

Midway City Council
11 July 2018
Regular Meeting

Bond Counsel Services /
Award Contract



REQUEST FOR PROPOSALS

MUNICIPAL BOND COUNSEL

NOTICE IS HEREBY GIVEN, that Midway City is requesting proposals from qualified firms to provide bond counsel services to Midway City pertaining to any and all bond transactions over the terms of the contract.

RFP Contacts: **Georgia McGuire, Purchasing Agent**
Midway City
75 North 100 West
Midway, Utah 84049
(435) 654-3223
e-mail: gmcguire@midwaycityut.org

Corbin B. Gordon, City Attorney
345 West 600 South
Heber, Utah 84032
(435) 657-0984
e-mail: cgordon@gordonlawgroup Utah.com

(Any unsolicited communication (from your firm or anyone on behalf of your firm) concerning this RFP to any employee, Council member, or officer of the City not listed as the RFP contact before the award of contract is grounds for disqualification from this procurement)

Timeline:

The following timeline will be followed with respect to this RFP:

1. Beginning Date: Wednesday, June 20 , 2018
2. Response submission deadline: July 11, 2018 at 1:00 pm (MDT)
3. Evaluation Committee review period: July 11, 2018 – July 18, 2018
4. Anticipated award of contract: July 11, 2018 - July 18, 2018

Purpose of RFP: The purpose of this RFP is to solicit proposals from qualified firms to provide bond counsel services to Midway City pertaining to any and all bond transactions during the term of the contract, which is anticipated to be a multi-year contract.

This RFP is designed to provide basic information sufficient to solicit proposals from qualified firms, but (except to the extent expressly provided otherwise) is not intended to limit a proposal's content, or exclude any relevant, important, or essential information. This RFP is part of a competitive procurement process which is intended to serve the best interests of the City and its citizens. It also provides each qualified firm responding to this FRP with a fair opportunity for its services to be considered.

The firm selected will be expected to provide general bond counsel services, as well as all services customary to and generally contemplated to be within the scope and duties of a fully qualified bond counsel, and to work cooperatively with the City and other providers of professional services.

Contents of Proposal: The City requires all proposals to be submitted in two clearly marked, separately sealed envelopes. The first document shall be submitted in an envelope clearly marked "Proposal for Bond Counsel Services" and will include responder information and requested qualification criteria as outlined in items B and C below and shall be no more than six (6) 8 ½ x 11 inch pages in length. Resumes of key team members may be attached to the proposal and will not count toward the page limit specified. The second document shall be submitted in an envelope clearly marked "Cost Information for Bond Counsel Services Proposal" and will be the Cost Proposal, described in item D below, and shall be no more than two (2) 8 ½ x 11 inch pages in length. The font size shall not be smaller than size 11 on both documents.

Proposals shall be submitted following these guidelines:

A. Submission Time, Place and Manner

Five (5) printed copies and an electronic copy in PDF format (sent via e-mail or submitted on a flash or thumb drive in the sealed document) of the Proposal Documents and Cost Proposal, must be received on or before July 11, 2018 at 1:00 pm (MDT). Documents may be hand submitted or mailed/emailed to the following address:

Georgia McGuire, Purchasing Agent
Midway City
75 North 100 West
Midway, Utah 84049
(435) 654-3223
e-mail: gmcguire@midwaycityut.org

Late Submission: Proposals received after July 11, 2018 at 1:00 pm (MDT) will not be considered. Any mailed proposal received after that date and time will not be considered, irrespective of the date of mailing or any other factor.

B. Responder Information

The first page of the proposal should include:

Title: "Proposal to Provide Bond Counsel Services"
Responder Information: Firm Name / RFP Contact Person
Address
Telephone
E-mail

C. Response Criteria

The Proposal should address the following:

1. A complete narrative of the responder's assessment of the work to be performed, the responder's ability and approach, and the resources necessary to fulfill the requirements. This narrative shall demonstrate the responder's understanding of the overall performance expectations and clearly indicate all options and alternatives proposed. Please list any relevant experience with or ability to perform the following:

- Work performed for other municipal entities, local districts, counties, etc.
- Master bond resolutions.
- Offering of knowledgeable and qualified tax advice.
- Understanding of the intent and implications of the Dodd-Frank Wall Street Reform and Consumer Protection Act as it pertains to municipal bond industry.

2. Provide a short description of the firm, including a short history, the number of attorneys and staff members it currently employees, and the number of years that it has been in business. Please describe the level of malpractice insurance carried by the firm, along with the firm's philosophy and practice in working with the City staff, including how the firm views the division of responsibility and work.

3. Provide a description of the qualifications, including experience, education, training, and knowledge of each individual that the responder will designate to provide bond counsel services described in this RFP, specifying the individual who will be the lead person for the responder. This person will become the designated principal bond attorney. No reassignment of the designated principal bond attorney will be allowed without prior written approval of the City.

4. A list of four (4) references (including a contact person and that person's contact information and title) of persons or entities for which the responder has provided bond counsel services who can render an opinion regarding the ability of the responder to provide those services. At least three (3) references need to be from municipal entities. It is preferred if all references are from public entities (municipalities, counties, local districts, state agencies, etc.).

5. A statement indicating whether the responder has any potential conflict of interest that would affect the ability to fairly represent the City. For each potential conflict of interest, state for each:

- the names of the individuals or entities involved;
- the nature of the conflict(s);
- the steps that the responder will take to avoid conflicts.

D. Cost Proposal (Separate Document)

In a separate document entitled “Cost Proposal”, include all information on cost for bond counsel services and any related items for which the responder may charge. A proposal may be deemed to be nonresponsive if any cost information is including in any portion of the proposal response other than in the “Cost Proposal” document. Please include the following:

1. Cost of bond counsel services for the issuance of a \$5,000,000.00 bond.
2. Description of billing practices that will be used by the responder and the frequency and details of billing.
3. Cost of proposed bond counsel services and how it might relate to the size of bond issuances.
4. A list of anticipate costs to be reimbursed on an actual cost basis, or other than actual cost basis.
5. Hourly rates for each lawyer, paralegal, and support staff person, if any, for all services not related to the specific bond counsel services.
6. Any other information relevant to cost.

Evaluation

An evaluation and selection committee will meet to consider all responsive proposals submitted and rank the proposals based on the criteria stated below. If a responder is eliminated during the evaluation process, the firm will be notified in writing.

Evaluation categories are assigned a maximum number of points for evaluation purposes, with a maximum cumulative total of 100 points. Cost proposals will be retained by the City and will be evaluated only after the basic proposals have been evaluated and ranked. The proposals will be evaluated based on the following factors:

Criteria	Score	Weight	Maximum Points
1. Demonstrated qualifications and ability To provide bond counsel services:			
Qualifications and expertise -----	0-5	x 6	30
Support team -----	0-5	x 3	15

2.	Responsiveness of work plan: Clearly written proposal which indicates an understanding of the key issues, clearly defines deliverables, and the responder's ability to meet the demands of bond counsel services, as they arise -----	0-5	x4	20
3.	Past Performance: Demonstrated experience and successful past Performance for cities or other similar municipal Or governmental entities -----	0-5	x3	15
4.	Cost Proposal: Based on formula below -----	0-5	x4	20
TOTAL MAXIMUM SCORE AVAILABLE				100

The proposal with the lowest cost will receive the maximum points available. All other proposals will receive points determined by the ratio for the lowest proposal's cost to each other proposal's cost with the points being rounded down to the nearest whole number. The ration is calculated as follows: the maximum points available for the cost category, multiplied by the lowest proposed price / proposal price.

The City may request interview with one or more of the responding firms if, in the sole discretion of the City, additional information relevant to the decision may be gained thereby.

Contract

A contract will be awarded (pending successful contract negotiations) to the responder whose proposal is the most advantageous to the City, taking into consideration price and other evaluation factors describe in this RFP. The City is anticipating award of contract for multiple financial services, including but not limited to Financial Advisor, Bond Underwriter, Bond Counsel, and Bond Trustee within a similar or slightly longer time period. Responders may submit proposals for more than one of these services. However, if a responder received the highest score for more than one of its proposals in Financial Advisor, Bond Underwriter, or Bond Counsel, the City will award the responder with only one financial service contract at the City's discretion. The contract for the other financial service(s) will be awarded to the next highest ranked responder.

In accordance with the Utah Procurement Code, the City reserves the right to award the contract to a technically qualified, lower-cost responder that scored lower than the highest scoring responder if, based on a cost benefit analysis required by the Utah Procurement Code, the highest scoring responder will not provide the best value offered to the City.

The Contract may be awarded for more than one (1) year, subject to frequent reviews by the City, and terminable at any time by the City.

Best and Final Offers

In accordance with Utah Code Ann. § 63G-6a-707.5, the evaluation committee may request best and final offers from responsible offerors who have submitted responsive proposals that meet the minimum qualifications, evaluation criteria, or applicable score thresholds identified in this RFP, if:

1. no single proposal adequately addresses all the specifications state in the request for proposals;
2. all proposals are unclear or deficient in one or more respects;
3. all costs proposals exceed the identified budget or the procurement unit's available funding;
4. or two or more proposals receive an identical evaluation score that is the highest score.

Best and final offers will then be evaluated and scored by the evaluation committee in accordance with the evaluation criteria and procedures stated in this RFP.

Dated this 16 day of June 2018.
Brad Wilson, Midway City Recorder