

**PALESTINE ECONOMIC DEVELOPMENT CORPORATION**

**(Public Advertisement)**

**REQUEST FOR PROPOSALS  
PALESTINE ECONOMIC DEVELOPMENT CORPORATION (PEDC) ATTORNEY  
(Legal Services)**

**Proposal Due Date: March 14, 2017 at 5:00 p.m.**

The Palestine Economic Development Corporation (PEDC) invites proposals for contracted Attorney to provide legal to the PEDC. Proposals are due to the PEDC Office by 5:00 p.m. on Thursday, March 14, 2017. The PEDC seeks services encompassing the traditional scope of work including legal counsel, opinions, and consultation regarding economic development and real estate. Attendance at a variety of meetings may be required, including meetings with PEDC staff and PEDC Board meetings as specified. For a copy of the RFQ package, access the PEDC Web Site ([www.palestinetexas.net](http://www.palestinetexas.net) and click on "News") or phone Tom Manskey, PEDC Executive Director at 903-729-4100 or e-mail: [eddirector@palestine-tx.org](mailto:eddirector@palestine-tx.org).

**Delivery:** Proposals must be sealed. Proposals may be mailed or hand-delivered to the PEDC Offices, 100 Willow Creek Parkway, Palestine, Texas 75801. Please see the RFQ document for specific information regarding delivery.

**Pre-Proposal Conference:** The PEDC Executive Director will meet with any proposer prior to the submittal date to provide any additional information. Proposers are requested to make appointments by contacting the PEDC office at 903-729-4100 to schedule the appointment.

**Communications:** All communications are to be directly through the PEDC Executive Directors.

**Minimum Qualifications:**

- a) The attorney must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- b) The attorney must be a member in good standing of the Texas State Bar Association; and
- c) The attorney must have a minimum of five years' experience in the field of municipal and general law with preferred experience in economic development and local government issues, particularly tax abatement, tax increment finance, 380 Agreements and community development relating to 4B Corporations.

The PEDC reserves the right to reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the PEDC and the City of Palestine.

# PALESTINE ECONOMIC DEVELOPMENT CORPORATION

## REQUEST FOR PROPOSALS PEDC ATTORNEY SERVICES

**Proposal Due Date: March 14, 2017 at 5:00 p.m.**

### **Introduction**

For information about the PEDC, visit the PEDC's webpage at <http://www.palestinetexas.net>.

The PEDC functions as a department of the City of Palestine and is a 4B Corporation. The PEDC Board is appointed by the Mayor and approved by the City Council. The Board consists of seven members. The City Manager hires the PEDC Director who in turn hires PEDC Staff.

It is estimated that the current PEDC attorney averages 5 to 20 hours per month on PEDC business. The firm selected to represent the PEDC as its attorney will provide primary legal services to the PEDC; however, the PEDC may seek special counsel on an hourly basis, for certain litigation, claims, human resource concerns relating to law suits, and other special issues.

### **General Job Description (Scope of Services) – PEDC Attorney**

1. Provides legal advice, counsel, services, training, consultation, and opinions to the PEDC Board and Executive Director and Assistant Executive Director on a wide variety of assignments, including but not limited to tax abatement, tax increment finance, incentive agreements and 380 Agreements. The City Attorney's advice includes methods to avoid civil litigation.
2. Furnishes legal representation at selected PEDC Board meetings, and at other meetings when requested. The attorney should be knowledgeable in the Texas Open Meetings Act and the Texas Open Records Act.
3. Appears before courts and administrative agencies to represent the PEDC's interests.
4. Prepares and reviews ordinances and resolutions, contracts and other documents for legal correctness and acceptability.
5. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.
6. Assists PEDC officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
7. Assists officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
8. Provides the Board President and Executive Director with guidance as to Robert's Rules of Orders and related procedural matters relating to Council meetings.
9. Prepares legal opinions at the request of the Executive Director and/or the PEDC Board.
10. Provides the PEDC Board and PEDC administration a legal and ethical perspective and advice on various governmental issues.
11. Performs other legal services and tasks, as requested by the PEDC Board or the Executive Director.

## **Specifications – PEDC Attorney**

1. The appointed PEDC Attorney will attend selected PEDC Board meetings. These are scheduled for every third Thursday of the month at 11:30 a.m. until close, which could typically be about 1:30 p.m. Special meetings may be called to discuss specific projects.
2. The PEDC Attorney must be available by phone, cell phone, fax, and e-mail.
3. Timeliness of response and accessibility to the PEDC Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated PEDC Attorney is of greatest importance. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone and/or e-mail. The PEDC does not offer space for offices in the PEDC Building.

## **Contract Term**

The PEDC anticipates a one year contract, with pending PEDC approval for one-year renewals.

## **Schedule**

The City anticipates the following schedule. This is for information only and will be adjusted as needed.

RFQ Release Date: February 9, 2017

RFQ Submission Date: on or before March 14, 2017 by 5:00 p.m.

RFQ Open Date: March 16, 2017

Anticipated Start Date:

## **How to Respond**

Please provide ten copies of a written response, responding to each inquiry in the order below.

### **1. Firm History**

Provide brief description of this history of the firm; when founded, etc.

### **2. Firm Experience**

- a) Provide narrative description of the firm.
- b) Describe the general experience of the firm.
- c) Identify other EDC and municipal clients.
- d) Identify experience with economic development issues including tax abatement, land use, zoning, tax increment finance, complicated agreements including 380 Agreements and other incentive agreements.

### **3. Proposed Attorney**

- a) Name and describe the attorney(s) proposed to provide services to the PEDC. Clearly identify the lead PEDC Attorney and name any assisting attorney(s) (if any).
- b) Provide a resume or similar description for the attorney(s), with considerable detail provided in describing experience similar to what is expected of the PEDC attorney.
- c) If specialty attorney(s) or additional resources are available through your firm (in addition to the principal attorney) to meet special or unusual needs, please briefly identify such individuals and specialties as well.

#### **4. Accessibility and Responsiveness**

- a) Identify the accessibility of the proposed designated PEDC Attorney and the response time that the individual offers to the PEDC. Specifically identify the lead-time required for attending scheduled or ad-hoc meetings. Identify how quickly the PEDC Attorney can arrive in person to attend an unscheduled, urgent meeting.
- b) Provide the same information for any assisting attorney(s).

#### **5. Proposed Fee Structure**

Propose a compensation package, inclusive of all service costs. The PEDC is open to a variety of approaches, including hourly rates, a flat monthly rate, or a combination of both. The PEDC will select the finalist by considering the proposed compensation as a “best and final offer,” although the PEDC reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the PEDC, including cost.

#### **6. References**

- a) Provide five references for the proposed PEDC Attorney.
- b) The PEDC prefers references that include economic development experience.
- c) Inclusion of the reference in your proposal is also agreement that the PEDC may contact the named reference.
- d) The PEDC may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the PEDC in evaluating the Proposer. The PEDC retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the PEDC may contact and utilize such information.

#### **Contract Negotiations**

The PEDC reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. PEDC representatives and the selected finalist will review in detail, all aspects of the requirements and the proposal. During the review of the most favorable, apparent successful proposal, the Proposer may offer and the PEDC may accept revisions to the proposal.