

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

To provide assistance with a possible loan and to provide objective legal opinion with respect to the validity of authorizing and issuing evidences of indebtedness (the “Obligations”) by the City of Breckenridge (the “City”) for capital financing and provide assistance with possible loan, grant or disadvantaged funding through the Texas Water Development Board (“TWDB”) and/or the Environmental Protection Agency (“EPA”). The contract term will be a maximum of three (3) years from the date of execution.

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. This solicitation is intended to cover any financial assistance received by City from the TWDB for a period of three years following the date of award of any contracts pursuant hereto, whether from the Drinking Water State Revolving Fund, Clean Water State Revolving Fund, Economically Distressed Areas Program or any other financial assistance program administered by the TWDB during said three-year period. The City reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interest 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 evidences of indebtedness.
- Examine applicable law.
- Prepare the Obligation Order 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. RECEIPT OF PROPOSALS

If your firm is interested in being considered as Bond Counsel for the City, proposals must be received no later than 4:00 PM (local time) on May 3, 2024, at the offices of the City. One (1) copy of the proposal must be sealed and clearly marked on the face of the shipping material “BOND COUNSEL RFP.”

CONFIDENTIAL: STATEMENT OF QUALIFICATIONS ENCLOSED
BOND COUNSEL SERVICES
ATTENTION: CYNTHIA NORTHRUP, CITY MANAGER
CITY OF BRECKENRIDGE
105 N. ROSE AVENUE
BRECKENRIDGE, TEXAS 76424

E. SELECTION CRITERIA

The following criteria will be used as a basis for the selection of the Bond Counsel:

- **EXPERIENCE OF PERSONNEL** **35 POINTS**
To assess the background and experience of the personnel in working with Texas Public Finance Entities.
 - **TEAM MEMBERS** **25 POINTS**
To identify the personnel the firm proposes to commit on a day-to-day basis and evaluate the specific qualifications of these individuals.
 - **REFERENCES** **15 POINTS**
To demonstrate client satisfaction and the candidate's familiarity with municipal issues.
 - **FINANCIAL CONDITION** **15 POINTS**
To demonstrate the firm's financial condition.
 - **TEXAS WATER DEVELOPMENT BOARD FINANCING PROGRAMS** **10 POINTS**
To provide a preference to firms with experience using the Texas Water Development Board's Financing Programs.
- TOTAL** **100 POINTS**

F. 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, RFQ, or any resulting contract.
3. 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.
4. Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11.375, and as supplemented in Department of labor regulations 41 CFR; Part 60. Small, minority and women-owned firms are encouraged to submit proposals.