REQUEST FOR PROPOSAL FOR PROFESSIONAL LEGAL SERVICES

The State of Florida, Department of Legal Affairs, Office of the Attorney General (the “Department”) is exploring the possibility of obtaining professional legal services from a private law firm or firms with experience and interest in litigating elections law related cases for the 2020 elections. More specifically, this proposal seeks attorneys and law firms familiar with defending state agencies and the constitutionality of statutes. The attorneys or law firm chosen will serve as co-counsel and represent either the Attorney General and/or the State of Florida alongside Department attorneys.

This request is being sent because of the Eleventh Circuit’s recent decision in Jacobson v. Florida Secretary of State, case no. 19-14552 (11th Cir. April 29, 2020). In that decision, the Eleventh Circuit concluded that standing did not exist and, as part of that decision, that an injury was not traceable to the Secretary of State. The expected result of that decision is that the Secretary of State and other state officials likely will not be appropriate parties in some election law challenges. It is expected (and it has already occurring) that multiple lawsuits will be filed against a variety of other officials including individual supervisors of elections in the lead up to the 2020 elections. The Attorney General has an interest in ensuring the uniform application of Florida law especially those laws affecting voting. The Attorney General also has an interest in advocating for the constitutionality of state statutes. Given the likely number of challenges, the likely lack of other statewide official being appropriate parties, and the speed and possible different filing locations across the State for such actions, the Department is exploring engaging outside counsel.

Proposals should identify: the firm’s experience with similar issues or cases; the individuals within the firm who would be authorized to work on the matter; whether those individuals are members of the Florida Bar; the firm’s experience with election law matters; the firm’s trial and appellate experience; and the firm’s arrangements for large and complex litigation matters. Proposals need not include specific proposed rates or fees. Finally, the proposal should include the names of and contact information for at least three (3) references.

The Department will accept proposals through the close of business on June 8, 2020, but reserves the right to reject any and/or all proposals in its absolute discretion. Pursuant to section 287.057(3)(e)(4), Florida Statutes, contracts for legal services are not subject to competitive-solicitation requirements. The Department’s decision relating to those services is not subject to protest under Chapter 120, Florida Statutes. All requests for further information and all proposals should be directed to Chesterfield Smith, Jr., Associate Deputy Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-0150, (850) 414-3623.