

CITY OF MERCEDES
Request for Qualifications (RFQ) for Financial Advisor Services

The City of Mercedes is seeking to enter into financial advisor services contract with a licensed financial advisor involving the Texas Water Development Board and any other financings for the City. The following outlines this request for qualifications.

- I. Scope of Work - The financial advisor contract will encompass all application and project related services to the City of Mercedes, including but not limited to the following:
 - Financial analysis of debt capacity/debt service requirements
 - Preliminary and final documentation for funding
 - Other special services as may be required
 - Completing all necessary requirements for closing on financings

11. Statement of Qualifications - The City of Mercedes is seeking to contract with a competent financial advisor firm, registered and licensed to practice in the State of Texas, that has had experience in the following areas:
 - Municipal construction including but not limited to waterworks projects
 - Registered and licensed and in good standing as a financial advisor
 - Texas Water Development funded construction projects and
 - Projects located in this general region of the state
 - The Firm is not debarred or suspended from the Excluded Parties List System (EPLS) of the System for Award Management (SAM) www.Sam.gov.

As such, please provide within your proposal a list of past local government clients, as well as resumes of all personnel who will or may be assigned to this project if you receive the services contract award.

Also, please provide a copy of your current certificate of insurance for professional liability.

III. Evaluation Criteria - The proposals received will be evaluated and ranked according to the following criteria:

<u>Criteria</u>	<u>Maximum Points</u>
Experience	60
Work Performance	25
Capacity to Perform	<u>15</u>
Total	<u>100</u>

IV. For this RFQ, respondent's qualifications will be evaluated, and the most qualified respondents will be selected, subject to negotiation of fair and reasonable compensation.

For costs of professional services, negotiations must occur after the initial selection of the financial advisor firm.

Each procurement contract signed by a recipient of financial assistance must include the following terms and conditions:

The respondents shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The respondents shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the respondents to carry out these requirements is a material breach of this contract which may result in the termination of a proposed contract or other legally available remedies.

In addition, all proposers need to be aware that the City of Mercedes plans to comply to the extent possible with the following:

The proposed contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (MIWBE) businesses. EPA rules require that applicants and prime respondents' make a good faith effort to award a fair share of contracts, subcontracts, and procurements to MIWBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/dbe

DBE PROGRAM LINKS:

TWDB DBE Program Webpage: www.twdb.texas.gov/dbe

DBE Rules (40 CFR Parts 33, 35, and 40): www.epa.gov/sites/production/files/2013-09/documents/final_dbe_rule.pdf

MBE/WBE Certification Fact Sheet: www.epa.gov/sites/production/files/2013-09/documents/mbe_wbe_certification.pdf

Equal Opportunity in Employment - All qualified applicants will receive consideration for employment without regard to race, color, national origin, sex, religion, age, or handicap. The respondents shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under TWDB financial assistance agreements. Failure by the respondents to carry out these requirements is a material breach, which may result in the termination of the awarded financial assistance.

The City of Mercedes reserves the right to reject any or all request for qualifications or to waive any informality in the proposing. Request for qualifications may be held by the City of Mercedes for a period not to exceed sixty (60) days from the date of the request for qualifications opening for the purpose of reviewing the request for qualifications and investigating the proposers' qualifications prior to the contract award.

Small and minority firms are encouraged to submit request for qualifications for this project.

- V. Deadline for Submission - The proposals received will be received no later than July 28, 2021 by 4:00 P.M. at the following address:

City of Mercedes RFQ for Financial Advisory Services
Attention: Joselynn Castillo, City Secretary
400 S. Ohio Ave.
Mercedes, Texas 78750
956-565-3114 ext.138

Or

Electronically by the same deadline mentioned above to the following email address:

Joselynn Castillo, City Secretary
jcastillo@cityofmercedes.com

CITY OF MERCEDES

FINANCIAL ADVISOR - REQUEST FOR QUALIFICATIONS

The City of Mercedes requests the submission of qualifications statements, which will lead to the possible award of a contract to provide Financial Advisor services for a project(s) involving the Texas Water Development Board and any other financings for the City of Mercedes.

Scope of Work

The services to be obtained for the Financial Advisor require: Experience with the preparation of all financing obligations to the Texas Water Development Board and other financings. Also, the Financial Advisor must be licensed and in good standing as a Financial Advisor.

Guidelines for Content of Qualification Statements

DO NOT INCLUDE COST INFORMATION with the qualification statement. Responses that include cost or pricing information will be rejected and will not be considered by the City of Mercedes.

Detailed instructions on preparation of the qualification statement must provide at a minimum the information requested below. For more information on submitting the qualification statement, contact Joselynn Castillo, City Secretary, at the City of Mercedes. This information should be requested as soon as possible in order to allow time to prepare the document and comply with the procedures.

1. Provide executive summary of firm qualifications.
2. Provide a description of the firm's public finance practice. Include the number of years the firm has been in public finance and specific public finance expertise. Also include, a description of the firm's quantitative capabilities.
3. Provide relevant experience of the firm with issuers of similar size as the City and specifically in South Texas. Include a list of specific experience in the last three years with financings of similar size, types, and Texas cities.
4. Provide resumes of personnel to be assigned and relevant past experience of assigned personnel with issuers of similar size, type, and clients covered in South Texas.
5. Provide three City references in South Texas with contact information.

Submittal Deadline

Three copies of the qualifications statement must be received electronically or in writing to the City of Mercedes by: July 28,2021 at 4:00 P.M.

Minimum Qualifications and Selection Criteria

The City of Mercedes will evaluate the proposals to determine which firm has the best qualifications.

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Contract Terms and Negotiation Schedule

The consultant for Financial Advisor services is expected to negotiate an agreement for services that is acceptable to the City of Mercedes. If an acceptable contract cannot be negotiated, the City of Mercedes may formally end negotiations and begin negotiating with the next highest qualified person or firm.

This contract is contingent upon release of funds from the Texas Water Development Board (TWDB). Any contract or contracts awarded under this Invitation for Bid (IFB) or Request for Qualifications (RFQ) 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, RFQ, or any resulting contract. RFQ's are issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act).

This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) firms. EPA rules require that applicants and prime respondents make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/dbe.

The City of Mercedes is an affirmative action/equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, or national origin. Small, minority, and women-owned business enterprises are encouraged to submit proposals.

Alberto Perez, City Manager

PROHIBITION ON CONTRACTS WITH COMPANIES BOYCOTTING ISRAEL

Texas Government Code §2271.002 provides that a governmental entity may not enter into a contract with a company for goods or services, unless the contract contains a written verification from the company that it:

- (1) does not boycott Israel; and
- (2) will not boycott Israel during the term of the contract.

This section only applies to a contract that:

- (1) is between a governmental entity and a company with 10 or more full-time employees; and
- (2) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

"Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit. This term does not include a sole proprietorship.

By submitting an offer to or executing contract documents with the City of Mercedes, Company hereby verifies that it does not boycott Israel, and will not boycott Israel during the term of the contract. City hereby relies on Company's verification. If found to be false, City may terminate the contract for material breach.

**CONTRACTS WITH COMPANIES ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR FOREIGN
TERRORIST ORGANIZATIONS PROHIBITED**

Texas Government Code §2252.152 provides that a governmental entity may not enter into a governmental contract with a company that is identified on a list prepared and maintained under Texas Government Code §§2270.0201 or 2252.153. Respondent hereby certifies that it is not identified on such a list and that it will notify City should it be placed on such a list while under contract with City. City hereby relies on Respondent's certification. If found to be false, or if Respondent is identified on said list during the course of its contract with City, City may terminate the Contract for material breach.

CERTIFICATE OF INTERESTED PARTIES (Form 1295)

Texas Government Code §2252.908, and the rules issued by the Texas Ethics Commission found in Title 1, Sections 46.1, 46.3 and 46.5 of the Texas Administrative Code, require a business entity to submit a completed Form 1295 to the City before the City may enter into a contract with that business entity.

Form 1295 must be completed online. It is available from the Texas Ethics Commission by accessing the following web address: <https://www.ethics.state.tx.us/filinginfo/1295>

Print and sign your completed Form 1295. Submit your signed Form 1295 with your response to this solicitation. Where requested to provide the name of the public entity with whom you are contracting, insert “City of Mercedes”. Where requested to provide the contract number, provide the RFP number shown on the cover page of this solicitation (e.g. IFB 6100001234, RFO 6100001234, or RFCSP 6100001234).

The following definitions found in the statute and Texas Ethics Commission rules may be helpful in completing Form 1295.

“Business entity” includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency. (NOTE: The City of Mercedes should never be listed as the “Business entity”.)

“Controlling interest” means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. Subsection (3) of this section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

“Interested party” means: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) an intermediary.

“Intermediary,” for purposes of this rule, means, a person who actively participates in the

facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

- (1) receives compensation from the business entity for the person's participation;
- (2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- (3) is not an employee of the business entity or of an entity with a controlling interest in the business entity.

Publicly traded business entities, including their wholly owned subsidiaries, are exempt from this requirement and are not required to submit Form 1295.