

**REQUEST FOR QUALIFICATIONS STATEMENTS (“RFQ”)  
PRESIDING OFFICER FOR COUNCIL REGULATORY PROCEEDINGS  
OCTOBER 18, 2012**

**Purpose**

The Council for the City of New Orleans (“Council”) is vested by the Home Rule Charter and the Louisiana Constitution with powers of regulation, supervision and control over electric and gas utilities providing service in Orleans Parish. The Council is desirous of retaining the professional services of persons who it may from time to time appoint as referee, special master, administrative law judge, designated agent or hearing officer to conduct all or any portion of hearing to be held in connection with its regulatory proceedings pursuant to Article III of Chapter 158 of the Code of the City of New Orleans.

Services to be performed include, but are not limited to: (1) presiding over and conducting evidentiary administrative hearings; (2) assembling and certifying the evidentiary record in such proceedings of the City Council; (3) administration of oaths and ruling on evidentiary and other matters, as appropriate; and (4) performing such other related duties as may be required pursuant to lawful authority delegated by the City Council or as set forth in the City Code.

**Qualifications Statement Contents**

Respondents must have a law degree (J.D. or equivalent) and be a practicing attorney and member of the bar in good standing in a jurisdiction within the United States. It is desirable that respondents have a minimum of five (5) years of experience as an administrative law judge or in an equivalent position in the field of electric and gas public utility law and regulation or other complex, expert dependent, litigation at the federal or state level or otherwise and have recognized legal expertise and background in administrative law or before the Courts sufficient to enable the respondents to adequately carry out the duties and responsibilities of Council-designated presiding Hearing Officer, as described above.

Overly elaborate, verbose responses are strongly discouraged. All responses are to include:

1. A completed “consulting services questionnaire” using the format that is attached. Any subcontractors proposed to be used must also submit a completed Questionnaire that must be attached to the prime firm’s questionnaire. If an association or joint venture is contemplated, the expertise of each individual firm should be clearly defined as well as the level of involvement of each individual firm and the proposed means of coordination between firms. A joint venture will be considered a “firm.”

2. A description of the respondent's current professional status, including areas of practice and specialties.
3. Professional experience and resumes of respondent, including appropriate evidence of accreditation and licensing by the bar of the jurisdiction in which respondent practices; and specific case listings of experience presiding over administrative hearings on electric and gas utility or other relevant matters;
4. A description of three or more assignments which best illustrate the respondent's current qualifications relevant to the areas requested in the RFQ, including samples of work product and/or recommended findings.
5. Availability of Respondent to provide coverage for City Council matters as needed, including any minimum notice requirements or limitation as to length of hearings.
6. A sworn affidavit listing all persons with an ownership interest in the respondent. An "ownership interest" shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that hold an interest in a publicly traded corporation. This affidavit is a public record.
7. A sworn affidavit that no other person holds an ownership interest in the respondent via a counter letter.
8. A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and/or who are expected to perform work as sub-contractors in connection with respondent's work. A sworn affidavit listing all persons with an ownership interest in any proposed subconsultant to be used.
9. A sworn affidavit acknowledging that the respondent is aware that Section 9-1120, Chapter 2 of the Code of the City of New Orleans, relative to the Office of Inspector General, provides in part as follows:

"Every city contract and every bid, proposal or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the corporation, partnership, or persons understands and will abide by all provisions of this Chapter."

In addition, those individuals/firms that are certified as disadvantaged business enterprises must submit proof of such certification. Certification must be by the City of New Orleans, the New Orleans Sewerage and Water Board, or the New Orleans Aviation Board.

### **Conflict of Interest**

Any firm or individual providing a response to the RFQ shall provide a clear and unambiguous indication of any potential or real conflicts of interest it may have with respect to performing work on behalf of the Council or its committees. In particular, any prior or existing services being provided any other governmental entities within the last 2 years should be disclosed.

For any such work performed, the respondent shall indicate the scope of the engagement, the time frame, the amount of compensation received and why the respondent deems such work to be or not to be in conflict with the interests of advising or representing the Council or its committees. The Council shall make the final decision as to whether any conflict of interest exists.

### **Evaluation criteria**

Upon receipt by the due date of responses to this RFQ by qualified firms, the Council's staff Selection Review Committee will evaluate all responses received based upon the criteria listed herein below and in Council Rule 45, a copy of which is attached. Particular emphasis will be placed on the following criteria:

1. Experience of the professional personnel in the Utility Regulatory Field.
2. Quality of work samples presented.
3. The appropriateness of the proposed plan and the timeline to achieve its goals.
4. Clear understanding by the applicant of work to be performed.
5. Capability of providing consistent, timely services, as determined by information requested from references or actual experience performing such services for the City Council.
6. Involvement at the professional level of minorities, women and New Orleans domiciliaries and/or involvement of certified disadvantaged business enterprises.

### **Proposal Process**

No written or oral communications from potential applicants regarding this RFQ shall be made to any Councilmember or Council Staff person during this Request for Proposals process.

Fifteen (15) copies of the submission, including samples of work products, must be submitted in hard copy form by 3:00 p.m. on December 5, 2012 to the City Council Utilities Regulatory Office, Room 6E07 City Hall, 1300 Perdido Street, New Orleans, LA 70112. Where possible, an electronic version of the proposal should also be submitted to [efpugh@nola.gov](mailto:efpugh@nola.gov).

An evaluation committee composed of the Council Chief of Staff, the Council Research Officer, the Council Fiscal Officer and/or Council Utility Regulatory Officer will review and evaluate the

submissions, and select qualified proposals for referral to the Council Utility Committee. For each submission selected for referral, the staff committee will contact one or more of the persons suggested as references.

The Inspector General shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services by the city, including meetings involving third party transactions. The notice required shall be given to the Inspector General as soon as possible after a meeting has been scheduled, but in no event later than twenty-four hours prior to the scheduled meeting. The Inspector General may attend all city meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General. An audio recorder or court stenographer may be utilized to record all selection or negotiation committee meetings attended by the Office of the Inspector General.

The report of the evaluation committee will be provided to the Council Utility Committee, comprised of three (3) Councilmembers and an alternate member. The Council Utility Committee may interview one or more of the respondents selected by the evaluation committee. The Council Utility Committee may make a recommendation to the City Council. The contractor must be selected by Motion of the Council. It is anticipated that the selection process will be completed by January 2013.

All contracts are for a twelve month period. However, the Council may renew the contract for additional 12 month periods up to five years, assuming continuing need for the service and mutual satisfaction. Each respondent is to include in its submittal a clear and concise statement of those personnel and firm resources for which it is willing and can commit to make available for the Council's regulatory activities during such period.

### **Additional Information**

The City of New Orleans is not liable for any costs incurred prior to entering into a formal written contract. Any costs incurred in the preparation of the statement, interview, or other pre-contract activity are the responsibility of the person submitting the statement.

All submissions become the property of the City and as such are public information.

The contractor will invoice the City Council on a monthly basis during the term of the contract. Work shall be detailed in increments of one-tenth of an hour.

The contract shall contain a provision that any subcontractor proposed to be retained by the respondent to perform work on the contract with the City Council must be approved in advance of such retention by Motion of the Council. The Council may require information on ownership interests in the sub-contractor prior to approval of the sub-contractor's retention.

**New Orleans City Council**  
**Consulting Services Questionnaire**

1. Project name
2. Date Submitted
3. Specify type of ownership and indicate if applicable:  
 Private corporation     Public corporation     Proprietorship  
 Partnership     Small business     Disadvantaged Business Enterprise  
 Limited Liability Company
- 4a. Firm (or joint venture) name, mailing address, telephone number, and e-mail address
- 4b. Firm's owners
- 4c. Name, title, telephone, fax number and e-mail address of principal to contact
- 4d. Name, title, telephone, fax number and e-mail address of proposed project manager
5. Is submittal a joint venture?
  - a. If so, has joint venture worked together before?
  - b. If a joint venture, name of lead firm?
6. Summary of professional service fees received in (insert index number)

2011	2010	2009	2008	2007
( )	( )	( )	( )	( )

Use index below:

Index

1. less than \$250,000	4. \$3,000,000 to \$6,000,000
2. \$250,000 to \$1,000,000	5. \$6,000,000 or greater
3. 1,000,000 to \$3,000,000	
7. Brief resumes of key persons anticipated for this project. Please indicate male/female, Minority/majority and parish of domicile.
  - a. Name and title
  - b. Project assignment

- c. Name of firm by which employed full time and location of office
  - d. Years experience with this firm and with other firms
  - e. Highest Academic Degree:
    - Year Received
    - Specialization
    - Other Professional Training
  - f. Experience and qualification relevant to the proposed project
  - g. Contracts using public funds (city, state or federal) administered by firm.
8. Work by firm's personnel members to be assigned to this job which best illustrates current qualifications relevant to this project (list not more than 5 projects including experience with governmental issues).
- a. Project Name & Location and Owner's Name
  - b. Project Description
  - c. Nature of Firm's responsibilities
  - d. Completion Date (Actual or Estimated)
  - e. Estimated Fees for Entire Project
9. Provide any additional information or description of resources supporting your firm's qualifications for the proposed project.
10. Provide four references including name/title, phone number, address, and e-mail address.