

WYTHE COUNTY, VIRGINIA
340 SOUTH SIXTH STREET
WYTHEVILLE, VA 24382

**REQUEST FOR PROPOSALS
BOND COUNSEL SERVICES
FOR WYTHE COUNTY, VIRGINIA**

April 27, 2023

PROPOSALS WILL BE RECEIVED UNTIL:

3:00 pm on May 17, 2023

PROPOSALS ARE TO BE MAILED OR DELIVERED DIRECTLY TO:

WYTHE COUNTY ADMINISTRATION OFFICES
340 SOUTH SIXTH STREET
WYTHEVILLE, VA 24382

*Three copies of the Proposal must be submitted in a sealed package marked on the outside with the Provider's name and address, and clearly marked:
"BOND COUNSEL SERVICES".*

**REQUEST FOR PROPOSALS
BOND COUNSEL SERVICES
FOR WYTHE COUNTY, VIRGINIA**

I. PURPOSE:

The County is seeking proposals from qualified law firms to establish a contract for bond counsel services through competitive negotiation.

II. PROJECT OVERVIEW

The County seeks a qualified law firm to serve as bond counsel for issuance of general bonds, and related long term debt instruments and to deliver legal opinions on the issues of debt and/or funding, advising whether bonds are legal, valid and binding, and to advise the County on various related legal issues and actions taken by the County related to Bonds and other issues of debt.

III. INSTRUCTIONS TO OFFERORS: PROPOSAL SUBMITTAL, QUESTIONS, AND AWARD

A. Identification of proposal envelope or email

Three copies of the proposal shall be submitted to County in a sealed envelope marked with the following information:

1. Offeror's name and address; and
2. **"Bond Counsel Services"**

B. Deadline for County receipt

Proposals must be received by the County no later than the due date and time specified on the cover sheet to this Solicitation. Proposals received after the due date and time, postmark notwithstanding, shall be rejected.

C. Rejection if proposal in improper form

Offeror's failure to submit a proposal with all information required by this Solicitation shall be a cause for rejection of the proposal. Modification of or additions to any portion of the proposal form may be cause for rejection of the proposal; however, the County reserves the right to decide, on a case-by-case basis, in its sole discretion, whether to reject such a proposal as nonresponsive. As a precondition to its acceptance, the County may, in its sole discretion, request that Offeror withdraw or modify non-responsive portions of a proposal that do not affect quality, quantity, price, or delivery.

No modification of or addition to the provisions of the contract shall be effective unless reduced to writing and signed on behalf of the Offeror.

D. Questions and modification

Questions to clarify this Solicitation shall not be received or answered by telephone or in-person. Questions shall be submitted by email no later than five working days before the due date to: sdbear@wytheco.org. The email must identify in the subject line: “**Question Regarding Bond Counsel Services Proposal**”. Answers to all questions will be sent by email to all Offerors of whom the County is aware have interest in this Solicitation. Revisions may be made only by addendum issued by the County.

E. Period allowed for County acceptance of proposal

Any proposal resulting from this solicitation shall be valid for 90 days after the proposal submittal deadline. At the end of the 90-day period, the proposal may be withdrawn at the written request of the Offeror. If the proposal is not withdrawn at that time, it remains in effect until an award is made or the solicitation is cancelled.

F. Proposal pricing

In accordance with Section 2.2-4302.2 of the Virginia Public Procurement Act, Offerors should not include pricing with their proposal. If selected for negotiations, the firm will be required to submit standard service pricing.

G. Award

The County shall engage in individual discussions with two or more Offerors deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The Offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternate concepts. At the discussion stage the County may discuss non-binding estimates of total project costs, including but not limited to, life-cycle costing, and, where appropriate, non-binding estimates of price for services. Proprietary information from competing Offerors shall not be disclosed to the public or to competitors. At the conclusion of the informal interviews, on the basis of evaluation factors published in the Request for Proposals and all information developed in the selection process to this point, the County shall select, in the order of preference, two or more Offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the Offeror ranked first. If a contract satisfactory and advantageous to the County can be negotiated at a price considered fair and reasonable, the award shall be made to that Offeror. Otherwise, negotiations with the Offeror ranked first shall be formerly terminated and negotiations

conducted with the Offeror ranked second, and so on, until such a contract can be negotiated at a fair and reasonable price. The County reserves the right to make multiple awards as a result of this solicitation. Should the County determine in writing and in its sole discretion that only one Offeror is fully qualified, or that one Offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that Offeror.

The County reserves the right to reject any and all proposals in whole or in part, to waive any informality, to negotiate the proposal price, and to modify the specifications prior to making an award.

H. Announcement of Award

Following the announcement of the decision to award a contract as a result of this solicitation, the County will publicly post such notice on the County website at wytheco.org.

I. Oral Presentation

Offerors who submit a proposal in response to the solicitation may be required to give an oral presentation of their proposal to the County using video conference or teleconference. This provides an opportunity for the Offeror to clarify and elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. The County will schedule the time and method of these presentations. Oral presentations are an option of the County and may or may not be conducted.

J. Evaluation Criteria

Proposals shall be evaluated by a County selection committee using the following criteria:

| | Criteria | Point Value |
|----|---|-------------|
| 1. | Qualifications and experience of the law firm in public finance law and public finance tax law | 20 |
| 2. | Qualifications and experience of assigned staff, in particular, experience as bond counsel for similar municipalities | 35 |
| 3. | Proposed method and plan to provide services in a timely manner | 35 |
| 4. | Completeness and quality of proposal | 10 |
| | Total | 100 |

K. Applicable laws and courts

This solicitation and any resulting contract shall be governed in all respects by the law of the Commonwealth of Virginia, and any litigation with respect thereto shall be brought in the court of appropriate jurisdiction in Wythe County, Virginia. Offeror shall comply with all

applicable federal, state and local laws, rules and regulations.

L. Ethics in public contracting

By submitting their proposal, Offeror certifies that its proposals are made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer, or subcontractor in connection with the proposal, and that it has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

M. Debarment status

By participating in this procurement, Offeror certifies that it is not currently debarred by the Commonwealth of Virginia or County of Wythe, Virginia from submitting a response for the type of goods and/or services covered by this solicitation. Offeror further certifies that they are not debarred from filling any order or accepting any resulting order, or that it is not an agent of any person or entity that is currently debarred by the Commonwealth of Virginia or County of Wythe, Virginia. If a vendor is created or used for the purpose of circumventing a debarment decision against another vendor, the non-debarred vendor will be debarred for the same time period as the debarred vendor.