

WEBB COUNTY – CITY OF LAREDO REGIONAL MOBILITY AUTHORITY

**REQUEST FOR QUALIFICATIONS (RFQ)
TO PROVIDE
OUTSIDE GENERAL COUNSEL SERVICES**

RECEIPT OF RFQ

NAME OF FIRM: _____

CONTACT PERSON: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

E-MAIL: _____

DATE: _____

**PLEASE RETURN TO THE
WEBB COUNTY – CITY OF LAREDO REGIONAL MOBILITY AUTHORITY
VIA EMAIL AT**

rubensotocpa@sbcglobal.net

This form must be returned as soon as possible by any firm intending to submit a response to the Request for Qualifications. If you do not receive confirmation of receipt of this form within 24 hours call Ruben Soto, Jr. at (956) 723-9841.

REQUEST FOR QUALIFICATIONS

BY THE

WEBB COUNTY – CITY OF LAREDO REGIONAL MOBILITY AUTHORITY

FOR

OUTSIDE GENERAL COUNSEL SERVICES

RFQ Issue Date: March 11, 2015

Responses Due: 5 : 0 0 p.m. C.S.T. March 31, 2015
Webb County – City of Laredo Regional Mobility Authority
7917 McPherson Road – Suite 203
Laredo, Texas 78045
Attn: Ruben Soto, Jr.

**WEBB COUNTY – CITY OF LAREDO REGIONAL MOBILITY AUTHORITY
REQUEST FOR QUALIFICATIONS
OUTSIDE GENERAL LEGAL COUNSEL SERVICES**

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**WEBB COUNTY – CITY OF LAREDO REGIONAL MOBILITY AUTHORITY
REQUEST FOR QUALIFICATIONS
OUTSIDE GENERAL LEGAL COUNSEL SERVICES**

The Webb County – City of Laredo Regional Mobility Authority (the “WCCL-RMA”), a regional mobility authority and political subdivision of the State of Texas governed by the provisions of Texas Transportation Code, Chapter 370 (the “RMA Act”), is requesting information from qualified law firms interested in providing outside general legal counsel services to the WCCL-RMA.

The WCCL-RMA currently employs an outside general counsel to provide general legal advice and services to WCCL-RMA staff and directors as well as to administer and oversee legal matters relating to or affecting the WCCL-RMA. Outside general legal counsel must demonstrate competence and expertise in legal requirements related to developing and operating transportation and turnpike projects, procurement of transportation infrastructure, construction and consultant contracting, financing and other feasibility studies, property acquisition, compliance with environmental requirements, state agency rulemaking and other governmental or private entities for the development of transportation and turnpike projects, and debt financing of public works projects.

The powers and duties exercised by the WCCL-RMA and its Board of Directors are impacted by numerous federal and state laws, rules, and regulations. The WCCL-RMA is granted broad powers under state law to develop transportation and mobility projects, including the authority to study, design, construct, operate, expand, enlarge, and extend transportation projects within the region of the WCCL-RMA (currently Webb County) and adjacent areas as permitted by law. Transportation projects over which the WCCL-RMA exercises responsibility include, but are not limited to: toll highways and facilities, freight and passenger rail facilities, airports, intermodal hubs, and systems of transportation projects. The WCCL-RMA has statutory authority to use debt financing to pay all or part of the cost of a mobility project, as well as authority to enter into concession-type financing arrangements.

Certain information is necessary to evaluate each interested firm’s ability to provide the desired services. This Request for Qualifications (the “RFQ”) details the information that will enable the WCCL-RMA to evaluate properly the abilities of the responding firms. Additionally, responders may, at the WCCL-RMA’s sole option, be asked to make an oral presentation to the WCCL-RMA. This solicitation is not a Request for Proposals; therefore, proposed fees and/or budgets shall not be submitted in response to this RFQ. The anticipated work is described herein and shall sometimes be referred to as the “services” in the context of this RFQ.

1.0 SCOPE OF LEGAL SERVICES

Legal services required of engaged counsel include drafting, reviewing, and advising the WCCL-RMA and its Board in issuance, acceptance, and management of contracts with public and private utilities, landowners, private enterprises (including exclusive development agreements with private corporations), toll collection equipment and electronic systems vendors, municipal, county, state and federal governments, general construction contractors and their subcontractors, professional

design consultants and consulting management engineers, land surveyors, and title companies. Counsel will also be required to draft, review and provide advice on all types of construction service acquisition bid documents, provide advice on the proper levels of insurance coverage for consultants, contractors, subcontractors, and vendors, and review insurance policies and certificates of insurance to ensure compliance.

Additionally, engaged counsel will research, analyze, and provide advice concerning all laws, rules, regulations, procedures, ordinances, and applications related to environmental matters, including federal, state, and local requirements concerning air, water and noise pollutions, and those related to obtaining permits from federal, state and local governments, and will assist in the research, drafting, and issuance of environmental assessments, environmental impact statements, and/or findings of no significant impact. Extensive prior experience in providing legal services related to revenue bond financed transportation infrastructure development is required. In addition, engaged counsel must have thorough knowledge of the Administrative Procedure Act (Government Code, Chapter 2001), the Open Meetings Act (Government Code, Chapter 551) and the Public Information Act (Government Code, Chapter 552).

Outside general counsel will also be required to draft, review and provide advice on the procurement of equipment, supplies, and materials and on the proposal and adoption of administrative rules by the WCCL-RMA and the Board, advise and assist in preparing for and conducting public meetings and hearings, advise and assist the Board and the WCCL-RMA in responding to public information requests, and provide advice and assistance relating to the bond issuance process. The latter requirement does not include acting as Bond Counsel. Engaged counsel will also perform legal services necessary to acquire for the WCCL-RMA right-of-way and easements not in the public domain, including evaluating the negotiating agreements with the right-of-way appraisers and negotiators, reviewing the verifying the products of land surveyors, plats and legal descriptions, participating in negotiations of value with landowners, reviewing title commitments and polices, preparing and conducting eminent domain proceedings in appropriate administrative and judicial forums, drafting acquisitions deeds and easements, recording all necessary right-of-way documents, and preparing and negotiating rights of entry to right-of-way tracts. Outside general counsel is finally required to conduct all litigation necessary to advance or defend legal actions pertaining to activities of the WCCL-RMA and its Board.

2.0 RESPONSE FORMAT AND REQUIREMENTS

This RFQ broadly outlines the information that responders must submit to enable the WCCL-RMA to professionally evaluate the experience and capabilities of the responders. Please provide a response to every question and information request posed in Section 3.0 of this RFQ or indicate why no response is provided. Identify the question being answered in the introduction of the response to each question.

Responses must be limited to twenty-five (25) pages exclusive of appendices. Section 3.0 of this RFQ describes certain submittal material which may be included in an appendix to the response. Response material included in appendices will not be subject to the page count limitation. All submitted material shall be printed on one side only except for preprinted marketing brochures. All materials submitted in specific response to this RFQ shall be printed on recycled paper. The minimum type size shall be 12 point.

RESPONSES TO THIS RFQ MUST BE DELIVERED TO THE OFFICE OF THE WCCL-RMA NO LATER THAN 5:00 P.M., MARCH 31, 2015. NINE (9) COPIES (and one electronic copy on CD or flash drive) SHALL BE SUBMITTED TO:

Webb County – City of Laredo Regional Mobility Authority
7917 McPherson Road - Suite 203
Laredo, Texas 48045
Attn: Ruben Soto, Jr.

One copy of the response shall be marked original and bear all original signatures. The other eight (8) may be copies.

3.1 RESPONSE CONTENT

Responses to this RFQ may be submitted by an individual law firm, attorney, or joint venture between two or more law firms and/or attorneys. Responses to this RFQ shall include the following information:

Firm Organization and Staffing:

1. Brief history of the responding firm.
2. Name, address, telephone number, and fax number of the responding firms(s), and the name, address, telephone number, fax number and e-mail address and title of the individual submitting the response and to whom questions or requests for additional data should be directed.
3. Number of offices and employees within the firm and the number of licensed attorneys located in Texas with a summary of attorneys and resources that would be assigned to the WCCL-RMA with the anticipated availability, role and a brief biography of each individual, including relevant experience (full resumes may be included as appendix material, but should not be included in the main body of the firms' response) and an organizational chart indicating the relevant areas of responsibility of each attorney that would be assigned to work on WCCL-RMA related matters.

4. At least three (3) references that the WCCL-RMA may contact. Please provide name, title, affiliation, address and telephone number. The WCCL-RMA reserves the right to independently contact other references.
5. An abstract of the firm's cost control procedures and how it charges for its services (this should not include the submission of any specific pricing or fee information).
6. Confirmation of willingness to comply with the rules, policies, directives, and guidelines of the WCCL-RMA, the Board, and the Attorney General of the State of Texas.

Experience:

1. A description of the firm's qualifications for performing legal services, including the firm's prior experience in each of the areas described above in section 1, with a particular emphasis on the following:
 - a. Summary of the firm's experience in serving as a legal counsel to a public or private entity directly involved in the development, construction and/or operation of transportation infrastructure and facilities.
 - b. Summary of the firm's experience in serving as legal counsel in connection with the issuance of tax-exempt or taxable transportation related bond financing.
 - c. Summary of the firm's experience in serving as legal counsel to a public or private entity in connection with a proposal to finance and develop a transportation or other infrastructure project through a public-private partnership, including a concession arrangement.
 - d. Summary of the firm's experience in serving as a legal counsel in connection with any innovative infrastructure financing, including TIFIA and SIB.
2. Summary of Texas public entities that have engaged the firm as legal counsel since 2008. Indicate whether the firm continues to serve as legal counsel to such entities and state whether any such entities have terminated the engagement since 2008 and why.
3. Identify any litigation (including any formal administrative proceedings or investigations by any regulatory agencies) in which the firm is currently involved or has been involved since 2008 resulting from the firm's services as legal counsel. Indicate the current status or disposition of such litigation or proceedings.
4. Identify any litigation, complaint, or filing against the firm since 2008 regarding equal employment, discrimination, or sexual harassment and the disposition of any such complaint.

Historically Underutilized (“HUB”) And Disadvantaged Business Enterprise (“DBE”) Participation:

1. Indicate whether your firm is a certified HUB or DBE and if so provide supporting documentation, including evidence of certification through the State of Texas or a Texas regional certification agency.
2. Describe efforts made of that will be made for HUB and/or DBE participation if your firm is selected to serve as a general counsel to the WCCL-RMA.
3. Submit a summary of the firm’s affirmative action program and current firm profile with its responses to the RFQ.

Conflicts of Interest:

1. Describe any relationship which could create a conflict of interest or have the appearance of a conflict of interest if the firm is selected to serve as general counsel to the WCCL-RMA.
2. Responders must familiarize themselves with and comply with the WCCL-RMA’s Conflict of Interest Policy for Consultants Policy available on request.

4.0 QUESTIONS CONCERNING THE RFQ

All questions concerning this RFQ shall be submitted to the WCCL-RMA in writing, via email, no later than March 26, 2015. Questions should be submitted to:

rubensotocpa@sbcglobal.net

Responses to questions posed may be replied via email.

5.0 ANTI-LOBBYING PROHIBITION

Except for questions concerning this RFQ which may be submitted pursuant to Section IV above, responders shall not contact, either directly or indirectly, members of the WCCL-RMA’s Board, RFQ review team members, or any other individual on any matter related to the qualifications of the responder or other matter related to this WCCL-RMA solicitation. Responders may reply in writing only to questions posed by an official representative of the WCCL-RMA; a copy of any such replies shall only be submitted to Ruben Soto, Jr. of the WCCL-RMA.

Any responder judged to be in violation of this anti-lobbying prohibition may be disqualified from being considered in this procurement.

6.0 SELECTION OF OUTSIDE GENERAL COUNSEL

The WCCL-RMA will make its selection of its outside general legal counsel based on demonstrated competence, experience, knowledge, and qualifications as reflected in the criteria set forth herein. The WCCL-RMA may, but is not required to, select more than one responding firm to serve as co-outside general counsel. At the time a firm or firms are selected to serve as the outside general counsel, the WCCL-RMA anticipates negotiating the services to be provided and the fees and expenses related thereto. The WCCL-RMA may decline to utilize a firm if such negotiations are not successful.

The responders shall be evaluated according to the following:

1. Qualifications and experience of firm	35%
2. Qualifications and experience of team members	35%
3. Firm resources and Texas presence	20%
4. HUB/DBE commitment	10%

The WCCL-RMA may, but shall not be required to conduct interviews with one or more of the responding firms. Should interviews with any responder(s) be deemed desirable by the WCCL-RMA, the responder(s) will be so notified. A final score will be tallied and a recommendation will be made to the Board of Directors concerning the most qualified firm(s) to provide the services. The ultimate selection of a firm or firms, if any, will be made by the WCCL-RMA Board of Directors, and presentation to the Board may be required of one or more of the responding firms.

7.0 RELEASE OF INFORMATION AND PUBLIC INFORMATION ACT COMPLIANCE

All responses to this RFQ shall be deemed, once submitted, to be the property of the WCCL-RMA. Response documents may be subject to public disclosure under the Texas Public Information Act (“PIA”). Any material deemed to be proprietary, confidential, or otherwise exempt from disclosure under the PIA should be clearly marked as such. If the WCCL-RMA receives a request for public disclosure of all or any portion of a response, the WCCL-RMA will use reasonable efforts to notify the responder of the request and give the responder an opportunity to assert, in writing to the Office of the Attorney General, a claimed exception under the Act or other applicable law within the time period allowed under the Act.

8.0 COST OF RESPONSES

All costs directly or indirectly related to preparation of a response to this RFQ and any later oral interviews and presentations required to supplement and/or clarify the RFQ response shall be the sole responsibility of and shall be borne by responders.

9.0 RESPONDERS ACKNOWLEDGEMENT

All written, printed, and electronic correspondence related to this RFQ and all printed materials, exhibits, brochures, appendices, photographs, graphs, charts, and

reports submitted as a part of the response to this RFQ are, upon receipt by the WCCL-RMA, the property of the WCCL-RMA and may not be returned to the responders.

By submitting a response to this RFQ, each responder unequivocally acknowledges that the responder has read and fully understand this RFQ, and that they responder has asked questions and received satisfactory answers from the WCCL-RMA regarding any provisions of this RFQ with regard to which the responder desired clarification.

10.1 RIGHTS RESERVED BY THE WCCL-RMA

The WCCL-RMA reserves the rights with respect to this RFQ to:

1. Cancel this RFQ in whole or in part at any time without incurring any cost obligations.
2. Reject any and all responses received at any time
3. Modify all dates set or projected
4. Terminate evaluations of responses to this RFQ
5. Issue addenda, supplements, modifications, and clarifications
6. Seek or obtain data and advice from any source that has the potential to enhance the WCCL-RMA's comprehension and evaluations of the responses
7. Exercise all rights available under Texas and Federal laws.