

Citizen Engagement Subcommittee

Report

June 7, 2021

Meetings

The Citizen Engagement Subcommittee held three meetings:

Monday, May 17 / 2:00 p.m.

Thursday, May 20 / 10:00 a.m.

Wednesday, May 26 / 10:00 a.m.

Recommendations

I. Public Hearings.

The Subcommittee makes the following recommendations regarding the conduct of public hearings by the Commission.

A. Process

1. The Subcommittee recommends that the Commission conduct a total of 16 public hearings, with eight to be held before redistricting plans are developed and eight to be held after redistricting plans have been developed and prior to the submission of such plans to the General Assembly. The Subcommittee recommends that half of the hearings be in-person and half virtual.
2. At least four members of the Commission will be present at each public hearing, including (i) one Democratic citizen commissioner, (ii) one Republican citizen commissioner, (iii) one Democratic legislator, and (iv) one Republican legislator. One of the four Commission members at each hearing will be designated as Presiding Commissioner.
3. The Subcommittee recommends that hearings be held in eight geographic areas of the state. The recommended areas are based on the geographic areas established by the Weldon Cooper Center for Public Service and adopted by the Virginia Redistricting Commission Selection Committee for categorizing applications for citizen membership on the Commission.
4. The hearings will be adequately advertised using social media, print media, and a variety of other methods to ensure participation.

B. Schedule of Hearings

The Subcommittee recommends the following public hearing schedule:

Prior to Development of Redistricting Plans:

In-person	Virtual
July 13, 2021	July 15, 2021
July 20, 2021	July 22, 2021
July 27, 2021	July 29, 2021
August 3, 2021	August 5, 2021

Prior to Submission of Redistricting Plans:

In-person	Virtual
September 20, 2021 (two regions)	September 21, 2021
September 24, 2021 (two regions)	September 22, 2021
	September 23, 2021
	September 25, 2021

C. Decision Points

1. Selection of the Presiding Commissioner of each public hearing and process for assignment of attending members.
2. Geographic region and locality for each hearing.
3. Timing of hearings held prior to submission of redistricting plans.

II. Public Participation Guidelines.

The Subcommittee recommends the approval of the attached proposed Public Participation Guidelines.

A. Highlights

1. Comments may be submitted in writing or provided live at public hearings, either virtually or in person.
2. Individuals desiring to provide live comment must sign up prior to doing so. For virtual hearings, sign-up is required at least 24 hours prior to the scheduled start time of the hearing, in keeping with the practice used for virtual Commission meetings. For in-person hearings, sign-up for in-person comments will be accepted up to ten minutes after the hearing has commenced. Individuals may also sign up 24 hours prior to an in-person meeting to provide virtual comments at such meeting.

3. Individuals will be invited to speak on a first-come, first-served basis based on their sign-in time. Individuals registered to provide comment at in-person hearings will sign in upon arrival. In-person comments will precede virtual comments at such meetings.

4. Individuals will be allowed three minutes to provide comment.

B. Decision Points

1. Selection of each Presiding Commissioner.

2. Whether to allow presentations and comments by groups.

Respectfully submitted,

James Abrenio, Co-Chair

Rick O. Harrell, Co-Chair

Proposed Hearing Schedule

Discussion Document

Prior to the Development of Redistricting Plans

In-Person Public Hearings:

No.	Region	Date
1.	Northern	7/13/21
2.	Central	7/20/21
3.	Eastern	7/27/21
4.	Hampton Roads	8/03/21

Virtual Public Hearings:

No.	Region*	Date
1.	Valley	7/15/21
2.	Southside	7/22/21
3.	West Central	7/29/21
4.	Southwest	8/05/21

**Virtual hearings provide members of the public from all regions the opportunity to speak. The purpose of the suggested regions is to ensure those who missed their in-person public hearing time can still have a chance to be heard*

Note: Receipt of census data and completion of redistricting plans can affect timing

Prior to the Submission of Redistricting Plans

In-Person Public Hearings:

No.	Region	Date
1.	Valley	9/20/21
2.	Southside	9/20/21
3.	West Central	9/24/21
4.	Southwest	9/24/21

Virtual Public Hearings:

No.	Region*	Date
1.	Northern	9/21/21
2.	Central	9/22/21
3.	Eastern	9/23/21
4.	Hampton Roads	9/25/21

**Virtual hearings provide members of the public from all regions the opportunity to speak. The purpose of the suggested regions is to ensure those who missed their in-person public hearing time can still have a chance to be heard.*

July

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Independence Day (observed)	6	7	8	9	10
11	12	13 In-person #1	14	15 Virtual #1	16	17
18	19	20 In-person #2	21	22 Virtual #2	23	24
25	26	27 In-person #3	28	29 Virtual #3	30	31

August

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 In-Person #4	4	5 Virtual #4	6	7
8	9	10	11	12	13	14
15	16 Deliver of Census Data (Tentative)	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 Labor Day	7	8	9	10	11
12	13	14	15	16	17	18
19	20 In-Person #1 In-Person #2	21 Virtual #1	22 Virtual #2	23 Virtual #3	24 In-Person #3 In-Person #4	25 Virtual #4
26	27	28	29	30 Day 45		

October

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 In-Person #4	2
3	4	5 Virtual #3	6	7 Virtual #4	8	9
10	11	12	13	14	15 Day 60 – Congressional Maps	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

**Public Hearing Schedule
2011 Redistricting Cycle**

Joint House and Senate Privileges and Elections Committees

Region: Hampton Roads

City of Hampton
Hampton University Student Center Ballroom

Region: Northern Virginia

1) Loudoun County
Loudoun County Government Center
2) Fairfax County
Fairfax County Government Center

Region: West Central

City of Roanoke
Roanoke Higher Education Center

Region: Valley

Augusta County
Augusta County Government Center

Region: Southwest

City of Abingdon
Southwest Virginia Higher Education Center

Region: Southside

City of Danville
Regional Center for Advanced Technology and Training

Region: Central

City of Richmond
General Assembly Building

*Public Hearing not held in Eastern Region



Virginia Redistricting Commission

Public Participation Guidelines

<https://www.virginiaredistriking.org>

The Virginia Redistricting Commission (the Commission) is committed to providing opportunities for the public to comment on the redistricting process and redistricting plans. The Commission will endeavor to livestream all of its meetings and public hearings to provide the widest opportunity for public comment, and members of the public are encouraged to engage the Commission using these opportunities.

I. Methods for Providing Public Comment

The following methods for providing public comment will be available to members of the public at meetings of the Commission and public hearings.

A. Written. Members of the public may provide comments to the Commission in writing. Any comments submitted are a part of the written public record of the Commission. Written comments may be submitted in the following ways:

1. Submission through email. Comments may be emailed to varedist@dls.virginia.gov. The comments will be posted on the Commission's website at: <https://www.virginiaredistriking.org> and will be available to the Commission for review and consideration.

2. Submission through regular mail. Comments may be sent by regular mail at the following address:

Virginia Redistricting Commission
Pocahontas Building, 8th Floor
900 E. Main Street
Richmond, VA 23219

B. Live commentary: Members of the public may also provide comments to the Commission live during a public hearing. These comments, as with all meetings of the Commission, will be heard in real time by those in attendance and recorded. The public may provide live public comments in the following ways:

1. In-person: At in-person public hearings of the Commission, members of the public can attend the meeting and provide live, in-person comments to the Commission.

B. Live commentary: Members of the public may also provide comments to the Commission live during a public hearing. These comments, as with all meetings of the Commission, will be heard in real time by those in attendance and recorded. The public may provide live public comments in the following ways:

1. In-person: At in-person public hearings of the Commission, members of the public can attend the meeting and provide live, in-person comments to the Commission.

2. Virtual: At both in-person and virtual public hearings, members of the public may attend the meeting virtually and provide live, virtual comments to the Commission.

II. Public Comment Process at Public Hearings

A. Written Comment

Members of the public will be encouraged to submit their comments to the Commission by email or regular mail at any time, regardless of public hearing schedule or locations. The comments will be posted on the Commission's website and available to the Commission for review and consideration. If the Commission receives any hard-copy written comments from members of the public at in-person public hearings, those written comments will be collected, scanned in PDF format after the meeting, and posted on the Commission's website.

B. Live Commentary

The opportunity to provide live commentary to the Commission will be provided for both in-person and virtual attendees of public hearings.

1. Facilitation: At least four members of the Commission will be present at each public hearing, including (i) one Democratic citizen commissioner, (ii) one Republican citizen commissioner, (iii) one Democratic legislator, and (iv) one Republican legislator. One of the four Commission members will be designated Presiding Commissioner. Live public comment, both for virtual and in-person attendees, will be facilitated by the Commission members designated to preside at the given public hearing.

2. Sign-up: There will be two primary methods through which a member of the public can sign up to provide live comments:

a. Virtual live public comment: Participants must sign up in advance, and the link to sign up will be provided in the public meeting notice. Members of the public must register at least 24 hours before the time of the hearing to allow for the meeting link and information regarding how to participate to be provided to each participant via email. Members of the public will be emailed instructions on what to expect and how to participate.

b. In-person live public comment: Participants may register to provide public comment up to ten minutes after the commencement of the in-person public hearing.

3. Speaking order: Individuals will be invited to speak on a first-come, first-served basis based on their sign-in time. Individuals registered to provide comment at in-person hearings will sign in upon arrival. Individuals providing in-person comments will precede virtual comments at such meetings.

4. Time limit. Individuals will be given up to three minutes, exclusive of any clarifying questions from Commission members, to provide comment.

C. Rules of Conduct

To ensure productive and meaningful input during public hearings, the Commission has established rules of conduct applicable to all such public hearings. The Commission requests the cooperative participation of all individuals who engage in the public hearing process to adhere to the following rules of engagement for both in-person and virtual attendees of public hearings.

1. When called up to speak by the Presiding Commissioner, commenters will provide their name in an audible tone of voice for the record. All comments shall be directed to the Commission as a whole, not to any one individual or commissioner.
2. Commenters will be called up in the order that they have signed in, with in-person participants invited to provide their comments before virtual participants.
3. Commenters will be recognized by the Presiding Commissioner and invited to speak for a set time not to exceed three minutes.
4. Commenters are requested to respect the time allotted to each speaker. Commenters will be informed when their time has expired, and the next speaker will be invited to begin. Commenters may not yield any time to another speaker.
5. No person, other than members of the Commission and the individual making the comment, shall be permitted to enter into any discussion, either directly or through the members of the Commission. All questions to the Commission or its individual members shall be directed through the Presiding Commissioner.
6. Commissioners will practice active, effective listening and be respectful of all speakers and their feelings. With the focus on listening to public comment, Commissioners will ask questions only as needed to ensure clarity and understanding.
7. No banners, signs, bullhorns, or similar devices, items that could be used as weapons, or large bags or cases will be allowed into the room where an in-person public hearing is being held. All items may be subject to search prior to entering.

8. Any person making personal or slanderous remarks or who becomes boisterous or disruptive while addressing the Commission may be requested to stop speaking. The Presiding Commissioner may take action to address such actions or remarks, which may include a warning, a clarification, a request for the person to leave the lectern, or ruling the person out of order.
9. If any person becomes loud or unruly, the Presiding Commissioner may rule that person out of order and may forfeit that person's opportunity to provide comment. Such person shall immediately cease their remarks.
10. Any person attending a public hearing who, at the direction of the Presiding Commissioner, is escorted from the meeting room, will not be admitted for the remainder of the public hearing.

D. Administration

The Division of Legislative Services will administer the public participation guidelines at the direction of the Commission.

**Budget and Finance Subcommittee
Report
June 7, 2021**

Meetings

The Budget and Finance Subcommittee held four meetings:

Wednesday, May 19 / 2:00 p.m.
Tuesday, May 25 / 10:00 a.m.
Thursday, May 27 / 10:00 a.m.
Wednesday, June 2 / 9:00 a.m.

Recommendations

I. Budget.

The Subcommittee established a working budget for the Commission to use in establishing spending categories and priorities. The working budget included a total of \$404,327.49 already expended to purchase software, specialized computer equipment, and servers and to support the work of the Virginia Redistricting Selection Committee. In addition, the working budget included anticipated spending categories consisting of support for public hearings and Commission meetings and the proposed procurement of professionals services.

The Subcommittee determined that at this stage the working budget remains fluid, and it cannot recommend a final budget at this time.

II. Procurement of Professional Services.

By a vote of 5-3, the Subcommittee recommends procuring two attorneys or law firms to provide legal counsel for the Commission in the creation of redistricting plans. One attorney or law firm would have a demonstrated background representing Democratic Party institutions or individuals in or affiliated with such institutions and one would have a demonstrated background representing Republican Party institutions or individuals in or affiliated with such institutions. The Subcommittee also recommends separate Requests for Proposals be issued to initiate the procurement process.

By a vote of 8-0, the Subcommittee recommends procuring a Communications and Outreach Services professional to develop and administer a proactive media strategy, build and manage a social media presence, and collect information and compile such information in a database. The Subcommittee also recommends a Request for Proposals to be issued to initiate the procurement process.

Respectfully submitted,

Marvin W. Gilliam, Co-Chair

Sean S. Kumar, Co-Chair

Virginia Redistricting Commission
Budget and Finance Subcommittee

Budget Worksheet		
Item	Description	Amount
1	Software, pre-redistricting support, post-census data release support, redistricting support (Citygate LLC)	\$220,000.00
2	Division of Legislative Services (Specialized computer equipment, server, and backup server)	\$23,811.00
3	Virginia Redistricting Selection Committee (Print and digital advertising supporting the citizen application process; per diems)	\$160,516.49
4	Public Hearings (8 in-person/8 virtual; social media and targeted print advertising)	\$200,000.00
5	Commission Meetings (14 total in-person)	\$136,192.00
6	Commission member mapping software training	\$9,728.00
7	Racial Bloc Voting Analysis Professional	\$100,000.00
8	Map drawing services	\$240,000.00
9	Communications and Outreach Coordinator/Consultant	\$50,000.00
10	Legal Counsel	TBD
Total		\$1,140,247.49

Available Funding

First fiscal year (7/1/20-6/30/21)	\$1,069,500
Second fiscal year (7/1/21-6/30/22)	\$1,069,500
Total	\$2,139,000

REQUEST FOR PROPOSALS (RFP)
PROFESSIONAL SERVICES

ISSUE DATE: June 8, 2021
TITLE: Communications and Outreach Services
ISSUED BY: the Virginia Redistricting Commission
PERIOD OF CONTRACT: Four (4) months from the date of execution, with monthly renewal options not to exceed a total of one (1) year.

Proposals for the above titled project will be received until 5:00 PM (EST) on June 18, 2021. Any proposals received after the specified time and date will not be considered. See Section VI and VII for specific instructions for the completion of proposals.

DRAFT

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COMMUNICATION AND OUTREACH SERVICES

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I. PURPOSE:

The Virginia Redistricting Commission (the Commission) is issuing a request for proposals (RFP) from prospective qualified persons for the purpose of providing communications and outreach services related to the redistricting process. The goal is to acquire communications and outreach services from one or more highly qualified providers at a fair and reasonable price.

II. BACKGROUND:

In 2020, Virginia voters amended the state constitution to put the power to draw state and congressional district lines in the hands of a commission comprised of citizens and legislators. The sixteen member commission constituted pursuant to Article II, Section 6-A of the Constitution of Virginia is charged with the timely creation of proposed district plans for submittal to the Virginia General Assembly. All meetings of the Commission are open to the public and all records and documents of the Commission, or of any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, are considered public information. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission cannot communicate with any person outside the Commission about matters related to reapportionment or redistricting outside of a public meeting or hearing. Written public comments submitted to the Commission, staff of the Commission, or any other advisor or consultant to the Commission are also prohibited from violating this provision. The Communications and Outreach Consultant will assist the Commission in fulfilling their legal obligations and collective goals as they pursue a new process involving new redistricting criteria and requiring transparency and public engagement throughout the map drawing process.

III. SCOPE OF SERVICES:

A. The Commission is seeking proposals from experienced communications and outreach professionals who are well respected, independent, and trusted within their field. We are seeking a contractor or firm (Offeror) with integrity and nonpartisan reputation, as well as ample experience ensuring processes are fair and consistent with the necessary requirements. The Offeror entrusted with this responsibility will be expected to provide outreach expertise in conjunction with the Commission and other commission staff to help meet the commissions legal responsibilities and stated goals.

B. The selected Offeror will develop a proactive media strategy; develop and maintain relationships with the media; draft press releases; serve as the main point of contact for all press inquiries; track media clips; and coordinate with staff and commissioners. The Offeror will also build and manage social media presence on various platforms, including Facebook, Instagram, and Twitter; proactively push messages about the redistricting process and milestones; and monitor misinformation about the redistricting process. The Offeror will work with the Commission's web developer to improve the customer-facing redistricting website, especially with regard to public comment, meetings, and meeting materials.

C. The chosen Offeror will collect information from a variety of sources including mail, email, comment during public meetings and hearings, publicly available input from outside organizations found online, and other forms of communications and media. The successful Offeror will be expected to compile such information in databased maintained for such

purpose. An analysis of such data will be periodically reported to the commission. It is particularly important that the information be synthesized in manner that will be useful to the commission during the map drawing process.

D. To ensure that information is gathered in a comprehensive and efficient manner, the selected Offeror will participate in all public meetings and hearings, and will be the person primarily responsible for organizing and coordinating public hearings. The Commission will conduct at least eight (8) in-person hearings and eight (8) virtual hearings. Each in-person meeting will also have a virtual component. Other commission staff will be available to assist at each meeting. The offeror will work to ensure robust attendance and public participation at hearings.

E. Any Offeror selected by the Commission will be required to enter into a contract for the work described in this RFP. It is anticipated that work will begin as soon as practicable following the RFP selection process and continue through approximately November, 2021.

F. Contractors, subcontractors, and employees must be in compliance with any applicable law or policy at all times. The Offeror must possess the skill, experience, ability, background, certification, and knowledge to provide the services described on the terms and conditions described herein.

IV. SCHEDULE OF EVENTS:

Action	Time	Date
Issuance of RFP		June 8, 2021
Questions Due	5:00 PM (EST)	June 14, 2021
Responses to Questions Posted to the Website	5:00 PM (EST)	June 15, 2021
Submissions Due	5:00 PM (EST)	June 18, 2021
Evaluation Period		June 18-25
Interview Period		June 25- July 2
Selection		July 5
Contract Award and Execution		July 12

V. CONFLICTS AND QUESTIONS:

Should there be conflicts between any proposal documents and the final executed contract document; the final executed contract shall take precedence. All questions and requests for

clarification must be received by the Division of Legislative Services before 5:00 PM (EST) on June 15, 2021.

VI. PROPOSAL PREPARATION AND INSTRUCTIONS:

A. In order to be considered for selection, the Offeror must submit a complete response to this solicitation. One (1) original (specifically marked “Original”), one (1) digital, sixteen (16) hard copies and one redacted copy if invoking trade secrets or proprietary information under § 2.2-4342 of the Code of Virginia, of the proposal must be submitted to the Division of Legislative Services. No other distribution of the proposal shall be made by the Offeror.

1. Proposals shall be signed by an authorized representative of the Offeror. All information requested must be submitted. Failure to submit all information requested may result in the Division of Legislative Services requiring prompt submission of missing information, giving a lowered evaluation of the proposal, and/or finding the proposal non responsive. Mandatory requirements are those required by law or such that they are determined in the sole discretion of the Budget and Finance Subcommittee of the Commission to be formalities that cannot be waived and are not subject to negotiation.
2. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content. Elaborate brochures and excessive promotional materials are not required or desired.
3. Proposals should be organized in the order in which the requirements are presented in the RFP. All pages of the proposal should be numbered. Each paragraph should reference the paragraph number of the corresponding section of the RFP. It is also helpful to cite the paragraph number, sub-number, and repeat the text of the requirement as it appears in the RFP. If a response covers more than one page, the paragraph number and sub-number should be cross repeated at the top of the next page. The proposal should contain a table of contents which cross references the RFP requirements. Information which the Offeror desires to present that does not fall within an area of the requirement of the RFP should be inserted at an appropriate place or be attached at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed

VII. SPECIFIC PROPOSAL INSTRUCTIONS:

A. Offerors interested in performing the communications and outreach services as described herein are asked to submit the following information formatted into Sections 1-6 as requested below. Responses should not exceed 25 pages, not including resumes and client lists. The responses must be whole and complete in the submitted document and not depend on hyperlinks for required content.

1. Work Plan

The Offeror should submit a work plan proposal that meets the needs outlined in section III. Scope of Services, above. Such plan shall at a minimum identify:

- a. Methods and strategies to increase public engagement and input in the development of draft redistricting maps in the process of approving and adopting a redistricting map, with particular focus on communities of interest, underserved communities, and communities that have been historically disengaged from the redistricting process.
- b. Appropriate outreach and venues for in-person and/or virtual meetings for each target community.
- c. Appropriate hours for meetings for each target community to accommodate all residents (e.g., regular business hours, on weekends, or during evening hours).
- d. Appropriate translation services and translated written materials for the target communities at all public meetings and events to meet the applicable language requirements in state law and in coordination with IRC and the County.
- e. Enhancements to the website to maximize interest, user friendliness, traffic and engagement.
- f. An optimal media and public relations strategy for advertising community outreach events, that includes posting information on a public facing website, social media, email distributions, mailers, posters/flyers, local radio and television, PSAs, including collateral materials, such as presentations, standard talking points and FAQs for the Commission.
- g. A variety of tools to solicit broad and diverse community input including, but not limited to, surveys and questionnaires, online input tools, and/or public comment.
- h. A methodology for producing useful and appropriate data for the drawing of district maps from public comment and other sources of information.

2. Personnel

In the case of a firm or other entity, identify the lead consultant and other firm staff, if any, who will be assigned to the work and the anticipated percentage of time for each. Also, please attach a resume for each individual expected to perform work on the contract for communications and outreach services.

3. Consultant/Firm General Description

All applicants should describe their overall approach to handling redistricting matters. If the Offeror is a firm or other entity, provide a general description of the firm.

4. Experience

List significant experience in districting, redistricting, and elections activities, or other significant professional background and experience as appropriate, as to each of the individuals expected to perform work on the contract listed in 2. above. The educational background of each individual should also be provided. The commission is particularly interested in the Offeror's experience working with community groups, hard-to-reach rural areas, communities historically disengaged from the governmental process, and non-English speaking communities.

Provide a minimum of four (4) past or current clients where the Offeror has demonstrated its qualifications in any or all of the areas requested under this RFP. Must include the name,

title, organization, address, telephone and e-mail address of the person most familiar with work completed.

Please end with a summary of how the Offeror's experience prepares them to perform the services sought by this RFP.

5. Conflicts of Interest

Redistricting is a politically sensitive subject and the Commission has expressed a desire to contract for communications and outreach services in a manner that promotes public confidence in its independence and impartiality. The Offeror shall provide the following as part of this Solicitation:

- a. Identification of any actual, as well as potential, conflicts of interest under the state conflict-of-interest statutes.
- b. Identification of any current or previous political activity or consultancy, whether as a candidate, a lobbyist, an officer of a political committee, campaign worker or fundraiser, or as a consultant for the above or for any political party or governmental or political entity.
- c. The Offeror should submit a statement addressing their ability to remain nonpartisan and their ability to work with members from all political persuasions in a highly politically charged environment.

6. Fee Arrangements

The Commission requests all applicants to provide a fee estimate based on the description of the work contained in this Request for Information. It is the Commission's preference to contract for the communications and outreach services described herein, on a fixed fee rather than an hourly basis, assuming the assignment will continue through November, 2021. The Commission recognizes that it is not presently possible to state the number of meetings at which the selected Offeror will need to be present, and as such requests an estimate of such fees on a per meeting basis.

Please describe your willingness to contract in this manner and how you would structure such a proposal. In the alternative, the Commission will also consider an hourly fee estimate.

VIII. DISCLOSURE OF PROPOSAL CONTENTS:

Offerors should be aware that, with the exception of trade secrets or proprietary information under § 2.2-4342 of the Code of Virginia, the contents of proposals will be made public as will the terms of any contract entered into with an Offeror or Offerors selected by the commission. The Commission may use any ideas presented in any proposal. Selection or rejection of a proposal does not affect this provision.

IX. SUBMITTAL PROCESS AND INFORMATION:

A. One (1) original (specifically marked “Original”), one (1) digital, and sixteen (16) hard copies of the proposal shall be submitted. Facsimile copies will not be accepted. Sealed proposals should be delivered to the Virginia Division of Legislative Services

B. Offerors that submit a response to this RFP may be required to make an oral presentation of their proposal with participation by key personnel pursuant to Section XI. The Budget and Finance Subcommittee reserves the right to request clarification of information submitted. Failure to provide this additional information within a reasonable time period, as specified by the Commission, the Budget and Finance Subcommittee, or Commission staff, shall be reason for the Offeror’s proposal to be considered non-responsive.

C. The Commission shall not be responsible for any expense incurred by the Offeror in preparing and submitting a proposal, for answering any subsequent inquiries, interviews for evaluation, or contract negotiations. All submissions are final.

D. Ownership of all data, materials and documentation originated and prepared pursuant to the RFP shall belong exclusively to the Commission and shall be subject to public inspection in accordance with the Virginia Freedom of Information Act and Virginia Public Procurement Act. Data, materials, and documents prepared in furtherance of any contract issued as a result of this RFP shall not be distributed to any third parties without the Commission’s authorization. Any requests for data, materials, and documents by third parties (other than approved subconsultants) made to a Consultant prepared in furtherance of any contract issued as a result of this RFP should be redirected to the Commission as the owner and custodian of the records.

Trade secrets or proprietary information submitted by the Offeror shall not be subject to public disclosure under the Virginia Freedom of Information Act, provided that the Offeror invokes the protection of Section 2.2-4342 of the Code of Virginia, in writing, either before or at the time the data is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must be indicated on the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal as proprietary or trade secrets is not acceptable and will result in rejection and return of the proposal.

E. Late Proposals: To be considered for selection, proposals must be received in the issuing agency’s office by the designated date and hour. Proposals received in the issuing office after the date and hour designated may be disqualified and may not be considered. The Commission is not responsible for delays in the delivery of mail by the U.S. Postal Service or private couriers. It is the sole responsibility of the Offeror to insure that its proposal reaches the issuing agency’s office by the designated date and hour. Receipt of proposals scheduled during a period of suspended Commission business operations will be rescheduled for processing at the same time on the next business day.

X. SELECTION CRITERIA:

A. Evaluation of proposals shall be in accordance with Virginia Code § 2.2-4302.2(A)(4). A Selection Committee composed of representatives from the Budget and Finance Subcommittee will evaluate each proposal received and submit a recommendation. Selection will be made on the basis of responsive/responsible determination, qualifications and experience, references and resources.

B. The evaluation of the proposals and subsequent interview evaluations of the shortlisted candidates will focus on the following:

Factors	Point Value
Work Plan. (a) The degree to which the Offeror's work plan meets the needs set forth in III. Scope of Services above, (b) does the plan deliver comprehensive, high quality, innovative, low risk, efficient, and effective communications and outreach services pertaining to redistricting, (c) is it likely that the Offeror's approach on communications and outreach in Virginia will facilitate engagement and participation of the public in the redistricting process?	30
Qualifications and experience of Consultant/Firm, including (a) past performance on similar undertakings, (b) experience with similar clients, (c) qualifications and expertise of personnel and, (d) resources committed to the Commission.	20
Demonstrated competence and knowledge. General quality of submission, including (a) an understanding of the Commission's requirements under this RFP and (b) responsiveness to terms and conditions.	20
Capacity and Resources. The Offeror must have the capacity and resources to perform all of the previously-described services in a prompt, responsive manner and with excellent work quality in the timeframe needed.	20
Client List Summary/References. Provide a minimum of four (4) past or current clients where the Offeror has demonstrated its qualifications in any or all of the areas requested under this RFP. Must include the name, title, organization, address, telephone and e-mail address of the person most familiar with work completed.	10
Total	100

XI. ORAL PRESENTATIONS

Offerors who submit a proposal in response to this RFP may be required to give an oral presentation of their proposal. This will provide an opportunity for the offeror to clarify or elaborate on the proposal. This is a fact finding and explanation session only and will not include negotiation. The Budget and Finance Subcommittee will schedule the time and location of these presentations. Oral presentations are an option of the Budget and Finance Subcommittee and may or may not be conducted. Should an Offeror receive a request for an oral presentation, the evaluation criteria relative to the oral presentation will be detailed in a written notice of the request.

XII. AWARD OF CONTRACTS:

A. The Budget and Finance Subcommittee shall evaluate proposals received. The Subcommittee shall consider proposals that comply with the requirements contained in this RFP. Based on analysis of the proposals submitted by the Offerors, the Subcommittee shall rank the Offerors considered to be the most qualified based on the evaluation factors specified above.

B. The Commission shall engage in individual discussions with two or more Offerors deemed fully qualified, responsible and suitable on the basis of initial responses and ranking and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The Offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. At the discussion stage, the Commission may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing Offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the Commission shall select in the order of preference two or more Offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the Offeror ranked first. If a contract satisfactory and advantageous to the Commission can be negotiated at a price considered fair and reasonable, the award shall be made to that Offeror. Otherwise, negotiations with the Offeror ranked first shall be formally terminated and negotiations conducted with the Offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the Subcommittee or the Commission determine in writing and in its sole discretion that only one Offeror is fully qualified, or that one Offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded solely to that Offeror. If multiple contracts are to be awarded, the Commission may begin negotiations with the top two ranked Offerors and proceed down the ranking until the sought after number of fair and reasonable contracts can be negotiated.

C. Any and all costs associated with the preparation of responses to this Request for Proposals, including site visits, oral presentations and any other costs shall be entirely the responsibility of the Offeror and shall not be reimbursable in any manner by the Commission.

D. The Commission reserves the right to reject any or all proposals, to waive any technicalities in proposals received, and to negotiate and to accept the proposal which shall be in the Commission's best interest.

E. The Commission may cancel this Request for Proposals at any time prior to an award, and is not required to furnish a reason why a particular proposal was not deemed the most advantageous.

XIII. CONTRACT TERM AND REGULATORY COMPLIANCE:

Contract term shall be for four (4) months from the date of execution, with monthly renewal options not to exceed a total of one (1) year.

XIV. PREPROPOSAL CONFERENCE:

No pre-proposal conference is scheduled for this procurement.

Appendix A: Required General Terms and Conditions

Appendix B: Special Terms and Conditions

REQUEST FOR PROPOSALS (RFP)
PROFESSIONAL SERVICES

ISSUE DATE: June 8, 2021
TITLE: Legal Services (Democratic)
ISSUED BY: the Virginia Redistricting Commission
PERIOD OF CONTRACT: Four (4) months from the date of execution, with monthly
renewal options not to exceed a total of one (1) year.

Proposals for the above titled project will be received until 5:00 PM (EST) on June 18, 2021. Any proposals received after the specified time and date will not be considered. See Section VI and VII for specific instructions for the completion of proposals.

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LEGAL SERVICES

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I. PURPOSE:

The Virginia Redistricting Commission (the Commission) is issuing a request for proposals (RFP) from prospective qualified independent counsel for the purpose of providing expert legal and advisory services specific to the analysis and application of the Voting Rights Act (VRA) and other state and federal laws applicable to redistricting. The goal is to acquire professional legal services from a highly qualified provider with a demonstrated background representing Democratic Party institutions or individuals in or affiliated with such institutions at a fair and reasonable price.

II. BACKGROUND:

In 2020, Virginia voters amended the state constitution to put the power to draw state and congressional district lines in the hands of a commission comprised of citizens and legislators. The sixteen member commission constituted pursuant to Article II, Section 6-A of the Constitution of Virginia is charged with the timely creation of proposed district plans for submittal to the Virginia General Assembly. All meetings of the Commission are open to the public and all records and documents of the Commission, or of any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, are considered public information. Such meetings and records are subject to the Virginia Freedom of Information Act. Pursuant to subsection H of § 30-392 of the Code of Virginia, in the event the Commission hires a lawyer or law firm, the Commission as an entity is the client of the lawyer or the law firm. No individual commissioner or group of commissioners shall be considered to be the client of the lawyer or the law firm.

III. SCOPE OF SERVICES:

- A. The Commission is seeking proposals from qualified, licensed, and bonded Lawyers or Law Firms (the Offeror) with a demonstrated background representing Democratic Party institutions or individuals in or affiliated with such institutions to provide all the necessary services required under the solicitation for a wide range of legal services related to state and congressional redistricting. Selected counsel must be able to work with members from all political persuasions in a highly politically charged environment.
- B. The Offeror shall furnish all personnel and supplies/materials, to perform and complete all work required to provide Professional Legal Services to support the Commission in accordance with Scope of Services described herein.
- C. The Offeror agrees to hold itself at all times ready and available to provide the legal services call for under the terms of this solicitation and subsequent contract, and to refrain from accepting employment from other clients which may be in conflict with the duties assumed by the Offeror in support of a contract pursuant to this solicitation.
- D. The required legal and advisory services may include, but will not be limited to, legal support to the Commission as well as Commission staff, attorneys and consultants regarding the redistricting process based on publicly available data, specifically as it relates to compliance with the federal Voting Rights Act and similar criteria outlined in § 24.2-304.04 of the Code of Virginia.

E. Any Offeror selected by the Commission will be required to enter into a contract for the work described in this RFP. It is anticipated that work will begin as soon as practicable following the RFP selection process and continue through approximately November, 2021.

F. The Offeror must have demonstrated expertise in the federal Voting Rights Act and the application of it in evaluating redistricting plans during a redistricting process. In addition, expertise with Virginia election law (Title 24.2 of the Code of Virginia) and relevant federal and state case law are preferred. Participation in public meetings as requested by the Commission is required.

G. Qualifications and responsibilities for an Offeror are as follows below:

1. Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to the full range of redistricting activities.
2. Work with and advise the Commission, its staff, attorneys and consultants with respect to legal issues (in particular pertaining to the Voting Rights Act) in connection with drawing new district boundaries and advise the Commission, its staff, attorneys, and consultants as to the procedures, legality of documents, policy concerns, and legal implications concerning redistricting activities.
3. Advise the Commission, its staff, attorneys, and consultants regarding the requirements of State and Federal laws relevant to redistricting activities, and in particular demonstrate expertise and experience with Section 2 and Section 5 of the Voting Rights Act, and relevant case law. This advice will require the use and analysis of Racially Polarized Voting data developed by consultants obtained by either legal counsel or the Commission, as decided by the Commission.
4. Advise the Commission, its staff, attorneys and consultants of litigation risks associated with redistricting activities and approaches to limit such risks.
5. Participate in litigation or provide expert witness services related to compliance with the Voting Rights Act as well as state and federal laws.
6. Attend various meetings and hearings, including but not limited to Commission public meetings and hearings when requested by Commission members or its staff.

H. Contractors, subcontractors, 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 Virginia State Bar through the full contract term and any extensions. If the Offeror is not licensed to practice in the Commonwealth of Virginia, please provide information on local counsel that would be engaged or the process that would be used to select local counsel if direct representation becomes necessary, and whether their role is anticipated to be advisory or more substantive in nature. The Offeror must possess the skill, experience, ability, background, certification, and knowledge to provide the services described on the terms and conditions described herein.

IV. SCHEDULE OF EVENTS:

<u>Action</u>	<u>Time</u>	<u>Date</u>
Issuance of RFP		June 8, 2021
Questions Due	5:00 PM (EST)	June 14, 2021
Responses to Questions Posted to the Website	5:00 PM (EST)	June 15, 2021
Submissions Due	5:00 PM (EST)	June 18, 2021
Evaluation Period		June 18-25
Interview Period		June 25- July 2
Selection		July 5
Contract Award and Execution		July 12

V. CONFLICTS AND QUESTIONS:

Should there be conflicts between any proposal documents and the final executed contract document; the final executed contract shall take precedence. All questions and requests for clarification must be received by the Division of Legislative Services before 5:00 PM (EST) on June 15, 2021.

VI. PROPOSAL PREPARATION AND INSTRUCTIONS:

A. In order to be considered for selection, Offerors must submit a complete response to this solicitation. One (1) original (specifically marked “Original”), one (1) digital, eighteen (18) hard copies and one redacted copy if invoking trade secrets or proprietary information under § 2.2-4342 of the Code of Virginia, of the proposal must be submitted to the Division of Legislative Services. No other distribution of the proposal shall be made by the Offeror.

1. Proposals shall be signed by an authorized representative of the Offeror. All information requested must be submitted. Failure to submit all information requested may result in the Division of Legislative Services requiring prompt submission of missing information, giving a lowered evaluation of the proposal, and/or finding the proposal non responsive. Mandatory

requirements are those required by law or such that they are determined in the sole discretion of the Budget and Finance Subcommittee of the Commission to be formalities that cannot be waived and are not subject to negotiation.

2. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content. Elaborate brochures and excessive promotional materials are not required or desired.

3. Proposals should be organized in the order in which the requirements are presented in the RFP. All pages of the proposal should be numbered. Each paragraph should reference the paragraph number of the corresponding section of the RFP. It is also helpful to cite the paragraph number, sub-number, and repeat the text of the requirement as it appears in the RFP. If a response covers more than one page, the paragraph number and sub-number should be cross repeated at the top of the next page. The proposal should contain a table of contents which cross references the RFP requirements. Information which the Offeror desires to present that does not fall within an area of the requirement of the RFP should be inserted at an appropriate place or be attached at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed

VII. SPECIFIC PROPOSAL INSTRUCTIONS:

A. Offerors interested in performing the legal services as described herein are asked to submit the following information formatted into Sections 1-5 as requested below. Responses should not exceed 20 pages, not including resumes and client lists. The responses must be whole and complete in the submitted document and not depend on hyperlinks for required content.

1. Personnel

In the case of a law firm or other entity, identify the lead lawyer and other lawyers, if any, who will be assigned to the work and the anticipated percentage of time for each. Also please attach a resume for each lawyer.

Please indicate whether you would prefer to be responsible to obtain an RPV analyst, or would prefer the Commission do so. In either case, the Commission will make the final decision in this matter.

2. Attorney/Firm General Description and Political Affiliation

All Offerors should describe their overall approach to handling redistricting matters. If the Offeror is a law firm or other entity, provide a general description of the firm. The offeror should identify any current or previous political activity or representation, whether as a candidate, a lobbyist, an officer of a political committee, campaign worker or fundraiser, or as an attorney for the above or for any political party or governmental or political entity.

3. Experience

List significant experience in districting, redistricting, and elections activities, as described in Section V above, as to each of the attorneys listed above. The list should include:

- (a) The names of the public entities or private parties represented in redistricting matters, including experience representing boards or commissions in connection with this work
- (b) The principal legal issues presented in each matter handled by the attorney, law firm or entity
- (c) Experience with Section 2 and Section 5 of the Voting Rights Act
- (d) The outcome of prior redistricting representations, e.g., resolved without litigation, negotiated settlement, or trial
- (e) Any experience with voting rights litigation not related to the VRA
- (f) Any relevant published work
- (g) Identification of three (3) major cases or other matters in which the lawyer has participated, together with the names, addresses, and telephone number of all co-counsel and the names of opposing counsel involved.

Please end with a summary of how the Offeror's experience prepares them to perform the services sought by this RFP.

4. Conflicts of Interest

The Commission has expressed a desire to contract with private counsel in a manner that promotes public confidence in its independence and impartiality. The Offeror shall provide the following as part of this Solicitation:

- (a) Identification of any actual, as well as potential, conflicts of interest under either the Rules of Professional Conduct which govern attorneys or the state conflict-of-interest statutes.
- ~~(b) Identification of any current or previous political activity or representation, whether as a candidate, a lobbyist, an officer of a political committee, campaign worker or fundraiser, or as an attorney for the above or for any political party or governmental or political entity.~~
- (c) Whether the lawyer(s) has ever been subject to any disciplinary proceeding or been sanctioned by a court.

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.

5. Fee Arrangements

The Commission requests all applicants to provide a fee estimate based on the description of the work contained in this Request for Information. It is the Commission's preference to contract for the legal services described herein, exclusive of litigation and attendance at public meetings, on a fixed fee rather than an hourly basis, assuming the assignment will continue through November, 2021. The Commission recognizes that it is not presently possible to state the number of meetings at which counsel will need to be present, and as such requests an estimate of such fees on a per meeting basis.

Please describe your willingness to contract in this manner and how you would structure such a proposal. In the alternative, the Commission will also consider an hourly fee estimate.

VIII. DISCLOSURE OF PROPOSAL CONTENTS:

Offerors should be aware that, with the exception of trade secrets or proprietary information under § 2.2-4342 of the Code of Virginia, the contents of proposals will be made public as will the terms of any contract entered into with an Offeror or Offerors selected by the commission. The Commission may use any ideas presented in any proposal. Selection or rejection of a proposal does not affect this provision.

IX. SUBMITTAL PROCESS AND INFORMATION:

A. One (1) original (specifically marked “Original”), one (1) digital, and seven (16) hard copies of the proposal shall be submitted. Facsimile copies will not be accepted. Sealed proposals should be delivered to the Virginia Division of Legislative Services

B. Offerors that submit a response to this RFP may be required to make an oral presentation of their proposal with participation by key personnel pursuant to Section XI. The Budget and Finance Subcommittee reserves the right to request clarification of information submitted. Failure to provide this additional information within a reasonable time period, as specified by the Commission, the Budget and Finance Subcommittee, or Commission staff, shall be reason for the Offeror’s proposal to be considered non-responsive.

C. The Commission shall not be responsible for any expense incurred by the Offeror in preparing and submitting a proposal, for answering any subsequent inquiries, interviews for evaluation, or contract negotiations. All submissions are final.

D. Ownership of all data, materials and documentation originated and prepared pursuant to the RFP shall belong exclusively to the Commission and shall be subject to public inspection in accordance with the Virginia Freedom of Information Act and Virginia Public Procurement Act. Data, materials, and documents prepared in furtherance of any contract issued as a result of this RFP shall not be distributed to any third parties without the Commission’s authorization. Any requests for data, materials, and documents by third parties (other than approved subconsultants) made to a Consultant prepared in furtherance of any contract issued as a result of this RFP should be redirected to the Commission as the owner and custodian of the records.

Trade secrets or proprietary information submitted by the Offeror shall not be subject to public disclosure under the Virginia Freedom of Information Act, provided that the Offeror invokes the protection of Section 2.2-4342 of the Code of Virginia, in writing, either before or at the time the data is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or

underlining and must be indicated on the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal as proprietary or trade secrets is not acceptable and will result in rejection and return of the proposal.

E. Late Proposals: To be considered for selection, proposals must be received in the issuing agency’s office by the designated date and hour. Proposals received in the issuing office after the date and hour designated may be disqualified and may not be considered. The Commission is not responsible for delays in the delivery of mail by the U.S. Postal Service or private couriers. It is the sole responsibility of the Offeror to insure that its proposal reaches the issuing agency’s office by the designated date and hour. Receipt of proposals scheduled during a period of suspended Commission business operations will be rescheduled for processing at the same time on the next business day.

X. SELECTION CRITERIA:

A. Evaluation of proposals shall be in accordance with Virginia Code § 2.2-4302.2(A)(4). A Selection Committee composed of representatives from the Budget and Finance Subcommittee will evaluate each proposal received and submit a recommendation. Selection will be made on the basis of responsive/responsible determination, qualifications and experience, references and resources.

B. The evaluation of the proposals and subsequent interview evaluations of the shortlisted candidates will focus on the following:

<u>Factors</u>	<u>Point Value</u>
Qualifications and experience of Law Firm , including (a) past performance on similar undertakings, (b) experience with similar clients, (c) qualifications and expertise of personnel and, (d) resources committed to the Commission.	30
Demonstrated competence and knowledge. General quality of submission, including (a) an understanding of the Commission’s requirements under this RFP and (b) responsiveness to terms and conditions.	30
Capacity and Resources. The Offeror must have the capacity and resources to perform all of the previously-described services in a prompt, responsive manner and with excellent work quality in the timeframe needed.	30
Client List Summary/References. Provide a minimum of four (4) past or current clients where the Offeror has demonstrated its qualifications in any or all of the areas requested under this RFP. Must include the name, title, organization, address, telephone and e-mail address of the person most familiar with work completed.	10

Total	100

XI. ORAL PRESENTATIONS

Offerors who submit a proposal in response to this RFP may be required to give an oral presentation of their proposal. This will provide an opportunity for the offeror to clarify or elaborate on the proposal. This is a fact finding and explanation session only and will not include negotiation. The Budget and Finance Subcommittee will schedule the time and location of these presentations. Oral presentations are an option of the Budget and Finance Subcommittee and may or may not be conducted. Should an Offeror receive a request for an oral presentation, the evaluation criteria relative to the oral presentation will be detailed in a written notice of the request.

XII. AWARD OF CONTRACTS:

A. The Budget and Finance Subcommittee shall evaluate proposals received. The Subcommittee shall consider proposals that comply with the requirements contained in this RFP. Based on analysis of the proposals submitted by the Offerors, the Subcommittee shall rank the Offerors considered to be the most qualified based on the evaluation factors specified above.

B. The Commission shall engage in individual discussions with two or more Offerors deemed fully qualified, responsible and suitable on the basis of initial responses and ranking and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The Offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. At the discussion stage, the Commission may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing Offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the Commission shall select in the order of preference two or more Offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the Offeror ranked first. If a contract satisfactory and advantageous to the Commission can be negotiated at a price considered fair and reasonable, the award shall be made to that Offeror. Otherwise, negotiations with the Offeror ranked first shall be formally terminated and negotiations conducted with the Offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the Subcommittee or the Commission determine in writing and in its sole discretion that only one Offeror is fully qualified, or that one Offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded solely to that Offeror. If multiple contracts are to be awarded, the Commission may begin negotiations with the top two ranked

Offerors and proceed down the ranking until the sought after number of fair and reasonable contracts can be negotiated.

C. Any and all costs associated with the preparation of responses to this Request for Proposals, including site visits, oral presentations and any other costs shall be entirely the responsibility of the Offeror and shall not be reimbursable in any manner by the Commission.

D. The Commission reserves the right to reject any or all proposals, to waive any technicalities in proposals received, and to negotiate and to accept the proposal which shall be in the Commission's best interest.

E. The Commission may cancel this Request for Proposals at any time prior to an award, and is not required to furnish a reason why a particular proposal was not deemed the most advantageous.

XIII. CONTRACT TERM AND REGULATORY COMPLIANCE:

Contract term shall be for four (4) months from the date of execution, with monthly renewal options not to exceed a total of one (1) year.

XIV. PREPROPOSAL CONFERENCE:

No pre-proposal conference is scheduled for this procurement.

Appendix A: Required General Terms and Conditions

Appendix B: Special Terms and Conditions

REQUEST FOR PROPOSALS (RFP)
PROFESSIONAL SERVICES

ISSUE DATE: June 8, 2021
TITLE: Legal Services (Republican)
ISSUED BY: the Virginia Redistricting Commission
PERIOD OF CONTRACT: Four (4) months from the date of execution, with monthly
renewal options not to exceed a total of one (1) year.

Proposals for the above titled project will be received until 5:00 PM (EST) on June 18, 2021. Any proposals received after the specified time and date will not be considered. See Section VI and VII for specific instructions for the completion of proposals.

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LEGAL SERVICES

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I. PURPOSE:

The Virginia Redistricting Commission (the Commission) is issuing a request for proposals (RFP) from prospective qualified independent counsel for the purpose of providing expert legal and advisory services specific to the analysis and application of the Voting Rights Act (VRA) and other state and federal laws applicable to redistricting. The goal is to acquire professional legal services from a highly qualified provider with a demonstrated background representing Republican Party institutions or individuals in or affiliated with such institutions at a fair and reasonable price.

II. BACKGROUND:

In 2020, Virginia voters amended the state constitution to put the power to draw state and congressional district lines in the hands of a commission comprised of citizens and legislators. The sixteen member commission constituted pursuant to Article II, Section 6-A of the Constitution of Virginia is charged with the timely creation of proposed district plans for submittal to the Virginia General Assembly. All meetings of the Commission are open to the public and all records and documents of the Commission, or of any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, are considered public information. Such meetings and records are subject to the Virginia Freedom of Information Act. Pursuant to subsection H of § 30-392 of the Code of Virginia, in the event the Commission hires a lawyer or law firm, the Commission as an entity is the client of the lawyer or the law firm. No individual commissioner or group of commissioners shall be considered to be the client of the lawyer or the law firm.

III. SCOPE OF SERVICES:

- A. The Commission is seeking proposals from qualified, licensed, and bonded Lawyers or Law Firms (the Offeror) with a demonstrated background representing Republican Party institutions or individuals in or affiliated with such institutions to provide all the necessary services required under the solicitation for a wide range of legal services related to state and congressional redistricting. Selected counsel must be able to work with members from all political persuasions in a highly politically charged environment.
- B. The Offeror shall furnish all personnel and supplies/materials, to perform and complete all work required to provide Professional Legal Services to support the Commission in accordance with Scope of Services described herein.
- C. The Offeror agrees to hold itself at all times ready and available to provide the legal services call for under the terms of this solicitation and subsequent contract, and to refrain from accepting employment from other clients which may be in conflict with the duties assumed by the Offeror in support of a contract pursuant to this solicitation.
- D. The required legal and advisory services may include, but will not be limited to, legal support to the Commission as well as Commission staff, attorneys and consultants regarding the redistricting process based on publicly available data, specifically as it relates to compliance with the federal Voting Rights Act and similar criteria outlined in § 24.2-304.04 of the Code of Virginia.

E. Any Offeror selected by the Commission will be required to enter into a contract for the work described in this RFP. It is anticipated that work will begin as soon as practicable following the RFP selection process and continue through approximately November, 2021.

F. The Offeror must have demonstrated expertise in the federal Voting Rights Act and the application of it in evaluating redistricting plans during a redistricting process. In addition, expertise with Virginia election law (Title 24.2 of the Code of Virginia) and relevant federal and state case law are preferred. Participation in public meetings as requested by the Commission is required.

G. Qualifications and responsibilities for an Offeror are as follows below:

1. Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to the full range of redistricting activities.
2. Work with and advise the Commission, its staff, attorneys and consultants with respect to legal issues (in particular pertaining to the Voting Rights Act) in connection with drawing new district boundaries and advise the Commission, its staff, attorneys, and consultants as to the procedures, legality of documents, policy concerns, and legal implications concerning redistricting activities.
3. Advise the Commission, its staff, attorneys, and consultants regarding the requirements of State and Federal laws relevant to redistricting activities, and in particular demonstrate expertise and experience with Section 2 and Section 5 of the Voting Rights Act, and relevant case law. This advice will require the use and analysis of Racially Polarized Voting data developed by consultants obtained by either legal counsel or the Commission, as decided by the Commission.
4. Advise the Commission, its staff, attorneys and consultants of litigation risks associated with redistricting activities and approaches to limit such risks.
5. Participate in litigation or provide expert witness services related to compliance with the Voting Rights Act as well as state and federal laws.
6. Attend various meetings and hearings, including but not limited to Commission public meetings and hearings when requested by Commission members or its staff.

H. Contractors, subcontractors, 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 Virginia State Bar through the full contract term and any extensions. If the Offeror is not licensed to practice in the Commonwealth of Virginia, please provide information on local counsel that would be engaged or the process that would be used to select local counsel if direct representation becomes necessary, and whether their role is anticipated to be advisory or more substantive in nature. The Offeror must possess the skill, experience, ability, background, certification, and knowledge to provide the services described on the terms and conditions described herein.

IV. SCHEDULE OF EVENTS:

<u>Action</u>	<u>Time</u>	<u>Date</u>
Issuance of RFP		June 8, 2021
Questions Due	5:00 PM (EST)	June 14, 2021
Responses to Questions Posted to the Website	5:00 PM (EST)	June 15, 2021
Submissions Due	5:00 PM (EST)	June 18, 2021
Evaluation Period		June 18-25
Interview Period		June 25- July 2
Selection		July 5
Contract Award and Execution		July 12

V. CONFLICTS AND QUESTIONS:

Should there be conflicts between any proposal documents and the final executed contract document; the final executed contract shall take precedence. All questions and requests for clarification must be received by the Division of Legislative Services before 5:00 PM (EST) on June 15, 2021.

VI. PROPOSAL PREPARATION AND INSTRUCTIONS:

A. In order to be considered for selection, Offerors must submit a complete response to this solicitation. One (1) original (specifically marked “Original”), one (1) digital, eighteen (18) hard copies and one redacted copy if invoking trade secrets or proprietary information under § 2.2-4342 of the Code of Virginia, of the proposal must be submitted to the Division of Legislative Services. No other distribution of the proposal shall be made by the Offeror.

1. Proposals shall be signed by an authorized representative of the Offeror. All information requested must be submitted. Failure to submit all information requested may result in the Division of Legislative Services requiring prompt submission of missing information, giving a lowered evaluation of the proposal, and/or finding the proposal non responsive. Mandatory

requirements are those required by law or such that they are determined in the sole discretion of the Budget and Finance Subcommittee of the Commission to be formalities that cannot be waived and are not subject to negotiation.

2. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content. Elaborate brochures and excessive promotional materials are not required or desired.

3. Proposals should be organized in the order in which the requirements are presented in the RFP. All pages of the proposal should be numbered. Each paragraph should reference the paragraph number of the corresponding section of the RFP. It is also helpful to cite the paragraph number, sub-number, and repeat the text of the requirement as it appears in the RFP. If a response covers more than one page, the paragraph number and sub-number should be cross repeated at the top of the next page. The proposal should contain a table of contents which cross references the RFP requirements. Information which the Offeror desires to present that does not fall within an area of the requirement of the RFP should be inserted at an appropriate place or be attached at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed

VII. SPECIFIC PROPOSAL INSTRUCTIONS:

A. Offerors interested in performing the legal services as described herein are asked to submit the following information formatted into Sections 1-5 as requested below. Responses should not exceed 20 pages, not including resumes and client lists. The responses must be whole and complete in the submitted document and not depend on hyperlinks for required content.

1. Personnel

In the case of a law firm or other entity, identify the lead lawyer and other lawyers, if any, who will be assigned to the work and the anticipated percentage of time for each. Also please attach a resume for each lawyer.

Please indicate whether you would prefer to be responsible to obtain an RPV analyst, or would prefer the Commission do so. In either case, the Commission will make the final decision in this matter.

2. Attorney/Firm General Description and Political Affiliation

All Offerors should describe their overall approach to handling redistricting matters. If the Offeror is a law firm or other entity, provide a general description of the firm. The Offeror should identify any current or previous political activity or representation, whether as a candidate, a lobbyist, an officer of a political committee, campaign worker or fundraiser, or as an attorney for the above or for any political party or governmental or political entity.

3. Experience

List significant experience in districting, redistricting, and elections activities, as described in Section V above, as to each of the attorneys listed above. The list should include:

- (a) The names of the public entities or private parties represented in redistricting matters, including experience representing boards or commissions in connection with this work
- (b) The principal legal issues presented in each matter handled by the attorney, law firm or entity
- (c) Experience with Section 2 and Section 5 of the Voting Rights Act
- (d) The outcome of prior redistricting representations, e.g., resolved without litigation, negotiated settlement, or trial
- (e) Any experience with voting rights litigation not related to the VRA
- (f) Any relevant published work
- (g) Identification of three (3) major cases or other matters in which the lawyer has participated, together with the names, addresses, and telephone number of all co-counsel and the names of opposing counsel involved.

Please end with a summary of how the Offeror's experience prepares them to perform the services sought by this RFP.

4. Conflicts of Interest

The Commission has expressed a desire to contract with private counsel in a manner that promotes public confidence in its independence and impartiality. The Offeror shall provide the following as part of this Solicitation:

- (a) Identification of any actual, as well as potential, conflicts of interest under either the Rules of Professional Conduct which govern attorneys or the state conflict-of-interest statutes.
- ~~(b) Identification of any current or previous political activity or representation, whether as a candidate, a lobbyist, an officer of a political committee, campaign worker or fundraiser, or as an attorney for the above or for any political party or governmental or political entity.~~
- (c) Whether the lawyer(s) has ever been subject to any disciplinary proceeding or been sanctioned by a court.

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.

5. Fee Arrangements

The Commission requests all applicants to provide a fee estimate based on the description of the work contained in this Request for Information. It is the Commission's preference to contract for the legal services described herein, exclusive of litigation and attendance at public meetings, on a fixed fee rather than an hourly basis, assuming the assignment will continue through November, 2021. The Commission recognizes that it is not presently possible to state the number of meetings at which counsel will need to be present, and as such requests an estimate of such fees on a per meeting basis.

Please describe your willingness to contract in this manner and how you would structure such a proposal. In the alternative, the Commission will also consider an hourly fee estimate.

VIII. DISCLOSURE OF PROPOSAL CONTENTS:

Offerors should be aware that, with the exception of trade secrets or proprietary information under § 2.2-4342 of the Code of Virginia, the contents of proposals will be made public as will the terms of any contract entered into with an Offeror or Offerors selected by the commission. The Commission may use any ideas presented in any proposal. Selection or rejection of a proposal does not affect this provision.

IX. SUBMITTAL PROCESS AND INFORMATION:

A. One (1) original (specifically marked “Original”), one (1) digital, and seven (16) hard copies of the proposal shall be submitted. Facsimile copies will not be accepted. Sealed proposals should be delivered to the Virginia Division of Legislative Services

B. Offerors that submit a response to this RFP may be required to make an oral presentation of their proposal with participation by key personnel pursuant to Section XI. The Budget and Finance Subcommittee reserves the right to request clarification of information submitted. Failure to provide this additional information within a reasonable time period, as specified by the Commission, the Budget and Finance Subcommittee, or Commission staff, shall be reason for the Offeror’s proposal to be considered non-responsive.

C. The Commission shall not be responsible for any expense incurred by the Offeror in preparing and submitting a proposal, for answering any subsequent inquiries, interviews for evaluation, or contract negotiations. All submissions are final.

D. Ownership of all data, materials and documentation originated and prepared pursuant to the RFP shall belong exclusively to the Commission and shall be subject to public inspection in accordance with the Virginia Freedom of Information Act and Virginia Public Procurement Act. Data, materials, and documents prepared in furtherance of any contract issued as a result of this RFP shall not be distributed to any third parties without the Commission’s authorization. Any requests for data, materials, and documents by third parties (other than approved subconsultants) made to a Consultant prepared in furtherance of any contract issued as a result of this RFP should be redirected to the Commission as the owner and custodian of the records.

Trade secrets or proprietary information submitted by the Offeror shall not be subject to public disclosure under the Virginia Freedom of Information Act, provided that the Offeror invokes the protection of Section 2.2-4342 of the Code of Virginia, in writing, either before or at the time the data is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or

underlining and must be indicated on the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal as proprietary or trade secrets is not acceptable and will result in rejection and return of the proposal.

E. Late Proposals: To be considered for selection, proposals must be received in the issuing agency’s office by the designated date and hour. Proposals received in the issuing office after the date and hour designated may be disqualified and may not be considered. The Commission is not responsible for delays in the delivery of mail by the U.S. Postal Service or private couriers. It is the sole responsibility of the Offeror to insure that its proposal reaches the issuing agency’s office by the designated date and hour. Receipt of proposals scheduled during a period of suspended Commission business operations will be rescheduled for processing at the same time on the next business day.

X. SELECTION CRITERIA:

A. Evaluation of proposals shall be in accordance with Virginia Code § 2.2-4302.2(A)(4). A Selection Committee composed of representatives from the Budget and Finance Subcommittee will evaluate each proposal received and submit a recommendation. Selection will be made on the basis of responsive/responsible determination, qualifications and experience, references and resources.

B. The evaluation of the proposals and subsequent interview evaluations of the shortlisted candidates will focus on the following:

<u>Factors</u>	<u>Point Value</u>
Qualifications and experience of Law Firm , including (a) past performance on similar undertakings, (b) experience with similar clients, (c) qualifications and expertise of personnel and, (d) resources committed to the Commission.	30
Demonstrated competence and knowledge. General quality of submission, including (a) an understanding of the Commission’s requirements under this RFP and (b) responsiveness to terms and conditions.	30
Capacity and Resources. The Offeror must have the capacity and resources to perform all of the previously-described services in a prompt, responsive manner and with excellent work quality in the timeframe needed.	30
Client List Summary/References. Provide a minimum of four (4) past or current clients where the Offeror has demonstrated its qualifications in any or all of the areas requested under this RFP. Must include the name, title, organization, address, telephone and e-mail address of the person most familiar with work completed.	10

Total	100

XI. ORAL PRESENTATIONS

Offerors who submit a proposal in response to this RFP may be required to give an oral presentation of their proposal. This will provide an opportunity for the offeror to clarify or elaborate on the proposal. This is a fact finding and explanation session only and will not include negotiation. The Budget and Finance Subcommittee will schedule the time and location of these presentations. Oral presentations are an option of the Budget and Finance Subcommittee and may or may not be conducted. Should an Offeror receive a request for an oral presentation, the evaluation criteria relative to the oral presentation will be detailed in a written notice of the request.

XII. AWARD OF CONTRACTS:

A. The Budget and Finance Subcommittee shall evaluate proposals received. The Subcommittee shall consider proposals that comply with the requirements contained in this RFP. Based on analysis of the proposals submitted by the Offerors, the Subcommittee shall rank the Offerors considered to be the most qualified based on the evaluation factors specified above.

B. The Commission shall engage in individual discussions with two or more Offerors deemed fully qualified, responsible and suitable on the basis of initial responses and ranking and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The Offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. At the discussion stage, the Commission may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing Offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the Commission shall select in the order of preference two or more Offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the Offeror ranked first. If a contract satisfactory and advantageous to the Commission can be negotiated at a price considered fair and reasonable, the award shall be made to that Offeror. Otherwise, negotiations with the Offeror ranked first shall be formally terminated and negotiations conducted with the Offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the Subcommittee or the Commission determine in writing and in its sole discretion that only one Offeror is fully qualified, or that one Offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded solely to that Offeror. If multiple contracts are to be awarded, the Commission may begin negotiations with the top two ranked

Offerors and proceed down the ranking until the sought after number of fair and reasonable contracts can be negotiated.

C. Any and all costs associated with the preparation of responses to this Request for Proposals, including site visits, oral presentations and any other costs shall be entirely the responsibility of the Offeror and shall not be reimbursable in any manner by the Commission.

D. The Commission reserves the right to reject any or all proposals, to waive any technicalities in proposals received, and to negotiate and to accept the proposal which shall be in the Commission's best interest.

E. The Commission may cancel this Request for Proposals at any time prior to an award, and is not required to furnish a reason why a particular proposal was not deemed the most advantageous.

XIII. CONTRACT TERM AND REGULATORY COMPLIANCE:

Contract term shall be for four (4) months from the date of execution, with monthly renewal options not to exceed a total of one (1) year.

XIV. PREPROPOSAL CONFERENCE:

No pre-proposal conference is scheduled for this procurement.

Appendix A: Required General Terms and Conditions

Appendix B: Special Terms and Conditions