

**REQUEST FOR QUALIFICATIONS No. 2021-0820-002**

**BOND / DISCLOSURE COUNSEL**

**Date of Issue: August 20, 2021**

**PROPOSAL DUE NO LATER THAN 4:00 P.M. (CST) on September 10, 2021.**

**GENERAL INFORMATION**

The City of Prairie View, Texas requests the submission of qualification statements, which will lead to the possible award of a contract, or contracts, to provide Bond / Disclosure Counsel Services for various projects involving the use of bond funds, loan funds or grant funds.

**SCOPE OF SERVICES**

The Services to be obtained for Bond / Disclosure counsel require:

1. Render opinions regarding the validity and binding effect of securities and, if the securities are issued on a tax-exempt basis, the excludability of interest on the securities from gross income for federal income tax purposes;

2. Assist the City of Prairie View in seeking from other governmental authorities’ necessary approvals, permissions, and exemptions in connection with the authorization, issuance, and delivery of securities. Assist the City of Prairie View in reviewing and commenting upon agreements of state and local political subdivisions relating to the financing of the City of Prairie View projects;

3. Provide legal advice on issues related to the marketing of bonds, including negotiated sale and/or sale by competitive bids; methods for enhancing the bond rating; and bond covenants, pledge of revenues, flow of funds, legal coverage requirements, and timing of bond issues;

4. Provide legal advice and assistance on the requirements of various financing structures (alternatives), the principal amount of bonds to be sold, maturity schedules, bases of awarding bids, and type of sales;

5. Submit the transcript of legal proceedings pertaining to the authorization and issuance of securities to the Office of the Attorney General for approval and to the Comptroller of Public Accounts for registration and delivery. Maintain copies of all transcripts and documents issued in connection with bond issues and other financial transactions, and following conclusion of the transaction, bind and deliver copies of the complete record to the City of Prairie View;

6. Assist the City of Prairie View in preparing and assembling data and submitting continuing disclosure reports to any and all required entities;

7. Correspond with, prepare, and submit documents to and appear before bond rating firms. Prepare the City of Prairie View staff and consultants and the City Council for presentations before bond rating firms. Advise the City of Prairie View staff and consultants on correspondence with bond rating firms;

8. Explain the offerings of the City of Prairie View to prospective bidders in the tax-exempt and private activity bond markets and solicit participation from various investment bankers;

9. Write or assist in writing and presenting to the City Council resolutions and/or ordinances related to the issuance of debt, trust agreements, capital investment covenants, and public/private financing agreements;

10. Make prospective legal recommendations on credit enhancement options, legality and feasibility of synthetic products, commercial paper investments (to the degree permitted by law), and bond re-funding and re-financings;

11. Review and evaluate current, pending, or prospective legislation and report to the City of Prairie View on the possible effects on the City of Prairie View’s ability to finance its projects;

12. Perform legal reviews of documents, agreements, covenants, reports, resolutions and ordinances prepared by other parties relative to the issuance and securing of debt;

13. Write or assist in writing documents and reports required to be filed with the U.S. Securities and Exchange Commission as necessary;

14. Advise the City of Prairie View with respect to other matters relating to the City of Prairie View’s compliance with state and federal securities law that may arise;

15. Provide all other services usually necessary and required of a full-service bond counsel, whether specifically outlined in the scope of services or not;

16. Participate in meetings as requested, including due diligence and presentation to the Prairie View City Council; and/or

17. Work with the City of Prairie View’s Mayor, City Council, City Secretary and general counsel in the performance of any additional scope of work.

Additional services to be provided by the Bond Counsel shall include the following, as necessary:

• Assist in preparing legal documents in connection with the Obligations and/or loan forgiveness funding, as necessary;

• Render an objective legal opinion with respect to validity of any Obligations issued by the City of Prairie View;

• Examine applicable law;

• Prepare the Resolutions or Ordinances and other documents necessary to authorize any Obligations and/or principal forgiveness agreements with the TWDB, as necessary;

• Consult with the parties to the transaction prior to the issuance of Obligations or entry into principal forgiveness agreements;

• Secure TWDB and Texas Attorney General approval of any Obligations and the registration of the Obligations by the Comptroller of Public Accounts of the State of Texas, as necessary;

• Review certified proceedings; and,

• Undertake such additional duties as deemed necessary to render the opinion with respect to each issue of Obligations.

**Guidelines for Content of Qualification Statements**

DO NOT INCLUDE COST INFORMATION with the qualification statement. Responses that include cost or pricing information will be rejected and will not be considered by the City.

The proposer shall provide a description of the history and background of the firm, identification of the services currently being provided to political subdivisions in Texas and other information relevant to the provision of Financial Advisory Services.

1. General information about the firm:

A. Name, address, and telephone number of the firm.

B. History of the firm.

C. List names and titles of officers of the firm who will be directly responsible for Financial Advisory services.

D. Information pertaining to the firm’s compliance with licensing and other

requirements, including appropriate licenses to perform services in the State of Texas.

2. References - List of three (3) references to those listed in #1 above.

3. 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).

4. Additional services - describe any other service or experience of the firm, which you deem beneficial in acting as Financial Advisor to the City of Prairie View.

5. Attach a copy of Bond Counsel / Disclosure services contract proposed by your firm, without fee information.

**RECEIPT OF PROPOSALS AND SCHEDULE**

If your firm is interested in being considered as Financial Advisor for the City of Prairie View, **proposals must be received no later 4:00 P.M. (CST) on September 10, 2021,** at City Hall, 44500 US-290 BUS, Prairie View, Texas 77484. Three (3) hard copies and one (1) electronic copy of the proposal must be submitted by the deadline for consideration.

The City of Prairie View will notify firms who register with the City of Prairie View of any significant changes to the proposed schedule:

Advertise Request for Qualifications (RFQ) August 20, 2021

Deadline for Submittal of Questions September 1, 2021

Deadline for submittal of response to RFQ September 10, 2021

Deadline for Submittal of answers to RFQ September 6, 2021

City of Prairie View notifies selected firm on or about September 22, 2021

**PROPOSAL REQUIREMENTS**

The response to this RFQ should be as concise as possible while adhering to the format and information requirements described below. Please limit your response to a maximum of twelve (12) single sided letter-sized pages with minimum font size 10, not including cover pages, resumes, and required forms. The response to this RFQ will consist of the following sections:

Section 1 - General Information and Statement of Interest

Section 2 - Short biography and resumes of individual(s)/firm team members

Section 3 - Description of Relevant Experience

Section 4 - References

Section 5 - Potential Legal Conflicts

Section 6 - List of any litigation where you represent a plaintiff against a defendant city

Section 7 - Current City Clients

Section 8 - HB 1295 Disclosure Form (<https://www.ethics.state.tx.us/tec/1295-Info.htm>; complete the form online, print, sign, notarize and include with proposal)

**SELECTION CRITERIA**

The proposals will be evaluated based on the following criteria to determine which firm has the best qualifications:

• Quality of the Response (20%) - The degree to which the Respondent has responded to the purpose and scope of specifications, e.g., services to be provided – flexibility of Respondent to meet the needs of the City of Prairie View, conformance in all material respects to this RFQ, etc.

• Capability (40%) - Respondent has the capability in all respects to perform fully the contract requirements that will assure good faith performance as required by these specifications. Also includes Respondent’s capability and skill to provide the products or perform the services stated in these specifications.

• Experience (40%) - Respondent’s experience in providing the services as requested in these specifications.

The City of Prairie View, Texas reserves the right to reject any or all proposals.

The City of Prairie View, Texas is an Affirmative Action/Equal Opportunity in Employer - All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap of national origin. Small, minority, and women-owned business enterprises are encouraged to submit proposals.

**Acknowledgement**

(Include with Proposal)

You are representing to the City of Prairie View, Texas that you are authorized to submit this proposal by completing and signing below.

Firm Name:

Address:

Phone:

Fax:

Printed Name:

Email:

Signature of Authorized Representative:

Title:

Date: