



Request for Qualifications (RFQ)

Conflict Attorney Professional Services

RFQ 2023 - 0011

Advertisement Date: **April 8, 2023**

Statement of Qualifications Due: **May 5, 2023**

Spalding County Government
PO Box 1087
119 E. Solomon Street
Griffin, GA 30224
<http://www.spaldingcounty.com>
(770) 467-4226

Table of Contents

| | |
|---|-----------|
| Glossary | 3 |
| Background | 4 |
| Selection Method | 4 |
| Method of Communication..... | 4 |
| Selection..... | 4 |
| Finalist Notification | 4 |
| Interview | 4 |
| Schedule | 5 |
| Contents of Submissions | 5 |
| Instructions for Submittal of Statement of Qualifications Proposal | 6 |
| Questions/Clarification Request | 7 |
| Terms and Conditions | 7 |
| SCWSFA Rights and Options..... | 8 |
| Audit and Accounting System Requirements | 9 |
| Exhibit I | 10 |
| Exhibit A | 11 |
| Exhibit B | 12 |
| Request for Taxpayer Identification Number and Certification W9 | |

Glossary

The following definitions shall apply to and are used in this Request for Qualifications:

"RFQ" – Refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"SCWSFA" – Refers to the Spalding County Water and Sewerage Facilities Authority

"SOQ" - refers to the complete Statement of Qualifications responses to this RFQ submitted by the Respondents.

"Qualified Respondent" – refers to those Respondents who (in the sole judgment of the SCWSFA) have satisfied the qualification criteria outlined in this RFQ.

"Respondent" or "Respondents" – Refers to the interested Firm(s) that submits an SOQ.

Background

The SCWSFA has determined it is in the best interests to solicit requests for qualifications for an attorney to act on its behalf when the law firm of Beck, Owen & Murray (attorneys for the SCWSFA) has a conflict of interest. Through a Request for Qualification process described herein, firms interested in assisting the SCWSFA with the provision of such services must prepare and submit a Statement of Qualification per the Procedure and Schedule outlined in this RFQ.

Selection Method

Method of Communication

All general communication of relevant information regarding this solicitation will be made via the Spalding County website and the Georgia Procurement Registry website. All firms are responsible for checking the Spalding County website (<https://www.spaldingcounty.com/>) or the Georgia Procurement Registry website (<https://ssl.doas.state.ga.us/gpr/>) regularly for updates, clarifications, and announcements. The SCWSFA reserves the right to communicate via email with the project manager in the RFQ. Other specific communications will be made as indicated in the remainder of this RFQ.

Selection

Statement of Qualifications (SOQ) will be reviewed by a Selection Committee appointed by the SCWSFA. The Selection Committee will determine if the Respondent has met the minimum professional and administrative requirements described in this RFQ. Based upon the totality of the information contained in the SOQ, including information about the reputation and experience of each Respondent, the Selection Committee (in its sole judgment) will determine which Respondents are qualified (from professional and administrative standpoints). Each Respondent that meets the requirements of the RFQ (in the sole judgment of the Selection Committee) will be designated as a Qualified Respondent and may be given the opportunity to submit additional information or called in for an interview if determined by the Selection Committee.

All firms must meet the minimum requirements listed in the Instructions for Preparing Statement of Qualifications (SOQ) Proposal section below.

Finalist Notification

Firms will receive a notification from the SCWSFA primary contact outlining the findings of the Selection Committee. This notification communication will either notify firms of the intended selection or provide instruction for additional information or interview instructions. Criteria for the remainder of the selection process will be communicated in the Finalist Notification.

Interview

At the discretion of the Selection Committee, an interview may be requested with the shortlisted Firm(s). Each finalist firm shall be notified in writing and informed of the interview session's place, date, and time. Detailed interview instructions and requirements of the finalists will be provided in the Notification to Finalist. **Firm(s) shall not address any questions, before the Interview, to anyone other than the SCWSFA primary contact.**

Schedule

The following Schedule of Events represents the SCWSFA's best estimate of the Schedule that will be followed in the selection process. All times indicated are prevailing times in the Atlanta, Georgia, area. The SCWSFA reserves the right to adjust the Schedule as necessary.

| | <u>Response to the RFQ</u> | <u>Date</u> | <u>Time</u> |
|-----------|---|--------------------|----------------|
| A. | Advertisement Date | April 8, 2023 | ----- |
| B. | Last Day for Questions | April 19, 2023 | 5:00 PM |
| D. | SOQ Due Date | May 5, 2023 | 2:00 PM |
| E. | SCWSFA Selection Committee completes SOQ evaluation | May 12, 2023 | ----- |
| F. | Interviews for selected Respondents (If needed) | TBD | TBD |
| G. | Selection of Firm | TBD | TBD |

Contents of Submissions

The SOQ proposals must be submitted in accordance with the instructions provided below. All submissions must be categorized and numbered as outlined below and must be responsive to all requested information.

Incomplete responses will not be considered.

- A. Certification Form (Exhibit I enclosed with RFQ)
Complete and provide a notarized original within the Firm's SOQ Proposal.
- B. Immigration and Security Form (Exhibit A enclosed with RFQ)
Complete and provide a notarized original within the Firm's Statement of Qualifications Proposal.
- C. Immigration and Security Form Affidavit Verifying Status for County Public Benefit Application (Exhibit B enclosed with RFQ)
Complete and provide a notarized original within the Firm's Statement of Qualifications Proposal.
- D. W-9 form (enclosed with the RFQ)
Complete and provide an original within the Firm's Statement of Qualifications Proposal.
- E. A brief history of your Firm and resumes for the attorney(s) who would be performing work for the SCWSFA. Also, include such additional information as you deem appropriate regarding the Firm, but specifically provide information regarding its size and the areas of practice of its attorneys.
- F. List any experience in representing governmental entities, including the Name of the government(s) represented, lengths of representation, and individuals within the government with whom your Firm worked closely.
- G. List any experience in handling the following matters and give brief examples or descriptions of what you have encountered in your experience where appropriate:
 1. Drafting and/or interpretation of contracts and intergovernmental agreements;
 2. Drafting and/or interpretation of ordinances, laws, resolutions, or similar legislation; and

3. Local economic development projects in conjunction with private or other public partners.
- H. Identify the attorney in your Firm that would take primary responsibility to advise and represent the SCWSFA if your Firm were selected, as well as other attorneys within your Firm that will also perform tasks or assist in the representation.
- I. Description of whether your Firm has ever been the subject of a bar complaint, legal action, or other complaints, including an explanation of the circumstances.
- J. Description of Firm's insurance including general liability, workers' compensation, and malpractice.
- K. The person or Firm selected to serve as Conflict Attorney(s) will be an independent contractor of the SCWSFA and shall remain to the SCWSFA a wholly independent contractor at all times with only such obligations and rights as are consistent with that role. No employment benefits, including health insurance or retirement benefits, will accrue.
 1. Please provide your proposed fee structure; include the hourly rate(s) of the attorney(s) and paralegals who will undertake SCWSFA matters; and
 2. Provide an explanation of how the Firm will bill and how much will be charged for long-distance calls; facsimiles; postage or shipping; copies or reproductions; travel; and any other proposed costs or expenses

Instructions for Submittal of Statement of Qualifications Proposal

One (1) original and **nine (9) copies** of the SOQ shall be prepared, for a total of **ten (10) sets**. One complete copy of the SOQ must be submitted electronically as a PDF via a flash drive. Each SOQ shall be identical and include a transmittal letter signed by a duly authorized officer of the Firm.

The SOQ should be concise, well-organized, and demonstrate the Firm's and individual team members' qualifications related to the proposed nature of this RFQ.

For efficient review, please restrict the SOQ to a total not-to-exceed limit of 20 pages, 8.5 by 11 pages, including preprinted material, charts, design write-ups, graphics, forms, pictures, etc. The minimum font size for the SOQ is 12-point. For exhibits, 11 by 17 pages are allowed and welcomed to enhance readability. The 20-page limit does not include the cover letter, dividers, resumes, reference letters, DBE/WBE certifications, affidavits, appendices, and front or back covers included in the SOQ. Fancy bindings, colored displays, and promotional materials are left to the Respondent's discretion. Emphasis must be on completeness, relevance, and clarity of content.

RFQ 2023 - 0011

Conflict Attorney Professional Services

Proposals must be sealed in an opaque envelope or box and reference **RFQ 2023 - 0011**. The words "**STATEMENT OF QUALIFICATIONS PROPOSAL**" must be clearly identified on the outside of the envelopes or boxes. The Spalding County Purchasing Department must physically receive the SOQ Proposals prior to the deadline indicated in the Schedule of Events at the exact address below. Proposals submitted via facsimile or email will be rejected.

Spalding County Government
Attention: Terri Bass, Purchasing Agent
PO Box 1087
119 East Solomon Street
Griffin, Georgia 30224
Email: tbass@spaldingcounty.com

No proposal will be accepted after the time and date set for receipt.

Proposals must be prepared simply and economically, providing a straightforward, concise description of the methodology and approach utilized to satisfy the requirements of this solicitation. Emphasis should be on completeness and clarity of content with sufficient detail to allow for accurate evaluation and comparative analysis.

The SCWSFA will not be liable for costs incurred by the respondents in preparing this SOQ.

All SOQs, upon receipt, become the property of the SCWSFA. Labeling information provided in the Proposals "proprietary" or "confidential" or any other restricted use designation will **NOT** project the information from public view. Subject to the Opens Record Act provisions, the details of the Proposal documents will remain confidential until the project's final award.

Questions/Clarification Request

The Respondent shall, in the SOQ, identify the Project Manager and key staff. The Project Manager shall be the primary contact for the SCWSFA.

The SCWSFA, the primary contact is:

Joseph Johnson, PE
SCWSFA General Manager
119 East Solomon Street
Griffin, Georgia 30224
Phone: (770) 467-4777
Email: josephjohnson@spaldingcounty.com

All questions related to the SOQ shall be made in writing by the Project Manager via email and directed to the SCWSFA primary contact. All questions shall have RFQ # 2023 - 0011 in the subject line.

Terms and Conditions

1. Spalding County shall in all solicitations or advertisements for subcontractors or employees placed by or behalf of the County, state that all qualified applicants will receive consideration for employment without regard to age, handicap, religion, creed or belief, political affiliation, race, color, sex or national origin. Spalding County shall not discriminate against any qualified client or

RFQ 2023 - 0011

Conflict Attorney Professional Services

recipient of services provided on the basis of age, handicap, religion, creed or belief, political affiliation, race, color, sex or national origin. Spalding County shall cause forgoing provisions to be included in all subcontracts for any work covered by this project so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to subcontracts for less than ten thousand dollars (\$10,000).

2. Firms shall comply with the applicable provisions of the Hatch Act which limits the political activity of employees.
3. Firms shall establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
4. Firms shall comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in US Department of Labor regulations (41 CFR Part 60).
5. Firms shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 USC 1857 (h)), section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

The following certifications shall also be required for the selected Firm(s):

1. Prohibition Against Use of Funds to Influence Legislation (Lobbying). No part of any funds under this program shall be used to pay the salary or expenses of any agent acting on behalf of Spalding County, to engage in any activity designed to influence legislation or appropriations pending before Congress as stated in 49 CFR 20.
2. Debarment and Suspension. Compliance with non-procurement debarment and suspension rules in 49 CFR 29.
3. Drug-Free Workplace. Certification of compliance with the requirements for a Drug-Free Workplace, as described in Section 50-24-3 of the Official Code of Georgia.
4. Certification of compliance with the Georgia Security and Immigration Requirements at OCG.A 13-10-91.

SCWSFA Rights and Options

The SCWSFA, at its sole discretion, reserves the following rights:

1. To determine which respondents, if any, shall be included on a shortlist of semi-finalists based on criteria outlined in this RFQ;
2. To reject any or all SOQs or information received according to this RFQ;
3. To supplement, amend, substitute, or otherwise modify this RFQ at any time using a written addendum;
4. To cancel this RFQ with or without the substitution of another RFQ or prequalification process;
5. To request additional information;

RFQ 2023 - 0011

Conflict Attorney Professional Services

6. To verify all the qualifications and experience of each Respondent;
7. To require one or more respondents to supplement, clarify or provide additional information for the SCWSFA to evaluate SOQs submitted;
8. To hire multiple contractors to perform the necessary duties range of services if it is determined to be in the best interest of the SCWSFA;
9. To use any techniques or concepts included in the submitted SOQ regardless of Firm's selection; and
10. To waive any minor defect or technicality in any SOQ received.

It is the responsibility of all firms interested in submitting a Proposal for this RFQ to routinely check the posting on the Spalding County website and the Georgia Procurement Registry website for any addendums to this RFQ.

Audit and Accounting System Requirements

The SCWSFA reserves the right to reject any proposal from firms that do not meet the following requirements:

1. Firm(s) should have an accounting system in place to meet the requirements of 48 CFR Part 31 and, in the case of non-profit organizations, OMB Circular A-122.
2. The prime is responsible for being reasonably assured that all subs presented as part of the proposed team are similarly in compliance with the above requirements.

Exhibit I

CERTIFICATION FORM

I, _____, being duly sworn, state that I am _____

(title) of _____ (Firm) and hereby duly certify that I have read and understand the information presented in the attached proposal and any enclosure and exhibits thereto.

I further certify that to the best of my knowledge the information given in response to the Statement of Qualifications is full, complete and truthful.

I further certify that the proposer and any principal employee of the proposer has not, in the immediately preceding five (5) years, been convicted of any crime of moral turpitude or any felony offense, nor has had their professional license suspended, revoked or been subjected to disciplinary proceedings.

I further certify that the proposed has not in the immediately preceding five (5) years been defaulted in any federal, state or local government agency contract and further, that the proposer is not now under any notice of intent to default on any such contract.

I acknowledge, agree and authorize and certify that the proposer acknowledges, agrees and authorizes, that Spalding County may, by means that it deems appropriate, determine the accuracy and truth of the information provided by the proposer and that the County may contact any individual or entity named in the RFQ for the purpose of verifying the information supplied therein.

I acknowledge and agree that all of the information contained in the RFQ is submitted for the express purpose of inducing Spalding County to award a contract.

A material false statement or omission made in conjunction with this proposal is sufficient cause for suspension or debarment from further contracts, or denial of rescission of any contract entered into based upon this proposal thereby precluding the Firm from doing business with, or performing work for, Spalding County. In addition, such false statement or omission may subject the person and entity making the proposal to criminal prosecution under the laws of the State of Georgia of the United States, including but not limited to OCGA §16-10-20, 18 USC §§1001 or 1341.

Printed Name

Signature

Sworn and subscribed before me

This _____ day of _____, 20__.

NOTARY PUBLIC

NOTARY SEAL

My Commission Expires: _____

Exhibit A

IMMIGRATION AND SECURITY FORM

OCGA § 13-10-91 requires contractors interested in public works contracts to file an affidavit that the contractor and its subcontractors have registered and participate in a federal work authorization program intended to insure that only lawful citizens or lawful immigrants are employed by the contractor or subcontractor.

In order to insure compliance with the Immigration Reform and Control Act of 1986 (IRCA), DL 99-603 and the Georgia Security and Immigration Compliance Act OCGA 13-10-90 et.seq., Contractor must warrant and affirm that Contractor has complied with the Immigration Reform and Control Act of 1986 (IRCA), DL 99-603 and the Georgia Security and Immigration Compliance Act by registering at <https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>; and verifying information of all new employees; and by executing any affidavits required by the rules and regulations issued by the Georgia Department of Labor set forth at Rule 300-10-1-.01 et.seq.

By executing this affidavit, the undersigned Contractor verifies its compliance with OCGA § 13- 10-91, stating affirmatively that the individual, Firm, or corporation which is contracting with Spalding County, Georgia has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), PL 99- 603], in accordance with the applicability provisions and deadlines established in OCGA § 13- 10-91, and Contractor warrants that it will continue to use the federal work authorization program throughout the contract period.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with Spalding County, Georgia, contractor will secure from such subcontractor(s) similar verification of compliance with OCGA § 13-10-91 on the Subcontractor Affidavit provided in Georgia Department of Labor Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to Spalding County, Georgia at the time the subcontractor(s) is retained to perform such service.

Signature Title

Firm Name: _____

Street/Mailing Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Email: _____

Federal Work Authorization User Identification Number: _____

Date of Authorization: _____

Exhibit B

AFFIDAVIT VERIFYING STATUS FOR COUNTY PUBLIC BENEFIT APPLICATION

By executing this affidavit under oath, as an applicant for the award of a contract with Spalding,

County Georgia, I _____. [Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity] am stating the following as required by OCGA Section 50-36-1:

1) _____ I am a United States citizen

OR

2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant:

Date:

Printed Name: _____

* _____

Alien Registration number for non-citizens

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF _____, 20 _____.

Notary Public

My Commission Expires

***Note:** O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below.