

CITY OF DENISON

Request for Proposals and Statement of Qualifications Bond Counsel Services

The City of Denison (the City) is soliciting a Request for Proposals (RFP) and Statement of Qualifications (SOQ) from interested qualified professionals to provide the following for a potential drinking water project of the City, with potential financing through the Texas Water Development Board (TWDB): assist in obtaining loan and to provide legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness by the City for capital financing or refinancing; preparation of resolution, indenture or other authorizing and securing the Bonds (the "Resolution") and other authorizing documents as necessary.

Any contract or contracts awarded under this Request for Proposals (RFP) are expected to be funded by grants/loans from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFP, or any resulting contract. This RFP is issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and Title 40 CFR Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) firms. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/dbe.

Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, or national origin. Bidders on this work 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 Part 60. Small, minority, and women-owned business enterprises are encouraged to respond.

The RFP is available from the City upon request or by picking up a copy at the address below during regular business hours. **One (1) copy of the SOQ Package should be submitted by 9:00 am (Local Time), February 17, 2025, in a sealed envelope to the following address and clearly labeled accordingly:**

**CONFIDENTIAL: STATEMENT OF QUALIFICATIONS ENCLOSED
BOND COUNSEL SERVICES
ATTENTION: CHRIS WALLENTINE, CITY CLERK
CITY OF DENISON
300 W MAIN
DENISON TX 75020**

The City does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or provision of services, programs or activities. Small Minority and Women's Business Enterprises are encouraged to submit SOQs. The City is an Equal Opportunity Employer. For additional information or to receive the RFP, please contact Laurie Alsabbagh at 903-465-2720 Ext 2492 or lalsabbagh@denisontx.gov.

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**BOND COUNSEL
REQUEST FOR PROPOSALS
AND
STATEMENTS OF QUALIFICATIONS**

To provide assistance with possible loans, provide objective legal opinions regarding the viability of authorizing and issuing evidences of indebtedness by The City of Denison ("the City") for various capital financing projects and provide assistance with possible loan, grant, or disadvantaged funding through the Texas Water Development Board ("TWDB"). The contract term will be a maximum of three (3) years from the date of execution.

A. INTENT OF PROPOSAL

The City is soliciting Request for Proposals (RFP) and Statement of Qualifications from interested qualified professionals to provide the following: assist in obtaining loan and/or loan forgiveness funding, to provide legal opinion regarding assessing the viability of authorizing and issuing evidences of indebtedness by the City for capital financing or refinancing; preparation of resolution or ordinance authorizing and securing the Obligations (the "Ordinance") and/or authorizing any loan forgiveness or other authorizing documents as necessary. The City 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. This solicitation is intended to cover any legal assistance received by the City from the TWDB for a period of three years following the date of award of any contracts pursuant hereto, whether from the Drinking Water State Revolving Fund, Clean Water State Revolving Fund, Economically Distressed Areas Program, or any other financial assistance program administered by the TWDB during said three-year period.

The City seeks to afford the opportunity for qualified SBE, MBE, and WBE firms to propose to provide the services described herein. Small, minority, and women-owned business enterprises are encouraged to respond.

B. SCOPE OF SERVICES:

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

- 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.
- Prepare resolution, indenture or order authorizing and securing the Bonds (the "Ordinance") and other authorizing documents.
- Consult with the parties to the transaction prior to the issuance of the Bonds.
- Secure TWDB and Texas Attorney General approval of the bonds 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.

C. STATEMENT OF QUALIFICATIONS

The Proposer 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.

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 are directly responsible for bond counsel services.
 - D. Information pertaining to the firm's compliance with licensing and other requirements.
2. References.

List of two (2) 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 and designated primary counsel).
4. List the experience of the individuals assigned to the account with the Texas Water Development Board's Program (Bond Program) and placement of debt instruments with the Board. Please list the work performed, including the dollar amount of the debt issue or other financing. Please include the names, addresses, and telephone numbers of contact persons.
5. Additional services - describe any other service or experience of the firm, which you deem beneficial in acting as Bond Counsel to the City.
6. Attach a copy of bond counsel services contract proposed by your firm without fee information.

D. ADDITIONAL INFORMATION

1. Any contract or contracts awarded under this Request for Proposals (RFP) are expected to be funded by grants/loans from the Texas Water Development Board Clean Water State Revolving Fund. Any contract is expressly contingent upon release of funds from the Texas Water Development Board (TWDB).
2. Any contract(s) awarded under this Request for Proposals (RFP) is (are) expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFP, or any resulting contract.
3. RFQs are issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).
4. This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. (40 CFR, Section 33.301). The DBE program is an outreach, education, and goal-oriented program designed to increase Minority and Women-owned Business Enterprise (M/WBE) procurements funded by EPA assistance agreements through the State Revolving Funds. For more details of the

DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/DBE.

5. Contract Terms and Negotiation Schedule - The consultant for Bond Counsel services is expected to negotiate an agreement for services that is acceptable to the City. If an acceptable contract cannot be negotiated, the City may formally end negotiations and begin negotiating with the next highest qualified person or firm.
6. The City reserves the right to negotiate with any and all firms that submit proposals, as per the Texas Professional Services Act. Qualified SBE, MBE and WBE firms are encouraged to submit proposals in response to this invitation. Please note that the successful respondent is required to make and document "good faith efforts" toward affording opportunity for qualified participation.

E. RECEIPT OF PROPOSALS

If your firm is interested in being considered as Bond and Grant Counsel for the City, **proposals must be received no later than 9:00 a.m. (local time), on February 17, 2025, at the office of the City.** One (1) copy of the proposal must be sealed and clearly marked on the face of the shipping material "BOND COUNSEL RFP."

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**SELECTION CRITERIA
SUMMARY**

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 Public Finance Entities.

- **TEAM MEMBERS** **25 POINTS**
To identify the personnel the firm proposes to commit on a day-to-day basis and evaluate the specific qualifications of these individuals.

- **REFERENCES** **15 POINTS**
To demonstrate client satisfaction and the candidate's familiarity with municipal issues.

- **CAPACITY TO PERFORM** **15 POINTS**
To demonstrate the firm's ability to timely complete the Project.

- **TEXAS WATER DEVELOPMENT BOARD FINANCING PROGRAMS** **10 POINTS**
To demonstrate experience with firms with experience using the Texas Water Development Board's Financing Programs.

- TOTAL** **100 POINTS**