

**REQUEST FOR QUALIFICATIONS STATEMENTS (RFQ)**  
**CABLE, TELECOMMUNICATIONS AND TECHNOLOGY**  
**CONSULTING SERVICES**  
**ISSUED November 11, 2016**

Pursuant to the provisions of the Council of the City of New Orleans Motion M-16-545 dated November 3, 2016, regarding the need for a highly qualified and experienced lawyers or law firm versed in cable, telecommunications, and technology issues, to advise and represent the Council.in accordance with Rule 45 of the Code of the Council of the City of New Orleans, the City Council is seeking Statements of Qualifications from qualified professionals, to perform such work.

**Purpose**

The Council of the City of New Orleans (“Council”) is the Governing Authority of New Orleans, which through its Utility, Cable, Telecommunications and Technology Committee (UCTTC) undertakes broad initiatives in a number of areas that are separate and apart from its electric and natural gas utility regulatory responsibilities. For example, in exercising its legislative powers of the City and its power to grant franchises, privileges and permits for the use of the streets and other public places in keeping with its responsibility for managing the public rights of way consistent with applicable federal law, the Council:

1. Has an interest in the granting, amendment, renewal or termination of wireline or wireless telecommunications franchises consistent with the Home Rule Charter and other applicable law, such as the Wireline Telecommunications Franchise Act and the Wireless Communication Franchise Act, which are each contained in Chapter 30 of the City Code.
2. Exercises oversight responsibilities with respect to the granting, amendment, renewal or termination of cable franchises and with respect to Public, Educational and Government (PEG) cable access television, including, for example, the promotion of new initiatives in government access programming.
3. Has an interest in issues related to telecommunications which are of interest to the City of New Orleans or its residents, including but not limited to, developments which may have an impact on the telecommunications infrastructure of New Orleans. These issues may arise in proceedings at the Federal Communications Commission (FCC), the Louisiana Public Service Commission (LPSC), or courts of law.
4. Has an interest in telecommunications issues affecting the City of New Orleans or its residents contained in legislation at the state or federal levels or in the City

Code, as well as any additions or amendments thereto.

In addition, the UCTTC exercises oversight responsibilities with respect to:

5. Any and all matters as relate to the City's computer systems and other technologies, for example, the design and implementation of Granicus or other systems or technological advancements to enhance the efficient and transparent administration of work processes, meetings, and management of documents for the Council, Council Committees and staff.
6. The distribution of certain grant funds to non-profit organization applicants.

The Council seeks Statements of Qualifications from qualified lawyers or law firms with demonstrated experience in these matters as well as new issues which the Council may confront as it addresses cable, telecommunications, and technology issues.

### **Qualification Statement Contents**

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. Professional experience and resumes of partners, principals and employees in the firm who will be responsible for, and actively involved in, the provision of professional services for the Council (Key Personnel), including the appropriate evidence of accreditation, certification or licensing in the stated profession, and
  - A. A description of work you have performed on the following matters:
    - i. Negotiation and drafting of commercial instruments. Any experience with the negotiation or drafting of franchise or other agreements or renewals with cable and/or telecommunications providers is of particular interest.
    - ii. Drafting of legislation and ordinances. Drafting of ordinances pertaining to the granting or renewal of cable or telecommunications franchises or permits by local governments is of particular interest.

iii. Issues related to establishing a suitable legal framework for access to public property for facilities of telecommunications providers.

B. Expertise and/or experience in the following areas:

i. Federal law pertaining to telecommunications, with regard to impact on local government.

ii. Franchise monitoring and compliance issues.

C. Experience working with or for governmental entities in the areas listed under "Purpose," above.

D. Litigation experience in proceedings at the Federal Communications Commission (FCC), state regulatory commissions, or courts of law, with citations for any cases or dockets involving any subject matters covered by numbers 1-4 under "Purpose," above.

3. A description of three or more assignments which best illustrates the respondent's current qualifications relevant to the areas requested in this RFQ, including samples of work product;
4. Demonstrated ability to provide coverage for City Council matters when the principal consultant is unavailable because of other assignments, illness, vacation or similar conflicting demands;
5. 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.
6. A sworn affidavit that no other person holds an ownership interest in the respondent via a counter letter.
7. 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.
8. A list of professional labor fees for all personnel included in the respondent's response to this RFQ and a clear and concise statement that such professional

labor fees throughout the contract term will be the most cost efficient and will not exceed the lowest professional labor fee for similarly situated clients of the firm.

### **Potential Conflict of Interest**

Any lawyer or law firm providing a response to this RFQ shall provide a clear and unambiguous indication of any perceived, real or potential conflicts of interest it may have with respect to performing work on behalf of the Council for, at a minimum, the following:

1. Work performed for or on behalf of any cable or telecommunications company or any parent, partner, or affiliate thereof.
2. Any prior or existing services provided to any government entity within the last five years.
3. Any work performed (whether compensated or not) on behalf of any Councilmember, the City Council or the City of New Orleans within the past five years.

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 be in conflict with the interests of advising or representing the Council in cable/telecommunications matters. The Council shall make the final decision as to whether any conflict 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. Quality of work samples presented.
2. Clear understanding by the applicant of work to be performed.
3. Capability of providing consistent, timely services, as determined by information requested from references or actual experience performing such services for the City Council.
4. Experience in:
  - A. Negotiation and drafting of commercial instruments, particularly franchise or other agreements or renewals with cable and/or telecommunications

- providers;
- B. Drafting of legislation, particularly ordinances pertaining to the granting or renewal of telecommunications franchises or permits by local governments;
  - C. Addressing access to public property for facilities of telecommunications providers;
  - D. Expertise and/or experience with federal law pertaining to cable and telecommunications and its impact on local government; and with franchise monitoring and compliance issues;
  - E. Experience working with or for governmental entities in the areas listed under “Purpose,” above; and
  - F. Litigation experience in proceedings at the Federal Communications Commission (FCC), state regulatory commissions, or courts of law, particularly any cases involving any subject matters covered by numbers 1-4 under “Purpose,” above.
5. Cost based on hourly rates of consultants at various levels of expertise and experience.
6. Involvement at the professional level of certified disadvantaged business enterprises as evidenced by government-issued certification thereof, in compliance with City Code Section 70-458 (attached). Those individuals/firms who 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.

### **RFQ Process**

Except as provided hereinbelow, no written, electronic or oral communications from any actual or potential proposer or responder to this RFQ or anyone acting as agent or representative for such person shall be made to any Councilmember, city employee or Council staff person during this Request for Qualifications process, which is the Blackout Period. The Blackout Period is a specified period of time during this competitive RFQ process in which any actual or potential proposer or responder or their/its agent or representative, is prohibited from communicating with any City Councilmember, Council staff person, or City of New Orleans employees regarding any matter related to the RFQ process. All communications to and from any actual or potential

proposer or responder and/or their/its agent or representative during the Blackout Period must be in accordance with this RFQ's defined method of communication with the designated contact person. The Blackout Period will begin upon posting of this RFQ. The Blackout Period will end when the contract is awarded.

Any and all inquiries may only be made in writing to the Director of the City Council Utilities Regulatory Office, Room 6E07, City Hall, 1300 Perdido Street, New Orleans, LA 70112 or [wtstrattonjr@nola.gov](mailto:wtstrattonjr@nola.gov). In addition, questions may be asked at pre-proposal conferences which will be conducted by one or more members of the Selection Review Committee. **It is mandatory for respondents to attend at least one pre-proposal conference.** Pre-proposal conferences will be held on Thursday, December 1, 2016 at 2:00 p.m. and on Monday, December 5, 2016 at 11:00 a.m. The meetings will be held at Room 2W16 or such other room as may be available at City Hall, 1300 Perdido Street, New Orleans, LA 70112.

Fifteen (15) copies of the submission, including samples of work products, must be submitted in hard copy form by 3:00 p.m. on Thursday, December 15, 2016, 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 [pthomas@nola.gov](mailto:pthomas@nola.gov) and [wtstrattonjr@nola.gov](mailto:wtstrattonjr@nola.gov).

A staff Selection Review Committee composed of the Council Chief of Staff, the Council Research Officer, the Council Fiscal Officer, the Council Utilities Regulatory Office Chief of Staff and/or additional knowledgeable persons appointed by the Council Chief of Staff pursuant to Council Rule 45 will review and evaluate the submissions, and select qualified proposals for referral to the UCTTC. 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 staff committee will be provided to the UCTTC. The UCTTC shall interview one or more of the respondents selected by the staff committee. The UCTTC may make a recommendation to the City Council. The contractor must be selected by Motion of the Council.

### **Length of Contract**

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**

1. 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.
2. All submissions become the property of the City and as such are public information.
3. 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.
4. Any contract awarded shall contain a provision that:
  - a. 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.
  - b. Unless otherwise approved by the Contracting Officer of the City Council, reimbursable expenses shall be limited as follows: air transportation limited to coach fares, lodging expenses not to exceed federal per diem rate for hotels in New Orleans; postage, overnight delivery or courier services at contractor's actual cost; facsimile transmissions and long distance telephone charges at contractor's actual cost; copies at \$0.10 per page; computerized research at contractor's actual cost.
  - c. For the attendance at all meetings of the Council, the UCTT Committee, briefings of Councilmembers, and representation before any court or regulatory body and during the conduct of regulatory proceedings before the Council and other regulatory bodies, the Council will only provide labor fee reimbursement for one consultant from any applicable firm, unless otherwise specifically approved by City Council Utilities Regulatory Office Personnel.
  - d. Key Personnel assigned may not be replaced without consent of the Contracting Officer of the City Council or CURO.

5. Section 2-1120 of the Code of the City of New Orleans, relative to the Office of the Inspector General provides in part as follows:

With the exception of those contracts specified in subsection (1) of this paragraph, every city contract and every contract amendment where the original contract does not include this statement, and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain the following statement:

"It is agreed that the contractor or applicant will abide by all provisions of City Code § 2-1120, including, but not limited to, City Code § 2-1120(12), which requires the contractor to provide the Office of Inspector General with documents and information as requested. Failure to comply with such requests shall constitute a material breach of the contract. In signing this contract, the contractor agrees that it is subject to the jurisdiction of the Orleans Parish Civil District Court for purposes of challenging a subpoena, "City Code Sec. 2-1120. – Office of inspector general.

## **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  Minority owned business  
 Woman owned business  Limited Liability Company
4. Firm or Joint Venture contact information
- 4a. Firm (or joint venture) name, mailing address, telephone number



- 4b. Firm(s) owners
- 4c. Name, title, telephone, and email address of principal to contact
- 4d. Name, title, telephone, and email address of proposed project manager

5. Full time personnel assigned to project

Number	Position/Title	Hourly rate of Pay
_____		
_____		
_____		

6. Is submittal a joint venture

- a. If so, has joint venture worked together before?
- b. If a joint venture, name of lead firm.

7. Summary of professional services fees received in (insert index number)

2014	2013	2012	2011	2010
( )	( )	( )	( )	( )

Use index below:

Index

- 1. Less than \$250,000
- 2. \$250,000 to \$1,000,000
- 3. \$1,000,000 to \$3,000,000
- 4. \$3,000,000 to \$6,000,000
- 5. \$6,000,000 or greater

8. Brief resumes of key persons anticipated for this project. Please indicate male/female, minority/majority and parish or county and state of domicile.

- a. Name and title
- b. Project assignment
- c. Name of firm by which employed full time and location of office.
- d. Years of experience with this firm  
With other firms in the New Orleans market \_\_\_\_\_
- e. Highest Academic Degree: \_\_\_\_\_ Year received \_\_\_\_\_

- f. Names of public officials, political candidates and/or public agencies, especially in Louisiana for which the firm has provided service since August 1, 2011, with dates of the service and brief description of the service provided.
9. 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 government 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
10. Provide any additional information or description of resources supporting your firm(s) qualifications for the proposed project.
11. Provide four references including name/title, phone number and address. References must exclude City Councilmembers, Council Staff; City of New Orleans Employees; agents, employees or representatives of Entergy or any Entergy subsidiary or affiliate, and agents, employees or representatives of Intervenors in any open Council utility dockets.