in conjunction with WSTIP's annual budget process. Contract renewal will require WSTIP Executive Committee approval. It is anticipated this contract will begin January 1, 2018.

### **Questions**

Questions regarding this proposal shall be submitted in writing no later than (September 15, 2017) to Tracey Christianson, Deputy Director, [tracey@wstip.org](mailto:tracey@wstip.org).

### **Process**

The proposal shall be in the form of a PDF and may be emailed to: [RFP@wstip.org](mailto:RFP@wstip.org). WSTIP's Deputy Director will rank proposals. WSTIP will interview some or all candidates (at WSTIP's discretion). Interviews are tentatively scheduled for either October 11, 12, or 13, 2017.

The deadline for submission of proposal is no later than 5 p.m. September 26, 2017

WSTIP reserves the right to reject any or all proposals.

Deadline for submittal: September 26, 2017