

Colorado Department of Law
Office of the Attorney General, Philip J. Weiser
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REQUEST FOR INFORMATION

The Colorado Department of Law (“DOL”) announces that it is seeking the services of a legal services firm to represent the Governor and the Colorado Department of Public Health and Environment (“CDPHE”), and serve as Special Assistant Attorneys General to conduct an independent investigation of allegations regarding alleged improper non-enforcement of National Ambient Air Quality Standards as alleged by certain CDPHE Air Pollution Control Division (“APCD”) staff (the “Services”).

Scope: The Services will be supervised by the DOL, by DOL staff who do not provide day-to-day legal representation and counsel to CDPHE, and will include:

- (1) An independent and thorough investigation of factual allegations raised by CDPHE employees Rosendo Majano, De Vondria Reynolds, and Bradley Fink in their letter dated March 30, 2021 to the U.S. Environmental Protection Agency’s (“EPA”) Inspector General Sean W. O’Donnell (the “EPA Letter”) including all attachments provided to the EPA. The factual investigation will consider allegations in the EPA Letter that permits were unlawfully issued and that a CDPHE modeler was ordered to falsify data in a modeling report to ensure that no modeled violation would be reported;
- (2) An independent legal analysis of CDPHE’s statutory authority and discretion regarding Colorado’s legal obligations under the National Ambient Air Quality Standards program. The legal analysis will consider arguments and allegations advanced in the EPA letter, including evaluating CDPHE’s discretion regarding minor source modeling and changes to CDPHE’s air quality monitoring for minor sources that were announced by CDPHE to its employees on or about March 15, 2021; and
- (3) A public report.

Submissions: Interested firms should respond to this RFI by submitting a written proposal setting forth the firm’s qualifications and proposed workplan by addressing the following:

- (1) Identify persons who would be involved in performing all portions of the Services, including the nature of the work each individual would perform, together with a brief description of the individual’s relevant experience in investigations and knowledge of federal and state laws pertinent to this investigation.
- (2) Provide a description of how the firm intends to provide the Services including, but not limited to, meeting the scope of Services, the method or approach to client relations, providing legal analysis, identifying and interviewing witnesses, coordinating and disseminating information, and oral and written communication strategy.

- (3) Provide a fee proposal. The fee proposal must include individual hourly rates and other costs and the extent to which such fees and costs are discounted for government clients. Delineate the investigation services fees and other costs for common investigation expenses. Provide an estimated budget for the proposed scope of the investigation. Alternative fee proposals including a fixed fee or not to exceed arrangement are welcomed.
- (4) Statement of whether the firm has in place a diversity and inclusiveness program. If so, provide a detailed narrative of the firm's diversity and inclusiveness principles and program. Firms are encouraged to provide a diverse team of individuals to conduct the investigation.
- (5) Disclose any relationship or involvement with or adverse to CDPHE or any other party that could create or appear to create an actual or perceived conflict of interest if the firm is selected to conduct the investigation.
- (6) Provide any engagement terms for the DOL's consideration.
- (7) Describe any other special relevant resources or experience the firm will bring to this investigation.

All information submitted to the DOL will be subject to the Colorado Open Records Act ("CORA"), unless the DOL determines in its sole discretion that an exception under CORA applies.

Proposals may be submitted no later than 5:00 p.m. MT on May 10, 2021. Proposals should be submitted in pdf format to the DOL's Procurement Team via email at procurement@coag.gov, and any questions also should be sent to that email address.

Selection Process: Once the deadline for submission of proposals has passed, the DOL will review the proposals and deliberate to determine the award of a contract for the Services. The DOL may follow up with firms for additional information needed to make its determination. Any contract award by the DOL will be made based upon the best interest of the State, as determined by the DOL in its sole discretion. Firms will have no right to appeal a determination by the DOL. An award by the DOL under this RFI does not constitute a contract and is conditioned up the mutual execution of a written agreement by the parties.

Contract Terms: As a State of Colorado agency, the DOL is required by law to ensure certain terms and conditions are included, or not included, in any contract into which it enters. The DOL is willing to consider engagement terms the awarded firm proposes to include in the contract for the Services, provided the terms are allowable by law. Once the DOL has determined a firm is reasonably susceptible to be awarded a contract, the DOL will provide a copy of the DOL's standard contract terms to the firm and initiate contract negotiations. Failure by the DOL and the awarded firm to successfully execute a contract will result in the revocation of the award by the DOL in its sole discretion.