

# **FRANKLIN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT**

## **REQUEST FOR QUALIFICATIONS FOR LEGAL SERVICES**

Dated April 9, 2019

**\*Response due April 17, 2019 at 5:00 p.m.\***

The Franklin County Transportation Improvement District ("FCTID"), is soliciting Statements of Qualifications ("SOQs") from qualified firms to provide legal services to assist this newly-created Transportation Improvement District ("TID"). TIDs are exempt from competitive bidding requirements in Ohio Revised Code (Section 307.86 and Chapter 153). However, while not subject to these requirements, the FCTID is utilizing a qualification-based selection process in the interest of full transparency and a goal to engage the most qualified and experienced firm to serve as its legal counsel.

### **BACKGROUND**

At the request of Franklin County Engineer Cornell Robertson and with the support of regional transportation, mobility, and public safety partner organizations, the Franklin County Board of Commissioners passed Resolution No. 0146-19 on March 12, 2019 establishing the FCTID, a new political subdivision as authorized by Ohio Revised Code Chapter 5540. The final member of the TID Board of Trustees ("Board") was appointed on April 2, 2019 and the Board held its first meeting on April 9, 2019. The Mid-Ohio Regional Planning Commission ("MORPC") is providing administrative services to the FCTID, including coordination with the selected legal counsel as necessary and directed by the Board.

The Board is expected to consider a resolution to engage legal counsel at its regularly scheduled meeting on April 23, 2019. This engagement will be ongoing, but the Board may review renewals of the contract and potentially consider soliciting qualifications for firms on an annual or biannual basis.

### **SUBMITTALS:**

Interested firms should provide an electronic PDF of their SOQs, sent via email to the Franklin County Transportation Improvement District, c/o Nathaniel Kaelin, MORPC at [nkaelin@morpc.org](mailto:nkaelin@morpc.org).

Submissions should be limited to no more than eight (8) letter-sized (8.5 x 11 in.) pages. Fonts should be at least 12 point or greater.

Letters of recommendation may be attached to the document, and will count against the total page limit.

**SUBMITTAL DEADLINE:**

SOQs will be received until 5:00 p.m., local time (Eastern Daylight), April 17, 2019.

FCTID reserves the right to modify any or all of the dates herein and to waive any defect, irregularity, or technicality in any SOQ received, in its sole discretion.

**QUESTIONS, CLARIFICATIONS AND ADDENDA:**

All questions concerning this RFQ shall be directed in writing via email to [nkaelin@morpc.org](mailto:nkaelin@morpc.org). Firms shall not rely on any oral instructions or answers.

No answers will be given over the phone. Written answers, including any amendments to the RFQ if necessary will be posted on MORPC's website. Responses to questions will be posted at <http://www.morpc.org/rfps-rfqs/>.

**QUALIFICATIONS:**

Submittals must include the following:

1. Firm Background - Information about the firm's history (number of years in business, services provided, clients served, etc.).
2. TID Experience - Describe the proposed personnel and the firm's experience in providing similar services for substantially similar TIDs in Ohio, including confirming experience with each of the following:
  - a. Experience serving as a general counsel for TID Boards of Trustees and officers and familiarity with Ohio Revised Code (ORC) Chapter 5540 and its application.
  - b. Experience providing advice to TIDs on open meeting laws and open records laws.
  - c. Experience providing advice to TIDs on when and how Ohio's and the federal government's qualification-based selection and competitive bidding processes apply to projects and related regulatory issues.
  - d. Experience providing advice to TIDs on how to secure funding from the Ohio Department of Transportation as a part of the funding contained in the competitive grant program reserved for TIDs under House Bill 62.
  - e. Experience providing advice to TIDs regarding eminent domain under Ohio and federal law and representing it in Ohio's courts of laws in these matters.
  - f. Experience with preparation of consultant and construction services contracts and related insurance/indemnification/bonding requirements and other matters of contract law relating to TID operations and functions, in accordance ORC Chapter 5540 and other applicable laws and regulations.
  - g. Experience with preparation of TID legislation authorizing various actions by a TID Board of Trustees within its statutory authority pursuant to ORC Chapter 5540 and other applicable laws and regulations.
  - h. Experience providing incidental government relations legal services to TIDs.

Please note that expected legal services do not include serving as bond counsel, should the TID require this service in the future.

3. Ability in Terms of Workload – Describe the ability of the firm to perform the required professional services competently and expeditiously in terms of its workload and the availability of qualified personnel. Representation from the firm will be expected to attend all board meetings (12 regular meetings/year, potential for special meetings) and respond to communication from board members in a timely manner. Activity will increase as the FCTID begins to implement more projects in the future.
4. Proximity to Franklin County - The firm's location and proximity to Franklin County for purposes of attending meetings, ease of coordination, and utilizing local vendors.

Firms submitting statements of qualifications will be evaluated and ranked in order of their qualifications, subject to the FCTID's absolute right to stop the process and refrain from entering into any contract. Following this evaluation, the firms determined to be most qualified may be asked to meet with FCTID representatives to present the firm's qualifications and proposed approach for implementation of legal services. Upon selection of the firm determined to be most qualified to provide the requested services, FCTID reserves the right to negotiate the price for services to be provided, with such firm.

The FCTID, MORPC, nor any FCTID Board of Trustee member shall be liable for any costs incurred by the consultant in response to this RFQ, or any costs incurred in connection with any discussions, correspondence, or attendance at interviews or negotiation sessions.

All materials submitted in response to this RFQ shall become the property of FCTID and may be returned only at FCTID's option.

All materials received shall be considered public information and shall be open to public inspection.