

**REQUEST FOR QUALIFICATIONS
SPECIAL COUNSEL TO CITY COUNCIL**

The Council of the City of New Orleans is soliciting proposals from attorneys licensed to practice law in the State of Louisiana to provide legal and policy advice and assistance to the Council and its committees. A contract for twelve months is anticipated; assuming mutual satisfaction, the contract may be renewed for additional periods.

I. Duties of special counsel

The attorney(s) selected will assist the Council with legal and policy matters where advice independent of the Department of Law is desired related to the legislative powers and functions of the City Council and which are not in conflict with and do not usurp the powers and functions of the City Attorney or Law Department under the City Charter.

At the direction and under the supervision of the Council's Chief of Staff, the contractor will provide services to the Council as a whole and its Committees. Services of special counsel shall be provided pursuant to the following process: 1) by Council motion; or 2) upon the request of one or more Councilmembers with the approval of the Council President, subject, however, to disapproval by a majority of all members of the Council at its next regular or special meeting.

The Council Chief of Staff (COS) shall serve as contract manager for the special counsel; and accordingly 1) after compliance with the procedural process indicated in the preceding paragraph, special counsel may receive specific work assignments through the COS; 2) the special counsel shall give the COS immediate notice of work authorized herein and COS shall, in turn, immediately notify all Councilmembers of same; and 3) the COS shall review all bills submitted to ensure that all services reflected in the bills or invoices are authorized as provided herein or otherwise authorized by the Council.

Duties of special counsel may include but are not necessarily limited to the following illustrative list of examples:

- Review of ordinances, motions, resolutions, and related documents prior to and subsequent to introduction, and provide analysis as requested
- Attendance at Council or committee meetings or other meetings as requested
- Review of contract documents
- Review of state and federal legislation or administrative rules
- Review of City Attorney opinions, Attorney General opinions, and court or administrative decisions or orders
- Attendance at executive sessions
- Review and analysis of litigation
- Performance of such other legal services and provision of policy advice related to the legislative powers and functions of the City Council pursuant to the Home Rule Charter that are not in conflict with and do not usurp the powers and functions of the City Attorney or Law Department under the Charter

II. Qualifications/experience

Special counsel must be a licensed attorney who is domiciled in and an elector of the City, who has been admitted to practice law before the Supreme Court of Louisiana for at least five years, and who shall have actively practiced law in Louisiana for at least five years immediately preceding retention. Preference shall be given to attorneys who have practiced law for more than seven years.

The statement of qualifications must include an indication that there will be sufficient depth of personnel that work load, absences or illness will not interfere with provision of services. Joint ventures are eligible.

III. Contents of statement of qualifications

The Council will provide an allocation of up to \$200,000.00 for special counsel services during a 12 month period. This is to include all fees and expenses of the special counsel, including support staff. The statement should include the following components:

1. A concise but detailed narrative indicating the proposed approach to

providing the required services, including a description of the types and quantities of services which would be provided and a budget for a "typical" month showing estimated number of hours and hourly billing rate for each professional and an estimate of reimbursable costs, if any. The length of the narrative should not exceed two 8.5" x 11" typed pages, exclusive of the budget.

2. A completed "Consulting Services Questionnaire" using the format which is attached. Any subcontractors proposed to be used must also submit a completed Questionnaire which 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".

3. Not more than five samples of work done by the professional(s) who would be assigned to this contract.

4. This Request for Qualifications states that "assuming mutual satisfaction, the contract may be renewed for additional periods". Please include as a section of the proposed budget the terms under which the consultant would be willing to renew for each of at least two subsequent 12 month periods.

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 holds an interest in a publicly traded corporation. This affidavit is a public record.

6. A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter. This affidavit is a public record.

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 the respondent's work for the City Council. The Council may require information on employees or sub-contractors of or ownership interests in the sub-contractor. This list is a public record.

8. A sworn affidavit stating that the affiant is in compliance with Section 2-

8(c) of the City Code and that no principal, member and/or officer of the contracting entity has within the preceding five (5) years been convicted of or plead guilty to, a felony under state or federal statutes for embezzlement, theft of public fund, bribery, and/or falsification or destruction of public records. This affidavit shall not be required for contracts or cooperative endeavor agreements between the city and the state(s), the city and the federal government, parishes/counties of the state(s), municipalities, and/or the various agencies/political subdivisions of the above.

IV. 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 representation involving any governmental entities performed 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.

V. 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 hereinbelow 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 New Orleans area, particularly with public officials/agencies or issues similar to those addressed by the City Council.
2. Quality of work samples presented.

3. Clear understanding by the applicant of work to be performed.
4. Capability of providing consistent, timely responses, as determined by the availability of "back up" staff if principals are unavailable and by information requested from references.
5. Involvement at the professional level, within the firm, of minorities, women, and New Orleans domiciliaries and/or involvement of certified disadvantaged business enterprises.
6. Billing rate.
7. Work performed for public officials and/or public agencies, especially in Louisiana, since August 1, 2008.

VI. Proposal process

A pre-submittal conference will be conducted by the Council staff committee on September 4, 2013 at 10:00 A.M. in Room 2W16, City Hall; all questions of potential submitters will be addressed at that time. **No other written or oral communications from potential applicants regarding this RFQ shall be made to any Councilmember or Council staff person during this Request for Qualifications process.**

Fifteen (15) copies of the submission, including samples of work products, must be submitted in hardcopy format by 3:00 p.m. on **September 18, 2013** to the City Council Chief of Staff, Room 1E06 City Hall, 1300 Perdido St., New Orleans, La. 70112.

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, selecting up to five for referral to the Council Competitive Selection 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's Competitive Selection Committee, comprised of three (3) Councilmembers and an alternate member. The Competitive Selection Committee may interview one or more of the respondents selected by the evaluation committee. The Council 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 during October 2013.

VII. 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 contractor shall give immediate notice to the Council Chief of Staff (COS) of work authorized pursuant to the contract and the COS shall advise the members of the Council of such authorized work. The COS shall review invoices for accuracy and conformity with duties assigned to special counsel.

The contract with the City Council shall contain a provision that any sub-contractor 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.

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, application 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.”