Request for Qualifications
Legal Services to Support Grantmaking for Real Property Projects

Deadline for Submission of Materials: October 23, 2020

Overview
The National Fish and Wildlife Foundation (NFWF) invites interested law firms and other legal service providers to submit statements of qualifications to provide legal assistance to NFWF in its evaluation and funding of real property projects (including fee title acquisition, easements, and water rights transactions) undertaken as part of NFWF’s conservation grantmaking.

Background
NFWF is the largest private conservation grant-maker in the nation and is dedicated to sustaining, restoring and enhancing the nation’s fish, wildlife, plants and habitats for current and future generations. NFWF advances these ideals through innovative public and private partnerships, and by investing financial resources and intellectual capital into science-based programs designed to address conservation priorities and achieve measurable outcomes.

Throughout several programs, NFWF deploys federal and non-federal funds to support approximately 50 real property acquisitions annually. Programs such as the Walker Basin Restoration Program and the Acres for America program require review of projects that entail the acquisition of real property which, in turn, is placed into protective status so as to benefit and preserve ecological values. These projects may involve fee simple acquisition of property; creation and imposition of conservation easements on property; or acquisition of other property rights, including water rights, that serve to protect and benefit natural resources.

The primary purpose for this Request for Qualifications (RFQ) is to identify legal service providers who are interested and qualified to assist NFWF with legal review and any issues arising in the evaluation, selection, and funding of real property projects.

Qualifications Sought
This RFQ seeks law firms and other legal service providers with demonstrated experience and expertise with real estate transactions, with particular emphasis on the acquisition of land and water for fish and wildlife conservation. More specifically, this RFQ seeks law firms and other legal service providers with experience and expertise in the following areas:

1. Reviewing Real Property Purchase and Sale Agreements and/or Option to Purchase Agreements as well as Water Rights Certificates and Change Orders pertaining to water rights.
2. Drafting and Reviewing Deeds.


4. Reviewing Settlement Statements.

5. Survey and Legal Description Review.

6. Appraisal Review.

7. Reviewing Title Commitments, requesting removal of exceptions, and seeking appropriate endorsements.

8. Drafting Escrow Closing Instructions.

9. Real Estate Closings/Working with Title or other Settlement Companies, Surveyors, Appraiser, and Sellers’ Attorneys.

10. Researching, reviewing, and analyzing environmental audits and/or Phase One Environmental Site Assessments.

11. Specific experience advising governmental, non-profit, or similar organizations on the acquisition of real property interests, particularly those intended to place real property into protected status for the benefit of ecological resources.

Instructions for Providing Qualifications

1. Address each item in the Outline of Qualifications below.

2. Limit your response to a maximum of five (5) pages (not including resumes).

3. E-mail a PDF or MS Word version of your responses to femke.freiberg@nfwf.org. In the subject line, please indicate Response to RFQ for Real Property Legal Support – [name of respondent]. Applications will not be accepted in hard copy form or alternate electronic form.

4. Applications must be e-mailed no later than midnight EDT on October 23, 2020.

Please send questions and related inquiries to femke.freiberg@nfwf.org.
Outline of Qualifications
Your description of your and/or your organization’s qualifications should include the following elements:

1. **Contact information.** Please provide a Primary Contact Person, Entity Name, Address, Phone, E-mail, Website, and EIN or SSN.

2. **General Organizational Description.** Please provide a general description of your organization, including legal practice areas, geographic service areas, approximate number of clients, and length of time in business.

3. **Expertise.** Please list the type(s) of services your organization provides relating to the required qualifications and your expertise in these areas.

4. **Key Staff.** Please provide names and brief biographies of key staff. You may attach resumes as appropriate. Please limit attached resumes to no more than ten (10). Bar admissions, licenses, and other certifications should be noted in your application, but copies are not required at this time.

5. **Past Experience.** Please detail your experience in providing services similar to those required per this RFQ.

6. **Fee structure.** Please provide a fee schedule for your proposed services, including hourly rates for different tiers of professionals. Please highlight any fee discounts made available to non-profit clients such as NFWF.

8. **References.** Please include contact information for three client references relevant to the services as described above.

**Evaluation Criteria**
NFWF will emphasize the following factors in its evaluation of responses submitted pursuant to this RFQ:

1. Knowledge and track record.
2. Experience across geographies and with water transactions.
4. Capacity and flexibility to deliver services.

**CONFLICT OF INTEREST STATEMENT.**
By submitting a proposal in response to this solicitation, the offeror warrants and represents that it does not currently have any apparent or actual conflict of interest, as described herein. In the event an offeror currently has, will have during the life of the contemplated contract, or becomes
aware of an apparent or actual conflict of interest, in the event an award is made, the offeror must notify NFWF in writing in the Statement of Qualifications, or in subsequent correspondence (if the issue becomes known after the submission of the Statement of Qualifications) of such apparent or actual conflicts of interest, including organizational conflicts of interest. Conflicts of interest include any relationship or matter which might place the contractor, the contractor’s employees, or the contractor’s subcontractors in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests, or otherwise. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the offeror, the offeror’s employees, or the offeror’s future subcontractors in the matter. Upon receipt of such a notice, the NFWF Contracting Officer will determine if a conflict of interest exists and, if so, if there are any possible actions to be taken by the offeror to reduce or resolve the conflict. Failure to resolve conflicts of interest in a manner that satisfies NFWF may result in the proposal not being selected for award.

By submitting a proposal in response to this solicitation, the Offeror warrants and represents that it is eligible for award of a Contract resulting from this solicitation and that it is not subject to any of the below circumstances:

Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an Contract with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; or

Was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; or

Is listed on the General Services Administration’s, government-wide System for Award Management Exclusions (SAM Exclusions), in accordance with the OMB guidelines at 2 C.F.R Part 180 that implement E.O.s 12549 (3 C.F.R., 1986 Comp., p. 189) and 12689 (3 C.F.R., 1989 Comp., p. 235), “Debarment and Suspension,” or intends to enter into any subaward, contract or other Contract using funds provided by NFWF with any party listed on the SAM Exclusions in accordance with Executive Orders 12549 and 12689. The SAM Exclusions instructions can be found here: https://www.sam.gov/SAM/.