

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

UNITED STATES OF AMERICA	*	CIVIL ACTION
Plaintiff	*	NUMBER: 12-1924
v.	*	SECTION: E
THE CITY OF NEW ORLEANS	*	
Defendant	*	
	* * *	

**JOINT MOTION FOR LEAVE TO REOPEN THE SUBMISSION PERIOD FOR
RESPONSES TO THE REQUEST FOR PROPOSALS**

The Parties respectfully move this Court, pursuant to its September 6, 2012, Order (ECF No. 110), for leave to issue an addendum to the Request for Proposals (ECF No. 110-A) that reopens the application process until November 16, 2012, to allow additional applicants to submit proposals to serve as monitor.

On September 6, 2012, the Parties jointly issued a Request for Proposals to Serve as Consent Decree Court Monitor of the New Orleans Police Department (“RFP”). In an effort to elicit submissions from all qualified and interested entities, the Parties made significant efforts to ensure that the issuance of the RFP was well-publicized. The RFP was posted on the websites of the United States Department of Justice, the City of New Orleans, and the United States District Court of the Eastern District of New Orleans. The Parties also sent the RFP to those entities listed on the RFP General Distribution List (“Distribution List”) (ECF No. 110-2). The RFP established the deadline for the submission of proposals as October 5, 2012, at 5:00 pm, Central Standard Time.

Despite widely distributing the RFP and articulating the deadline for proposals, the Parties have learned that some interested entities were unaware that the RFP had been issued. The Parties are concerned that there may be additional entities that may have applied but were unaware that the RFP had been issued. This concern is bolstered by the fact the Parties received only seven applications for Monitor, substantially fewer than have applied to other monitoring requests for proposals, including quite recent ones.

Given the relatively few proposals received, and the information that at least one interested entity had failed to learn that the RFP had been issued, the Parties are now concerned that interested and qualified candidates may not have known that the RFP was issued. Because of the critical importance of a large pool of highly qualified candidates from which to select a monitor, the Parties seek leave of this Court to issue the attached addendum to the RFP (Exhibit A), which reopens the timeframe for submitting responses to the RFP until November 16, 2012. The Parties believe this is an ample amount of time for potential candidates who have not previously learned of the RFP to compile and submit application materials. To ensure fairness to those who already have submitted proposals, the RFP allows those candidates to supplement their submissions until the new November 16, 2012, deadline.

If the Court grants this Motion, the Parties will redouble their efforts to publicize reissuance of the RFP. They will post the RFP and the addendum on their websites and request that the Court do the same, and they will alert all those on the Distribution List that the submission time period has been reopened. In addition, the Parties will issue a joint press-release announcing the issuance of the RFP, and will follow-up by telephone with each entity on the Distribution List to ensure that the RFP was in fact received and

request that, where applicable, the recipient will notify its constituents that the RFP has been issued.

In order to ensure that all interested, qualified, and competent candidates apply to act as Consent Decree Monitor, the Parties respectfully request leave to issue the attached addendum to the RFP.

Respectfully submitted,

For the UNITED STATES:

JAMES B. LETTEN (A 8517)
United States Attorney
District of New Orleans

ROY L. AUSTIN, JR. (DC 211491)
Deputy Assistant Attorney General
Civil Rights Division

JONATHAN M. SMITH
Chief
CHRISTY E. LOPEZ (DC 473612)
Deputy Chief
Special Litigation Section

s/ EMILY A. GUNSTON
EMILY A. GUNSTON
(T.A.) (CA 218035)
COREY SANDERS (DC 490940)
JUDE VOLEK (NY 10041483)
Trial Attorneys
United States Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Tel.: (202) 514-6255
Email: emily.gunston@usdoj.gov

For the CITY OF NEW ORLEANS:

s/Richard Cortizas
RICHARD F. CORTIZAS
City Attorney
1300 Perdido Street
New Orleans, LA 70112
Tel.: 504.658.9800
Email: rfcortizas@nola.gov