

**CITY OF BERTRAM
REQUEST FOR QUALIFICATIONS
FOR BOND COUNSEL SERVICES**

The City of Bertram is seeking funding for assistance with the construction of water system improvements. Accordingly, the City Bertram is seeking to contract with a qualified Bond Counsel firm to provide objective legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness and of executing contractual grant agreements to the Texas Water Development Board Drinking Water State Revolving Fund or other appropriate funding agency.

BOND COUNSEL REQUEST FOR QUALIFICATIONS

To provide objective legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness and of executing contractual grant agreements to the City of Bertram for any capital financing or refinancing as may be necessary, including, but not limited to, Texas Water Development Board (TWDB) Drinking Water State Revolving Fund (DWSRF) or other financing agencies selected by the City.

A. INTENT OF QUALIFICATIONS

The City of Bertram is soliciting Request for Qualifications (RFQ) from interested qualified professionals to provide the following: legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness and of executing contractual grant agreements to the City of Bertram for any capital financing or refinancing: preparation of resolution, indenture or order authorizing and securing the Bonds (the "Order") and other authorizing documents. The City of Bertram reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interest of the City.

SCOPE OF SERVICES

The services to be provided by the Bond Counsel shall include the following duties:

- Assist in preparing legal documents in connection with the Bonds.
- Render an objective legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness.
- Examine applicable law.
- Consult with the parties to the transaction prior to the issuance of the Bonds.
- Prepare resolution, indenture or order authorizing and securing the obligations and other authorizing documents
- Secure TWDB or other funding agency and Texas Attorney General approval of the obligations and the registration of the Bonds by the Comptroller of Public Accounts of the State of Texas
- Review certified proceedings
 Undertake such additional duties as deemed necessary to render the opinion with respect to each Bond issue.
- Provide advice on continuing disclosure requirements in relation to the bonds

STATEMENT OF QUALIFICATIONS

The Respondent shall provide a description of the history and background of the firm, identification of the services currently being provided to municipalities in Texas and other information relevant to the provision of Bond Counsel services. Please provide the following information:

1. A brief transmittal letter summarizing qualifications and key points. It must be signed by an authorized representative who is responsible for committing the firm's resources.
2. General Information about the firm.
 - a. Name, address and telephone number of the firm.
 - b. History of the firm.
 - c. Structure of the firm. i.e. sole proprietorship, partnership, corporation. and size of the firm.
3. List name and titles of officers of the firm who will be directly responsible for bond counsel services.
4. Information pertaining to the firm's compliance with licensing and other requirements.
5. Completed TWDB-0217 form to be submitted in the response package.
6. List of a minimum five (5) references for which similar services have been provided.
7. 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).
8. List the experience of the individuals assigned to the account with the Texas Water Development Board's (TWDB) Drinking Water State Revolving Fund (DWSRF) program or similar funding agency, and placement of debt instruments with this agency. Please list the work performed, including the dollar amount of the debt issue or other financing. Include the names, addresses, and telephone numbers of contact persons.
9. Additional services - describe any other service or experiences of the firm which you deem beneficial in acting as Bond Counsel to the City of Bertram.
10. Please disclose any conflicts of interest that your firm might experience in serving the City as Bond Counsel.
11. Attach a copy of bond counsel services contract proposed by your firm without fee information.

B. RECEIPT OF QUALIFICATIONS

If your firm is interested in being considered as Bond Counsel for the City of Bertram, please

submit three (3) copies of your qualifications to Ms. Georgina Hernandez, City Administrator at 110 E. Vaughan Street, Bertram, Texas 78605. Qualifications should be clearly marked "Qualifications for Bond Counsel Services."

Responses to this RFQ must be received no later than 3:00 PM April 7, 2023

Electronic submissions will not be accepted. The City of Bertram reserves the right to negotiate with any and all firms submitting qualifications.

C. ADDITIONAL INFORMATION

1. Any loan award is contingent upon release of funds from the Texas Water Development Board (TWDB) (or other funding agencies).
2. Any contract or contracts awarded under the Request for Qualifications (RFQ) are expected to be funded in part by a loan from the Texas Water Development Board or other similar funding agency. Neither the State of Texas nor any of its dependents, agencies, or employees are or will be a party to this RFQ or any resulting contract.
3. This contract is subject to the Environmental Protection Agency's (EPA) "fair share policy", which includes EPA-approved "fair share goals" for Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to Minority Business Enterprise and Women- Owned Business Enterprise firms. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps.

Category	MBE	WBE
Construction	19.44%	9.17%
Equipment	16.28%	11.45%
Services	20.41%	13.66%
Supplies	25.34%	8.82%

TWDB document TWDB-0210 *Guidance for US. Environmental Protection Agency Disadvantaged Business Enterprise Program* dated August 14, 2018. describes requirements of this program.

Respondents may contact the TWDB for assistance at 512-463-4841 Program & Policy development, for clarification with issues specifically related to the completion of the required TWDB forms.

4. Equal Opportunity Employment All respondents will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Respondent's will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations 41 CFR, Pail 60.
5. The City is an Affirmative Action/Equal Opportunity Employer. Small, minority and women-owned firms are encouraged to submit qualifications to provide the services described herein.
6. The City of Bertram reserves the right to negotiate with any and all bond counsel attorneys or firms submitting a response to this RFQ, according to Office of Management and Budget Circular A-102.

D. RANKING CRITERIA

The following criteria will be used as a basis for the selection of the Bond Counsel:

EXPERIENCE OF PERSONNEL

35
POINTS

To assess the background and experience of the personnel in working with Texas Water Development Board or other similar funding agencies.

TEAM MEMBERS

40
POINTS

To identify the personnel the firm proposes to commit on a day-to-day basis and evaluate the specific qualifications of these individuals.

FAMILIARITY WITH THE CITY AND TWDB

25
POINTS

To ensure the project moves as expeditiously as possible.

For questions about this RFQ please contact Georgina Hernandez at gghernandez@cityofbertram.org

[TWDB-0217]

TEXAS WATER DEVELOPMENT BOARD (TWDB)

I. PROJECT INFORMATION

A. TWDB Project No.	B. Applicant/Entity Name	C. Total TWDB Funding Request	D. Program Type (insert "X" for all that apply)	
			<input type="checkbox"/>	Drinking Water SRF DWSRF
			<input type="checkbox"/>	Clean Water SRF (CWSRF)

Prime Contractor: _____

Contract Number: _____ Contract Amount: _____

II. GOOD FAITH EFFORT (Applicable to all sub-agreements awarded by the prime contractor)

I understand that it is my responsibility to comply with all state and federal regulations and guidance in the utilization of Minority and Women-Owned Businesses in procurement. I certify that I will make a "good faith effort" to afford opportunities for Minority Business Enterprise (MBE), and Women-Owned Business Enterprise (WBE) by:

1	Including qualified MBEs and WBEs on procurement solicitation lists
2	Soliciting potential MBE's and WBE's
3	Reducing contract size/quantities when economically feasible to permit maximum participation by MBE's and WBE's
4	Establishing delivery schedules to encourage participation by MBE's and WBE's
5	Using the services and assistance of the Small Business Administration, Minority Business Development Agency, U.S. Department of Commerce, and Texas Marketplace
6	Submitting documentation to the Texas Water Development Board to verify good faith effort, steps 1-5.
<input type="checkbox"/>	EXCEPTION: As the Prime Contractor, I certify that I have reviewed the contract requirements and found no available subcontracting opportunities. I also certify that I will fulfill 100 percent of the contract requirements with my own employees & resources. (Check if applicable)
	Signature - Consultant/Prime Contractor
	Title
	Certification Date

III. PROJECT PARTICIPATION ESTIMATES

Total Procurement		Potential MBE Participation		Potential WBE Participation	
Cost Category	Total	Goal	Extension	Goal	Extension
Construction	50.00	19.44%	\$0.00	9.17%	\$0.00
Equipment	\$0.00	16.28%	\$0.00	11.45%	\$0.00
Supplies	\$0.00	20.41%	\$0.00	13.66%	\$0.00
Services	\$0.00	25.34%	\$0.00	8.82%	\$0.00
Total Procurement (must equal contract amount)	* 0.00		\$0.00		\$0.00

The fair share goals listed above are required by 40 CFR Part 33 Subpart I) and are directly negotiated with EPA Region 6.

Entities receiving federal financial assistance are subject to the TWDB's goals and may not be substituted with other agency or program goals.

IV. TWDB APPROVAL SIGNATURE

Form Meets DBE Requirements	Yes	No
DBE Coordinator	Approval Date	