



CITY OF POTEET, TEXAS
REQUEST FOR QUALIFICATIONS

FOR

City Attorney/Legal Services

RFQ #22-003A

PUBLISHED DATE: JANUARY 24, 2022
RESPONSE REVISED DUE DATE: APRIL 14, 2022

Interested vendors must submit a RESPONSE PACKAGE of one (1) original and six (6) copies, to Kerry McCollough, City Secretary, City of Poteet, City Hall, 491 Avenue H, Poteet, Texas 78065 by no later than 2:00 P.M. (CST), April 14, 2022.

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ADVERTISEMENT FOR STATEMENT OF QUALIFICATIONS

The City of Poteet, Texas, (“City”) is soliciting a Request for Statement of Qualifications for:

**City Attorney/Legal Services
RFQ# 22-003A**

Statement of Qualifications will be accepted by the City until **April 14, 2022 at 2:00 P.M. (CST)**. All statement of qualifications are to be submitted on the forms provided and returned in a sealed envelope to:

**City of Poteet, Texas
Attn: Kerry McCollough, City Secretary
491 Avenue H
Poteet, Texas 78065**

Offerors must submit one (1) original statement of qualifications and six (6) copies in a sealed package plainly marked with the above noted Title and Statement of Qualifications Number.

The statement of qualifications will be opened on April 14, 2022 at 2:00 P.M. (CST).

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**STATEMENT OF QUALIFICATIONS ACKNOWLEDGEMENT FORM
ANTI-COLLUSION CERTIFICATION**

The undersigned certifies that: (i) he/she is duly authorized to submit and execute this statement of qualifications and (ii) the Offeror and its principles, shareholders, members, partners, employees and/or agents have not and will not attempt to lobby (directly or indirectly) the Poteet City Council or any employees or agents of the City with regard to this statement of qualifications.

The undersigned further certifies that the enclosed statement of qualifications is submitted in accordance with all instructions, specifications, definitions, conditions contained herein and that the undersigned is aware that failing to submit a conforming statement of qualifications may result in partial or full rejection of the Offeror's statement of qualifications.

Offeror Company Name

Authorized Signature

Date

Print or Type Signatory Name

Address

Position / Title

City / State

Zip Code

Phone Number

Fax Number

E-Mail

Web Page

SECTION 1

INSTRUCTIONS FOR THE SUBMISSION OF STATEMENT OF QUALIFICATIONS

1.1 Purpose of Solicitation

The purpose of this Request for Qualification (RFQ) is to obtain statements of qualifications from firms or individuals, hereinafter referred to as Vendor, Respondent, Proposer, or Offeror, demonstrating competency for providing city attorney/ legal services to the City. The City will review the respondents in order of perceived qualifications to determine the most highly qualified offeror. Negotiations will be initiated with the Offeror selected most highly qualified in order to attempt to arrive at a contract with that Offeror at a fair and reasonable price. The professional fees under that contract must be consistent with, and not higher than, the recommended practices and fees published by the applicable professional associations, and may not exceed any maximum provided by law. The City reserves the right to withdraw this Request for Statement of Qualifications at any time for any reason.

1.2 Signature Required

Statements of Qualifications will not be considered unless the Statement of Qualifications Acknowledgement Form is fully completed and an original handwritten signature in ink is provided by the Offeror's authorized representative on the Proposal Acknowledgement Form.

1.3 Late Submission

The City will not receive/accept any late proposal submission after the due date and time.

1.4 Preparation of Offers

Proposal forms should be typed, printed, or written in ink. Proposals written in pencil will not be considered for an award.

1.5 Withdrawal of Offers

Statement of Qualifications may be withdrawn any time prior to the official time of submission by submitting a written and signed request to Kerry McCollough, City Secretary. Any Offeror who withdraws a statement of qualifications shall sign a written receipt. After the official time of submission, all statement of qualifications become property of the City.

1.6 Request for Statement of Qualifications

The City is processing this solicitation as a sealed request for Statement of Qualifications. Therefore, only the identity of the Offeror(s) will be disclosed at the time of opening. The content of any statement of qualification(s) will be available for review only after a contract between the parties has been executed.

1.7 Addenda to Solicitation

If necessary, the City may modify this solicitation by formal written addendum, which is posted within the City's website. Respondents shall acknowledge by completing the addendum form provided by the City. The addendum form should be signed and returned to the City Secretary's office. Failure to do so may cause the statement of qualifications to be ineligible for consideration of contract award. No oral or informal addendum to this solicitation shall be binding on the City.

1.8 Rejection of Statement of Qualifications

The City reserves the right to accept or reject any or all statement of qualifications or any part thereof, to waive all technicalities, and to accept the offer or offers that are determined to provide the best benefit to the City. A failure to provide any requested information may result in rejection of a statement of qualifications, in whole or in part, at the City's sole discretion. However, the City reserves the right to request additional or clarifying information from an Offeror after a statement of qualifications has been submitted. Such information may be used to further evaluate the Offeror's statement qualifications.

1.9 Solicitation Costs

All cost incurred by the Offeror in the preparation, printing, demonstration, or negotiation of its statement of qualifications shall be borne by the Offeror. This solicitation does not obligate or commit the City to pay any costs incurred in the preparation and submission of the statement of qualifications or to contract for the goods/services specified. Further, the City is not obligated to pay any costs incurred by any Offeror as a direct result of errors or omissions committed by City employees or agents in the preparation of this solicitation and the processing of the Offeror's statement of qualifications. It is incumbent upon each Offeror submitting a statement of qualifications to verify the accuracy of the information herein contained based upon each Offeror's research and information, and to immediately advise the City of any discrepancies.

1.10 Evaluation

Professional services contracts are made by selecting the most highly qualified individuals, or firms, with the ability to meet the City's specific needs. The City shall accept the statement of qualifications which it deems to provide the best benefit to the City. Upon receipt, the City shall review the statement of qualifications and may request

additional information and conduct interviews with Offerors and their submitted references as the City deems appropriate. The criteria that may be used in evaluating the statement of qualifications are as follows:

Evaluation Criteria:

Evaluation of the proposals received may consider, but shall not be limited to, the following review criteria:

General Quality and Adequacy of Response

- Completeness and thoroughness
- Understanding of the project

Organization, Personnel, and Experience

- Qualifications and experience of individuals who will perform and supervise the work requested by the City
- Technical capabilities of the firm
- Experience with similar municipalities
- Knowledge and familiarity with the City of Poteet
- Firm’s history of ethics violations or board actions

Outcomes

- Demonstrated timeliness on similar projects

Availability

- Capability to meet schedules and deadlines
- Current workload and ability to commence requested projects
- Ability to work closely with City Staff
- Demonstrated commitment to maintaining staff continuity for the project

1.11 Rejection of Statement of Qualifications

The City may, by written notice to the Offeror, reject any statement of qualifications if the City determines that gratuities, in the form of entertainment, gifts, or otherwise, were offered or given by the Offeror, or any agent, or representative of the Offeror, to any employee, agent or elected official with a view toward securing a contract or securing favorable treatment with respect to the award or amendment of this solicitation.

1.12 Clarification

If any Offeror is in doubt as to the meaning of any part of this solicitation, a written request for clarification should be submitted to Kerry McCollough, City Secretary, at kmccollough@poteetexas.gov no later than four (4) business days prior to the official time for submission. An interpretation of the request shall be made only by written response, duly issued, with a copy posted for review on the City website.

1.13 Separate Contract

The City will require the selected Offeror to sign a separate, formal contract that fully incorporates all the provisions of this solicitation. If an Offeror proposes changes to any provision in the contract or if the Offeror desires additional provisions to be included in the final contract, the Offeror must so indicate in a “mark-up” version of the contract which will be made part of the Offeror’s statement of qualifications. The City reserves the right to modify the terms and conditions of any proposed contract during negotiations with the Offeror.

1.14 Requests for Non-Disclosure of Information

Except for those documents or portions of documents required to be disclosed by law, all documents submitted as part of the Offeror’s statement of qualifications will be deemed confidential during the evaluation process. Following award of a contract, all statement of qualifications will become public documents and will be available for public viewing unless the Offeror has previously requested in writing the nondisclosure of trade secrets and other proprietary data and has clearly identified those portions of its statement of qualifications which the Offeror considers to be trade secrets and/or proprietary data. The Offeror may not identify its entire statement of qualifications as consisting of trade secrets and/or proprietary data and any statement of qualifications so marked shall be considered non-responsive. The City makes no representations with regard to whether the identified proportions of a statement of qualifications are subject to public viewing pursuant to the Texas Public Information Act (Section 552.001 et seq. of the Texas Government Code) or any other applicable laws or statutes.

1.15 Negotiations

Negotiations may be conducted with the Offeror whose statement of qualifications, in the sole determination of the City, offers the best legal services to the City or the City may award the contract based on such Offeror’s original statement of qualifications. If the City is unable to agree upon a contract with the highest ranked Offeror, the City will terminate negotiations with such Offer and commence negotiations with the next highest ranked Offeror(s) until a contract is agreed upon, subject to the City’s right to reject all statement of qualifications.

1.16 Assignment

Offerors may not transfer or assign their statement of qualifications or any contract between an Offeror and the City which is awarded under this solicitation.

1.17 Availability of Funds

If the City fails to appropriate funds to provide the legal services requested in this solicitation, the City may terminate the contract with the Offeror awarded the contract

without any termination charges upon a thirty (30) day notice by the City.

1.18 Tax Exemption

Unless otherwise noted, the City is exempt from all, and shall not pay or reimburse the Offeror with respect to any, local, state, and federal taxes.

1.19 Representation of Offeror

By submitting its statement of qualifications, Offeror represents that:

- (i) Offeror has read and understands this solicitation;
- (ii) Offeror's statement of qualifications is made in accordance with this solicitation;
- (iii) Offeror's statement of qualifications is based upon the information set forth in this solicitation.

1.20 Equal Opportunity

The successful Offeror must agree to abide by regulations pertaining to Equal Employment as set forth in all applicable local, state, and federal regulations, to include not discriminating because of race, color, religion, sex, age, disability, or national origin.

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SECTION 2

PROPOSAL ORGANIZATION AND FORMAT

2.1 Proposal Organization and Format

Proposal should be submitted on 8.5 by 11-inch paper bound securely. Proposals must contain, and be organized, as shown below. Each section should be separated by numbered tabs.

Cover clearly displaying the title of the RFQ

- Tab 1: Table of Contents
- Tab 2: Introductory letter, to include name of firm and contact information for the primary City contact with the firm.
- Tab 3: Personnel Qualifications: Identify the key attorney who will serve in the position of City Attorney with his or her resume and summary of experience. Provide the same for other attorneys (if any) in the firm who may assist with the provision of services.
- Tab 4: Specialized Legal Services Competence: Provide information about the attorney and firm's experience in providing legal services to municipal organizations. Provide at least three (3) references from these organizations including names, contact person and phone numbers.
- Tab 5: Capacity and Capability: Provide information about the attorney and firm's capacity and capability to perform on short notice and in a timely manner. If the appointed City Attorney is not available are there other means of responding to requests?
- Tab 6: Approach to Communicating with the City: Describe the attorney and firm's approach to communicating with the City in regard to progress reports, status reports, recommendations, status of opinions, etc.
- Tab 7: Understanding of Services to be Provided: Describe the attorney and firm's understanding of the scope of work.
- Tab 8: Work Schedule and Approach to Project Management: Provide a plan for service delivery, and an explanation of how tasks and projects are managed within the firm to insure timely response and completion.

- Tab 9: Litigation/Ethics

A. Provide the style and cite of any current/pending litigation and any litigation settled or disposed within the past five (5) years against the Offeror, its Attorneys and employees, including its parent, sister or subsidiary companies, and proposed sub-contractors.

B. Provide detail of any ethics violations or board actions within the past five (5) years against the Offeror, its Attorneys and employees, including its parent, sister or subsidiary companies, and proposed sub-contractors.

- Tab10: Business Owner Information Form

- Tab 11: Disclosure of Conflict of Interest Form CIQ

2.2 Failure to provide completed documentation.

Failure to complete the above documentation may be grounds to declare a statement of qualifications non-responsive and the City may reject the statement of qualifications in whole or in part.

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SECTION 3

INSURANCE REQUIREMENTS

3.1 Insurance

Contractors providing good, materials and services for the City of Poteet shall, during the term of the contract with the City of Poteet or any renewal or extension thereof, provide and maintain the types and amounts of insurance set forth herein. All insurance and certificate(s) of insurance shall contain the following provisions:

1. Name the City of Poteet as additional insured as to all applicable coverage with the exception of workers compensation insurance.
2. Provide for at least thirty (30) days prior written notice to the City of Poteet for cancellation, non-renewal, or material change of the insurance.
3. Provide for a waiver of subrogation against the City of Poteet for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

3.2 Insurance Company Qualifications

Insurance Company Qualification: All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

3.3 Certificate of Insurance

Certificate of Insurance: A certificate of insurance evidencing the required insurance shall be submitted with the Offeror's RFQ. If the contract is renewed or extended by the City of Poteet, a certificate of insurance shall also be provided to the City of Poteet prior to the date the contract is renewed or extended.

3.4 Type of Contract Type and Amount of Insurance

Statutory Workers compensation insurance as required by state law.

Automobile Liability with a minimum of \$1 Million Dollars combined single limit.

Public Works and Construction General Liability insurance for personal injury (including death) and property damage with a minimum of \$1 Million Dollars per occurrence and \$2 Million Dollars aggregate, including advertising injury, products coverage and (XCU)

explosion, collapse and underground (If high risk or dangerous activities)

Umbrella Coverage or Excess Liability Coverage of \$2 Million Dollars

Professional Services Professional Liability Insurance with a minimum of \$1 Million Dollars per occurrence and \$2 Million Dollars aggregate.

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SECTION 4

SCOPE OF WORK

4.1 Scope of Work

The City of Poteet is a General Law municipality, with a population of approximately 3,400 encompassing approximately 1.5 square miles of land in south-central Texas. It provides a wide variety of services to citizens and visitors in the Poteet area. These include police, public works (owner and operator of water system and wastewater system), community development, building inspections and code enforcement, parks and recreation, and other services. An important part of this governance relies on quality legal services. This scope of services will include the appointment of one individual or law firm to serve in the position of City Attorney, who will be appointed by and serve at the will and pleasure of the Poteet City Council.

The legal services under consideration in this Request for Qualifications involve (but are not limited to):

1. Providing a variety of proactive, high-quality, and timely legal opinions to the City Council and City staff.
2. Attending regular meetings of the City Council and occasional special-called meetings as requested, and city commissions and boards as requested.
3. Being intimately familiar with the City's Code of Ordinances, applicable State and Federal laws, and other applicable documents (such as the City Personnel Policies and Procedures, code enforcement process, etc).
4. Providing advice to the City on a variety of legal matters.
5. Representing the City as City Attorney in legal matters.
6. Serving as the City Attorney by prosecuting violations of municipal ordinances.
7. Reviewing and/or drafting ordinances, resolutions, and other documents as requested by the City Council, City Administrator, or assigned staff.
8. Negotiating and administering contracts as well as assisting with contract disputes.

9. Reviewing and making recommendations on a variety of projects and proposals which have legal ramifications.
10. Maintaining an appropriate relationship with professional organizations in the field of municipal legal services.
11. Staying abreast and informing the City of new or proposed State and Federal legislation affecting the City.
12. Researching alternative approaches to resolving legal problems.
13. Assisting and/or advising on the collection of delinquent revenues.
14. Providing proactive legal counsel on issues pertaining to personnel policies and procedures and providing counsel in all compliance employment matters such as, but not limited to, EEOC, FLSA, FMLA, and OSHA requirements.
15. Prosecuting offenders in the municipal court, including preparation of all charges and complaints against, and appearing in the appropriate court in the prosecution of, every person charged with the violation of a City ordinance.
16. Assisting the City Secretary in staying current on State and Federal Election Laws and the administration of elections for the City.
17. Knowledge of land use laws and abilities of the City to implement and administer such laws in conformance with State requirements and the City Councils desire to improve such land use planning.
18. Knowledge of laws and experience with managing extraterritorial jurisdiction and annexation.
19. Knowledge of laws and methods to facilitate effective code enforcement to improve deteriorating areas of the City, including demolition procedures and property maintenance code provision.
20. Knowledge of Texas Open Records and Open Meeting Laws.
21. Knowledge of laws and experience in applying Chapter 380 provisions to economic development.
22. Knowledge of laws and experience in working with utility districts, water supply corporations, and emergency services districts.
23. Knowledge of laws and experience in working with Hotel Occupancy Taxes.

BUSINESS OWNER INFORMATION FORM

OWNER STATUS (Check applicable boxes)

BUSINESS NAME: _____

MALE/FEMALE

- Male
- Female

ETHNICITY

- White
- Hispanic
- Asian Pacific
- Sub-Continent Asian

- Black/African American
- Native American
- Other Ethnicity _____

PHYSICAL CONDITION

- Disabled
- Not Disabled

ENTERPRISE SIZE

- Small Business
- Large Business

BUSINESS STRUCTURE

- Sole Proprietor
- Partnership
- LLC
- Public Corporation
- Private Corporation
- Non-Profit Organization

FEDERAL TAX ID #: _____

SUBCONTRACTORS

- None. No subcontractor(s) will be used to complete this contract.
- Yes. Name(s) of Subcontractor(s): _____
- _____ % of Total Contract
- Address: _____
- (Attach a list if additional space is necessary)

CERTIFICATION OF BUSINESS AS SMALL, MINORITY OR WOMAN OWNED ENTERPRISE (SMWBE)

The City will identify a Small, Minority, & Woman Owned Business Enterprise Program. Additional information may be required after receipt of offers and/or award of contract(s) to support and document the SMWBE certification. The City will accept certification from various agencies, [i.e. local (www.sctrca.org), State of Texas (www.tbpc.state.tx.us), Federal (www.sba.gov or www.va.gov/OSDBU), and the private sector (www.cstmhc.org or www.wbeatexas.org)]

Certifying Agency: _____ REG #: _____ Expiration Date: _____

- SBE
- MBE
- WBE
- DBE
- 8(a)
- Veteran

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date