

Colorado Department of Law
Office of the Attorney General, Philip J. Weiser
Ralph L. Carr, Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203



Request for Information

The Colorado Department of Law (“DOL”) announces that it is seeking the services of a lawyer or legal services firm to represent the Department of Corrections in a Fair Labor Standards Act (FLSA) collective action before the U.S. District Court of Colorado and to serve as Special Assistant Attorneys General (“SAAG”) for the Department of Corrections and State of Colorado in connection with related federal and state wage and hour matters (the “Services”). SAAG appointment will require approval from the Colorado Solicitor General.

Scope: The Services will be supervised by the DOL and will work in collaboration with DOL staff (primarily, DOL Assistant Attorneys General and paralegals) representing the Department of Corrections and State of Colorado. The Services will include litigation and may include training and advice and counsel on wage and hour matters.

Submissions: Interested lawyers or law firms should respond to this RFI by submitting a written proposal setting forth the 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 FLSA litigation and advice and counsel related to wage and hour matters.
- (2) Provide a description of how the firm intends to provide the Services including, but not limited to, the method or approach to client relations, collaborating with DOL staff in the collective action matter and in analyzing wage and hour matters within the context of the state personnel system and the Colorado Partnership for Quality Jobs and Services Act, and oral and written communication strategy.
- (3) Describe any other special relevant resource or experience the firm will bring to this matter, including relevant experience and history in wage and hour collective actions and/or collaborating with in-house counsel in litigation or advisory matters.
- (4) Disclose any relationship or involvement with or adverse to the Department of Corrections or the State of Colorado (which includes principal departments and institutes of higher education) that could create or appear to create an actual or perceived conflict of interest if the attorney or firm is selected.
- (5) Provide a fee proposal that includes individual hourly rates and other costs and the extent to which such fees and costs are discounted for government clients. Alternative fee proposals including a fixed fee or not-to-exceed arrangement are encouraged.
- (6) Provide any engagement terms for the DOL’s consideration. If no engagement terms are immediately provided as part of a response to this RFI, Offerors waive their right to later introduce such terms.
- (7) Statement of whether the firm has in place a diversity, equity and inclusiveness (DEI) program and if so a detailed narrative of the firm’s DEI program.

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 4pm MT on January 17, 2023. 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 whether a SAAG will be appointed to provide the services. The DOL may follow up with attorneys or firms for additional information or interviews, as necessary 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. Attorneys or firms will have no right to appeal any 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 engagement 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 or purchase order terms to the firm and initiate contract negotiations. Failure by the DOL and the awarded firm to successfully execute a contract within 14 calendar days will result in the revocation of the award by the DOL in its sole discretion.