



PROPOSAL INSTRUCTIONS

Michigan Independent Citizens Redistricting Commission

Local Counsel

Request for Proposal No. 920, 210000002578

Solicitation Manager Name: Chad Bassett
c/o Michigan Independent Citizen Redistricting Commission

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This is a Request for Proposal (RFP) for:

Local Counsel

RFP Timeline

Event	Time	Date
RFP issue date	N/A	Friday, August 27, 2021
Deadline for bidders to submit questions about this RFP	1:00 p.m. EDT	Thursday, September 2, 2021
Anticipated date the Commission will post answers to bidder questions on www.michigan.gov/SIGMAVSS and Michigan Independent Citizens Redistricting Commission website.	N/A	Friday, September 3, 2021
Proposal deadline*	3:00 p.m. EDT	Wednesday, September 8, 2021
Anticipated contract begin date	N/A	Monday, November 1, 2021

*A bidder's proposal received at 3:00:01 p.m. Eastern Daylight Time is late and subject to disqualification.

This RFP is subject to change. Check www.michigan.gov/SIGMAVSS and [Michigan Independent Citizens Redistricting Commission](http://MichiganIndependentCitizensRedistrictingCommission.com) website for current information.



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**Michigan Independent Citizens Redistricting Commission
Local Counsel
Request for Proposal No. 920, 21000002578
Summary Sheet – Key Deliverables**

In 2018, Michigan voters amended the state constitution to put the power to draw state and congressional district lines in the hands of citizens, not legislators or special interests. The inaugural and historic Michigan Independent Citizens Redistricting Commission is seeking experienced local counsel to provide legal and advisory services (i.e., legal advice and representation). The Commission is re-posting this RFP to engage in the competitive bidding process for this unique and groundbreaking opportunity. In addition to its General Counsel, the Commission has engaged a consultant to provide legal analysis regarding Voting Rights Act compliance, a litigation firm based in Washington D.C. to defend the Commission’s final work product and is seeking to expand its current legal team to include an attorney, firm or other entity licensed in Michigan to serve as local counsel.

1.1 Key Deliverable One:

Key expertise or desirable expertise to fulfill the Statement of Work located within Section A of this RFP:

(a) **Michigan Litigation Expertise.** The attorney, firm or other entity must demonstrate litigation experience and expertise to represent the Commission.

1. Briefly describe a minimum of 3 cases argued before the Michigan Supreme Court, including, in particular, cases involving constitutional or public policy issues. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
2. Likewise, briefly describe, a minimum of 3 cases where a judgment was reached in a federal court, including, in particular, cases involving constitutional or public policy issues. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
3. Describe representative legal work performed on behalf of public agencies and state boards or commissions in the past 5 years, providing dates and references as appropriate.



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4. Describe the attorney or firm's experience with complex and/or electronic discovery.

(b) Michigan Government Law Experience. The attorney, firm or other entity must demonstrate experience and expertise in government law and/or public corporation law to represent the Commission.

1. Briefly describe a minimum of 3 government sector client representations. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
2. Briefly describe any legal and advisory services provided specific to a client that is a public body, board or commission providing dates and references as appropriate.
3. Briefly describe any legal and advisory services provided and litigation experience specific to Michigan Freedom of Information Act and Michigan Open Meetings Act or other laws relevant to public entities providing dates and references as appropriate.

(c) Michigan Election Law Expertise. The attorney, firm or other entity must demonstrate experience and expertise in Michigan election law to represent the Commission.

1. Briefly describe a minimum of 3 election law representations. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
2. Briefly describe any legal and advisory services provided specific to Michigan election law providing dates and references as appropriate.

(d) Cumulative Experience. Provide a summary of why, based on the aforementioned previous experience listed in (a) through (c), the Contractor is uniquely qualified to perform the services sought by this RFP and assume the role of Local Counsel for the Commission.

1.2 Key Deliverable Two

Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of this RFP:

(a) Motivations. Provide a summary of why the attorney, firm or other entity seeks to serve the Commission.



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(b) **Key Personnel.** In the case of a law firm or other entity, identify the lead attorney or other attorneys, if any, who will be assigned to the work and the anticipated percentage of time for each.

(c) **Firm/Entity General Description.** If the RFP is submitted by a law firm or other entity, provide a general description of the firm or entity.

1.3 Key Deliverable Three

Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of this RFP:

(a) **Conflicts.** The attorney or law firm must comply with the rules as set forth in the Michigan Rules of Professional Conduct as well as any applicable law, regulation or policy at all times. Please identify the following:

1. Any matter in which the attorney or firm is presently adverse or was adverse in the previous 5 years to the Commission or the State of Michigan.
2. Whether any lawyer(s) identified as Key Personnel has ever been subject to any disciplinary proceeding or been sanctioned by a court

(b) **Disclosures.** Disclose the following:

1. Previous legal services (paid or unpaid) by the attorney, firm, or other entity as it relates to redistricting, reapportionment, districting and elections activities in Michigan provided from January 2010 to present day to:
 - i. Persons holding or candidates for elective office.
 - ii. Partisan or non-partisan entities or organizations.

Please describe the implications of the current or prior representations listed on this RFP. In particular, address whether it could present the appearance of a conflict in connection with the representation of the Commission.

2. Any lobbying work the firm, other entity or attorneys listed as Key Personnel has performed in Michigan as it relates to redistricting, reapportionment, districting and elections activities from January 2010 to present day.
3. Any monetary political contributions or donations made in Michigan on behalf of the firm, other entity or attorneys listed as Key Personnel, including contributions made by a firm political action committee, from January 2010 to present day.
4. Any monetary political contributions personally made by the attorneys listed as Key Personnel in Michigan from January 2010 to present day.
5. With respect to Key Personnel who are expected to work in connection with this representation, please disclose any financial, business, professional, lobbying or other



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relationship not previously identified that presents a potential conflict with the services to be performed under this Contract.

(c) **Approach.** In keeping with the Commission's constitutional obligation to perform its duties in an impartial manner that reinforces public confidence in the integrity of the redistricting process, it is desired that Local Counsel operate in the same manner. Provide a description of the approach and methodology that will be used by the attorney, firm or other entity to performing the responsibilities of Local Counsel while remaining impartial, unbiased and non-partisan as set forth in Article IV, Section 6, Subsections 4 and 5 of the Michigan Constitution.

If retained by the Commission, Contractor and all Key Personnel will be expected, for the duration of the representation, to update their disclosures as necessary through the contract term.

The fact that a conflict is identified pursuant to this section is not an automatic disqualification but is information the Commission will consider in the selection process.



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- 1. PROPOSAL PREPARATION.** The Commission recommends reading **all** RFP materials prior to preparing a proposal, particularly these Proposal Instructions and the Vendor Questions Worksheet. Bidders must follow these Proposal Instructions and provide a complete response to the items indicated in the table below. References and links to websites or external sources may not be used in lieu of providing the information requested in the RFP within the proposal. Include the bidder’s company name in the header of all documents submitted with your proposal.

RFP Structure and Documentation

Document	Description	Bidder Response Instructions
Cover Page	Provides RFP title and number, important dates, and contact information for Solicitation Manager	Informational
Summary Sheet	Provides a summary of the Key Deliverables	Informational
Proposal Instructions	Provides RFP instructions to bidders	Informational
Confidential Treatment Form	Required verification on whether bidder’s proposal contains confidential information	Bidder to complete and submit by proposal deadline
Vendor Questions Worksheet	Questions to bidders on background and experience	Bidder to complete and submit by proposal deadline
Schedule A – Statement of Work	Statement of work	Bidder to complete and submit by proposal deadline
Schedule B – Pricing	Pricing for goods and services sought by the Commission through this RFP	Bidder to complete and submit by proposal deadline

- 2. CONTACT INFORMATION FOR THE COMMISSION.** The sole point of contact for the Commission concerning this RFP is listed on the Cover Page. Contacting any other Commission personnel, agent, consultant, or representative about this RFP may result in bidder disqualification.
- 3. MODIFICATIONS.** The Commission may modify this RFP at any time. Modifications will be posted on www.michigan.gov/SIGMAVSS and on the [Independent Citizens Redistricting Commission](http://www.michigan.gov/IndependentCitizensRedistrictingCommission) website. This is the only method by which the RFP may be modified.



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4. **QUESTIONS.** Bidder questions about this RFP must be emailed to the Solicitation Manager no later than the time and date specified on the Cover Page. In the interest of transparency, only written questions are accepted. Answers to questions will be posted on www.michigan.gov/SIGMAVSS and on the Michigan Independent Citizens Redistricting Commission website. Submit questions using the format below; a Microsoft Excel format or similar is suggested.

Q #	Document and Section	Page #	Bidder Question

5. **DELIVERY OF PROPOSAL.**

Electronic – The bidder must submit its proposal, all attachments, and any modifications or withdrawals via email to the Solicitation Manager. The price proposal should be saved separately from all other proposal documents. The bidder should submit all documents in a modifiable (native) format (examples include but are not limited to Microsoft Word or Excel and Google Docs or Sheets). In addition to submitting documents in a modifiable format, the bidder may also submit copies of documents in PDF. Bidder’s failure to submit a proposal as required may result in disqualification. The proposal and attachments must be received by the Solicitation Manager via email by the proposal deadline.

6. **MANDATORY MINIMUM REQUIREMENTS.** To avoid disqualification, the bidder must provide documentation to support the following:

The primary contractor and key personnel must have experience providing legal and advisory services (i.e., legal advice and representation) directly related to the work described in this RFP. This experience must include litigation, analysis of applicable federal and state law, and ensuring compliance with such laws during a redistricting process.

Only proposals meeting the mandatory minimum requirements will be considered for evaluation. Bidder must be specially trained, experienced and competent to perform the services required by this Contract.

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- 7. EVALUATION PROCESS.** If all mandatory minimum requirements are met then the Commission will evaluate each proposal based on the following factors:

	Technical Evaluation Criteria	Weight
1.	Key Deliverable One Schedule A: Sec. 1.1	40
2.	Key Deliverable Two Schedule A: Sec. 1.2	20
3.	Key Deliverable Three Schedule A: Sec. 1.3	20
4.	Vendor Questions Worksheet	20
	Total	100

Proposals receiving 80 or more technical evaluation points will have pricing evaluated and considered for award.

The Commission may utilize all bidder information, without regard to a proposal’s technical score, to determine fair market value for goods or services sought. The Commission is not obligated to accept the lowest price proposal.

The Commission strongly encourages strict adherence to the Contract Terms. The Commission reserves the right to deem a bid non-responsive for failure to accept the Contract Terms. Nevertheless, the bidder may submit proposed changes to the Contract Terms in track changes (i.e., visible edits) with an explanation of the bidder’s need for each proposed change. Failure to include track changes with an explanation of the bidder’s need for the proposed change constitutes the bidder’s acceptance of the Contract Terms. General statements, such as that the bidder reserves the right to negotiate the terms and conditions, may be considered non-responsive.

The Commission may but is not required to conduct an on-site visit to tour and inspect the bidder’s facilities; require an oral presentation of the bidder's proposal; conduct interviews, research, reference checks, and background checks; and request additional price concessions at any point during the evaluation process.

- 8. NOTICE OF DEFICIENCY.** The Commission reserves the right to issue a **Notice of Deficiency** to bidders if the Commission determines after the proposal deadline that a portion of the RFP was deficient, unclear, or ambiguous. Failure to respond to a **Notice of Deficiency** timely may be cause for disqualification.
- 9. CLARIFICATION REQUEST.** The Commission reserves the right to issue a **Clarification Request** to a bidder to clarify its proposal if the Commission determines the proposal is not clear. Failure to respond to a **Clarification Request** timely may be cause for disqualification.
- 10. RESERVATIONS.** The Commission reserves the right to:
- a. Disqualify a bidder for failure to follow these instructions.



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- b. Discontinue the RFP process at any time for any or no reason. The issuance of an RFP, your preparation and submission of a proposal, and the Commission's subsequent receipt and evaluation of your proposal does not commit the Commission to award a contract to you or anyone, even if all the requirements in the RFP are met.
 - c. Consider late proposals if: (i) no other proposals are received; (ii) no complete proposals are received; (iii) the Commission received complete proposals, but the proposals did not meet mandatory minimum requirements or technical criteria; or (iv) the award process fails to result in an award.
 - d. Consider an otherwise disqualified proposal if no other proposals are received.
 - e. Disqualify a proposal based on: (i) information provided by the bidder in response to this RFP; (ii) the bidder's refusal to complete registration on www.michigan.gov/SIGMAVSS upon award or (iii) if it is determined that a bidder purposely or willfully submitted false or misleading information in response to the RFP.
 - f. Consider prior performance with the State of Michigan in making its award decision.
 - g. Consider overall impact to the economy of Michigan when evaluating proposal pricing and in the final award recommendation. This includes but is not limited to: considering principal place of performance, number of Michigan citizens employed or potentially employed, dollars paid to Michigan residents, Michigan capital investments, job creation, tax revenue implications, and economically disadvantaged businesses.
 - h. Consider total-cost-of-ownership factors (e.g., transition and training costs) when evaluating proposal pricing and in the final award recommendation.
 - i. Refuse to award a contract to any bidder that has failed to pay the State of Michigan taxes or has outstanding debt with the State of Michigan.
 - j. Enter into negotiations with one or more bidders on price, terms, technical requirements, or other deliverables.
 - k. Award multiple, optional-use contracts, or award by Contract Activity.
 - l. Evaluate the proposal outside the scope identified in the **Evaluation Process** section of this document if the Commission receives only one proposal.
- 11. AWARD RECOMMENDATION.** The contract will be awarded to the responsive and responsible bidder who offers the best value to the Commission, as determined by the Commission. Best value will be determined by the bidder meeting the minimum point threshold and offering the best combination of the factors stated in the **Evaluation Process** section of this document, and price, as demonstrated by the proposal. The Commission will post an **Award Recommendation and Evaluation Synopsis** on www.michigan.gov/SIGMAVSS and on the [Michigan Independent Citizens Redistricting Commission](http://www.michigan.gov/SIGMAVSS) website.
- DEBRIEF MEETING AND BID PROTEST.** The Commission will post an **Award Recommendation and Evaluation Synopsis** which will provide instructions on how to request a debrief meeting.



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If you wish to initiate a protest of the award, you must submit your written protest to bassettc@michigan.gov no later than 3:00pm, five calendar days after posting the **Award Recommendation and Evaluation Synopsis** or by 3:00pm the next business day if that date falls on a State of Michigan holiday or weekend. The Commission reserves the right to adjust this timing and will publish any change on the SIGMA VSS system and on the [Michigan Independent Citizens Redistricting Commission](http://MichiganIndependentCitizensRedistrictingCommission.com) website.

- 12. GENERAL CONDITIONS.** The Commission will not be liable for any costs, expenses, or damages incurred by a bidder participating in this solicitation. The bidder agrees that its proposal will be considered an offer to do business with the Commission in accordance with its proposal, including the Contract Terms, and that its proposal will be irrevocable and binding for a period of **90** calendar days from date of submission. If a contract is awarded to the bidder, the Commission may, at its option, incorporate any part of the bidder's proposal into a contract. This RFP is not an offer to enter into a contract. This RFP may not provide a complete statement of the Commission's environment or contain all matters upon which agreement must be reached. Other than verified trade secrets, proposals submitted to the Solicitation Manager are the Commission's property.
- 13. CONFIDENTIAL TREATMENT FORM AND THE FREEDOM OF INFORMATION ACT.** All portions of the bidder's proposal and resulting contract are subject to disclosure as required under Michigan's Freedom of Information Act (FOIA), MCL 15.231, et seq. However, some information may be exempt from disclosure. Under MCL 18.1261(13)(b), records containing "a trade secret as defined under section 2 of the uniform trade secrets act, 1998 PA 448, MCL 445.1902," are exempt from disclosure under FOIA. In addition, "financial or proprietary information" submitted with a bidder's proposal is exempt from disclosure under FOIA. A bidder's failure to comply with this Section is grounds for rejecting a bidder's proposal as non-responsive. As a part of its proposal, each bidder must follow the procedure below.
- a. SUBMIT A COMPLETED "CONFIDENTIAL TREATMENT FORM" (CT FORM) WITH YOUR BID.** Completion and submission of the CT Form is required regardless of whether the bidder seeks confidential treatment of information. Failure to submit a completed CT Form may be cause for disqualification from the solicitation process.
 - i. Complete and sign Section 1 of the CT Form if the bidder does NOT request confidential treatment of information contained in its proposal; or
 - ii. Complete and sign Section 2 of the CT Form if the bidder requests confidential treatment of certain information. Bidder must also submit a "Public Copy" of the proposal with the trade secret, financial, and proprietary information redacted and clearly labeled as the "Public Copy."
 - b. FOIA REQUESTS.** If a FOIA request is made for a bidder's proposal, the Public Copy may be distributed to the public along with the bidder's CT Form. The CT Form is a public document and serves as an explanation for the redactions to the Public Copy. Do not put any trade secret, financial, or proprietary information in the CT Form. Do not redact the CT Form itself.
 - c. NO ADVICE.** The Commission will not advise a bidder as to the nature or content of documents entitled to protection from disclosure under FOIA or other laws, as to the interpretation of such



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laws, or as to the definition of trade secret or financial or proprietary information. Nothing contained in this provision will modify or amend requirements and obligations imposed on the Commission by FOIA or other applicable law.

- d. **FAILURE TO REQUEST CONFIDENTIAL TREATMENT.** Failure to request material be treated as confidential as specified herein relieves the Commission, its agencies, and personnel from any responsibility for maintaining material in confidence.
- e. Bids containing a request to maintain an entire proposal as confidential may be rejected as non-responsive. Bidders may not request confidential treatment with respect to resumes, pricing, and marketing materials. The Commission reserves the right to determine whether material designated as exempt by a bidder falls under MCL 18.1261 or other applicable FOIA exemptions. If a FOIA request is made for materials that the bidder has identified as trade secret, financial, or proprietary information, the Commission has the final authority to determine whether the materials are exempt from disclosure under FOIA.
- f. Bidder forever releases the Commission, its officers, employees, and agents from all claims, rights, actions, demands, damages, liabilities, expenses and fees, which arise out of or relate to the disclosure of all or a portion of bidder's proposal submitted under this RFP. Bidder must defend, indemnify and hold the Commission, its officers, and employees harmless, without limitation, from and against all actions, claims, losses, liabilities, damages, costs, attorney fees, and expenses (including those required to establish the right to indemnification), arising out of or relating to any FOIA request, including potential litigation and appeals, related to the portion of bidder's proposal submitted under this RFP that bidder has identified as a trade secret, or financial or proprietary information. The Commission will notify bidder in writing if indemnification is sought. The Commission is entitled to: (i) regular updates on proceeding status; (ii) participate in the defense of the proceeding; (iii) employ its own counsel; and to (iv) retain control of the defense, or any portion thereof, if the Commission deems necessary. Bidder will not, without the Commission's written consent (not to be unreasonably withheld), settle, compromise, or consent to the entry of any judgment in or otherwise seek to terminate any claim, action, or proceeding. If a Commission employee, official, or law is involved or challenged, the Commission may control the defense of that portion of the claim. Any litigation activity on behalf of the Commission, or any of its subdivisions under this Section, must be coordinated with the General Counsel of the Commission. An attorney designated to represent the Commission may not do so until approved by the Commission.



STATE OF MICHIGAN

MICHIGAN INDEPENDENT CITIZEN REDISTRICTING COMMISSION

CONFIDENTIAL TREATMENT FORM

INSTRUCTIONS. Complete either *Section 1* or *Section 2* of this CT Form and sign where indicated. This CT Form must be signed by the individual who signed the bidder's proposal. A completed CT Form must be submitted with your proposal, regardless of whether your proposal contains confidential information.

Failure to submit a completed CT Form with your bid is grounds for rejecting the proposal as non-responsive. See the **Confidential Treatment Form** and **The Freedom of Information Act (FOIA)** sections of the *Proposal Instructions* for additional information.

Section 1. CONFIDENTIAL TREATMENT IS NOT REQUESTED

This section must be completed, signed, and submitted with the proposal if the bidder does **not** request confidential treatment of any material contained in the proposal.

By signing below, the bidder affirms that confidential treatment of material contained in their proposal is not requested.

RFP Number

RFP Title

Signature

Date

Printed Name, Title, Company



CONFIDENTIAL TREATMENT FORM

Section 2. CONFIDENTIAL TREATMENT IS REQUESTED

This section must be completed, signed, and submitted with the proposal if bidder requests confidential treatment of any material contained in the proposal. Submission of a completed CT Form is required to request confidential treatment.

Provide the information in the table below. Bidder may add rows or additional pages using the same format shown in the table. Bidder must specifically identify the information to be protected as confidential and Commission the reasons why protection is necessary.

The CT Form will not be considered fully complete unless, for each confidentiality request, the bidder: (1) Identifies the Proposal Page #, Section #, and Paragraph #, (2) Identifies whether the material is a Trade Secret (TS), Proprietary Financial Information (FI), or Proprietary Information (PI), (3) Explains the specific legal grounds that support treatment of the material as TS, FI, or PI. Bidders must provide a complete justification as to how the material falls within the scope of an applicable FOIA Exemption or relevant case law. Bidders must not simply cite to an applicable exemption or case name, and (4) Provides the contact information for the person at Bidder’s organization authorized to respond to inquiries by the Commission concerning the material.

(1) Proposal Page #, Section #, Paragraph #	(2) Material is Trade Secret (TS), Proprietary Financial Information (FI), Proprietary Information (PI)	(3) Applicable FOIA Exemption with Written Justification	(4) Bidder Contact Information

By signing below, the bidder affirms that confidential treatment of material contained in their proposal is requested and has attached to this form a redacted “Public Copy” of the bidder’s proposal.

RFP Number

RFP Title

Signature

Date

Printed Name, Title, Company



VENDOR QUESTION WORKSHEET

Provide a detailed response to each question. “You” and “company” refers to the bidder.

Information Sought	Bidder Response
1. Contact Information	
Bidder’s sole contact person during the RFP process. Include name, title, address, email, and phone number.	
Person authorized to receive and sign a resulting contract. Include name, title, address, email, phone number. The awarded vendor will be required to establish an account in SIGMA Vendor Self-Service	
2. Company Background Information	
Legal business name and address. Include business entity designation, e.g., sole proprietor, Inc., LLC, or LLP.	
What State was the company formed in?	
Phone number.	
Website address.	
Number of years in business and number of employees.	
Legal business name and address of parent company, if any.	
Has there been a recent change in organizational structure (e.g., management team) or control (e.g., merger or acquisition) of your company? If the answer is yes: (a) explain why the change occurred and (b) how this change has affected your company.	
Discuss your company’s history. Has growth been organic, through mergers and acquisitions, or both?	
Has bidder ever been debarred, suspended, or disqualified from bidding or contracting with any entity, including the State of Michigan? If yes, provide the date, the entity, and details about the situation.	
Has your company been a party to litigation against the State of Michigan? If the answer is yes, then state the date of initial filing, case name and court number, and jurisdiction.	
Within the last 5 years, has your company or any of its related business entities defaulted on a contract or had a	



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<p>contract terminated for cause? If yes, provide the date, contracting entity, type of contract, and details about the termination or default.</p>	
<p>State your gross annual sales for each of the last 5 years. If receiving a contract under this RFP will increase your gross revenue by more than 25% from last year’s sales, explain how the company will scale-up to manage this increase.</p>	
<p>Describe partnerships and strategic relationships you think will bring significant value to the Commission.</p>	
<p>State the physical address of the place of business that would have primary responsibility for this account if bidder is awarded a contract under this RFP.</p>	
<p>3. Participation in RFP Development or Evaluation</p>	
<p>Did your company, an employee, agent, or representative of your company, or any affiliated entity participate in developing any component of this solicitation? For purposes of this question, business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly: (1) either one controls or has power to control the other or (2) a third-party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities or equipment, and common use of employees.</p>	<p>Enter YES or NO. If you enter “YES”, you are not eligible for contract award or to work as a subcontractor for the awarded vendor.</p>
<p>If you are awarded a contract under this solicitation, in order to provide the goods or services required under a resulting contract, do you intend to partner or subcontract with a person or entity that assisted in the development of this solicitation?</p>	<p>Enter YES or NO. If you enter “YES,” you are not eligible for contract award. An awarded vendor may not partner or subcontract with anyone to provide goods and services required under a resulting contract if that subcontractor or partner assisted in the development of this solicitation.</p>
<p>Will your company, or an employee, agent, or representative of your company, participate in the evaluation of the proposals received in response to this RFP?</p>	<p>Enter YES or NO. If you enter “YES”, you are not eligible for contract award or to work as a subcontractor for the awarded vendor.</p>



VENDOR QUESTIONS WORKSHEET

4. State of Michigan Experience	
Does your company have experience working with the State of Michigan? If so, please provide a list (including the contract number) of the contracts you hold or have held with the State for the last 10 years.	
5. Michigan Economic Impact	
Number of employees currently employed at locations within the State of Michigan.	
Number of additional employees to be employed at locations within the State of Michigan if awarded this Contract (if any)	
Minimum wage paid to employees employed at locations within the State of Michigan.	
Average wage paid to employees employed at locations within the State of Michigan.	
Percentage of employees employed at locations within the State of Michigan that are covered by employer-provided health insurance.	
6. Other	
Abusive Labor Practices. The Contractor certifies that it will not furnish any Deliverable that was produced fully or partially by forced labor, forced or indentured child labor, or indentured servitude.	Enter YES or NO.
Certification of Michigan Business- Public Act 431 of 1984, Sec. 268. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Business Tax Corporate Income Tax Return. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Income Tax return showing income generated in, or attributed to the State of Michigan. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, withheld Michigan Income Tax from compensation paid to the company’s owners and remitted the tax to the Michigan Department of Treasury.	Enter YES or NO.
Iran Linked Business- Public Act 517 of 2012. I certify that the Company is not an Iran-Linked business as defined by Public Act 517 of 2012.	Enter YES or NO.



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Clean Corporate Citizen. I certify that the Company is a Clean Corporate Citizen as defined by the Environmental Protection Act, 1994 PA 451.	Enter YES or NO.
Convict Labor. The Contractor certifies that if using convict labor, it is complying with all applicable state and federal laws and policies.	Enter YES or NO.
SOM Debt/Tax Payment. I certify that all applicable State of Michigan taxes are paid, and that no outstanding debt is owed to the State of Michigan.	Enter YES or NO.
Authorization to Verify Information Provided by Vendor. I authorize the Commission to verify that all information provided in this registration, in bidding and contracting documents, and any attachments or supplement documents and processes are accurate.	Enter YES or NO.



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

Contractor must enter company name here.

Request for Proposal (RFP) No. 920, 21000002578

Local Counsel

This schedule identifies the anticipated requirements of any Contract resulting from this RFP. The term “Contractor” in this document refers to a bidder responding to this RFP, as well as the Contractor who is awarded the contract. The term “bidder” is used to identify where specific responses to the RFP are required.

The Contractor must respond to each requirement or question and explain how it will fulfill each requirement. Attach any supplemental information and appropriately reference within your response.

IMPORTANT NOTE TO CONTRACTORS/BIDDERS: There are specific requirements for which acceptance must be simply acknowledged through a checkbox(es), and others that require further explanation. Click one checkbox and complete the entries as identified.

BACKGROUND

In accordance with the Michigan Constitution of 1963, Article IV, Section 6, an Independent Citizens Redistricting Commission (the “Commission”) shall adopt a redistricting plan in Michigan, not later than November 1 in the year immediately following the federal decennial census, for each of the following types of Michigan districts: state senate districts, state house of representative districts, and congressional districts. This proposal and adoption of district lines (called “redistricting”) shall comply with the Voting Rights Act and other federal laws as well as conform with the criteria set forth in Article IV, Section 6 of the Michigan Constitution, and in particular Article IV, Section 6, Subsection 13 of the Michigan Constitution.

The Commission is seeking Requests for Proposals (“RFP”) from attorneys, including law firms or other entities, located or that have a physical office in the State of Michigan to serve as local counsel and provide legal and advisory services (i.e., legal advice and representation).

The selected bidder will be expected to work and coordinate with other legal experts, attorneys, law firms and other entities as needed. At the Commission’s discretion, throughout the duration of its work the Commission may decide to hire more than one attorney or law firm based on the Commission’s perceived needs. If the Commission chooses representation from more than one attorney or law firm, the order of subordination with regards to any coordinated effort shall be made solely by General Counsel to the Commission.

All materials submitted in response to this RFP will become the property of the Commission and will not be returned. The materials submitted in response to this RFP are not confidential, will be made available to members of the public attending the meetings referenced above, and will be placed on the Commission’s website. The response must be whole and complete in the submitted document and not depend on hyperlinks for required content.



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Unless otherwise authorized herein, proposers who are considering submitting a proposal in response to this RFP, or who submit a proposal in response to this RFP, are prohibited from communicating with the Commission, its staff or State of Michigan staff about this RFP from the date this RFP is issued until a contract is awarded. The point of contact for all communication is the Solicitation Manager.

STATEMENT OF WORK

The required legal and advisory services (i.e., legal advice and representation) will include, but may not be limited to, litigation and legal support to the Commission regarding the redistricting process and compliance with Article IV, Section 6 of the Michigan Constitution of 1963.

Any Contractor selected by the Commission will be required to enter into a Legal Services Agreement for the work described in this RFP. It is anticipated that work will begin as soon as practicable following the selection process and continue for a one-year initial term (through approximately November 1, 2022; however, the contract may be amended to extend time and add funds as necessary in order to continue the contract through the completion of litigation. The Commission may also choose to select more than one lawyer or law firm to perform the legal services described herein. Services shall be provided at the direction of the Commission through its General Counsel pursuant to the terms and conditions of this contract.

Qualifications for the attorney, law firm or other entity are as follows:

1. Have demonstrated expertise and experience in litigation pertaining to constitutional or federal statutory issues, including multi-party and document-intensive cases;
2. Have knowledge and experience in working with election laws, including statutory deadlines, and the relationship between district boundaries and the conduct of elections;
3. Have knowledge with regard to Michigan law governing open meetings, public records, conflicts-of-interest, and other laws generally applicable to the conduct of state agencies, boards and commissions;
4. Have knowledge and experience in the application of relevant federal and state case law in the above areas.

Responsibilities for the attorney, law firm or other entity are as follows:

1. Perform all normal and customary duties required of Local Counsel in connection with legal issues related to the full range of Commission activities which may include some or all of the following:
 - a. Providing review, analysis and application of relevant law;
 - b. Representing the Commission as a plaintiff or defendant in litigation, administrative claims, or other legal claims;
 - c. Compiling evidence and drafting demand letters, claim notices, and/or complaints;
 - d. Drafting and arguing responsive pleadings, pretrial motions and writ proceedings;
 - e. Responding to subpoenas, court orders, and requests for information from third parties;
 - f. Conducting discovery, both offensive and defensive;



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- g. Interviewing and deposing witnesses;
 - h. Engaging in trial preparation, including the retention of trial consultants and experts;
 - i. Conducting trial as well as post-trial motions;
 - j. Handling appeals, interlocutory and post-trial;
 - k. Representing the Commission in litigation, negotiation and settlement proceedings; and
 - l. Other legal services as needed.
2. Work with and advise the Commission, its staff, attorneys and consultants with respect to legal issues in connection with its activities and advise the Commission, its staff, attorneys and consultants as to the procedures, legality of documents, policy concerns and legal implications concerning those activities.
3. Advise the Commission, its staff, attorneys and consultants of litigation risks associated with its activities and approaches to limit such risks.
4. Attend and participate in various meetings, conferences and other proceedings, including but not limited to Commission public meetings and hearings when requested by the Commission or the Program Manager.
5. Perform services under this contract as efficiently and expeditiously as possible.

Contractors and employees must be in compliance with any applicable law or policy at all times, and if an attorney be in good standing with the State Bar of Michigan through the full contract term and any extensions. The primary contractor shall be located or have a physical office in the State of Michigan. Contractor must possess the skill, experience, ability, background, certification, and knowledge to provide the services described in this Contract on the terms and conditions describes herein.

1 Requirements

1.1 Key Deliverable One:

Key expertise or desirable expertise to fulfill the Statement of Work located within Section A of this RFP:

(a) **Michigan Litigation Expertise.** The attorney, firm or other entity must demonstrate litigation experience and expertise to represent the Commission.

1. Briefly describe a minimum of 3 cases argued before the Michigan Supreme Court, including, in particular, cases involving constitutional or public policy issues. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.



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2. Likewise, briefly describe, a minimum of 3 cases where a judgment was reached in a federal court, including, in particular, cases involving constitutional or public policy issues. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
3. Describe representative legal work performed on behalf of public agencies and state boards or commissions in the past 5 years, providing dates and references as appropriate.
4. Describe the attorney or firm's experience with complex and/or electronic discovery.

Bidder must provide a detailed response for requirement(s):

(b) Michigan Government Law Experience. The attorney, firm or other entity must demonstrate experience and expertise in government law and/or public corporation law to represent the Commission.

1. Briefly describe a minimum of 3 government sector client representations. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
2. Briefly describe any legal and advisory services provided specific to a client that is a public body, board or commission providing dates and references as appropriate.
3. Briefly describe any legal and advisory services provided and litigation experience specific to Michigan Freedom of Information Act and Michigan Open Meetings Act or other laws relevant to public entities providing dates and references as appropriate.

Bidder must provide a detailed response for requirement(s):



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(c) **Michigan Election Law Expertise.** The attorney, firm or other entity must demonstrate experience and expertise in Michigan election law to represent the Commission.

1. Briefly describe a minimum of 3 election law representations. For each case, please include:
 - i. The case caption.
 - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity and the party represented.
 - iii. The outcome of the case and whether an appeal was pursued.
2. Briefly describe any legal and advisory services provided specific to Michigan election law providing dates and references as appropriate.

Bidder must provide a detailed response for requirement(s):

(d) **Cumulative Experience.** Provide a summary of why, based on the aforementioned previous experience listed in (a) through (c), the Contractor is uniquely qualified to perform the services sought by this RFP and assume the role of Local Counsel for the Commission.

Bidder must provide a detailed response for requirement(s):

1.2 Key Deliverable Two

Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of this RFP:

(a) **Motivations.** Provide a summary of why the attorney, firm or other entity seeks to serve the Commission.

Bidder must provide a detailed response for requirement(s):

(c) **Key Personnel.** The primary contractor shall be located or have a physical office in the State of Michigan. In the case of a law firm or other entity, identify the lead attorney or other attorneys,



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if any, who will be assigned to the work and the anticipated percentage of time for each. Contractors and employees must be in compliance with any applicable law or policy at all times, and if an attorney be in good standing with the State Bar of Michigan through the full contract term and any extensions. Contractor must possess the skill, experience, ability, background, certification and knowledge to provide the services described in this Contract on the terms and conditions describes herein. Please provide **detailed, chronological resumes** of all proposed Key Personnel, including a description of their work experience relevant to their purposed role as it relates to the RFP utilizing the required resume template labeled as Appendix A.

Bidder must provide a detailed response for requirement(s):

(c) **Firm/Entity General Description.** If the RFP is submitted by a law firm or other entity, provide a general description of the firm or entity.

Bidder must provide a detailed response for requirement(s):

1.3 Key Deliverable Three

Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of this RFP:

(a) **Conflicts.** The attorney or law firm must comply with the rules as set forth in the Michigan Rules of Professional Conduct as well as any applicable law, regulation or policy at all times. Please identify the following:

1. Any matter in which the attorney or firm is presently adverse or was adverse in the previous 5 years to the Commission or the State of Michigan.
2. Whether any lawyer(s) identified as Key Personnel has ever been subject to any disciplinary proceeding or been sanctioned by a court

Bidder must provide a detailed response for requirement(s):



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(b) **Disclosures.** Disclose the following:

1. Previous legal services (paid or unpaid) by the attorney, firm, or other entity as it relates to redistricting, reapportionment, districting and elections activities in Michigan provided from January 2010 to present day to:
 - i. Persons holding or candidates for elective office.
 - ii. Partisan or non-partisan entities or organizations.

Please describe the implications of the current or prior representations listed on this RFP. In particular, address whether it could present the appearance of a conflict in connection with the representation of the Commission.

2. Any lobbying work the firm, other entity or attorneys listed as Key Personnel has performed in Michigan as it relates to redistricting, reapportionment, districting and elections activities from January 2010 to present day.
3. Any monetary political contributions or donations made in Michigan on behalf of the firm, other entity or attorneys listed as Key Personnel, including contributions made by a firm political action committee, from January 2010 to present day.
4. Any monetary political contributions personally made by the attorneys listed as Key Personnel in Michigan from January 2010 to present day.
5. With respect to Key Personnel who are expected to work in connection with this representation, please disclose any financial, business, professional, lobbying or other relationship not previously identified that presents a potential conflict with the services to be performed under this Contract.

Bidder must provide a detailed response for requirement(s):

(c) **Approach.** In keeping with the Commission's constitutional obligation to perform its duties in an impartial manner that reinforces public confidence in the integrity of the redistricting process, it is desired that Local Counsel operate in the same manner. Provide a description of the approach and methodology that will be used by the attorney, firm or other entity to performing the responsibilities



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of Local Counsel while remaining impartial, unbiased and non-partisan as set forth in Article IV, Section 6, Subsections 4 and 5 of the Michigan Constitution.

If retained by the Commission, Contractor and all Key Personnel will be expected, for the duration of the representation, to update their disclosures as necessary through the contract term.

The fact that a conflict is identified pursuant to this section is not an automatic disqualification but is information the Commission will consider in the selection process.

Bidder must provide a detailed response for requirement(s):



Enter company name here

Request For Proposal No. 920, 21000002578

1. The Contractor must provide a pricing schedule for the proposed Contract Activities using the table below. Failure to complete the pricing schedule as requested may result in disqualification of your proposal.
2. Price proposals must include all costs, including but not limited to, any one-time or set-up charges, fees, and potential costs that Contractor may charge the Commission.
3. The Contractor is encouraged to offer quick payment terms. The number of days must not include processing time for payment to be received by the Contractor's financial institution.

Quick payment terms: [redacted] % discount off invoice if paid within [redacted] days after receipt of invoice.

4. By submitting its proposal, the Contractor certifies that the prices were arrived at independently, and without consultation, communication, or agreement with any other Contractor.

Deliverables	Cost
Key Deliverable 1:	
Key Deliverable 2:	
Key Deliverable 3:	
Option A) fixed fee for work described in RFP, assuming the assignment will continue through November 1, 2022	
Option B) Hourly rate fee schedule for attorneys and staff	
Total:	

Total cost is not to exceed \$250,000.00 including travel costs