FRANKLIN COUNTY, MISSOURI

REQUEST FOR QUALIFICATIONS

RFQ NO: 201819

OUTSIDE LEGAL COUNSEL FOR OPIOID LITIGATION

1. **Purpose.** Franklin County, Missouri is seeking qualified attorneys and/or law firms to act as Special County Counslors, perform legal services: specifically, to investigate and (if appropriate) file suit against manufactures, suppliers and distributors of prescription opioids. Counsel selected under this proposal would represent Franklin County, Missouri, and shall perform all necessary legal services, including investigation, legal research, preparations of legal memoranda, pleadings and briefs, and appearances before mediators and courts.

2. **Submissions.** Submissions shall be submitted, **in seal/labeled envelope**, to Franklin County Purchasing Department, 400 E Locust Rm 004, Union Mo 63084

3. **Deadline.** Submissions will be received until **Thursday, August 30, 2018 at 10:00 a.m.**

4. **Request for Qualifications and Interest.** The Request for Qualifications and Interest for this contract contains the following:
   A. Exhibit A, containing the Scope of Work and Contents of Request for this RFQ.

5. **Response.**

   a. To be given consideration, your Response should include the following, completed in full:

      i. Your Response to the attached Request for Qualifications and Interest;

      ii. Other required documents that in your judgment should be included;

      iii. Any and all relevant material to distinguish your firm from competitors; and

      iv. The Proposal may also contain any narrative, charts, tables, diagrams or other materials in addition to those called for herein; to the extent such additions are useful for clarity or completeness of the Proposal. Attachments should clearly indicate on each page the paragraph in the Proposal to which they pertain.

6. **Selection.** The County appointed evaluation team will review and make recommendations to the County Commission of Franklin County, Missouri.

7. Response **Costs.** All costs incurred in submitting a response to this Request for Qualifications and Interest (including costs associated with interviews) will be borne by the attorneys and/or law firm that submitted a response. Franklin County is not responsible for any costs associated with these submissions.

8. **Minority/Women Business Enterprise Program.** Franklin County, Missouri desires that Minority Business Enterprises (MBE) and Women's Business Enterprises (WEE) have a maximum opportunity to participate in the performance of Franklin County contracts. Although goals have not been set for this project, Franklin County encourages the use of MBE/WBE whenever possible.

9. **Questions.** All questions regarding this RFQ must be submitted in writing or by email not later than August 8, 2018 2:00 PM. Submit questions to:

   Franklin County Purchasing Department
   400 E Locust St Rm 004
   Union Mo 63084
   Facsimile: (636) 583-7373
   purchasing@franklinmo.net

EXHIBIT A

Scope of Work

1. Counsel will provide legal services to Franklin County, Missouri and the Office of the County Counselor. Counsel selected under this request shall act as Special County Counselors and will investigate and (if appropriate) file suit on behalf of Franklin County and against manufactures, suppliers and distributors of prescription opioids.

2. Services to be provided by counsel may include:

   a. *Legal analysis and options.* Advise County Commission and County Counselor on legal opportunities for recovery in the areas of opioid marketing, trade practices and related areas against manufacturers, suppliers and distrbutors of prescription opioids. Franklin County anticipates that counsel will approach the County Commission and County Counselor with specific options and will consult with the County Commission and County Counselor prior to proceeding with any action or filing for recovery. Possible options for representation may include direct actions, class actions lawsuits or any other process or method discussed and agreed to.

   b. *Preparation of legal documents.* Prepare all legal documents relating to any lawsuits, negotiations, settlements or other matters.

   c. *Litigate.* Prepare for any litigation and, together with the County Counselor, act as litigators on behalf of Franklin County, Missouri.

3. Counsel will owe a duty of loyalty to Franklin County. Counsel will not represent any pharmaceutical companies or those in related industries without the written consent of the County Commission.

Contents of Response

1. Your proposal should include the following. You may add any additional information you deem necessary or helpful.

2. Name of the firm(s) and full contact information.

3. A brief description of the firm(s), including the total number of attorneys.

4. *Conflicts.* Disclose all potential conflicts of interest as set forth in Rule 4 of the Missouri Rules of Professional Conduct (including 4-1.7 through 4-1.11), as well as any other potential conflicts of interest.

5. Please include information regarding the firm's workplace diversity policies and recruitment efforts.

6. Personnel to be involved.

a) *Key Personnel.* Provide the names and qualifications of the key personnel (attorneys) who will be assigned to work with the County Commission and the County Counselor during this representation. Please list where key personnel are licensed to practice.

b) *Designation of other staff members who may assist the principal or partner.* Please describe your firm's use of staff members (such as paralegals or other professionals) who may assist in this representation.

c) *Minority/Women Business Enterprise.* Franklin County, Missouri desires that Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE) have a maximum opportunity to participate in the performance of Franklin County contracts. Please explain your firm's hiring policies and explain any efforts it will make to ensure MBE/WBE participation in the contract.

7. *Experience in or related to Pharmaceutical Litigation.* Provide a description of any experience and a list of any representation related to pharmaceutical litigation or the pharmaceutical industry. Provide a description of any experience as lead counsel or leading pharmaceutical litigation.

8. *Experience and Role(s) in Other Significant Complex Litigation.* Provide a description of your firm's involvement and roles in significant complex litigation or class actions, including those cases that were consolidated as Multi-District Litigation.

9. *Litigation against Franklin County.* Does your firm, either in an individual or firm capacity, represent any party in litigation against Franklin County as of the date of your response? If yes, please list and describe the representation with an indication of the status of that representation and expected end date.

10. *Case Strategy.* Briefly discuss (and mark "Confidential Work Product"):

a. The pre-filing investigation that responder would do to ascertain Franklin County's potential damages, and tell us which resources responder would need from Franklin County to complete the investigation;

b. In which jurisdiction responder would file any lawsuit, and the advantages or disadvantages of filing there;

c. Responder's plan to deal with the multi-district consolidation;

11. *Legal Malpractice.* Identify any claims paid or final judgments for legal malpractice against you (firm and/or individuals) within the last five (5) years and the nature of the claim or judgment. Identify any pending claims (including claims being litigated) for legal malpractice against you (firm and/or individuals) and the nature of the claim and its current status.

12. *Disciplinary Actions.* Disclose any pending or prior professional disciplinary actions taken against the firm or key personnel within the last five (5) years.

13. *Discovery Plan.* Describe and set forth your plan to obtain the data necessary to pursue the case and the use of Franklin County personnel.

14. *Costs/Fees.* Describe and set forth your proposed fees and costs. Propose a compensation structure, including how expenses are handled. What, if any, costs or expenses do you expect Franklin County to provide?

ATTACHMENT 1

SEALED BID LABEL

PLEASE ATTACH LABEL TO OUTSIDE OF RESPONSE PACKAGE

SEALED RESPONSE ENCLOSED

DELIVER TO:
Purchasing Department
400 East Locust St, Rm 004
Union, MO 63084

BID # 201819 DATE: 08/30/18 10:00 AM

DESCRIPTION: Outside Legal Counsel for Opioid Litigation Services

Vendor Name: _____

Vendor Address: _____