

**REQUEST FOR PROPOSALS  
BOND COUNSEL SERVICES  
CITY OF BANDERA**

The City of Bandera (the City) is soliciting proposals from interested qualified professionals to provide the following services: assist in obtaining loan and/or loan forgiveness funding and to provide legal opinion with respect to validity of any Obligations issued by the City for capital financing or refinancing; preparation of resolution or ordinance authorizing and securing the Obligations (the “Ordinance”) and/or authorizing any loan forgiveness agreements as necessary. The City reserves the right to accept or reject any or all proposals for any reason it finds to be in the best interests of the City.

Any contract or contracts awarded under this Request for Proposals (RFP) are expected to be funded by grants/loans from the Texas Water Development Board Clean Water State Revolving Fund. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this RFP, or any resulting contract. This RFP is issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and Title 40 CFR Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

This procurement is subject to the Environmental Protection Agency’s (EPA) “fair share policy,” which includes EPA-approved “fair share goals” for Minority Business Enterprise (MBE) & Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA’s policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to SMWBEs. Although EPA’s policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps. The current fair share goals for the State of Texas is 8% (eight percent) for all service categories.

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 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60. Small, minority, and women-owned business enterprises are encouraged to respond. *The City of Bandera is an Affirmative Action/Equal Opportunity Employer and strives to attain the goals for Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) as amended.*

The RFP is available from the City of Bandera upon request or by picking up a copy at the address below during regular business hours. Three (3) physical copies and one (1) digital copy of the RFP Package should be submitted by 3:00 PM (Local Time), December 22, 2023 in a sealed envelope to the following address and clearly labeled accordingly:

PROPOSAL FOR BOND COUNSEL SERVICES  
Susan Hutcherson, Specialist  
City of Bandera  
511 Main Street / PO Box 896  
Bandera, Texas 78003

The City does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or provision of services, programs or activities. Small Minority and Women’s Business Enterprises are encouraged to submit proposals. The City is an Equal Opportunity Employer. For additional information or to receive the RFP, please contact Susan Hutcherson, City Specialist at (830) 522-3168.

CITY OF BANDERA  
BOND COUNSEL  
REQUEST FOR PROPOSALS  
AND  
STATEMENT OF QUALIFICATIONS

To provide assistance with 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 Bandera, Texas (the “City”) for capital financing and provide assistance with possible loan, grant or disadvantaged funding through the Texas Water Development Board (“TWDB”).

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 other authorizing and securing the Bonds (the “Resolution”) and other authorizing documents as necessary. 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 Resolution and other authorizing documents.
- Consult with the parties to the transaction prior to the issuance of the Bonds.
- Secure TWDB and Texas Attorney General approval of the bonds and the registration of the Bonds 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 Bond 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 three (3) references of cities for which similar services have been provided.
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 3:00 p.m. (local time) December 22, 2023, at the office of the City. Three (3) physical copies and one (1) digital copy of the proposal must be sealed and clearly marked on the face of the shipping material "BOND COUNSEL RFP".

##### PROPOSAL FOR BOND COUNSEL SERVICES

Susan Hutcherson, Specialist  
City of Bandera  
511 Main Street / PO Box 896  
Bandera, Texas 78003

#### 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
Experience using the Texas Water Development Board's Financing Programs.	
TOTAL	100 POINTS

## F. ADDITIONAL INFORMATION

1. This contract is contingent upon the 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 Proposals (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, RFP, or any resulting contract.
3. This contract is subject to the Environmental Protection Agency's (EPA) "fair share policy", which includes EPA approved "fair share goals" for Minority Business Enterprise (MBE) & Women Business Enterprise (WBE), firms in the Construction, Supplies, Equipment; and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to SMWBE's. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps. The current fair share goals for the State of Texas are 8% (eight percent) for all service categories.
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 11375, and as supplemented in Department of Labor regulations 41 CFR, Part 60. Small, minority and women-owned firms are encouraged to submit proposals.