

REQUEST FOR PROPOSALS
FOR
BOND COUNSEL PROFESSIONAL SERVICES

As Requested by

**THE SOUTHERN SANDOVAL COUNTY ARROYO
FLOOD CONTROL AUTHORITY**



RFP No. 2021-01

PROPOSAL DUE DATE: APRIL 8, 2021, 3:00 pm

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Submission Instructions to Offerors:

1. Proposal due date: April 8, 2021 at 3:00 p.m. local time. Proposals for the project will be received by the Fiscal Services Department, Southern Sandoval County Arroyo Flood Control Authority, 1041 Commercial Dr. SE, Rio Rancho, New Mexico 87124.
2. Submit 1 Original and 3 copies of your Proposal in a sealed envelope or container.
3. Proposals must be submitted in a sealed package or envelope listing the following information on the outside:

**Bond Counsel Professional Services
RFP No. 2021-01**

4. **Point of Contact:** This Request for Proposals (RFP) is issued by SSCAFCA, Fiscal Services Department, which is the sole point of contact during the procurement process (the “Point of Contact”). Communications initiated by a respondent to this RFP (the “Offeror”) with members of the Governing Body or SSCAFCA personnel, other than as coordinated by the Point of Contact noted below, shall be grounds for Offeror disqualification. Any inquiries or requests during this procurement shall be submitted to the following Point of Contact:

Southern Sandoval County Arroyo Flood Control Authority
Fiscal Services Department
Attention: Deborah Casaus, Fiscal Services Director
1041 Commercial Dr. SE
Rio Rancho, NM 87124
(505) 892-5266
dcasaus@sscafca.com

**SOUTHERN SANDOVAL COUNTY ARROYO
FLOOD CONTROL AUTHORITY
(SSCAFCA)**

**BOND COUNSEL PROFESSIONAL SERVICES
REQUEST FOR PROPOSALS
RFP No. 2021-01**

1. INTRODUCTION

1.1. Overview. The Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) is an independent corporate political body with an elected board entrusted with flood and storm water control. Established by New Mexico Statute Section 72-19-1 through 72-19-103 in 1990, we acquire, improve, maintain and operate flood and storm water control facilities on streams and watersheds that enter, originate in or cross our area of authority, which is generally defined as the southwest corner of Sandoval County which drains to the Rio Grande. SSSCAFCA is requesting qualification based competitive sealed proposals for **Bond Counsel Professional Services**.

It is SSSCAFCA’s intention to select one (1) Bond Counsel firm, which can be called upon to perform services as needed. SSSCAFCA reserves the right to select an applicant based upon such factors as experience, ability to advise and assist on legal matters, and cost of services.

The selected firm will be called upon to advise and assist SSSCAFCA’s Board of Directors, SSSCAFCA’s financial advisor and staff with regard to legal matters regarding bond issues and compliance, bond elections, ratings and sales.

1.2. Term. SSSCAFCA intends to enter into a one (1) year contract, with an option to renew (3) additional years not to exceed four (4) years.

1.3. Scope of Work/Specifications. Offerors will be required to advise and assist SSSCAFCA’s Board of Directors, staff, general counsel and financial advisor with regard to the following:

- a. General obligation bond election;
- b. Issuance of general obligation and revenue bonds;
- c. Other legal matters related to SSSCAFCA general obligation and revenue bonds including but not limited to disclosure, tax matters and opinions.

2. CONDITIONS GOVERNING PROCUREMENT

2.1. Overview. This section of the Request for Proposals (RFP) contains the schedule for the procurement, describes the major events and milestones and specifies general conditions governing the procurement.

2.2. Schedule of Events. SSCAFCA will make every effort to adhere to the following schedule:

Action	Responsibility	Date	Time
Issue RFP	SSCAFCA	March 28, 2021	NA
Deadline to Submit Written Questions	Potential Offerors	April 2, 2021	5:00 PM
Response to Written Questions	SSCAFCA	April 4, 2021	5:00 PM
RFP Addenda	SSCAFCA	If applicable, no later than April 4, 2021	5:00 PM
Submission of Proposals	Offerors	April 8, 2021	3:00 PM
Proposal Evaluation and Ranking (Including time for Interviews, Oral Presentations, and Best and Final Offers)*	Evaluation Committee	April 8-12, 2021	
Notify Offeror of Selection	SSCAFCA	April 13, 2021	
Finalize Contract (upon SSCAFCA Board approval)	SSCAFCA/Offeror	April 15, 2021	
Protest Deadline	Offerors	10 days following notification of award	

*Offerors will be notified by the Fiscal Services Department if and when to expect interview and Best and Final Offer dates.

2.2.1 Written Questions and RFP Amendments. Potential Offerors may submit written questions as to the intent or clarity of this RFP until the date and time specified in the schedule of events. All written questions must be sent by email and addressed to the Point of Contact. Written responses to written questions and any RFP amendments will be posted to SSCAFCA's website at www.sscafca.com.

2.2.2 Addenda. All addenda and communications will also be posted to SSCAFCA's website. It is the responsibility of all potential Offerors to check the website for questions and responses and to ensure that all addenda have been received before submitting their proposal.

2.2.3 Submission of Proposal. All Offeror proposals must be received by SSCAFCA no later than the date and time specified in the Schedule of Events. Proposals received

after this deadline will not be accepted. The date and time of receipt will be recorded on each proposal. Proposals must be hand delivered or mailed to:

**Southern Sandoval County Arroyo Flood Control Authority
Attention: Deborah Casaus, Fiscal Services Director
1041 Commercial Dr. SE
Rio Rancho, New Mexico 87124**

Proposals must be submitted in a sealed package or envelope listing the following information on the outside:

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SSCAFCA shall not be responsible for proposals that are mailed and not received by the time specified in this section. Receipts for hand delivered proposals may be issued by SSCAFCA (upon request).

- 2.2.4 Proposal Evaluation.** The evaluation and ranking of proposals will be performed by the Evaluation Committee during the time period noted in the Schedule of Events.
- 2.2.5 Selection of Finalist.** The Evaluation Committee will select and the Point of Contact will notify the Finalist Offeror.
- 2.2.6 Oral Presentations and Interviews.** The Evaluation Committee may request oral presentations or interviews by the Offerors. If this is required, the requested action will take place at the SSCAFCA office in Rio Rancho within the proposal evaluation timeframe specified the Schedule of Events.
- 2.2.7 Finalize Contract.** The Contract will be finalized with the most qualified Offeror. In the event that mutually agreeable terms cannot be reached, SSCAFCA reserves the right to terminate negotiations with that Offeror. The Contract will be presented to the SSCAFCA Board of Directors for its approval on the date specified in the Schedule of Events.
- 2.2.8 Protest Deadline.** The ten (10) day protest period for Offerors shall begin on the day following the notification of the contract award and will end at 5:00 pm MT on the tenth calendar day following the notification of the contract award. Protests must be submitted in writing and must include the name and address of the protestant and the RFP number. It must also contain a statement of grounds for protest and be addressed and delivered to the Point of Contact.

2.3. General Requirements.

- 2.3.1** Offerors shall carefully read the information contained in this RFP and submit a complete response to all requirements and questions as directed. Incomplete proposals may be considered non-responsive and subject to rejection.

- 2.3.2** Proposals and any other information submitted by Offerors in response to this RFP shall become the property of SSCAFCA.
- 2.3.3** Proposals that are qualified with conditional clauses, alterations, or irregularities of any kind are subject to rejection by SSCAFCA, at its option.
- 2.3.4** It is incumbent upon each Offeror to carefully examine all specifications, terms, and conditions contained herein. Any inquiries, suggestions, or requests concerning interpretation, clarification or additional information shall be made in writing, (facsimile transmissions acceptable, email is preferred) through the Point of Contact named above. SSCAFCA will not be responsible for any oral representation(s) given by any employee, representative or others. The issuance of a written addendum is the only official method by which interpretation, clarification or additional information can be given. If it becomes necessary to revise or amend any part of this RFP, notice may be obtained by accessing our web site. Respondents in their proposal must acknowledge receipts of amendments.

Each Offeror should ensure that they have received all addenda and amendments to this RFP before submitting their proposal.

- 2.3.5** A proposal may be amended or withdrawn in person at any time BEFORE the scheduled due date and time of proposals provided a receipt for the withdrawn proposal is signed by the Offeror's authorized representative. An amendment must be a complete replacement for a previously submitted proposal and must be clearly identified in a transmittal letter signed by the Offeror's authorized representative. SSCAFCA reserves the right to request proof of authorization to withdraw or amend a proposal.
- 2.3.6** All information, documentation, and other materials submitted in response to this RFP are considered non-confidential and/or non-proprietary and are subject to public disclosure after the procurement is completed.
- 2.3.7** SSCAFCA may evaluate the proposals based on the anticipated completion of all or any portion of the project. SSCAFCA reserves the right to divide the project into multiple parts, to reject any and all proposals and re-solicit for new proposals, or to reject any and all proposals and temporarily or permanently abandon the project when deemed to be in SSCAFCA's best interest. SSCAFCA makes no representations, written or oral, that it will enter into any form of agreement with any Offeror to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.
- 2.3.8** SSCAFCA may, in the evaluation of proposals, request clarification from Offerors regarding their proposals, obtain additional material or literature, and pursue other avenues of research as necessary to ensure that a thorough evaluation is conducted.

- 2.3.9** By submitting a proposal in response to this RFP, the Offeror accepts the evaluation process and acknowledges and accepts that determination will require subjective judgments by SSCAFCA.
- 2.3.10** Offeror acknowledges and accepts that any expense incurred from the Offeror's participation in this RFP process shall be at the sole risk and responsibility of the Offeror.
- 2.3.11** SSCAFCA expects the highest level of ethical conduct from Offerors including adherence to all applicable laws regarding ethical behavior. The Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199 (1984 as amended), imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
- 2.3.12** After identifying the highest scoring Offeror, SSCAFCA will attempt to negotiate final terms of a Contract with such Offeror, on such terms as SSCAFCA deems in its best interest. SSCAFCA reserves the right to negotiate all elements of the Contract.
- 2.3.13** SSCAFCA shall evaluate any potential conflict of interests identified and determine if it is a direct conflict of interest. A direct conflict of interest shall be cause for disqualifying an Offeror from consideration. SSCAFCA's determination shall be final.

3. PROPOSAL FORMAT AND ORGANIZATION REQUIREMENTS

- 3.1. General Proposal Requirements.** Proposals shall be prepared simply and economically, providing a straightforward, concise description of the Offeror's ability to meet the requirements of this RFP. Emphasis shall be placed on the quality, completeness, and clarity of content of the proposal.
- 3.2. Number of Copies.** Offeror must submit 1 original and 3 copies of its proposal in a sealed envelope or container.
- 3.3. Proposal Format.**
- 3.3.1** Proposals shall be limited to a maximum length of 10 numbered pages, not including the Cover Letter, Table of Contents, dividers, the front and back cover and any documentation listed in Section 4.2.2. Please identify the requirement number in the proposals when responding to each.
- 3.3.2** Proposals shall be clearly divided into unique sections, which shall include:
- a. Cover Letter
 - b. Table of Contents
 - c. Other Required Documents
 - d. Response to Desirable Requirements

- 3.3.3** Proposals shall be printed on letter-size (8-1/2" x 11") paper and bound or assembled with spiral bindings, stapled or in 3-ring binders. Graphics incorporated into the proposal may exceed the paper-size requirement. Any 11" x 17" pages shall be numbered as two pages. Drawings on 24" x 36" sheets shall be numbered as four pages.

4. SUBMISSION REQUIREMENTS

4.1. Overview. This section contains the mandatory and desirable proposal submission requirements as well as related information. Offerors must respond to the mandatory requirements and should respond to the desirable requirements of this RFP providing the required responses, documentation and assurances. Failure to respond to a desirable requirement will result in zero (0) points being awarded for that requirement, except for Section 4.3.3.

4.2. Mandatory Proposal Submission Requirements. Failure to comply with a mandatory requirement will result in disqualification of the proposal.

4.2.1 Cover Letter. Offerors must submit a cover letter summarizing why the Offeror is interested in this proposal. A party authorized to bind the entity submitting the proposal must sign the cover letter. The cover letter should include the following items:

- a. Identity of Offeror including business address, telephone number, fax number, and email address.
- b. A statement that the proposal is effective for 60 days from proposal due date.
- c. A statement that the Offeror will comply with all terms and conditions as stated in this RFP; or identification of any exceptions taken to any of the RFP terms.
- d. A Disclosure of any Potential Conflicts of Interest. Offeror shall either state they have no conflict of interest or disclose any potential conflict of interest. A potential conflict of interest includes, but is not limited to:
 - i. Accepting an assignment where duty to SSCAFCA would conflict with the Offeror's personal interest, or interest of another client.
 - ii. Performing work for a client or having an interest which conflicts with this contract.

4.2.2 Other Required Documents. The following list of documents must be submitted with the proposal, but will not be counted towards the 10-page limit:

- a. Certificate of professional liability insurance of at least one million dollars (\$1,000,000).
- b. **Campaign Contribution Disclosure Form.** In accordance with the Procurement Code, Section 13-1-28, all prospective contractors who are seeking to enter into a contract with a state agency or local public body (SSCAFCA) are required to file the attached “Campaign Contribution Disclosure Form” with that state agency or local public body, in this case SSCAFCA. This form must be filled out in its entirety and submitted with the offer.

4.3. Desirable Requirements. As SSCAFCA shall evaluate all of the proposals on the same basis, it is required that your proposal conforms in all respects to the specifications outlined in this RFP.

4.3.1 Experience and qualifications of the firm and of individuals relating to the issuance of local government bonds in New Mexico. A description of the Offeror’s qualifications and experience with assisting local governments with bond issues in the state of New Mexico. Explain in detail your specific experience with the governmental entities in Sandoval County and with other local governments similar to SSCAFCA.

4.3.2 Ability to advise and assist SSCAFCA in relation to the Scope of Work. Explain in detail a description of the Offeror’s experience in providing the services listed in the Scope of Work in Section 1.3.

4.3.3 Cost Proposal. Submit a cost proposal that includes the following items:

- a. A fixed fee for a general obligation bond issue with a par amount from \$1,000,000 to \$3,000,000.
- b. A fixed fee for general obligation bond issue with a par amount from \$3,000,001 to \$6,000,000.
- c. A fixed fee for a general obligation bond refunding with a par amount greater than \$6,000,000.
- d. Services related to a general obligation bond election.
- e. An hourly rate for additional services requested by SSCAFCA in connection with other bond matters and matters which are beyond the scope normally rendered by a Financial Advisor on routine bond issues.
- f. Other related expenses.

4.3.4 References and/or Recommendations. References and/or recommendations by other governmental agencies on work of a directly related nature.

4.3.5 Quality and Content of Proposal. The proposal will be scored on the overall quality of the assembly and presentation of information.

4.3.6 Resident Contractor or Resident Veterans Contractor Preference. If applying for a resident contractor or resident veteran contractor preference for this RFP, Offeror must submit certificate issued by the New Mexico Tax and Revenue Department preference to obtain points. Only one preference may be applied to RFP scoring. Please see NMSA 1978, Sections 13-1-21 and 13-1-22.

5. EVALUATION OF PROPOSALS

5.1 Evaluation Points Summary. The following is a summary of evaluation factors and the maximum point factors assigned to each. These will be used in the evaluation of each Offeror proposal submitted.

RFP Section	Factor	Points
	<u>Mandatory Requirements-Pass/Fail</u>	
4.2.1	Cover Letter	Pass/Fail
4.2.1 a.	Identity of Offeror	Pass/Fail
4.2.1 b.	Statement that the proposal is effective for 60 days	Pass/Fail
4.2.1 c.	Statement of compliance with all terms and conditions	Pass/Fail
4.2.1.d.	Disclosure of Conflicts of Interests	Pass/Fail
4.2.2	Other Required Documents	
4.2.2 a.	Certification of Liability Insurance	Pass/Fail
4.2.2 b.	Campaign Contribution Disclosure Form	Pass/Fail
4.3	<u>Desirable Requirements</u>	
4.3.1	Experience and qualifications of the firm and of individuals relating to the issuance of local government bonds in New Mexico	35
4.3.2	Ability to advise and assist SSCAFCA in relation to Scope of Work (Section 1.3)	35
4.3.3	Cost Proposal	20
4.3.4	References and/or recommendations	5
4.3.5	Quality and content of the proposal	5
4.3.6	Resident Contractor Preference (See NMSA 1978, Section 13-1-22); <u>OR</u>	5
4.3.6	Resident Veterans Contractor Preference (Up to 10 points, See NMSA 1978, Section 13-1-22)	10
	TOTAL POINTS POSSIBLE	110

5.2 Desirable Requirements. Failure to respond to a Desirable Requirement will result in zero points being awarded for that requirement.

5.3 Oral Presentation/Interview. SSCAFCA reserves the right to award a contract on the basis of proposals only or may require selected Offerors to be interviewed or make an oral presentation.