Request for Qualifications (RFQ)

RFQ # 2017-005

"Special Counsel for Webb County – Opioid Litigation"

Due: December 7, 2017 at 10 am or before

Notice is hereby given that Webb County invites interested law firms to present their qualifications to be Special Counsel to Webb County, and if selected, to investigate, and if appropriate, to initiate litigation against manufacturers and distributors of prescription opioids that have wrongfully caused opioid addiction in Webb County.

The accompanying RFQ with its terms, conditions, attachments and all other forms in this RFQ package are due by or before 10 a.m. (Central Time) on December 7, 2017. ***RFQ received after the due date and time will not be accepted***. All RFQ meeting the required deadline will be read publicly at the following location in accordance with Webb County Purchasing Policies and Procedures:

Please Mail or Hand Deliver RFQ Proposals to:
Webb County Clerk's Office
1110 Victoria Street, 2nd Floor, Suite 201
Laredo, Texas 78040

Copies of the RFQ package are available on our website:
http://www.webbcountytx.gov/PurchasingAgent/PublicNoticeRFP/

Please submit (1) original RFQ package and (5) copies in a sealed envelope clearly marked on the outer front lower left corner as follows:

"Special Counsel for Webb County – Opioid Litigation"

Webb County reserves the right to reject any and all RFQ proposals, to waive informalities in the RFQ process, or to terminate the RFQ process at any time, if deemed in the best interest for Webb County.

THIS FORM MUST BE INCLUDED WITH RFQ PACKAGE; PLEASE CHECK OFF EACH ITEM INCLUDED WITH RFQ PACKAGE AND SIGN BELOW TO COMFIRM SUBMITTAL OF EACH REQUIRED ITEM.

RFQ # 2017-005
"Special Counsel for Webb County – Opioid Litigation"

☐Public Notice

☐ Proposer Information

☐ Qualification Requirements (Section 4)

☐A minimum of five (5) references with whom the law firm has performed substantially similar services described in this document.

☐Conflict of Interest form (Form CIQ)

☐Certification regarding Debarment (Form H2048)

☐Certification regarding Federal lobbying (Form 2049)

☐Proof of No Delinquent Tax Owed to Webb County

_____

Signature of Authorized Representative **Date Signed**

Table of Contents

1. Scope of Work 4

2. Proposal Preparation Cost 4

3. Term of Agreement 4

4. Qualification Requirements: 4

5. Disqualification 5

6. Litigation Approach and Process 5

7. Conflict of Interest 6

9. Texas Ethics Commission Requirement Notification: 6

10. General Conditions 6

11. RFQ Evaluation 7

12. Evaluation Team: 7

13. Proposal Schedule 8

14. Special Accommodations: 8

1. Scope of Work

Webb County may employ a law firm with specialized legal expertise to investigate and possibly initiate litigation against manufacturers and distributors of prescription opioids. If selected, Special Counsel will first determine if evidence actually exists documenting the economic impact that prescription opioids have had on Webb County and its residents. Special Counsel will inform the Civil/Legal Director which manufacturers and distributors of prescription opioids have caused significant harm in Webb County and whether any of the manufacturers or distributors have already settled lawsuits alleging such misconduct or have already been found in a judicial proceeding to have engaged in such misconduct.

If class action litigation already exists against these manufacturers and distributors of prescription opioids in which Webb County is currently a member of the class, then Special Counsel will recommend in a written opinion letter to the Civil/legal Director whether Webb County should remain a member of the class or whether it is more advantageous for Webb County to opt out of the class and bring its own lawsuit. If Webb County is not a member of the class, then Special Counsel will recommend in a written opinion letter addressed to the Civil/legal Director, whether Webb County should pursue such litigation. Special Counsel must be prepared to prosecute the lawsuit(s) not only through the trial and appellate courts, but until damages are actually recovered.

2. Proposal Preparation Cost

Webb County will not be liable in any way for any costs incurred by any Law Firm in the preparation of its qualifications in response to this RFQ, nor for any presentation by it and/or participation in any discussions or negotiations.

3. Term of Agreement

To be Determined after selection and award of the most qualified law firm.

4. Qualification Requirements:

The items listed below should be submitted with each law firm's Response in the order shown.

Firm

- Demonstrate your firm's financial and manpower capacity.
- List all current litigation(s) in which your firm is a defendant (not the legal details).
- Have any of the firm's attorney's been disciplined in the last 5 years? If so, describe the offense.

Reference Litigation

- Detail experience on litigation of similar scope or size in the last 10 years:
  a) Style and docket number;
  b) Brief description of the litigation;
  c) Dates of litigation, type of litigation, status of the litigation and whether the firm was successful and dollar value; and
  d) Company/agency/department/office to which legal services were provided, including contact information and email address, to be used as reference verification.

Team Qualifications

- Demonstrate relevant experience of proposed team members. Resumes of "key" individuals that will be assigned to the proposed litigation should be submitted as attachments.
- Provide information concerning the qualifications of any law firms or consultants you intend to associate and how they will help obtain the desired outcomes. Include their ability, capacity, skill and number of years of experience in providing the necessary services.

5. Disqualification

Reasons for disqualification include, but are not limited to:

- Failure to provide any information requested in this document.
- Failure to provide satisfactory documentation of resources (financial, personnel, & equipment).
- If, in the County's opinion, firm/Contractor lacks sufficient financial, personnel, or equipment resources deemed necessary to adequately perform the services described in this document.
- Unsatisfactory performance record or insufficient experience, as determined by Webb County.

6. Litigation Approach and Process

What information would your firm need from Webb County to determine whether litigation should be initiated against manufacturers and distributors of prescription opioids.

Identify potential issues/challenges your firm foresees in completing the litigation, including collecting judgments, if selected as Special Counsel.

7. Conflict of Interest

The contract or contracts in this solicitation are subject to Texas Govt. Code Sec. 2261.252(b), which prohibits the Webb County from entering into contracts with certain private vendors in which certain Webb County officers and employees have a financial interest. Each respondent shall include in its proposal a statement that it is not prohibited from entering into a contract with Webb County as a result of a financial interest as defined under Texas Govt. Code Sec. 2261.252(b).

Webb County requires that its consultants and sub consultants be able to work solely in Webb County's interest, without conflicting financial or personal incentives. Webb County reserves the right to disqualify any prime provider or sub providers, or to place contractual limits on work or on personnel, if there is a conflict of interest that might affect or might be seen to affect the prime provider's or sub providers' duty to act solely in the interest of Webb County.

A conflict of interest may involve conflicting incentives with regard to the firm as a whole, or any employee. The conflict may arise between the provider's work under a contract entered as a result of this solicitation and a relationship involving Webb County, a construction contractor, another engineering firm, a materials testing firm, a third party affected by the project, a sub provider for any other consultant or contractor, or any other entity with an interest in a project on which work is performed under a contract entered as a result of this solicitation.

9. Texas Ethics Commission Requirement Notification:

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least $1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A signed and notarized Form 1295 shall be tendered to Webb County by providers selected to receive a contract prior to contract execution. Webb County will not evaluate the information provided, or respond to any questions on how to interpret the Texas Ethics Commission's rules.

For additional information, please reference the Texas Ethics Commission webpage at: https://www.ethics.state.tx.us/tec/1295-Info.htm

10. General Conditions

Interested Firms shall familiarize themselves with conditions relating to the scope, specifications, and restrictions regarding the execution of work to be performed under the contract. It is the firm's responsibility to obtain any additional information it deems necessary to submit in its RFQ proposal, as well as in the performance of the contract. Information contained in this document should not be considered all-inclusive.

All questions or clarification regarding this RFQ proposal request must be submitted to in writing to via email to Mr. Juan Guerrero, Purchasing Contract Administrator at juguerrero@webbcountytx.gov & copy Mr. Cesar Guerra, Webb County Assistant Purchasing Agent at ceguerra@webbcountytx.gov

Each question, along with the County's response will be provided in writing to all prospective Law firms and included as an addendum to RFQ document. Any verbal communication regarding this request for qualifications will be considered non-binding on either party.

11. RFQ Evaluation

Qualifications will be scored according to the following criteria:

▪ Financial / Manpower Capacity	10 points
▪ Team Qualifications	25 points
▪ Litigation Approach/Process	30 points
▪ Experience relevant to Scope of Services	35 points
Total points	100

During the RFQ process, firms may be required to attend interviews, give presentations as requested to the evaluation committee. The evaluation committee may conduct the following tasks but is not an all-inclusive list of tasks that may be conducted by committee:

- Review all RFQs received for compliance with RFQ terms and conditions.
- Prepare a comparative summary of Qualifications.
- Prepare a preliminary ranking of RFQs using a quantitative method based on the criteria presented in the RFQ document and other criteria as directed by committee.
- Conduct reference checks.
- Request clarification from firms.
- Attend and participate in interviews with firms who submitted RFQ packages by deadline.
- Prepare a final ranking of the RFQs proposals.

The top three (3) qualifying law firms will be required to attend public interviews during a regular/special called Commissioner Court meeting. At the discretion of the Commissioners Court, an award of this RFQ may be made after all three (3) qualifying firms have presented to Commissioners Court or a decision to finalize RFQ may be made at a later date.

12. Evaluation Team:

The following Webb County employees are involved in the selection process for this procurement:

- Mr. Leroy Medford, Executive Administrator to the Court
- Alexandra Colessides, Civil-Legal Director
- Mr. Lalo Uribe, Executive Administrator to the County Judge
- Mr. Jose Angel Lopez III, Purchasing Agent

Note: Do not contact these individuals about this active solicitation. Since the procurement process has started, these Webb County employees will not respond to questions about this procurement, all inquiries must comply with Section 10 (General Conditions).

13. Proposal Schedule

Activity	Time	Date	Responsible Party
Public Notice/newspaper	n/a	Nov. 26th, Nov. 29th	Webb Co. Purchasing Dept.
Public Notice on website	n/a	Until award is completed	Webb Co. Purchasing Dept.
Questions Due to County	No later than 5pm	Nov. 29th	Proposer/Contractor
Posting of answers	No later than 5pm	Nov. 30th	Webb Co. Purchasing Dept.
Sealed Proposals due	10 am	Dec. 7th	Proposer/Contractor
Evaluation of Proposals	TBD	Dec. 7th	Webb Co. Evaluation Team
Award of Contract	TBD	Dec. 11th	Governing Body
Finalization of contract doc	TBD	TBD	Webb County/Contractor
Commencement of service	TBD	TBD	Webb County/Contractor

Footnote: *County reserves the right to adjust time and dates on above projected schedule if it's in the best interest for Webb County.*

14. Special Accommodations:

To request special accommodations pursuant to the Americans with Disabilities Act (ADA), please notify the contact shown below, a minimum of 48 hours prior to a scheduled meeting.

Mr. Juan Guerrero, Purchasing Contract Administrator at (956) 523-4125 or email at juguerrero@webbcountytx.gov

RFQ# 2017-005

"Special Counsel for Webb County – Opioid Litigation"

ATTACHMENTS

Proposer Information

Name of Company: _____

Address: _____

City and State _____

Phone: _____

Email Address: _____

Signature of Person Authorized to Sign:

_____
Signature

_____
Print Name

_____
Title

Indicate status as to "Partnership", "Corporation", "Land Owner", etc.

_____

_____
(Date)

Note:
All submissions relative to these RFQ shall become the property of Webb County and are nonreturnable.

References

Name of Local / State government or private company	Address	Phone	Name of Contact	Project Name when was it completed

Webb County will accept proposers own format on references. It must include the information being requested above.

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.

Texas Department of
Agriculture

Form H2048
January 2008

CERTIFICATION
REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION FOR COVERED CONTRACTS

PART A.

Federal Executive Orders 12549 and 12689 require the Texas Department of Agriculture (TDA) to screen each covered potential contractor to determine whether each has a right to obtain a contract in accordance with federal regulations on debarment, suspension, ineligibility, and voluntary exclusion. Each covered contractor must also screen each of its covered subcontractors.

In this certification "contractor" refers to both contractor and subcontractor; "contract" refers to both contract and subcontract.

By signing and submitting this certification the potential contractor accepts the following terms:

1. The certification herein below is a material representation of fact upon which reliance was placed when this contract was entered into. If it is later determined that the potential contractor knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Department of Health and Human Services, United States Department of Agriculture or other federal department or agency, or the TDA may pursue available remedies, including suspension and/or debarment.
2. The potential contractor will provide immediate written notice to the person to which this certification is submitted if at any time the potential contractor learns that the certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The words "covered contract", "debarred", "suspended", "ineligible", "participant", "person", "principal", "proposal", and "voluntarily excluded", as used in this certification have meanings based upon materials in the Definitions and Coverage sections of federal rules implementing Executive Order 12549. Usage is as defined in the attachment.
4. The potential contractor agrees by submitting this certification that, should the proposed covered contract be entered into, it will not knowingly enter into any subcontract with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Department of Health and Human Services, United States Department of Agriculture or other federal department or agency, and/or the TDA, as applicable.

Do you have or do you anticipate having subcontractors under this proposed contract?

☐ Yes

☐ No

5. The potential contractor further agrees by submitting this certification that it will include this certification titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion for Covered Contracts" without modification, in all covered subcontracts and in solicitations for all covered subcontracts.
6. A contractor may rely upon a certification of a potential subcontractor that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered contract, unless it knows that the certification is erroneous. A contractor must, at a minimum, obtain certifications from its covered subcontractors upon each subcontract's initiation and upon each renewal.
7. Nothing contained in all the foregoing will be construed to require establishment of a system of records in order to render in good faith the certification required by this certification document. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for contracts authorized under paragraph 4 of these terms, if a contractor in a covered contract knowingly enters into a covered subcontract with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, Department of Health and Human Services, United States Department of Agriculture, or other federal department or agency, as applicable, and/or the TDA may pursue available remedies, including suspension and/or debarment.

PART B. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION FOR COVERED CONTRACTS

Indicate in the appropriate box which statement applies to the covered potential contractor:

☐ The potential contractor certifies, by submission of this certification, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded form participation in this contract by any federal department or agency or by the State of Texas.

☐ The potential contractor is unable to certify to one or more of the terms in this certification. In this instance, the potential contractor must attach an explanation for each of the above terms to which he is unable to make certification. Attach the explanation(s) to this certification.

Name of Contractor	**Vendor ID No. or Social Security No.**	**Program No.**

_____
Signature of Authorized Representative

_____
Date

_____
Printed/Typed Name and Title of Authorized Representative

CERTIFICATION REGARDING FEDERAL LOBBYING
(Certification for Contracts, Grants, Loans, and Cooperative Agreements)

PART A. PREAMBLE

Federal legislation, Section 319 of Public Law 101-121 generally prohibits entities from using federally appropriated funds to lobby the executive or legislative branches of the federal government. Section 319 specifically requires disclosure of certain lobbying activities. A federal government-wide rule, "New Restrictions on Lobbying", published in the Federal Register, February 26, 1990, requires certification and disclosure in specific instances.

PART B. CERTIFICATION

This certification applies only to the instant federal action for which the certification is being obtained and is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federally appropriated funds have peen paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with these federally funded contract, subcontract, subgrant, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions. (If needed, contact the Texas Department of Agriculture to obtain a copy of Standard Form-LLL.)

3. The undersigned shall require that the language of this certification be included in the award documents for all covered subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all covered subrecipients will certify and disclose accordingly.

Do you have or do you anticipate having covered subawards under this transaction?
☐ Yes
☐ No

Name of Contractor/Potential Contractor	**Vendor ID No. or Social Security No.**	**Program No.**

Name of Authorized Representative	**Title**

Signature – Authorized Representative

Date

PROOF OF NO DELINQUENT TAXES OWED TO WEBB COUNTY

Name _____ owes no delinquent property taxes to Webb County.

_____ owes no property taxes as a business in Webb County.
(Business Name)

_____ owes no property taxes as a resident of Webb County.
(Business Owner)

_____
Person who can attest to the above information

*** SIGNED NOTORIZED DOCUMENT AND PROOF OF NO DELINQUENT TAXES TO WEBB COUNTY.**

The State of Texas
County of Webb
Before me, a Notary Public, on this day personally appeared _____, know to me (or proved to me on the oath of _____ to be the person whose name is subscribed to the forgoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this ____day of _____ 2016.

Notary Public, State of Texas

_____

(Print name of Notary Public here)

My commission expires the _____day of _____20__.