

**REQUEST FOR QUALIFICATIONS STATEMENTS (“RFQ”)
No. CC-23-01
SWBNO APPEAL MANAGEMENT SERVICES
JANUARY 24, 2023**

Purpose

The Council of the City of New Orleans (“Council”) serves as the appellate body for customer to appeal the billing decisions of the Sewerage and Water Board of New Orleans (“SWBNO”) administrative hearing officers. The Council desires to retain the professional services of a person or firm to administer the appeal process.

Any person or firm selected pursuant to this RFQ shall be responsible for developing and managing a hearing process complies with the Administrative Procedure Act¹ and performing other related duties as may be required by the Council and as set for in the Code of the City of New Orleans.²

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 Louisiana. It is desirable that respondents have a minimum of seven (7) years of experience as a licensed attorney preparing for, participating in, and/or presiding over formal hearings or trials involving litigation and/or administrative law at the federal, state or local level sufficient to enable the respondents to adequately carry out the duties and responsibilities described above.

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

- I. Professional experience and resumes of partners, principals and employees in the firm and subcontractors 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, and licensing in their profession.
- II. A brief description of three (3) assignments which best illustrate the respondent’s qualifications relevant to the areas requested in this RFQ, including applicable samples of work product.
- III. Demonstrated ability to provide coverage for City Council matters related to this assignment when the principal consultant is unavailable because of other assignments, illness, vacation, or similar conflicting demands.
- IV. A sworn affidavit listing all persons with an ownership interest in the respondent firm or company. 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. The affidavit is a public record.

1 La. Rev. Stat. § 49:950 <http://www.legis.la.gov/legis/Law.aspx?p=y&d=103786>.

2 See Chapter 159 of the Code of the City of New Orleans, and Ordinance No. 29298 M.C.S (attached).

- V. A list of professional labor fees for all personnel included in the respondent's response to this RFQ and any others who may be called upon to perform work related to this RFQ.
- VI. An estimated budget to perform services described in this RFQ, hourly rates for Key Personnel, and willingness to accept a "not to exceed cost" for annual charges.

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. Any prior or existing services being provided to any other governmental entities, including the City of New Orleans and/or SWBNO, 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

The Council's staff's Selection Review Committee will evaluate all responses received based upon the criteria listed herein below and in Council Rule 42. Particular emphasis will be placed on the following criteria:

- I. Experience of the Key Personnel and other professional personnel in the utility regulatory field and demonstrated ability to provide cost effective services to the Council.
- II. Quality of work samples presented.
- III. Clear understanding by the respondent of work to be performed.
- IV. Capability and experience in providing consistent, timely services, as determined by information requested from references or the Council's actual experiences.
- V. Cost based on hourly rates of personnel at various levels of expertise and experience.
- VI. Whether respondent has met, or demonstrated good-faith efforts to meet, the 35-percent DBE utilization goal applicable to City Council professional service contracts, as more fully set forth in Section 70-461 of the City Code.³
- VII. Willingness to accept a "not to exceed cost" for annual charges.

Proposal Process

³ Available at: https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH70FI_ARTIVPUCO_DIV2EQBUOPPR_S70-461CORECOEXNEOR.

Except as provided herein below, no written, electronic, or oral communications from any actual or potential respondent 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 from the time this RFQ is posted until a final decision is made by the Council (“Blackout Period”) except as provided herein. All communications during the Blackout Period to and from any actual or potential respondent must be submitted by email to Erin Spears, Council Utilities Regulatory Office Chief of Staff & Counsel, at espears@nola.gov. Any such communication and the response shall be available to the public. An electronic version of the proposal should also be submitted to Erin Spears at espears@nola.gov.

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 (24) 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.

All contracts are for a twelve-month period. However, the Council may renew the contract for additional twelve-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.

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 person understands and will abide by all provisions of this chapter.”