

REQUEST FOR QUALIFICATIONS: RFQ NO. 2019-01

Professional Legal Services

DEADLINE: May 15, 2019 AT 12:00 P.M.

DEVELOPMENT CORPORATION OF MERCEDES, INC.

Submission due by 12:00PM CDT on MAY 15, 2019

## REQUEST FOR QUALIFICATIONS (RFQ) FOR LEGAL SERVICES TO THE DEVELOPMENT CORPORATION OF MERCEDES (MEDC)

### 1.0 REQUEST FOR QUALIFICATIONS

#### 1.1 General Information

The Development Corporation of Mercedes, Inc. in Mercedes, Hidalgo, Texas requests the submission of Statements of Qualifications (SOQ) for legal services. This Request for Qualifications (RFQ) solicits information that will enable MEDC to determine the best suited legal firm that may provide professional legal services for the organization. This solicitation may lead to an hourly contract to provide a full range of legal services to MEDC.

#### 1.2 Detail

This document contains the instructions governing statements of qualifications submitted by interested service providers, the format in which to submit SOQ's, the materials to submit therein, and the general evaluation criteria. A service provider desiring consideration must provide a response in accordance with these instructions and meet all requirements stated herein.

#### 1.3 Intent

The intent of MEDC is to hire a legal firm to provide legal services related to economic development and other matters. The selection will take place through a two-step procurement process, with formal advertising and direct solicitation. MEDC will evaluate all responses in step one and may conduct interviews with short-listed respondents in step two.

MEDC reserves the right to reject any and all qualification statements received in response to this RFQ. MEDC reserves the right to short list respondents and base final selection rankings on personal interviews. MEDC reserves the right to conduct new services selection procedures for current and/or future needs.

#### 1.4 Standards

The selection of a legal firm and award of a contract may be contingent upon the funding and approval through the MEDC Board of Directors. Fees provided for in contracts or agreements shall be reasonable. MEDC shall consider fees to be reasonable if they are not in excess of those ordinarily charged by the profession as a whole for similar work. MEDC will negotiate for procurement of professional services, where by competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiations of fair and reasonable compensation.

## 1.5 Right of Rejection

MEDC reserves the right to reject any and all SOQs received in response to this request. MEDC is not obligated to award a contract solely based on this request or to otherwise pay for information solicited.

## 1.6 Schedule and Submittal Deadline

The hourly contract is anticipated to be awarded on or before May 23, 2019. The SOQ Package (See Section 2.2) must be submitted to the MEDC by 12:00 p.m., CDT on May 15, 2019. See Section 2.2 for mailing or delivery instructions.

## 1.7 Texas Public Information Act

All data and information submitted by the legal firms in response to this RFQ may become public information, as provided by the Texas Public Information Act, Texas Government Code Sections 552.001 - 552.026. MEDC does not assume responsibility for asserting legal arguments for confidentiality on behalf of the legal firm.

## 1.8 Cost of Preparing Statement of Qualifications

Package Costs for preparing the SOQ Package and any subsequent materials or presentations shall be the sole responsibility of the prospective legal firm.

## 1.9 Scope of Services

The selected legal firm shall provide timely and professional written opinions and responses to MEDC requests as well as timely and professional billing documents in accordance with the agreed upon contract. It is the intent of this RFQ that a consistent quality of services is provided for all of MEDC legal requirements. The services to be provided by the legal firm, if selected, may include all of the following duties:

- General legal representation on economic development (Type A) including support for real estate projects and public finance
- Presiding over annual meeting votes of the Board of Directors
- Representation on Texas Public Information Act matters (Section 552.001 of the Government Code)
- Human Resources issues including policies, terminations and unemployment compensation
- Legal advice regarding district governance and board obligations including bylaw revisions and incorporation issues
- Drafting, review, and negotiations of contracts
- Advice and/or representation regarding legislative matters
- Legal advice regarding financial matters

- Legal advice relating to other Economic Development vehicles such as tax increment financing districts, public---private partnerships and tax credit
- Other legal matters as may be necessary or required

## 2.0 INSTRUCTIONS AND PROCEDURES

### 2.1 SOQ Package Preparation

The Qualification Package will include the following four (4) components and shall be numbered as shown:

1. One page transmittal letter. The letter shall provide the names, title, address (physical and mailing), and telephone number of the official contacts.
2. Statement concerning insurance coverages and liability amounts. Confirmation that the legal firm has in place general liability insurance, worker's compensation, and professional liability insurance.
3. Statement concerning conflict of interest. Those interests of the legal firm that would impede with or interfere in the carrying out the duties and responsibilities of the position of a privileged attorney are deemed conflicting.
4. Statement of Qualifications to include a complete description of the following:
  - A. Background on the firm's organization
  - B. Key personnel that will be assigned to MEDC. The information for each individual must include the following: name, area(s) of expertise, years of experience, and professional licenses(s).
  - C. Present examples of the firm's experience and expertise in providing counsel on the list of expected services detailed in Section 1.9.
  - D. Provide at least three references. References must include name, phone number, email address, location, legal firm's role and responsibility, project description.

### 2.2 Submitting the SOQ Package

The legal firm shall submit the SOQ package electronically via email in a pdf format to Melissa Ramirez, Executive Director, at [mramirez@mercedesedc.com](mailto:mramirez@mercedesedc.com). The SOQ package should be limited to 10 pages.

The submission deadline for SOQs is no later than 12:00PM, CDT, May 15, 2019.

### 2.3 Evaluation Factors

The evaluation factors include:

- The firm's familiarity and previous project experience with municipal law and economic development. Experience with Public Improvement Districts, Tax

Increment Financing districts, public---private partnerships, tax credits and other economic development vehicles

- Professional qualifications of the individual(s) (including subcontracted personnel) who will perform the work.
- The firm's record and experience (including subcontractors) with Federal and State Funding agencies and philanthropic foundations.
- The legal firm's performance record and experience (including subcontractors) with similar type clients.
- The firm's experience with the Texas Public Information Act.
- The firm's experience with public finance.
- The legal firm's office locations.
- The legal firm's insurability and status of current work related to litigation or arbitration.
- The legal firm's anticipated workload during period of engagement and availability of personnel.

## 2.4 Inquiries

If any firms have questions or need additional information to clarify the intent of this RFQ, submit questions or requests via email to [mramirez@mercedesedc.com](mailto:mramirez@mercedesedc.com) before May 10, 2019. MEDC will collect these questions and respond to all the RFQ Package holders prior to evaluation.

Should any firms find discrepancies in or omissions from the RFQ, or should they be in doubt as to their meaning, the legal firm shall notify Melissa Ramirez, Executive Director.

## 2.5 Evaluation Process

- MEDC may call upon anyone they deem necessary to assist with the evaluation.
- MEDC may obtain information from references.
- MEDC may contact the respondents for the purpose of obtaining additional information or clarification during the evaluation period.
- MEDC will evaluate each SOQ received, in accordance with the factors in Section 2.4, based on the contents of the SOQ, any subsequent written clarifications required, and reference information obtained.
- MEDC may rank and determine the highest qualified firm based solely upon the evaluation of the SOQ package, any subsequent written clarifications required, and reference information obtained.
- If MEDC deems it necessary to conduct interviews, MEDC may identify two or more firms to be interviewed using the procedure in Section 2.7.

## 2.6 Interviews

MEDC reserves the right to interview each legal firm that submits a SOQ before the deadline. If interviews are conducted, MEDC will develop a list of questions to be

answered by each firm interviewed and provide additional instructions to be followed. MEDC will select a legal firm upon completion of the interviews.

## 2.7 Notification of Selection

MEDC will notify the legal firm(s) in writing. Upon notification of selection by MEDC, the MEDC and Proposer will attempt to negotiate scope and extent of work to be performed, time for full performance, compensation, and other terms. Final selection of the successful legal firm(s) will be contingent upon approval of the MEDC Board of Directors.