

## **BOND COUNSEL REQUEST FOR QUALIFICATIONS**

To provide objective legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness and of executing contractual grant agreements to the City of Marlin for any capital financing or refinancing as may be necessary, including, but not limited to, Texas Water Development Board's (TWDB) Drinking Water State Revolving Fund (DWSRF), Clean Water State Revolving Fund (CWSRF) program, and/or TWDB's Water Development Fund (DFund).

### **A. INTENT OF PROPOSAL**

The City of Marlin is soliciting Request for Qualifications (RFQ) from interested qualified professionals to provide the following: legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness and of executing contractual grant agreements to the City of Marlin for any capital financing or refinancing; preparation of resolution, indenture or order authorizing and securing the Bonds (the "Order") and other authorizing documents. The City of Marlin reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interest of the City of Marlin.

### **B. SCOPE OF SERVICES**

The services to be provided by the Bond Counsel shall include the following duties:

- Assist in preparing legal documents in connection with the Bonds.
- Render an objective legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness.
- Examine applicable law.
- Consult with the parties to the transaction prior to the issuance of the Bonds.
- Prepare resolution, indenture or order authorizing and securing the obligations and other authorizing documents
- Secure TWDB and Texas Attorney General approval of the obligations and the registration of the Bonds by the Comptroller of Public Accounts of the State of Texas
- Review certified proceedings
- Undertake such additional duties as deemed necessary to render the opinion with respect to each Bond issue.
- Provide advice on continuing disclosure requirements in relation to the bonds.

### **C. STATEMENT OF QUALIFICATIONS**

The Prosper shall provide a description of the history and background of the firm, identification of the services currently being provided to municipalities in Texas and other information relevant to the provision of Bond Counsel services. Please provide the following information:

1. All submittals shall be limited to 30 pages excluding transmittal letter, cover sheet, table of contents and resumes.

2. A brief transmittal letter summarizing the proposal's key points. It must be signed by an authorized representative who is responsible for committing the firm's resources.
3. General Information about the firm.
  - A. Name, address and telephone number of the firm.
  - B. History of the firm.
  - C. Structure of the firm, i.e. sole proprietorship, partnership, corporation, and size of firm.
  - D. List name and titles of officers of the firm who will be directly responsible for bond counsel services.
  - E. Information pertaining to the firm's compliance with licensing and other requirements.
  - F. Completed TWDB-0217 form to be submitted in the response package.
4. References.

List of five (5) references for which similar services have been provided.
5. Identify personnel to be assigned responsibility for administering the account (provide resume and location for the individual representatives that the firm will assign to the account).
6. List the experience of the individuals assigned to the account with the Texas Water Development Board's (TWDB) Drinking Water State Revolving Fund (DWSRF) program, Clean Water State Revolving Fund, and TWDB's Water Development Fund (DFund) and placement of debt instruments with this agency. Please list the work performed, including the dollar amount of the debt issue or other financing. Please include the names, addresses, and telephone numbers of contact persons.
7. Additional services - describe any other service or experiences of the firm which you deem beneficial in acting as Bond Counsel to the City of Marlin.
8. Please disclose any conflicts of interest that your firm might experience in serving the City as Bond Counsel.
9. Attach a copy of bond counsel services contract proposed by your firm without fee information.

#### D. RECEIPT OF PROPOSALS

If your firm is interested in being considered as Bond Counsel for the City of Marlin, proposals must be received no later than 3:00 p.m. on Friday, October 27, 2017, at 101 Fortune St. Marlin, Texas, 79735. Five (5) copies of the proposal must be sealed and clearly marked on the face of the shipping material "BOND COUNSEL" RFQ. No electronic submission will be accepted.

E. ADDITIONAL INFORMATION

1. Any loan award is contingent upon release of funds from the Texas Water Development Board (TWDB) (or other funding agencies).
2. Any contract or contracts awarded under the Request for Qualifications (RFQ) are expected to be funded in part by a loan from the Texas Water Development Board. Neither the State of Texas nor any of its dependents, agencies, or employees are or will be a party to this RFQ or any resulting contract.
3. This contract is subject to the Environmental Protection Agency’s (EPA) “fair share policy”, which includes EPA-approved “fair share goals” for Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA’s policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to Minority Business Enterprise and Women-Owned Business Enterprise firms. Although EPA’s policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps.

CATEGORY	MBE	WBE
CONSTRUCTION	12.94%	8.72%
EQUIPMENT	7.12%	5.39%
SERVICES	10.84%	5.72%
SUPPLIES	9.68%	9.34%

TWDB document TWDB-0210 *Guidance for U.S. Environmental Protection Agency Disadvantaged Business Enterprise Program* dated February 28, 2012, describes requirements of this program.

Respondents may contact the TWDB for assistance at 512-463-4841, Ms. Rosario Flores DBE & Policy Coordinator, Program & Policy development, for clarification with issues specifically related to the completion of the required TWDB forms.

4. Equal Opportunity Employment – All qualified Applicants will receive consideration for employment without the regard to race, color, religion, sex, age, handicap or national origin. Bidders on this work will be required to comply with the President’s Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations 41 CFR, Part 60. The City is an Affirmative Action/Equal Opportunity Employer. Small, minority and women-owned firms are encouraged to submit proposals.

**RANKING CRITERIA**

The following criteria will be used as a basis for the selection of the Bond Counsel:

**EXPERIENCE OF PERSONNEL** 35 POINTS

To assess the background and experience of the personnel in working with Texas Water Development Board.

**TEAM MEMBERS** 40 POINTS

To identify the personnel the firm proposes to commit on a day-to-day basis and evaluate the specific qualifications of these individuals.

**REFERENCES** 25 POINTS

To demonstrate client satisfaction and the candidate’s familiarity with municipal issues.

TOTAL POINTS 100