

**RFP Number: 2018-1**

**– Legal Services Consultant**

Contracting Agency: City of Jal Address:

PO Drawer 340

Jal, NM 88252

Purchasing Agent: Jenny Edwards

Telephone Number: (575) 395-3340

E-Mail Address: [j.edwards@cityofjal.us](mailto:j.edwards@cityofjal.us)

Due Date: November 6th, 2017

### **PURPOSE OF THIS REQUEST FOR PROPOSALS**

The purpose of this Request for Proposals (RFP) is to engage a law firm that can provide legal expert services to the City of Jal, hereinafter referred as "City". The selected offeror will be responsible for the provision of legal representation which includes advice and counsel on legal matters (or legal opinions) needed by the City. Offeror will represent City's interest in federal and state lawsuits, federal audits and evaluations, and any legal matters including litigation currently pending in federal and state court. Offerors must have extensive experience in litigating federal, state, local laws, and regulations; as well as in representing municipal government entities. Offeror must be properly licensed to practice law in the State of New Mexico. Legal malpractice liability coverage is required and a certificate copy must be included with RFP documentation. If selected, Offeror will name the City as Secondary Insured.

### **CONSULTANT GENERAL QUALIFICATIONS**

Ideally, Offeror will have qualified professional, to include attorney and professional office staff. Contractor must be capable of providing legal research, analysis, advice, contract negotiation support, general representation and litigation. Appearance in federal and state court is likely and appellate work may become necessary. Legal representation includes immediately representing the City in all pending litigation:

## **COPIES OF THE RFP PROPOSAL MAY BE OBTAINED AS FOLLOWS:**

Copies of the request for proposals (RFP) may be obtained by contacting City's Purchasing Agent at the address and phone number listed below.

Jenny Edwards  
City of Jal Clerk/Treasurer  
309 S. Main St./ PO Drawer 340  
Jal, NM 88252 Phone Number: (575)  
395-3340

## **PROPOSAL SUBMISSION REQUIREMENTS**

**Sealed Proposal packets must be physically delivered or mailed to the attention of:**

Same as above

Note: Proposal packets can be delivered via U.S. Mail, UPS, Fed Ex, et cetera, or in person, prior to the appointed time and date.

## **PROPOSAL DUE DATE AND TIME:**

**All proposal packets must be received by 2:00 P.M., Local Time on November 6th, 2017.**

Packets not properly submitted will be returned to vendor at vendor's expense. The date and time received will be stamped on the proposals. Late proposals will not be considered nor accepted. It is the responsibility of the offeror to ensure that proposals are delivered on time to the correct address.

## **RIGHT TO REJECT PROPOSALS AND WAIVE TECHNICALITIES**

The City of Jal reserves the right to cancel this RFP request, reject any and/or all proposals, to waive minor technicalities, to re-advertise RFP or extend due date(s), and to proceed with contractual negotiations if it is deemed to be in the City's best interest. Note: A determination containing the reasons therefore will be made part of this project file (Ref: 13-1-131 NMSA 1978).

## **RESPONSIVE PROPOSALS**

Proposals submitted in response to this RFP must be signed by a person having the authority to legally bind the company in a contractual agreement. All responsive proposals will become property of the City of Jal and will become public information once contractual agreement(s) is/are finalized. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, the appropriate selection committee's final ranking and evaluation scores for all proposals shall become public information. Businesses that have not been selected for contract award shall be so notified in writing within fifteen days after an award is made (Ref: 13-1-120.D NMSA 1978).

## **PROPOSALS RECEIPT, OPENING, AND RECORDING**

All timely submitted proposal packets will be opened publicly, or in the presence of one or more witnesses, and the name of the Offeror (and its address) will be read aloud.

## PROPOSAL CLASSIFICATION AND EVALUATION CRITERIA

Proposals shall be evaluated based on demonstrated past performance and professional qualifications necessary to perform the requested service(s), and shall be based on specific evaluation criteria factors clearly specified in this RFP. Evaluating committee members may classify RFP responses in the following three groups, in order to facilitate RFP review discussions.

- 1.) Acceptable
- 2.) Potentially acceptable - having minor technicalities that could be waived/corrected if it is in the City's best interest. Minor corrections could make RFP acceptable.
- 3.) Unacceptable – Offerors whose proposals are not accepted will be notified promptly.

Note: City reserves the right to waive technical irregularities in the form of the Proposal of the Offeror, which do not alter the quality or quantity of the services (Ref: 13-1-132 NMSA 1978)

## RIGHT TO PROTEST

Any Offeror who is aggrieved in connection with this RFP solicitation or contractual award may protest to the City of Jal City Clerk/Treasurer or to the State of New Mexico Purchasing Agent. The protest shall be submitted in writing as soon as possible but in no case will the protest be filed later than fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest.

## CONDITIONS GOVERNING RFP PROCUREMENT – RFP TIMELINE

<u>Action</u>	<u>Date</u>	<u>Responsibility</u>
Issue RFP	Oct. 12, 2017	City
Deadline to submit questions	Oct 19, 2017	Offerors
Response to written questions	Oct 23, 2017	City
RFP Amendment(s), if necessary	As needed	City
Proposal Packet Due Date/Time	Nov. 6, 2017 @ 2:00PM MST	Applicants
Evaluation of Proposals	Nov. 7, 2017	City
RFP Clarifications/Negotiations	Nov. 8, 2017	City
Best and Final Offer	Nov 9, 2017	City & RFP Finalist
Contract Award	Nov 12, 2017	City
Protest Deadline	15 Calendar days	Applicants

## CONFIDENTIALITY OF PROPRIETARY MATERIAL

All proposals will be kept confidential until a contract is awarded. At that time, all proposals and documents pertaining to the proposals will be open to the public, **except for the material that is proprietary or confidential**. The Purchasing Agent will not disclose or make public any pages of a proposal on which the Offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirements.

Proprietary or confidential data shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal. Confidential data is normally restricted to confidential financial information concerning the offeror's organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, 57-3A-1 to 57-3A-7 NMSA 1978. **The price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information.**

If a request is received for disclosure of data for which an offeror has made a written request for confidentiality, the City's Purchasing Agent shall examine the offeror's request and make a written determination that specifies which portions of the proposal should be disclosed. Such a determination will be provided to the Offeror. Unless the Offeror takes legal action to prevent the disclosure, the proposal will be so disclosed. The proposal shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data.

## COST RESPONSE

Offeror must disclose in the Cost Response all anticipated charges and fees that includes minimal charges and rounding of billable time. Offerors must provide a description of all anticipated charges associated with provision of legal services (i.e. long distance calls, copying fees, service of process, etc.)

### **MULTIPLE YEAR AGREEMENT:**

Subsequent to an award to a successful offeror, the contract shall begin upon the date it is fully executed by both parties. The term of the initial agreement will be for one year, with an option to renew for three additional one-year terms based on agreement by both parties. In no case will the contract, including all renewals thereof, exceed a total of four years in duration.

### **CONTRACT NEGOTIATION PROCEDURES:**

The initial contract negotiations will be conducted with what the City considers the most advantageous offeror. **Note:** The most advantageous proposal may or may not have received the most points from the reviewing committee members. If mutually agreeable terms cannot be reached within a 24 hour period, the City reserves the right to initialize contract negotiations with the next most advantageous offeror without undertaking a new procurement process or the need to cancel the RFP request. This negotiating procedure may continue, at the City's discretion, until all offerors on the original list of finalists is exhausted.

### **PROPOSAL ORGANIZATION**

The proposal must be organized and indexed in the following format and must contain, at a minimum, all listed items:

- Table of Contents
- Proposal Summary
- Business Resident Preference Form (If applicable)
- Business Veteran Resident Preference Form (If applicable)
- Campaign Contribution Disclosure Form
- Completed Cost Response

Within each section of their proposal, offerors should address the items in the order in which they appear in this RFP. All forms provided in the RFP must be thoroughly completed and included in the appropriate section of the proposal. Any proposal that does not adhere to these requirements may be deemed non-responsive and rejected on that basis.

The proposal summary may be included by offerors to provide the Evaluation Committee with an overview of the technical and business features of the proposal; however, this material will not be used in the evaluation process unless specifically referenced from other portions of the offeror's proposal.

## **SCOPE OF WORK:**

### **Offeror must have professional staff necessary to provide legal services on short notice.**

Scope of Work includes providing legal opinions via phone, email, fax, letter, and in-person. Offeror must provide a narrative plan describing ability to meet this requirement. Offeror will provide legal expert services that includes advice and counsel on legal matters. Offeror will represent City's interest in federal and state lawsuits, federal audits and evaluations, as well as litigating any legal matters currently pending in federal and state court. Offerors must have extensive experience in litigating federal, state, local laws and regulations; as well as in representing municipal government entities. Offeror must provide legal research, analysis, advice, contract negotiation support, general representation and litigation.

Offeror must have a minimum of three (3) years professional legal experience representing government entities. Litigation experience must include Federal District Court of New Mexico, New Mexico state courts, as well as local courts. Offeror will represent City in federal and state court as needed, and appellate work may be necessary. Legal representation includes immediately representing the City in all pending litigation.

**EVALUATION CRITERIA:**

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

<b>FACTOR</b>	<b>MAXIMUM POINTS AVAILABLE</b>
<b>MANDATORY SPECIFICATIONS</b>	
1) Three (3) years minimum experience in representing municipalities	Pass/Fail
2) Attend regular city council meetings or at the request of the City Manager for special city council meetings	Pass/Fail
3) 3 Three (3) years minimum experience in federal, and state courts	Pass/Fail
4) Legal malpractice insurance	Pass/Fail
5) Provide evidence of admittance to the New Mexico Bar.	Pass/Fail
6) Prosecuting attorney for the City of Jal	Pass /Fail
7) Campaign Contribution Disclosure Form	Pass/Fail
8) Cost Response Form	Pass/Fail
<b>DESIRABLE SPECIFICATIONS (20-page limit)</b>	
1) Government Experience	30 points
2) Litigation Experience	10 points
3) Accessibility/Flexibility	10points
4) Cost	50 points
<b>Total Possible Points</b>	100 points
<b>PREFERENCE SPECIFICATIONS</b>	
1) Resident Business Preference	YES/NO
2) Resident Veteran Business Preference	YES/NO

## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to Chapter 81, Laws of 2006, any prospective Contractor seeking to enter into a contract with any state agency or local public body must file this form with that state agency or local public body. The prospective Contractor must disclose whether they, a family member or a representative of the prospective Contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the Contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the Contractor signs the contract, if the aggregate total of contributions given by the prospective Contractor, a family member or a representative of the prospective Contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBERS, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

**"Applicable public official"** means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective Contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

**"Campaign Contribution"** means a gift, subscription, loan, advance or deposit or money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**"Contract"** means any agreement for the procurement of items of tangible personal property, services, professional services or construction,

**"Family member"** means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

**"Pendency of the procurement process"** means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request proposals.

**"Person"** means any corporation, partnership, individual, joint venture, association or any other private legal entity.

**"Prospective Contractor"** means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract,

**"Representative of a prospective Contractor"** means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective Contractor.

Names of Applicable Local Public Officials:

Cheryl Chance, Mayor; Councilors: Amelia Trevino, JoAn Chesser, Melody Beckham, Mike Orr, Jim Ellison, Dwayne Jennings

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONCESSIONAIRE:

Contribution made by: \_\_\_\_\_

Relation to Prospective Contractor: \_\_\_\_\_

Date(s) Contribution(s) made: \_\_\_\_\_

Amount(s) of contribution(s): \_\_\_\_\_

Nature of contribution(s): \_\_\_\_\_

Purpose of contribution(s): \_\_\_\_\_

(The above fields are unlimited in size. However, add additional pages if necessary).

OR

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250.00) WERE MADE TO AN APPLICABLE PUBLIC OFFICIAL BY ME, A FAMILY MEMBER OR REPRESENTATIVE.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title (Position)