

**BOND COUNSEL  
REQUEST FOR PROPOSALS  
AND  
STATEMENTS OF QUALIFICATIONS**

To provide assistance with possible loan and to provide objective legal opinion with respect to the validity of authorizing and issuing evidence of indebtedness (the “Obligations”) by the City of Coleman, Texas (the “City”) for capital financing and provide assistance with possible loan, grant or disadvantaged funding through the Texas Water Development Board (“TWDB”).

**A. INTENT OF PROPOSAL**

The City is soliciting Request for Proposals (RFP) and Statement of Qualifications from interested qualified professionals to provide the following: assist in obtaining loan and to provide legal opinion with respect to assessing the viability of authorizing and issuing evidences of indebtedness by the City for capital financing or refinancing; preparation of resolution, indenture or ordinance authorizing and securing the Obligations (the “Ordinance”) and other authorizing documents as necessary. The City reserves the right to accept or reject any or all proposals for any reason it finds to be in the best of the City.

The City seeks to afford the opportunity for qualified SBE, MBE and WBE firms to propose to provide the services described herein.

**B. SCOPE OF SERVICES:**

The services to be provided by the Bond Counsel shall include the following duties, as necessary:

- Assist in preparing legal documents in connection with the financing program.
- Render an objective legal opinion with respect to assessing the viability of authorizing and issuing evidence of indebtedness.
- Examine applicable law.
- Prepare the Ordinance and other authorizing documents.
- Consult with the parties to the transaction prior to the issuance of the Obligations.
- Secure TWDB and Texas Attorney General approval of the Obligations and the registration of the Obligations by the Comptroller of Public Accounts of the State of Texas.
- Review certified proceedings.
- Undertake such additional duties as deemed necessary to render the opinion with respect to each Obligations issue.

**C. STATEMENT OF QUALIFICATIONS**

The Proposer shall provide a description of the history and background of the firm, identification of the services currently being provided to municipalities in Texas and other information relevant to the provision of Bond Counsel Services.

1. General information about the firm.
  - A. Name, address, and telephone number of the firm.
  - B. History of the firm.
  - C. List names and titles of officers of the firm who will be directly responsible for Bond Counsel services.
  - D. Information pertaining to the firm’s compliance with licensing and other requirements.

2. References.  
List of two (2) references to those listed in #1 above.
3. Identify personnel to be assigned responsibility for administering the account (provide resume and location for the individual representatives that the firm will assign to the account).
4. List the experience of the individuals assigned to the account with the Texas Water Development Board's Program (Bond Program) and placement of debt instruments with the Board. Please list the work performed, including the dollar amount of the debt issue or other financing. Please include the names, addresses, and telephone numbers of contact persons.
5. Additional services - describe any other service or experience of the firm, which you deem beneficial in acting as Bond Counsel to the City.
6. Attach a copy of bond counsel services contract proposed by your firm without fee information.

**D. SELECTION CRITERIA**

The City shall use the following selection criteria and point system to evaluate and score each proposal.

<u>Criteria</u>	<u>Points</u>
Experience	40
Capacity to perform	40
Familiarity with the City and TWDB	10
Affirmative Action	10
<b>Total</b>	<b>100</b>

**E. ADDITIONAL INFORMATION**

1. This contract is contingent upon release of funds from the Texas Water Development Board (TWDB).
2. Any contract or contracts awarded under this Invitation for Bid (IFB) or Request for Proposal (RFP) are expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this IFB, RFP, or any resulting contract.
3. RFQ's are issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act).
4. This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) firms. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).

5. The City of is an affirmative action/equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Small, minority, and women-owned business enterprises are encouraged to submit proposals.
6. Contract Terms and Negotiation Schedule - The consultant for *Bond Counsel, Financial Advisor, Engineering* and *Rate Consultant* services is expected to negotiate an agreement for services that is acceptable to the City. If an acceptable contract cannot be negotiated, the City may formally end negotiations and begin negotiating with the next highest qualified person or firm.
7. The City reserves the right to negotiate with any and all engineers or firms that submit proposals, as per the Texas Professional Services Act. Qualified SBE, MBE and WBE firms are encouraged to submit proposals in response to this invitation. The City affords Affirmative Action to qualified small, minority and women-owned businesses. Please note that the successful respondent is required to make a “good faith effort” toward affording opportunity for qualified SBE, MBE, and WBE participation and submit, if required, supporting documentation to the TWDB.

#### **F. RECEIPT OF PROPOSALS**

If your firm is interested in being considered as Bond Counsel for the City, proposals must be received no later than **5:00 PM** (local time) on **Friday, June 21, 2024**, at the office of the City. One (1) copy of the proposal must be sealed and clearly marked on the face of the shipping material “TWDB BOND COUNSEL RFP”.

City of Coleman  
ATTN: Diana Lopez, City Manager  
P.O. Box 592  
Coleman, Texas 76834