



REQUEST FOR QUALIFICATIONS:

RFQ NO. 2019-01

**Professional Legal Services related to the creation of a
Public Improvement District in
Harlingen Industrial Park, Phase III.**

DEADLINE: April 12, 2019 @ 12:00 P.M.

DEVELOPMENT CORPORATION OF HARLINGEN, INC.

Submission due by 12:00 p.m., CDT on April 12, 2019

REQUEST FOR QUALIFICATIONS (RFQ) FOR LEGAL SERVICES TO the DEVELOPMENT CORPORATION OF HARLINGEN, INC. dba Harlingen Economic Development Corporation, Inc. (HEDC)

1.0 REQUEST FOR QUALIFICATIONS

1.1 General Information

The Development Corporation of Harlingen, Inc. d/b/a Harlingen EDC (HEDC) in Harlingen, Cameron, Texas requests the submission of Statements of Qualifications (SOQ) for legal services. This Request for Qualifications (RFQ) solicits information that will enable HEDC to determine the best suited legal firm that may provide professional legal services for the organization. This solicitation may lead to an hourly contract to provide a full range of legal services to HEDC.

1.2 Detail

This document contains the instructions governing statements of qualifications submitted by interested service providers, the format in which to submit SOQ's, the materials to submit therein, and the general evaluation criteria. A service provider desiring consideration must provide a response in accordance with these instructions and meet all requirements stated herein.

1.3 Intent

The intent of HEDC is to hire a legal firm to provide legal services related to the creation of a Public Improvement District and other matters. The selection will take place through a two-step procurement process, with formal advertising and direct solicitation. HEDC will evaluate all responses in step one and may conduct interviews with short-listed respondents in step two.

HEDC reserves the right to reject any and all qualification statements received in response to this RFQ. HEDC reserves the right to short list respondents and base final selection rankings on personal interviews. HEDC reserves the right to conduct new services selection procedures for current and/or future needs.

1.4 Standards

The selection of a legal firm and award of a contract may be contingent upon the funding and approval through the HEDC Board of Directors. Fees provided for in contracts or agreements shall be reasonable. HEDC shall consider fees to be reasonable if they are not in excess of those ordinarily charged by the profession as a whole for similar work. HEDC will negotiate for procurement of professional services, whereby competitors' qualifications are evaluated

and the most qualified competitor is selected, subject to negotiations of fair and reasonable compensation.

1.5 Right of Rejection

HEDC reserves the right to reject any and all SOQs received in response to this request. HEDC is not obligated to award a contract solely based on this request or to otherwise pay for information solicited.

1.6 Schedule and Submittal Deadline

The hourly contract is anticipated to be awarded on or before May 1, 2019. The SOQ Package (See Section 2.2) must be submitted to the HEDC by 12:00 p.m., CDT on April 12, 2019. See Section 2.2 for mailing or delivery instructions.

1.7 Texas Public Information Act

All data and information submitted by the legal firms in response to this RFQ may become public information, as provided by the Texas Public Information Act, Texas Government Code Sections 552.001 -- 552.026. HEDC does not assume responsibility for asserting legal arguments for confidentiality on behalf of the legal firm.

1.8 Cost of Preparing Statement of Qualifications Package

Costs for preparing the SOQ Package and any subsequent materials or presentations shall be the sole responsibility of the prospective legal firm.

1.9 Scope of Services

The selected legal firm shall provide timely and professional written opinions and responses to HEDC requests as well as timely and professional billing documents in accordance with the agreed upon contract. It is the intent of this RFQ that a consistent quality of services is provided for all of HEDC legal requirements. The services to be provided by the legal firm, if selected, may include all of the following duties:

- General legal representation on Public Improvement District (Chapter 372, Sub-Chapter A) management and operational matters including reauthorization petitions and expansion petitions
- Presiding over annual meeting votes of the Board of Directors
- Representation on Texas Public Information Act matters (Section 552.001 of the Government Code)
- Human Resources issues including policies, terminations and unemployment compensation

- Legal advice regarding district governance and board obligations including bylaw revisions and incorporation issues
- Legal advice for a separate, already constituted Economic Development Corporation including support for real estate projects and public finance
- Drafting, review, and negotiations of contracts
- Advice and/or representation regarding legislative matters
- Legal advice regarding financial matters
- Legal advice regarding TABC and protesting liquor license applications or renewals
- Legal advice relating to other Economic Development vehicles such as tax increment financing districts, public-private partnerships and tax credits
- Other legal matters as may be necessary or required

2.0 INSTRUCTIONS AND PROCEDURES

2.1 SOQ Package Preparation

The Qualification Package will include the following four (4) components and shall be numbered as shown:

1. One page transmittal letter. The letter shall provide the names, title, address (physical and mailing), and telephone number of the official contacts.
2. Statement concerning insurance coverages and liability amounts. Confirmation that the legal firm has in place general liability insurance, worker's compensation, and professional liability insurance.
3. Statement concerning conflict of interest. Those interests of the legal firm that would impede with or interfere in the carrying out the duties and responsibilities of the position of a privileged attorney are deemed conflicting.
4. Statement of Qualifications to include a complete description of the following:
 - A. Background on the firm's organization
 - B. Key personnel that will be assigned to HEDC. The information for each individual must include the following: name, area(s) of expertise, years of experience, and professional licenses(s).
 - C. Present examples of the firm's experience and expertise in providing counsel on the list of expected services detailed in Section 1.9.
 - D. Provide at least three references. References must include name, phone number, email address, location, legal firm's role and responsibility, project description.

2.2 Submitting the SOQ Package

The legal firm shall submit the SOQ package electronically via email in a pdf format to Raudel Garza, CEO, at rgarza@harlingenedc.com. The SOQ package should be limited to 20 pages.

The submission deadline for SOQs is no later than 12:00 p.m., CDT, April 12, 2019.

2.3 Evaluation Factors

The evaluation factors include:

- The firm's familiarity and previous project experience with municipal law and economic development. Experience with Public Improvement Districts, Tax Increment Financing districts, public-private partnerships, tax credits and other economic development vehicles
- Professional qualifications of the individual(s) (including subcontracted personnel) who will perform the work.
- The firm's record and experience (including subcontractors) with Federal and State Funding agencies and philanthropic foundations.
- The legal firm's performance record and experience (including subcontractors) with similar type clients.
- The firm's experience with the Texas Public Information Act.
- The firm's experience with public finance.
- The legal firm's office locations.
- The legal firm's insurability and status of current work related to litigation or arbitration.
- The legal firm's anticipated workload during period of engagement and availability of personnel.

2.4 Inquiries

If any firms have questions or need additional information to clarify the intent of this RFQ, submit questions or requests via email to rgarza@harlingenedc.com before March 29, 2019. HEDC will collect these questions and respond to all the RFQ Package holders prior to evaluation.

Should any firms find discrepancies in or omissions from the RFQ, or should they be in doubt as to their meaning, the legal firm shall notify Raudel Garza, CEO.

2.5 Evaluation Process

- HEDC may call upon anyone they deem necessary to assist with the evaluation.
- HEDC may obtain information from references.
- HEDC may contact the respondents for the purpose of obtaining additional information or clarification during the evaluation period.
- HEDC will evaluate each SOQ received, in accordance with the factors in Section 2.4, based on the contents of the SOQ, any subsequent written clarifications required, and reference information obtained.
- HEDC may rank and determine the highest qualified firm based solely upon the evaluation of the SOQ package, any subsequent written clarifications required, and reference information obtained.
- If HEDC deems it necessary to conduct interviews, HEDC may identify two or more firms to be interviewed using the procedure in Section 2.7.

2.6 Interviews

HEDC reserves the right to interview each legal firm that submits a SOQ before the deadline. If interviews are conducted, HEDC will develop a list of questions to be answered by each firm interviewed and provide additional instructions to be followed. HEDC will select a legal firm upon completion of the interviews.

2.7 Notification of Selection

HEDC will notify the legal firm(s) in writing. Upon notification of selection by HEDC, the HEDC and Proposer will attempt to negotiate scope and extent of work to be performed, time for full performance, compensation, and other terms. Final selection of the successful legal firm(s) will be contingent upon approval of the HEDC Board of Directors.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 _____
Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.