

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA,
Plaintiff**

CIVIL ACTION

VERSUS

No. 12-1924

**CITY OF NEW ORLEANS,
Defendant**

SECTION "E"

ORDER

The City of New Orleans (the "City") and the United States of America (the "United States") (collectively, the "Parties") have filed a joint motion requesting that the Court enter the proposed Consent Decree Regarding the New Orleans Police Department as an Order of the Court.¹ The proposed Consent Decree requires a Consent Decree Monitor ("Monitor") to oversee and report on its implementation. The proposed Consent Decree further requires the Parties to select a mutually acceptable Monitor, subject to Court approval.

Before the Court is the United States' motion for leave to distribute a Request for Proposals, with attachments A-D ("RFP"), requesting proposals from those wishing to serve as Monitor.²

The City and the United States agree that an RFP should be distributed and that it should contain a Disadvantaged Business Enterprise ("DBE") contract goal of thirty-five percent, meaning that thirty-five percent of contract or subcontract dollars should be

¹R. Doc. 2.

²R. Docs. 44 and 107. The United States filed an amended version of the RFP on September 5, 2012. R. Doc. 107. The amended RFP contains extended deadlines, but there are no other substantive changes from the original version filed as R. Doc. 44-3.

allocated to one or more certified DBEs during the Monitor's contract term.³ However, the Parties disagree about the manner in which entities seeking to serve as Monitor, or their subcontractors, will be certified as DBEs. The City maintains that only DBEs certified pursuant to the City's DBE program should be counted.⁴ The United States argues that "all DBEs should be given the opportunity to participate, whether they are certified pursuant to the City's system, or another DBE system."⁵

The United States contends that it should be able to solicit proposals from a nationwide pool of applicants because of the nature of the Monitor's work and the level of specialization required.⁶ Consequently, the United States' proposed RFP permits a business certified as a DBE by any local, state or national DBE certification process to be considered DBE-certified for the purposes of meeting the contract goal.⁷ The United States maintains that the Court has the authority to approve such a proposal, and it urges the Court to do so in order for the Parties to receive the most qualified applicants for the Monitor's position. In response, the City acknowledges that the majority of current City-certified DBEs are from southern Louisiana, but argues that this is not a reason to allow DBE certification by local, state or national governmental bodies other than those already accepted by the City

³R. Docs. 44-1 at p. 2 and 107.

⁴R. Doc. 49.

⁵R. Doc. 44-1 at p. 2.

⁶R. Doc. 44-1 at p. 2.

⁷ Businesses that are not currently DBE-certified will be permitted to seek certification, but only from the City through an expedited process.

under Exec. Order No. MJL 10-02 (June 3, 2010).⁸

“Consent decrees are judgments despite their contractual nature, and district courts may fashion remedies to ‘enforce prior judgments.’” *United States v. Alcoa, Inc.*, 533 F.3d 278, 288 (5th 2008) (quoting *Test Masters Educ. Servs., Inc. v. Singh*, 428 F.3d 559, 577 (5th Cir. 2005)). Consequently, pursuant to its equity jurisdiction, a district court has “wide discretion to enforce [consent] decrees” and may issue orders as necessary to effectuate compliance with such decrees over which it has jurisdiction. *Id.* at 286. The Court observes that other district courts have invoked their equitable power to order parties to bypass local procurement rules or other similar regulations to ensure compliance with their orders. *See, e.g., United States v. City of Detroit*, No. 77-71100, 2011 WL 4014409, at *24 (“The Court further concludes that an effective equitable remedy to achieve sustained compliance will require this Court to order structural changes regarding the [Detroit Water and Sewerage Department] that will likely override the City of Detroit’s Charter, its local ordinances, and/or some existing contracts.”). The Court further observes that in other cases involving consent decrees negotiated to resolve claims brought pursuant to the Violent Crime Law Enforcement Act of 1994 (42 U.S.C. § 14141), the United States participated in selecting monitors outside of a jurisdiction’s standard procurement procedure. *See, e.g., United States v. Los Angeles*, No. 00-11769 (C.D. Cal.); *United States v. Detroit*, No. 77-71100 (E.D. Mich.).⁹

⁸ R. Doc. 49 at p. 1. Harrah’s Jazz Casino also certifies businesses as DBEs and this certification is accorded reciprocity with the City’s State & Local Disadvantage Business Enterprise Certification Program. *See* <<http://www.nola.gov/BUSINESSES/Office-of-Supplier-Diversity/Certification-Programs-and-Applications/>>.

⁹ The United States also submits that it has “jointly selected, outside of the [relevant jurisdictions’] procurement process[es], monitors to oversee the reform of State systems for the delivery of services to people with mental illness and developmental disabilities in Georgia, Delaware, and Virginia, and in many

In New Orleans, the City's DBE certification process is not found in the City Code or the City's Home Rule Charter. Rather, it is set out by Executive Order of the Mayor as a *policy* to be followed "until the DBE program is reformed and a centralized Diversity and Inclusion program and office and adequately staffed as determined by the Mayor of New Orleans."¹⁰ As a result, the Court notes that the RFP proposed by the United States does not conflict with the City Code or the Home Rule Charter.

Exercising its equity jurisdiction, the Court finds that the United States' proposed RFP sets forth the better procedure for selecting the Monitor to oversee the proposed Consent Decree. The United States' RFP recognizes DBE certification by the City and even provides a method for expedited processing of applications for DBE certification by, and only by, the City. At the same time, the United States' proposal ensures the nationwide pool of applicants necessary to find the expertise needed. While the Court is authorizing issuance of the RFP at this time, a professional services contract will be executed with the Monitor if, and only if, the Consent Decree is approved by the Court. If the Consent Decree is approved, the DBE provisions set forth herein will be incorporated into the professional services contract with the Monitor. Accordingly,

IT IS ORDERED that the United States' motion as amended for leave to distribute the proposed RFP attached hereto as Exhibit A be and is hereby **GRANTED**.¹¹

IT IS FURTHER ORDERED that this Order and the attached RFP must be posted

prison and jail cases." R. Doc. 44-1 at p. 3 (citing *United States v. Georgia*, No. 09-119 (N.D. Ga.); *United States v. Delaware*, No. 11-591 (D. De); *United States v. Virginia*, No. 12-59 (E.D. Va.)).

¹⁰ City of New Orleans, Exec. Order No. MJL 10-02 (June 3, 2010).

¹¹ R. Docs. 44 and 107.

on the United States and City's websites and distributed to the list of potential respondents attached hereto as Exhibit B.¹²

IT IS FURTHER ORDERED that the pre-proposal conference referenced in Section V ("Pre-Proposal Conference; Questions Regarding RFP") of the RFP will be held **September 20, 2012, at 2:00 p.m. CST** in Room C-467, Fourth Floor, U.S. District Court for the Eastern District of Louisiana, 500 Poydras Street, New Orleans, Louisiana 70130.

IT IS FURTHER ORDERED that any addendums to the RFP, including the form of the professional services contract to be entered into with the Monitor, subject to Court approval of the Consent Decree and the selection of the Monitor, must be submitted to the Court for approval prior to the addendum's publication.

IT IS FURTHER ORDERED that the Evaluation Committee's selected "short list" of candidates for Monitor, referenced in Section VI ("Selection Process") of the RFP, must be filed with the Court at least five working days before interviews are scheduled to be held and must include the names of the candidates for Monitor and the dates, times and locations of the interviews. The interviews are to be conducted in a public forum.

New Orleans, Louisiana, this 6th day of September, 2012.


SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

¹² The Court observes that, as Exhibit B states, this list is not exclusive and is no way intended to limit or discourage application by any interested individual or entity. The Parties will provide a copy of the RFP to any potential respondent who requests it.

EXHIBIT A

**Request for Proposals to serve as
CONSENT DECREE COURT MONITOR
of the New Orleans Police Department
SEPTEMBER 5, 2012**

I. Introduction

The City of New Orleans (“City”) and the United States Department of Justice (“DOJ”) seek firms and/or individuals to serve as a “Consent Decree Court Monitor” (“Monitor”) to monitor the New Orleans Police Department (“NOPD”) pursuant to a consent decree (“Consent Decree”) executed between the City and DOJ (the “Project”). The Consent Decree is subject to approval by the United States District Court for the Eastern District of Louisiana (the “Court”) and may be amended by order of the Court at any time so long as the Court has jurisdiction.

The City and DOJ (collectively “Parties”) will jointly select a Monitor pursuant to Court order and oversight. Upon review and approval of the Court, the Monitor shall be appointed to monitor implementation of the Consent Decree consistent with the terms of the Consent Decree and the requirements set out below. The Monitor shall be contracted for a term of four years, to be extended as necessary to fulfill the terms of the Consent Decree. Consistent with the Consent Decree, the Monitor may be removed during the course of the Consent Decree by Court order, either pursuant to a motion for removal by either or both Parties, or by a Court-initiated order of removal.

Copies of this Request for Proposals (“RFP”) and related information are available at:

1. <http://www.laed.uscourts.gov/> (“Court’s Website”);
2. <http://www.justice.gov/crt/about/spl> (“DOJ Website”); and
3. <http://www.purchasing.nola.gov/bsol/login.jsp> (“City’s website”).

II. Background

On March 16, 2011, DOJ issued the Report of its investigation into NOPD. The investigation was conducted with the full cooperation of the City and NOPD. The Report is available at <http://www.justice.gov/crt/about/spl> and <http://www.laed.uscourts.gov>.

On July 24, 2012, the City and DOJ filed the Consent Decree, along with a Joint Motion asking the Court to enter the Consent Decree as an order of the Court, in the Eastern District of Louisiana. *United States v. City of New Orleans*, Case No. 12-1924. The Consent Decree is available at <http://www.laed.uscourts.gov/>. The Court currently is considering whether to approve the Consent Decree, and has scheduled a fairness hearing for September 21, 2012, at 10 a.m. to consider the issue.

The Consent Decree addresses the following substantive areas: use of force; stops, searches and arrests; discriminatory policing (Race, Ethnicity, National Origin, Gender, LGBT Status); recruitment; training (In-Service and Recruit); supervision (including systems for early intervention); secondary employment (formerly known as “Paid Details”); performance evaluations and promotions; misconduct complaint intake and investigations; community engagement; officer assistance and support services; transparency and oversight; interrogation

practices; and photographic lineups. Implementation of various measures and practices required by the Consent Decree must be monitored by a “Consent Decree Monitor.” ¶¶ 21-23, 149, 152, 231, 250, 257, 326, 444-484.

The City of New Orleans, the geographic boundaries of which are coterminous with those of Orleans Parish, occupies approximately 350 square miles and has approximately 344,000 residents. The City was created by city charter which established a mayor-council government. There is one city council member for each of the five council districts, as well as two at-large council members. The mayor is elected to a four-year term. The Superintendent of NOPD is appointed by the Mayor. NOPD currently consists of 1295 sworn officers and 248 civilian support staff. The majority of this manpower is concentrated within NOPD’s eight police patrol districts with remaining personnel assigned to headquarters and specialized service assignments.

III. Instructions for Submitting Proposal

A. Respondents shall submit Proposals to both DOJ and the City:

1. One (1) signed hard copy of the Proposal in a sealed envelope, marked “**Consent Decree Court Monitor**” and one (1) electronically transmitted Proposal in Microsoft Word format marked “**Consent Decree Court Monitor.**”
2. A cover letter including Respondent’s name, address (including email address), telephone and primary contact for the Respondent.

B. Proposals should be submitted to both DOJ and the City at the following addresses:

1. Hard copy to City of New Orleans, Danny Cazenave, 715 South Broad Street, Room 501, New Orleans, LA 70119 and electronic copy to dvcazenave@nola.gov. Please state “New Orleans Police Department Consent Decree Monitor Proposal” in the subject line of the email.
2. Hard copy to United States Department of Justice, Civil Rights Division, Special Litigation Section, Attention of: Christy E. Lopez, 601 D Street NW, Washington, DC 20004 and electronic copy to Christy.Lopez@usdoj.gov. Please state “New Orleans Police Department Consent Decree Monitor Proposal” in the subject line of the email.

III. Contents of Proposal

As set out more fully in Attachment “A,” Proposals should clearly demonstrate the Respondent’s qualifications to perform the requested scope of work and attend to all factors applicable in a professional relationship. Proposals should include detailed resumes or curricula vitae for the principals of the Respondent and any subcontractors performing the services. Proposals shall include also a price proposal, which shall set out the fees and costs the Respondent proposes to charge the City to provide the needed services. The parties wish to ensure that Disadvantaged Business Enterprises (“DBEs”) have the opportunity to participate in the Project. *See* Attachment “B” for the DBE requirements for this RFP. A DBE participation

plan must be submitted with the Proposal. Proposals also should include Attachments “C” and “D” to this RFP.

IV. Deadline for Submitting Proposals

All hard copies and electronic copies of Proposals **must be received** by the City and DOJ **on October 5, 2012 by 5:00 p.m. CST.** Proposals submitted by fax will not be accepted. Proposals received after the deadline will not be accepted. Delivery claims not clearly documented by original receipt will not be credited.

V. Pre-Proposal Conference; Questions Regarding RFP

The Parties will hold a pre-proposal conference in Room C-467, Fourth Floor of the Federal District Court for the Eastern District of Louisiana, 500 Poydras Street, New Orleans, LA on **September 20, 2012 at 2:00 p.m. CST.**¹ Respondents should submit any questions in writing to the Parties by email on or before **September 14, 2012 at 5:00 p.m.** at the email addresses for the City and DOJ listed in Section III, above. Subsequent to the pre-proposal conference, the Parties will issue an addendum to this RFP regarding questions addressed at the pre-proposal conference.

VI. Selection Process

After the Proposal submission deadline has passed, the Parties will form an Evaluation Committee, which will evaluate each Proposal based on the qualifications and scope of work set out in Attachment “A,” the Respondent’s DBE participation plan described in Attachment “B,” and the information contained in Attachments “C” and “D.” The Evaluation Committee shall include equal representation from DOJ and the City.

During its review of each Proposal, DBE participation plan, and Attachments, the Evaluation Committee may

- conduct reference checks relevant to the Project with any or all of the references cited in a Proposal to verify any and all information, and rely on or consider any relevant information from such cited references in the evaluation of Proposals;
- seek clarification of a Proposal from any or all Respondents and consider such supplementary information in the evaluation of Submissions; and
- request information from Respondents to clarify the information included in Proposals, the DBE participation plan, and/or the Attachments, and consider any supplementary information from interviews/presentations in the evaluation.

¹ Attendance by Respondents, in person or by telephone, at the pre-proposal conference is strongly encouraged. The City will have a representative available at the pre-proposal conference to explain the City’s DBE program. Any person seeking to attend via telephone must email his/her name, name of business represented, mailing address, telephone number, and email address to efile-Morgan@laed.uscourts.gov no later than September 17, 2012, at 5:00 p.m. An officer of the Court will then contact all interested persons and provide instructions for attendance via telephone.

Pursuant to the above process, the Parties will select a short list of Respondents to be interviewed in a public forum. The Parties shall jointly select a Monitor from the short list, whose selection shall be subject to approval by the Court. The Court may conduct a private interview of the Parties' short list selection and/or final selection before granting or denying its approval of the Monitor.

VIII. Form of Contract

Once selected and approved by the Court, the City will fix the relationship by Professional Services contract. The form of the Professional Services contract will be released as an addendum to this RFP on or around **September 10, 2012** by publication on the Court's Website, the DOJ Website, and the City's Website.

The Professional Services contract will require Respondents to comply with the "Disadvantaged Business Enterprise" ("DBE") provisions shown in Attachment "B," to provide an updated Conflict of Interest Disclosure Affidavit shown in Attachment "C," and to provide an updated List of Subcontractors shown in Attachment "D."

IX. Ownership

All Proposals and all documentation submitted therewith are property of the Parties for all purposes and are public records after the Proposal submission deadline. Respondents will clearly mark documents or information they request to be exempt from public records disclosure and specifically justify the exemption. Blanket exemption claims lacking specific justification will not be credited.

X. Effect

This RFP and any related discussions or evaluations by anyone create no rights or obligations whatsoever. The Parties may cancel or modify this solicitation at any time at will, with or without notice. The Professional Services contract is the exclusive statement of rights and obligations extending from this solicitation, except that it will be read to comply with the Consent Decree, which may be modified by Court order.

XI. Prohibition on Communication

From this date until the final award, there is a prohibition on communication by Respondents (or anyone on their behalfs) with the Parties or their staffs regarding this RFP or the Consent Decree, except that Respondents may:

- (1) Submit any questions in writing to the Parties by email on or before September 14, 2012 at 5:00 p.m. at the email addresses for the City and DOJ listed above;
- (2) Submit questions regarding DBE certification by another local, state, or national certifying agency to DOJ and the City at the email addresses listed above;
- (3) Submit questions regarding the City's DBE program to Danny Cazenave at dvcazenave@nola.gov.

XII. Proposal Process Modification:

The Parties will make every effort to administer the Proposal process in accordance with the terms and dates discussed in the RFP. However, the Parties reserve the right to modify the Proposal process and dates as deemed necessary. If the Parties are unable to select a Consent Decree Monitor and his or her project team as proposed by the Respondent(s), the Parties reserve the right to reconstitute a team by selecting and combining individuals from one or more Respondent team(s) to serve as the Consent Decree Monitor and his or her project team, subject to Court approval

XIII. Audit and Oversight of the Monitor

The Monitor shall be subject to audit and oversight by the City, DOJ, and the Court. The City, DOJ, and the Court each shall have the right to audit, inspect, and review all books and records of the Monitor. In addition, the Monitor shall maintain all books and records together with supporting or underlying documents and materials for the duration of the contract, including any and all renewals thereof, and for at least five (5) years thereafter. More information regarding the audit and oversight of the Monitor will be set forth in the Professional Services contract to be released as an addendum to this RFP.

XIV. Required Attachments

Respondents are required to complete and submit the following Attachments and submit along with their Proposal:

- 1) DBE participation as described in Attachment “B” (**DISADVANTAGED BUSINESS ENTERPRISES**)
- 2) Attachment “C” (**CONFLICT OF INTEREST DISCLOSURE AFFIDAVIT**)
- 3) Attachment “D” (**LIST OF SUBCONTRACTORS**)

:

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Attachment “A”

Needed Services

Scope of Work: Descriptions herein of the Monitor’s duties are illustrative and non-exclusive. The fullest description of the Monitor’s duties and responsibilities under the Consent Decree is in the Consent Decree itself, and Respondents should closely review the Consent Decree and ensure that their Proposals are responsive to it. The Consent Decree is subject to court approval and may be modified by the Court from time to time. The Monitor will be required to modify its activities as required pursuant to any such modifications. Generally, the Consent Decree Court Monitor shall be responsible for independently and objectively assessing and reporting on whether the requirements of the Consent Decree are being implemented, and whether this implementation is resulting in the constitutional treatment of individuals and increased community trust of NOPD. The Consent Decree Monitor shall report directly to the Court and shall prepare reports to be distributed publicly. The Monitor will be expected to serve at least four years, with extensions as necessary to fulfill the requirements of the Consent Decree. Consistent with the Consent Decree, the Monitor may be removed during the course of the Consent Decree by Court order, either pursuant to a motion for removal by either Party or both Parties, or by a Court-initiated order of removal.

As set out in the Consent Decree, the Consent Decree Court Monitor’s duties include the following:

- Monitor and evaluate NOPD’s implementation of the Consent Decree (¶ 444);
- Regularly report to the Court on NOPD’s progress implementing the Consent Decree and any obstacles to implementation (¶ 457);
- Develop and carry out a plan to conduct compliance audits and reviews to ensure the NOPD’s compliance with the requirements and purpose of the Consent Decree (¶¶ 450-453);
- Conduct Outcome Assessments (¶ 448);
- Develop reliable methodologies for completing the audits and reviews necessary to assess compliance with provisions of Agreement and to conduct Outcome Assessments (¶¶ 450-453);
- Review and recommend modifications to Outcome Assessment measurements (¶ 451);
- Review and comment on policies developed pursuant to the Agreement and work with Parties to resolve any disagreements regarding policy development (¶¶ 21-23);
- Review training materials (¶¶ 21-23, 250, 257);
- Review use of force and misconduct investigations (¶ 454);
- Conduct a comprehensive reassessment of the Agreement in two years (¶ 456);
- Recommend strategies to improve NOPD’s implementation of the Consent Decree (¶ 455);

- Provide or facilitate the provision of technical assistance to NOPD (§ 455);
- Issue regular public reports on NOPD’s implementation of the Consent Decree (§§ 457-458);
- Regularly communicate with the City, NOPD, and DOJ as necessary to facilitate effective implementation of the Agreement and regarding NOPD’s progress implementing the Consent Decree and any obstacles to implementation (§ 460);
- Receive from and provide information to the New Orleans community concerning the Consent Decree (§§ 231, 461);
- Coordinate and confer with the Public Integrity Bureau, the Independent Police Monitor, the Office of the Inspector General (“OIG”), and other civilian oversight entities to facilitate the efficient and effective use of oversight resources (§ 443);
- Maintain all documents related to this project in a confidential manner to the extent required by the Consent Decree (§ 476);
- Testify in litigation or proceedings as provided by the Consent Decree (§ 463);
- Make public statements only as permitted by the terms of the Consent Decree (462); and
- Maintain the highest ethical standards (§ 477).

The substantive requirements of the Consent Decree are grouped into the following general areas:

- Use of force;
- Stops, searches and arrests;
- Discriminatory policing (Race, Ethnicity, National Origin, Gender, LGBT Status);
- Recruitment;
- Training (In-Service and Recruit);
- Supervision (including systems for early intervention);
- Secondary employment (currently known as “Paid Details”);
- Performance evaluations and promotions;
- Misconduct complaint intake and investigations;
- Community Engagement;
- Officer assistance and support services;
- Transparency and Oversight;
- Interrogation practices; and
- Photographic Lineups.

To assist the Parties and Court’s assessment of whether Respondents can provide the above needed services, Proposals shall include the following:

Executive Summary: Provide a brief description of the manner in which you and your team would complete the project.

Personnel: Provide the name(s) of the individual(s) and/or subcontractor consultant(s) and/or agency(ies) who would comprise your team, including a summary of the relevant background/experience of each team member. Provide an organizational chart showing the lines of responsibility and reporting for the Consent Decree Court Monitor, if applicable. If the

identity of the individuals or entities that would assist in performing the monitoring function is unknown at the present time, state the areas of expertise you would seek to retain and your organization's process for contracting for such services. Please include a description of all other current employment, projects, or other professional undertakings or commitments for each team member, and note known end dates for the employment, project, undertaking or commitment.

Qualifications: Describe your or members of your team's qualifications, addressing each of the following areas as applicable:

- law enforcement practices, including training, community policing and problem-oriented policing, complaint and use of force investigation;
- monitoring, auditing, evaluating, or otherwise reviewing performance of organizations, including experience in monitoring settlements, consent decrees, or court orders;
- evaluating the breadth and depth of organizational change, including the development of outcome measures;
- institutional transformation and change management;
- development of flexible but durable continuous quality improvement infrastructure;
- mediation and dispute resolution;
- statistical and data analysis;
- information technology;
- data management;
- working with government agencies, municipalities, and collective bargaining units;
- appropriate language skills and experience working with limited English proficient persons and communities, in particular communities whose primary language is Spanish or Vietnamese;
- familiarity and understanding of local issues and conditions;
- effective engagement with diverse communities;
- creation and evaluation of meaningful civilian oversight mechanisms;
- familiarity with federal, Louisiana and local laws, policies and rules governing police practices;
- completing projects within anticipated deadlines and budget;
- preparing for and participating in court proceedings; and
- report writing for a broad variety of stakeholders.

References: List current or recent (within past 10 years) project experience possessed by you or members of your team relevant to the monitoring tasks sought herein if applicable. Furnish references for each project listed, including the name of the organization, contact person, title, address, e-mail address and telephone number. If available, submit non-confidential work products that are similar to the reports required for this project.

Proposed Activities: Describe (in as specific detail as possible and using illustrations as necessary) the activities you would propose to undertake to perform the Needed Services. This discussion may address but not be limited to:

- methods of obtaining information

- methods of analyzing information
- methods of reporting information
- frequency of proposed activities
- the personnel (e.g., yourself, employees assigned to the Consent Decree Court Monitor, or proposed subcontractor(s)) responsible for the various activities described in the Scope of Work and the number of hours anticipated to be devoted to specific aspects of the project by month or quarter
- how the Consent Decree Court Monitor would coordinate with the City and NOPD to arrange visits, on-site records reviews and interviews and
- how the Consent Decree Court Monitor would coordinate its monitoring activities, information gathering, and communications with the Parties and members of the community.

Potential Conflict or Bias: Disclose any potential or perceived conflicts of interest involving yourself, your team, your firm, employee(s) assigned to the project, or proposed subcontractor(s), including current or former employment, contracts or grants with any of the Parties and any involvement in the last eight years (whether paid or unpaid) with a claim or lawsuit by or against any of the Parties or any of their officers, agents, or employees. Any close, familial, or business relationship with any of the Parties, or the Parties' agents or employees, must be disclosed. Disclose whether any member of your team has been the proponent or subject of any complaint, claim, or lawsuit alleging misconduct. To the extent a conflict or potential bias exists, explain why it does not bar your selection, including any legal or ethical opinions or waivers upon which you rely.

Local Presence: To the extent members of your Team are not located in New Orleans, describe in detail how your proposed team would establish an adequate presence in New Orleans to provide the services called for herein.

Price Proposal: Based on the above Scope of Work and requirement of the Consent Decree provide a Price Proposal for this project. This Price Proposal shall:

- Include a budget for all costs including but not limited to: staff hourly billing rates, travel, sub-consultant/contractor services, overhead, and supplies.
- Break down the different activities that will be performed by members of the project team (e.g., policy review, technical assistance, training assessment, report writing, and/or incident review).
- Include a projected allocation of hourly commitments by each team member, broken down by the number of hours projected for both on-site and off-site work.
- Take into account the uncertainty of the duration of the Decree and include both one-time or fixed costs that will be incurred regardless of the duration of the contract, and annual costs that will be incurred for each year the contract is in effect.
- Include a cost-cap above which fees and costs shall not be billed.

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Attachment “B”

REQUIRED CONTRACT DBE PROVISIONS

I. DBE Contract Goal:

A Disadvantaged Business Enterprise (“DBE”) contract goal of 35 percent (the “DBE Contract Goal”) has been established for this RFP. This means that 35 percent of contract or subcontract dollars should be allocated to one or more certified DBEs during the term of the Professional Services contract.

II. DBE Participation Required:

No Professional Services contract will be signed until the Respondent, either alone or in combination with its subcontractors, satisfies all DBE requirements as set forth herein, including the requirements in Section IV below regarding the participation plan.

III. DBE Program Compliance:

The DBE Contract Goal requirement may be satisfied by:

- (1) Current valid certification of the Respondent or its subcontractors by the City of New Orleans through its Office of Supplier Diversity as set forth in Section V(A)(1), below;
- (2) Current valid certification by one of the firms or entities recognized by the City listed in Section IV(A)(2)-(5) below;
- (3) Current valid certification of the Respondent or its subcontractors by a local, state, or national governmental entity of the United States of America; or
- (4) Proof that the Respondent or its subcontractor(s) have applied for DBE certification by the City on or before September 24, 2012 and are diligently pursuing certification through the expedited process established for this RFP. Any Respondent or subcontractor wishing to comply with the DBE participation requirement by applying to the City must submit its application to the City by email to Danny Cazanave at dvcazenave@nola.gov with the subject line “Consent Decree DBE-Expedited Request” and copy to Christy Lopez of the United States Department of Justice at Christy.Lopez@usdoj.gov. The expedited approval process will be overseen by the United States District Court for the Eastern District of Louisiana (the “Court”) in conjunction with *United States v. City of New Orleans*, Case No. 12-1924. DBE certification through the City must be complete before a Professional Services contract may be signed.

IV. DBE Participation Plan:

A Respondent wishing to satisfy DBE requirements under this RFP must submit with its Proposal a DBE participation plan as to how it intends to meet the DBE Contract Goal. The participation plan should include: (1) the name of the person who will administer the DBE participation plan; (2) the percentage and dollar goals for the work to be performed by the DBE certified Respondent (if applicable); and (3) the percentage and dollar goals for the work to be performed under subcontracts awarded to certified DBE subcontractors, identifying each subcontractor, the entity by which each subcontractor is certified, and the scope of work for each subcontractor (if applicable). An updated DBE participation plan must be submitted by the awarded Respondent on a quarterly basis. Failure to include the essential information described above in the original participation plan and quarterly updates may be cause for either a delay in acceptance of a Proposal, the rejection of a Proposal as non-responsive, or termination of the Monitor.

V. Crediting DBE Participation through the City:

A. In the event that Respondent wishes to meet the DBE participation requirement through current valid certification by the City, the firms identified by Respondent as DBE must be currently certified through one of the certification entities recognized by the City of New Orleans listed in (1) through (5) below:

- (1) City of New Orleans (All Certifications);
- (2) Sewerage and Water Board of New Orleans (SLDBE certification);
- (3) New Orleans Aviation Board (SLDBE certification and Louisiana Unified/DOTD certification);
- (4) Harrah's New Orleans (SLDBE Certification only); and
- (5) Louisiana Unified Certification Program (LAUCP) Certified firms.

B. DBEs which are currently certified by the City may be found on the following websites:

- (1) City of New Orleans database of certified firms at www.nola.gov;
- (2) Sewerage & Water Board's list of certified SLDBE firms at www.swbno.org;
- (3) The New Orleans Aviation Boards list of SLDBE firms or DOTD firms at www.flymsy.com; and
- (4) The list of LAUCP firms at www.dotd.la.gov.

VI. DBE Compliance Reporting:

The awarded Respondent and all participating subcontractors awarded contracts as a result of this RFP process may be required to use a secure web-based compliance management system to submit project information on all expenditures made to achieve compliance with the DBE Contract Goal for this RFP. The information regarding the compliance system to be used will be provided to the awarded Respondent after award of the contract.

VII. Access to Books and Records:

The awarded Respondent agrees to grant the Parties and the Court reasonable access to its books and records for purposes of verifying compliance with the DBE Contract Goal for the RFP.

VIII. Defined Terms

Defined terms used but not defined herein are defined as set forth in the RFP.

**Request for Proposals to Serve as
CONSENT DECREE COURT MONITOR
of the New Orleans Police Department
SEPTEMBER 5, 2012**

Attachment "C"

CONFLICT OF INTEREST DISCLOSURE AFFIDAVIT

See attachment

CONFLICT OF INTEREST DISCLOSURE AFFIDAVIT

STATE OF _____

PARISH/COUNTY OF _____

Before me, the undersigned authority, came and appeared _____, who, being first duly sworn, deposed and said that:

1. He/She is the _____ and authorized representative of _____, hereafter called "Respondent."

2. The Respondent submits the attached Proposal in response to the Request for Proposals ("RFP") to serve as the Consent Decree Court Monitor of the New Orleans Police Department.

3. The Respondent hereby states that a conflict of interest [*Mark the appropriate line.*]:

- ___ Exists
- ___ May exist
- ___ Does not exist

in connection with this RFP which might impair Respondent's ability to perform if awarded the Professional Services contract. A conflict of interest includes any familial or business relationships that the Respondent, the proposed subcontractors, and/or their principals have with City of New Orleans' officials or employees.

[Note: If a conflict(s) of interest exists and/or may exist, attach a letter describing the nature of the conflict or potential conflict, the parties involved, and why there is or may be a conflict.]

Name of Respondent

Respondent Representative (Signature)

(Print or type name)

(Address)

Sworn to and subscribed before me, _____, Notary Public, this ____ day of _____, 2012.

Notary Public (signature)
Notary ID#/Bar Roll #
State of _____
Parish/County of _____

**Request for Proposals
to Serve as
CONSENT DECREE COURT MONITOR
of the New Orleans Police Department
SEPTEMBER 5, 2012**

Attachment “D”

IDENTIFICATION OF SUBCONTRACTORS

See attachment

IDENTIFICATION OF SUBCONTRACTORS

STATE OF _____

PARISH/COUNTY OF _____

Before me, the undersigned authority, came and appeared _____, who, being first duly sworn, deposed and said that:

1. He/She is the _____ and authorized representative of _____, hereafter called "Respondent."

2. Respondent submits the attached Proposal in response to the Request for Proposals to serve as the Consent Decree Court Monitor of the New Orleans Police Department.

3. The Respondent hereby identifies the following persons, natural or artificial, who are retained by Respondent at the time the attached Proposal is submitted and who are expected to perform work as subcontractors in connection with the Respondent's work. Respondent hereby acknowledges and agrees that when new subcontractors not previously named are added to the Project, they must be promptly identified consistent with the RFP and the requirements of the Consent Decree in this matter.

List Subcontractors:

Person(s) and Company Name (if applicable)

[Please attach additional pages if necessary.]

Name of Respondent

Respondent Representative (Signature)

(Print or type name)

(Address)

Sworn to and subscribed before me, _____, Notary Public, this ____ day of _____, 2012.

Notary Public (signature)
Notary ID#/Bar Roll #
State of _____
Parish/County of _____

EXHIBIT B

NEW ORLEANS POLICE DEPARTMENT

REQUEST FOR PROPOSALS (“RFP”) GENERAL DISTRIBUTION LIST*

- Accountability Associates
- ACLU Racial Justice Program
- Altegrity, Inc./Kroll Advisory Solutions
- Altus Global Alliance
- Alvarez & Marshal, Global Forensic and Dispute Services, LLC
- Americans for Effective Law Enforcement (AELE)
- Amnesty International – United States
- Arroyo, Sidney
- BDO Consulting
- Bobcat Training & Consulting
- Bromwich Group, The
- Centurion Skills, Inc.
- Center for Justice Leadership & Management (George Mason University)
- Commission on Accreditation for Law Enforcement Agencies (CALEA)
- Consortium for Policing Leadership in Equity (CPLI)
- County of Los Angeles Office of Independent Review
- Engility Corporation
- Federal Law Enforcement Officer Association (FLEOA)
- Geller & Associates
- Hillard Heintze
- International Association of Chiefs of Police (IACP)
- Institute for the Prevention of In-Custody Deaths (IPICD)
- Institute on Race and Justice (Northeastern University)
- International Network for the Independent Oversight of Policing (INIOP)
- JMartin Solutions
- Keypoint Government Solutions
- Leadership Conference on Civil Rights (LCCR)
- Louisiana Commission on Law Enforcement and Administration of Criminal Justice (POST)
- Major City Chiefs Police Association
- Martinelli & Associates
- Mintz Levin
- Miller Canfield
- NAACP
- National Association of Civilian Oversight of Law Enforcement (NACOLE)
- National Association of Police Organizations
- National Association of Women Law Enforcement Executives (NAWLEE)
- National Council on Crime & Delinquency (NCCD)
- National Fraternal Order of Police
- National Latino Peace Officers Association
- National Native American Law Enforcement Association
- National Organization of Black Law Enforcement (NOBLE)
- National Police Accountability Project

- National Sheriffs' Association
- Police Assessment Resource Center (PARC)
- Police Executive Research Forum (PERF)
- Police Performance Solutions, LLC
- Public Training Agency Council
- Pugh, Jones, and Johnson, P.C.
- RAND – Center on Quality Policing
- RealNetworks, Inc.
- Schnur, Bradley & Dennis and Fox, Jimmy
- Southern Center for Human Rights (SCHR)
- Stoll, Carl
- Transparency Matters, LLC
- VERA Institute of Justice

*This list reflects entities to whom the Parties will send a copy of the RFP because the listed entity or its members/affiliates may be interested in applying for this project. This list is in no way intended to limit or discourage application by any individual or entity not listed here.