

TAX INCREMENT FINANCING COMMISSION OF KANSAS CITY, MISSOURI
REQUEST FOR PROPOSALS FOR LEGAL SERVICES
APRIL 2, 2024

The Tax Increment Financing Commission of Kansas City, Missouri ("Commission") hereby requests submission of (1) a statement of qualifications to serve the Commission as general and project counsel and (2) a proposal outlining the terms upon which such legal services will be provided to the Commission.

The Qualification Statement must demonstrate that counsel is well-experienced and qualified to effectively provide the services outlined below.

SCOPE OF SERVICES

Services to be performed will include general legal advice, preparation of all necessary legal documents, rendering legal opinions as requested, miscellaneous consultation and advice as requested and the representation of the Commission in all legal matters relating to specific tax increment financing plans and projects. The successful firm will be able to provide advice regarding general corporate matters, tax increment financing matters, real estate transactions, contracts, municipal law (substantive and procedural), tax increment financing bonds, litigation, environmental, bankruptcy, and other matters as needed. The Commission will consider firms which do not have experience in all of the above scopes for limited engagements or on a project by project basis.

REQUIREMENTS FOR SUBMISSION

1. The statement of qualifications should describe clearly and accurately the current capability, knowledge, experience, and qualifications of each person who will perform the services requested, including but not limited to the following:
 - a) Designation of the principals or partners who will perform the work requested. Counsel must be licensed to practice law in the state of Missouri.
 - b) Designation of other staff members who may assist the principal or partner.
 - c) Background information on all key personnel who will be involved in performing the services requested, including for any person proposed to perform the requested services who is a licensed professional in any State, whether there are any complaints or disciplinary actions pending pertaining to such person.
 - d) A representative list of other public agency clients and/or services performed similar in nature to those referred to in this request. Experience in other areas of law should be listed separately and the area clearly identified.
 - e) Summary of current workload and statement of capability and commitment to carry out the proposed scope of services.

2. The proposal must provide a schedule of all fees and expenses to be charged for all legal services. The Commission is interested in containing costs while maintaining high quality legal services and welcomes alternative proposals designed to achieve this objective. The Commission seeks two billing rates, one for work on redevelopment plans and projects with a private developer, and another for general legal work for the Commission and work on redevelopment plans and projects with the City or other public developer. Legal work on City-performed public improvements within a TIF plan/project for which the primary developer is private will be billed at the lower rate. Nonprofit developers, including those which establish a for-profit entity for other purposes (such as to receive tax credits), will be billed at the lower rate. The Commission also seeks to contain costs associated with TIF plans and projects located in distressed census tracts and welcomes alternative proposals for legal work for such plans and projects.

3. The Commission requests that the firm utilize lawyers and legal assistants having the lowest billing rates, taking into consideration the degree of legal experience and knowledge required for the work.

3. The proposal must submit a statement regarding the firm's professional errors and omissions insurance coverage. The Commission strongly prefers an all-risk policy with no or minimal exclusions.

4. The proposal must indicate that your firm is following all applicable City ordinances including, but not limited to, affirmative action and earnings taxes. A certificate of compliance with the City's affirmative action program, if applicable, must be submitted concurrently or be on file with the Commission and approved as an annual submission. The proposal must include a City Tax Clearance Letter which can be obtained by contacting the City of Kansas City, Missouri Finance Department, Revenue Division at 816-513-1120.

5. The proposal must indicate whether your firm is currently certified by the City of Kansas City, Missouri, as a Minority- or Women-owned Business Enterprise (M/WBE). Should the selected counsel have the need to contract with other firms or companies, the Commission encourages consideration of the services of those companies which are certified with the City of Kansas City's Civil Rights and Equal Opportunity Department as an MBE or WBE. A list of such firms may be obtained from the City of Kansas City, Missouri Civil Rights and Equal Opportunity. The Commission is interested in furthering participation by certified M/WBEs and any efforts in this regard will be evaluated as part of your proposal.

6. The proposal must identify any existing or potential conflicts of interest which are currently known or anticipated, as well as representation of parties or other relationships that would be of a nature disapproved by the Commission, such as representation of parties involved in litigation with the City and/or its Boards and Commissions and in adversarial relationships with the City and/or its Boards and Commissions. The proposal

must also indicate whether your firm represents developers seeking incentives from the City, Commission or other City Boards and Commissions.

7. The Commission shall not contract for professional services with any attorney who, at the time of the issuance of the contract, either in an individual or firm capacity, represents any party in litigation against the city, exclusive of representation in municipal court, exclusive of those attorneys employed by a not-for-profit legal services corporation and exclusive of where the city is named as a nominal party, where the litigation has been filed with the agreement of the city and the party represented by the attorney, or where the council has otherwise waived this requirement.

8. Any engagement letter between the Commission and your firm may not be exclusive.

SELECTION PROCESS AND DEADLINE FOR SUBMISSIONS

The Finance Committee of the Commission will review and evaluate all proposals and will make a recommendation to the Commission. Presentations or interviews may be required.

During the evaluation process, the Commission reserves the right to request additional information or clarifications from the firm. The Commission reserves the right to reject any and all proposals. The Commission is not responsible for any costs incurred in the preparation of this proposal. If in the best interests of the Commission, the Commission may provide clarifications and corrections in this Request for Proposals and Qualifications to known proposers.

All proposals will become the property of the Commission and will not be returned to the proposer.

The Commission reserves the right to reject any and all proposals and to waive any requirements of this Request for Proposals and Qualifications if deemed in the best interests of the Commission.

The proposal shall be firm until June 12, 2024, to allow for a full evaluation of all proposals and to recommend an award deemed to be in the best interests of the Commission.

Submissions of 5 copies of sealed statements of qualifications and proposals will be accepted by the Commission at its offices located at 300 Wyandotte, Suite 400, Kansas City, Missouri, 64105 or via email to hbrown@edckc.com until **4 p.m. on May 3, 2024**. Qualifications and proposals received after that time and date will not be considered, unless the Commission deems it to be in the Commission's best interests. Inquiries should be directed to Heather A. Brown at hbrown@edckc.com.