

**AGENDA**



**Recommendation for Council Action**

**AUSTIN CITY COUNCIL**

**Regular Meeting: March 1, 2018**

Item Number: **007**

**Law**

Authorize negotiation and execution of multi-term contracts with McCall, Parkhurst, & Horton L.L.P., Bracewell L.L.P., and Norton Rose Fulbright U.S. L.L.P., or one or more of the other qualified offerors to Request for Qualification Statements 5700 SLW0701, to provide bond counsel legal services for up to eight years.

<b>Lead Department</b>	Law Department.
<b>Fiscal Note</b>	Funding is available in each fiscal year as a portion of the bond proceeds appropriated for bond issuance costs.
<b>Prior Council Action</b>	On April 26, 2012, Council approved the negotiation and execution of bond counsel legal services agreements with McCall, Parkhurst, & Horton L.L.P., Bracewell & Guiliani, L.L.P., Fulbright and Jaworski L.L.P, and Andrews Kurth L.L.P.
<b>For More Information</b>	NOTE: Respondents to this solicitation, and their representatives, shall continue to direct inquiries to the solicitation’s Authorized Contact Person: Sandy Wirtanen, at 512-974-7711 or <a href="mailto:sandy.wirtanen@austintexas.gov">sandy.wirtanen@austintexas.gov</a>

**Additional Backup Information:**

The Purchasing Office issued a Request for Qualification Statements (RFQS) 5700 SLW0701 for these services. The solicitation issued on November 13, 2018 and it closed on December 5, 2018. Of the eight offers received, the recommended contractors submitted the best evaluated responsive offers. A complete solicitation package, including a tabulation of the bids received, is available for viewing on the City's Financial Services website, Austin Finance Online. Link: [Solicitation Documents](https://www.austintexas.gov/financeonline/vendor_connection/solicitation/solicitation_details.cfm?sid=122229) <[https://www.austintexas.gov/financeonline/vendor\\_connection/solicitation/solicitation\\_details.cfm?sid=122229](https://www.austintexas.gov/financeonline/vendor_connection/solicitation/solicitation_details.cfm?sid=122229)>

Pursuant to Sections 1201.027 and 2254.003 of the Texas Government Code, the City issued an RFQS for bond counsel services for the purpose of providing legal opinions and advising the City in matters pertaining to the issuance, approval, sale, delivery, and other special issues that may arise from municipal bonds and other debt instruments authorized by the City.

An evaluation team with expertise in this area evaluated the offers and scored McCall, Parkhurst, & Horton L.L.P., Bracewell L.L.P., and Norton Rose Fulbright US L.L.P. as the best to provide the City bond counsel services based on experience, resumes, innovative financing techniques, and references. McCall, Parkhurst, & Horton L.L.P., Bracewell L.L.P. (formerly Bracewell & Guiliani, L.L.P.), Norton Rose Fulbright US L.L.P. (formerly Fulbright and Jaworski L.L.P.), and Andrews Kurth Kenyon L.L.P. (formerly Andrews Kurth L.L.P.) currently provide bond counsel services to the City.

Under the new contracts for bond counsel services, bond counsel will assist the City based on qualifications for professional services in the following areas: (1) McCall, Parkhurst, & Horton L.L.P. will serve as general obligation bond counsel including bond elections, disclosure counsel for bonds for which McCall is not bond counsel, and tax counsel as needed, and assist with certificates of obligation, contractual obligations, water and waste water revenue bonds and refunding bonds, tax increment financing, and other financing projects with approval of the City Attorney; (2) Bracewell L.L.P. will serve as disclosure counsel for bonds for which McCall is bond counsel and tax counsel as needed, economic development-related finance projects, and assist with airport bonds and airport-related financing, and other financing projects with approval of the City Attorney; and (3) Norton Rose Fulbright US L.L.P. will serve as tax counsel as needed, and assist with car rental tax-related financing, hotel occupancy tax-related financing, convention center financing, electric utility revenue bonds and refunding bonds, Public Improvement Districts, new venue project-related financing, and other financing projects with approval of the City Attorney. During the term of these contracts, the City Attorney will reserve the right to reallocate work and assign additional work based on the particular qualifications and expertise of the firms.

This request allows for the development of contracts with a qualified offeror or offerors selected by Council. If the City is unsuccessful in negotiating a satisfactory contract with any of the selected offerors, negotiations will cease with that provider. Staff will return to Council so that another qualified offeror may be selected, authorizing new contract negotiations.