REQUEST FOR PROPOSALS (RFP)

For

Workforce Development

Legal Services RFP 2023

ISSUE DATE: March 6th, 2023

RESPONSES DUE: April 24th, 2023

AWARD NOTIFICATION: May 26th, 2023

City of Detroit
Michael E. Duggan, Mayor
Nicole A. Sherard-Freeman, Group Executive Jobs, Economy & Detroit at Work

Mayor's Workforce Development Board
Cynthia J. Pasky, Co-Chairperson
David E. Meador, Co-Chairperson

Detroit Employment Solutions Corporation
Calvin C. Sharp, Chairperson
Terri Weems, President

An equal opportunity employer/program. Supported by the State of Michigan, Labor and Economic Opportunity-Workforce Development (LEO-WD). Auxiliary aids and services available upon request to individuals with disabilities. 1-800-285-WORK. TTY: 711.

BIDDING INFORMATION	
Issue Date:	**March 6th, 2023**
Questions Deadline:	**March 20th, 2023 5PM (EST)** All questions should be received in writing via email to procurement@detempsol.org. To be properly received, Email Subject line must include: **Questions for WDLS RFP 2023**
Response to Questions:	**March 24th, 2023 5PM (EST)** Responses to questions will be available at this link: **https://www.descmiworks.com/opportunities/rfps-and-rfqs/**
Proposal Due Date:	**April 24th, 2023 5PM (EST)** Responses must be received electronically by email to: **procurement@detempsol.org**. • Files submitted via email must not exceed 25 MB. • Do not include embedded links to external information in proposal submissions. Links provided in response to this RFP will not be evaluated. • To be properly received, Email Subject line must include: **Response to WDLS RFP 2023** • Proposal email submissions that include DESC staff will not be accepted. • Confirmations of proposals received will be provided within 48 business hours of receipt. **Please note:** *Allow ample time for submitting your proposal. DESC strongly encourages submitting at least one business day prior to due date above. DESC will not extend the submission deadline due to technical issues or outages.* **DESC WILL NOT ACCEPT PAPER/HARD-COPY OR LATE PROPOSALS.**
Award Notice:	The award notification is planned to be provided by **May 26th, 2023**
Contract Start Date:	The contract period is scheduled to begin **June 5th, 2023** .

Contents

I. INTRODUCTION **4**

II. CONFIDENTIALITY **4**

III. ORGANIZATION QUALIFICATIONS **4**

IV. SCOPE OF WORK **6**

V. COOPERATIVE APPLICATIONS **7**

VI. AWARD, TERM AND RENEWAL INFORMATION **7**

VII. PROPOSAL REQUIREMENTS **8**

VIII. RFP PROCESS AND PROCEDURES **8**

I. INTRODUCTION

The Mayor's Workforce Development Board (MWDB) is directly responsible and accountable to the State of Michigan, Labor and Economic Development, Workforce Development (LEO/WD) for the planning and oversight of talent development programs in the City of Detroit. Designated by the MWDB, Detroit Employment Solutions Corporation (DESC) serves as the fiscal and administrative entity that provides workforce services to job seekers and employers. DESC's primary funding streams include Workforce Innovation and Opportunity Act (WIOA), Temporary Assistance to Needy Families (TANF) that funds Michigan's PATH (Partnership. Accountability. Training. Hope.) employment program, Food Assistance Employment and Training (FAE&T), Wagner-Peyser Employment Services (ES), and other public and private funding.

DESC oversees nine (9) Detroit Michigan Works! One-Stop Service Centers and contracts with qualified entities to provide workforce development services to job seekers and employers. Locally, the Michigan Works! One-Stop Service Centers are branded as Detroit at Work Career Centers. DESC is also a proud member of the American Job Center network.

DESC is seeking proposals from qualified individuals and/or organizations to provide as needed, <u>Legal Services</u> for the Detroit Employment Solutions Corporation (DESC) and the Mayor's Workforce Development Board (MWDB).

DESC plans to award a minimum of **one (1) contract** for requested services as detailed in this RFP.

II. CONFIDENTIALITY

DESC will treat as confidential any non-public information that we receive from you in our discussions about the transaction contemplated by your RFP (other than information that we also receive from other, non-confidential sources, or that we independently develop ourselves).

III. ORGANIZATION QUALIFICATIONS

Eligible applicants include U.S. based non-profit organizations, private for-profit companies, units of local government including community colleges and universities, and faith-based and community organizations.

Small businesses, minority-owned firms, women's business enterprises, and labor surplus area firms are particularly encouraged to apply.

Organizations and individuals are ineligible if they are currently barred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a federal department/agency, or if they are not in compliance with the State of Michigan Department of Revenue or Internal Revenue Service requirements.

Applicants must possess the following:

- All required licenses, bonding, equipment, and identified core personnel necessary to perform the work as required in the RFP;
- Documentation of the business structure (e.g. corporation., LLC, sole proprietor, partnership, etc.) you have registered to conduct business.

- Personnel policies and procedures demonstrating compliance with Equal Employment Opportunities requirements, Americans with Disability Act, and Drug Free Workplace and Byrd Anti-Lobbying Act.

Applicants must assure the ability to comply with all applicable laws and regulations, as well as the nondiscrimination and equal opportunity provisions of 29 C.F.R. § 38.25, if awarded a contract and remain in compliance for the duration of the award.

Applicants must be financially and operationally stable and must possess sufficient scale in terms of staff and other resources to support DESC throughout the term of a contract, if awarded as a result of this RFP.

a) If a contract is awarded as a result of this RFP, Applicants must be able to comply with insurance requirements, as necessary based on the nature of the particular contract. Required coverage may include Commercial General Liability Policy (A $3,000,000 per occurrence) with the following coverages:
    - Broad form property damage
    - Premises/Operations
    - Independent Contractors
    - (Blanket) Broad form Contractual
    - Personal Injury

b) Workers' compensation insurance, as required by law,

c) $1,000,000 combined single limit automobile liability insurance, including hired and leased vehicles, owned and non-owned autos, and "no fault" coverage,

d) Errors and omissions liability insurance with minimum limits of $1,000,000 per occurrence and $1,000,000 dollars aggregate,

To be considered for an award of this service, the proposing organization or individual must meet the following qualifications:

- To be considered for an award for this service, the proposing Attorney or Law Firm must meet the following qualifications:
- No conflict of interest between DESC and the Boards, and its existing clients, under the Michigan Rules of Professional Responsibility, and as determined by DESC.
- A Juris Doctorate degree from an American Bar Association (ABA) accredited college or university
- An active license in good standing with the State Bar of Michigan. (Proposals that do no clearly show compliance with this requirement will not be scored.)
- **At least two (2) years'** experience providing legal counsel to public agencies, non-profit organizations, federal grant recipients and organizations of similar scope and size.

IV. SCOPE OF WORK - Legal Services

DESC seeks a vendor to provide, as needed, **legal services** for its workforce programs and operations for our headquarters, career centers and partners around the city of Detroit. DESC has executed subrecipient contracts to support workforce development services. As such, DESC is required to maintain strong compliance controls to ensure regulatory compliance across the growing entities and stakeholders within the workforce development chain. The awarded applicant will provide DESC with legal services to ensure compliance with federal, state, local and/or private funding requirements throughout the workforce development chain.

Applicants may apply to all or portions of the RFP. Each application will be treated as a separate proposal and must include/answer all requirements listed for the RFP section being applied for. The documents, attachments and information received for each proposal will be scored exclusive from other proposals received by the applicant. The applicant must clearly indicate, on each proposal, what documentation and information received goes with that proposal. Unclear or undocumented information will not be considered. For a more detailed breakdown of the scope/objectives see Section H below.

Expectations and Specific Tasks

A. Interpret and provide legal advice regarding federal, state, and local laws and regulations affecting DESC services, including, but not limited to the following: Workforce Innovation and Opportunity Act (WIOA), Temporary Assistance to Needy Families (TANF) – Partnership, Accountability, Training, Hope (PATH), Food Assistance Employment & Training (FAE&T+), Jobs for Americas Graduates (JAG), YouthBuild, American Rescue Plan Act (ARPA), CARES Act, Trade Adjustment Assistance (TAA), Wagner-Peyser;
B. Provide legal counsel to DESC which includes: Mayor's Workforce Development Board (MWDB) staff, DESC's Board of Directors, DESC's President/Chief Executive Officer, and designated staff members;
C. Assist DESC in federal, state and local grant processes, as requested;
D. Maintain knowledge of and provide written, timely notification of changes in federal, state or local laws/regulations that impact the operations of DESC;
E. Maintain knowledge of the legislative landscape, relevant events, and issues facing DESC and be prepared to offer legal advice and/or opinions;
F. Provide assurance statements as required for financial audits, bonding matters and grant compliance warrants;
G. Attend DESC Board or Committee meetings, as requested;
H. Advise on corporate governance, tax-exempt organization matters, and other similar matters.
I. Advise on matters of procurement, request for information from third parties, responses to subpoenas, court orders, employment, insurance matters or other affiliated interests, as requested.
J. Represent DWDB and DESC in litigation, administrative or judicial proceedings as requested by DESC;
K. Represent DESC in grievance hearings;
L. Render verbal and written legal opinions, memoranda and reports, as requested;
M. Assist in preparing, reviewing and/or negotiating legal documents including but not limited to service contracts and leases;

N. Research legal and factual issues to maintain knowledge relevant to DESC;
O. Prepare opinions, memoranda and reports, as requested; and
P. Consult on other related legal issues, as requested and approved by DESC.

Meetings and Reports

Activity reports and progress meetings will be as needed during the period of the contract. Contractor should be available to meet with Staff to discuss findings and recommendations as needed. Additional meetings as needed with DESC Staff as identified by management and executive leadership. DESC may request other meetings, as it deems appropriate.

V. COOPERATIVE APPLICATIONS

If two or more organizations plan to share responsibility for carrying out the main work of the grant, then those organizations may partner as co-grantees with one organization being designated as the "lead". However, each organization will be equally responsible for the performance and financial obligations. This relationship need not result in a new legal entity being formed, but some form of a contractual relationship must be documented and submitted that reflects the roles and responsibilities of the party.

If one organization will be responsible for the overall work of the grant, with other organizations performing separate and distinct functions to serve or aid that principal effort, then such other organizations must be procured by the prospective applicant as a subgrantee or subcontractor.

Subcontractors and subgrantees cannot be identified in a bid proposal response or bid proposal budget unless they were competitively procured for the intended purpose prior to the submission of the bid/proposal. The prospective applicant must ensure that the identified parties were properly procured, or the proposal must be rejected.

All professional qualifications required of the primary provider must also be met by any subcontractors, and these qualifications must be described in the proposal.

DEFINITIONS

[Grantees] Grantees are defined as "a recipient of funds under a grant or grant agreement. Synonymous with 'Recipient'.

[Sub-grantees] Sub-grantee is synonymous with sub-recipient which means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program.

[Sub-contractors] A sub-contractor is a vendor that provides goods or services to the contractor.

(Please note: DESC's procurement policy follows the guidelines set forth in the Workforce Development Agency, PI 19-30, Change 1. Please see https://app.leo.state.mi.us/ppg/file-download.html?file_id=664 for more information.

VI. AWARD, TERM AND RENEWAL INFORMATION

If a contract is awarded as a result of this RFP, it will be a one (1)-year **professional services** contract. **The period of performance will be for a minimum of twelve (12) months and will not**

be earlier than June 6th, 2023, or later than June 5th, 2024.

Award amounts will be determined solely at DESC's discretion after review and evaluation of the proposals. If more than one contract is awarded pursuant to this RFP, the applicant acknowledges and understands that contract award amounts may differ between vendors and that the determination is made at DESC's sole discretion.

Based on performance during the initial contract period and contingent upon availability of funds, contracts may be extended for two (2), one (1)-year renewal options. Any renewal option exercised under this contract is effective only after approval by the DESC Board of Directors and/or the President, as required.

In the event that additional funds become available, DESC reserves the right to use such funds to select additional providers from proposal applications received in response to this RFP. If no funds or insufficient funds are appropriated to DESC, or if funding is otherwise unavailable during the period of payment due under the contract, then DESC, upon written notice to the vendor, shall have the right to amend or terminate the contract without any penalty or expense to DESC.

VII. PROPOSAL REQUIREMENTS

Accuracy and Completeness of Information: All information pertaining to the prospective applicant's approach in meeting the requirements of the RFP shall be organized and presented in the prospective applicant's proposal. The instructions contained in this RFP must be strictly followed.

Accuracy and Completeness are Essential. Omissions and ambiguous or equivocal statements will be viewed unfavorably and may be considered in the evaluation. Since all or a portion of the successful proposal may be incorporated into any ensuing contract, all applicants are further cautioned not to make any claims or statements that cannot be subsequently included in a legally binding agreement.

Ambiguous or inaccurate budget information is a basis for proposal disqualification.

VIII. RFP PROCESS AND PROCEDURES

A. Questions, Question Deadline and Responses to Questions

Should a vendor have any questions about this RFP or be in doubt as to the true meaning of any portion of this RFP or find any patent ambiguity, inconsistency, or omission herein, the prospective vendor must make a written request for an official interpretation or correction.

Prospective vendors are advised that no oral interpretation, information, or instructions provided by an officer or employee of DESC shall be binding upon DESC. DESC will only honor questions submitted in writing.

All questions regarding the RFP shall be received by email no later than **March 20th, 2023, at 5PM (EST)** to procurement@detempsol.org.

To be properly received, Email Subject line must include **Questions for WDLS RFP 2023**

Responses to questions will be available at this link by **March 24th, 2023, at 5PM (EST)**: https://www.descmiworks.com/opportunities/rfps-and-rfqs/

DESC does not guarantee a response to questions received after the question deadline. NO TELEPHONE CALLS WILL BE ACCEPTED.

ALL INQUIRIES MUST BE VIA EMAIL at procurement@detempsol.org .

B. Preparation of Proposals

DESC reserves the right to reject proposals that do not meet these requirements and they may not be evaluated. Do not include embedded links to external information in proposal submissions. Links provided in response to this RFP will not be evaluated. Applicants must provide written notice in the proposal of intent to take exception to any requirements of the RFP. Such exceptions may reflect negatively on the evaluation of the proposal. Information detailed below must be provided for all entities identified as co-grantees in the proposal.

Note: Applicants to this RFP are highly encouraged to submit clearance requests to the City of Detroit as soon as possible to ensure that documents are received timely. If recommended for an award of this contract, funding provisions require clearances to be obtained prior to executing a contract related to this RFP.

1. **Table of Contents** (listing all documents submitted for response to this RFP)
2. **Proposal Response**

   Items C.1-C.6. must be composed in a single document and entitled **WDLS RFP 2023 Response**. Acceptable document formats are MS Word or PDF.

   Page limits for the RFP response:

   - Single applicant proposals are limited to fifteen (15)-pages; double-spaced using a 12-point font unless stated otherwise in the preparation directions.
   - Two (2) or more Co-applicants are limited to twenty (20)-pages; double-spaced using a 12-point font unless stated otherwise in the preparation directions.

   Page limits do not apply to financial documents, price proposal, subgrantee and/or subcontractor agreement documents or required attachments (resumes, organizational charts, etc.). Each page should be numbered in this format '*n of N*'.

C. Proposal Response Inquiry

Prospective vendors shall submit their proposals in the following order and must contain the elements listed below, including all applicable attachments:

RFP Response composed in a separate document

1. **Table of Contents**
2. **Summary**

   A one-page summary of the proposal that outlines a background/history of your law firm or legal experience; range of services proposed, firm size summarizing number of attorneys and paralegals.
3. **Qualifications**

The applicant shall provide the following information that describes qualifications to successfully carry out activities described in the RFP.

a) Identify lead attorney(s) on your team that may be assigned to DESC. Information must include:
   i. Name.
   ii. Title.
   iii. Place of legal employment or law firm membership.
      a. Period of time for such employment or membership for the last ten (10) years or since graduation from law school, whichever is less.
   iv. State Law license(s).
   v. Areas of legal expertise.
   vi. Years of legal experience.
   vii. Professional and educational background of each attorney that may be assigned to DESC.
   viii. Number of years providing proposed services specifically related to:
      a. Non-profits, in general.
      b. WIOA, in particular.
      c. Contract law.

b) Identify what legal services the lead attorney(s) will provide for range of services proposed;

c) Identify other Key staff (paralegals, administrative, fiscal, etc.) on your team that may be assigned to DESC. As applicable, information must include:
   i. Name,
   ii. Title,
   iii. Place of legal employment
   iv. Area(s) of expertise;
   v. Years of experience;
   vi. Professional and educational background of each staff that may be assigned to DESC.
   vii. Identify what services the key staff may be expected to provide for this proposal
   viii. Resume(s)

d) Where and in what courts are you licensed to practice law?

e) Has the organization or members of the team ever been the subject of professional discipline? If so, for when and for what?

f) Address the potential for conflicts of interest, including:
   i. Are any of your firm's directors, officers or staff related to any of the current DESC directors or a member of the MWDB? If yes, please explain.
   ii. Is any DESC executive/director or MWDB member, a member of his/her immediate

family, employed by your firm? If yes, please explain.

iii. Will any DESC executive/director, MWDB member of his/her immediate family have a special interest or personal gain if this RFP is awarded to your firm? If yes, please explain.

iv. Will your firm's representation of DESC or MWDB conflict with your firm's past, current or possible future representation of another client? If yes, please explain.

g) Provide proof of insurance (business and malpractice).

h) Documentation of the business structure (e.g., corporation., LLC, sole proprietor, partnership, etc.) you have registered to conduct business. Include 501 (c) 3 papers (if applicable)

4. <u>Service Delivery Description</u>

The applicant shall provide the following information that describes a customer-focused service delivery model.

a) Describe the bidder's ability to provide services stated in the scope of work of the proposed service.

b) Describe staff expected to be assigned to various activities, roles, assignments. (e.g., legal and contract review, Board Meeting attendance, etc.)

c) Describe how client matters are prioritized?

d) How will the applicant assign staff to DESC?

e) Will there be a single point of contact for DESC staff inquiries/requests or will points of contact depend on the type of request? Please explain.

f) Describe your hours of operation including:

i. Standard Business (Days and Time)

ii. After Hours (Days and Times)

iii. Holidays

5. <u>Organizational Capacity and Performance History</u>

The vendor shall provide the following information that demonstrate capacity and a proven track record:

a. What is your current caseload? Do you have large trials scheduled over the next few months?

b. Describe the bidder's client-to-attorney ratio.

c. Detail current and prior experience with non-profit corporations and/or prior experience with organizations funded by the federal, state and local government.

d. Provide ratings by independent Law Organizations (e.g., AVVO, etc.), if applicable.

e. Provide details of Continuing Legal Education courses taken in the last twelve (12) months and the area of law covered.

f. Detail involvement with interactive discussions and presentations with other lawyers (e.g., at monthly Trial Lawyers Association meetings)?

g. List at least three (3) references, including names, street and email addresses, and telephone numbers that can attest to the qualifications present in the bid.

h. Provide verification of background clearance for direct service staff.

b) **Contract Termination Information. Indicate** if Applicant's has had a contract terminated for any reason within the last five (5) years?

c) **Claims or Lawsuits. Indicate** if any claims or lawsuits brought against the individual or organization proposing service within the last five (5) years.

6. <u>Administrative Capacity</u>

Applicants shall provide the following information to determine operational capacity necessary to support DESC throughout the term of a contract, if awarded as a result of this RFP.

a) **Attach** Organizational Chart detailing current key staff and reporting structure.

b) **Attach** Entity's business registration documentation registered to conduct business. (e.g., corporation., LLC, sole proprietor, partnership, etc.) Include 501 (c)3 papers (if applicable).

7. <u>Price Proposal.</u>

Applicants are requested to make a firm cost proposal to DESC. If a contract is entered into because of this RFP, DESC will not provide reimbursement for any activities outside of the agreed to terms and conditions.

Applicants should provide a detailed schedule of the charges that will be required for all services proposed. The detailed cost proposal shall include:

- Title/classification.
- Services to be performed.
- Hourly rate.

Bidders should provide a separate schedule of charges, such as:

- Copies.
- Fax charges.
- Postage/Federal Express, if required.
- Telephone charges in connect with services; travel expense, if required; and
- Any other cost of materials to be purchased and used by the bidder, that will not be provided by DESC.

Applicants are required to itemize any and all costs that may be associated with the requested services. All costs associated with the services to be provided must be itemized and inclusive of all professional, administrative, and overhead costs.

If a contract is entered into as a result of this RFP, it will be a vendor contract to provide all requested services, inclusive of all related costs and may not exceed the rate quoted in the proposal.

DESC reserves the right to select proposals from the most responsible applicants with the most reasonable costs. DESC also reserves the right to select multiple firms to perform all or separate parts of this function. DESC will consider cost-effectiveness and projected outcomes in scoring applications.

8. Financial Fit and Capacity Response

Financial Fit and Capacity section of the proposal response must be composed in a separate document and submitted as an attachment with RFP proposal response. **Include Financial Fit in the attachment's title**. Acceptable file formats are MS Word, MS Excel or PDF**.**

Financial Fit and Capacity response must be provided for all parties identified as co-grantees in the proposal.

Note*: any applicants and/or proposed co-grantees, subcontractors or other partners deemed by DESC or funder to be financially insolvent are subject to disqualification.*
A contract may not be awarded without a "Pass" determination of Financial Fit and Capacity as it relates to this RFP.

Applicants shall provide **one (1)** of the following options to determine financial fit and capacity necessary to support DESC throughout the term of a contract, if awarded as a result of this RFP.

Options	Statement	Years:		
1	Balance Sheet and Income Statement	2021	2020	2019
2	Tax Returns	2021	2020	2019
3	Audited financial statement *	2021	2020	2019

* Required if the agency has more than $750,000 or greater in federal funds.
Note*:* Provide a summary explanation if financial information cannot be provided from options stated above.

9. DESC Cover Sheet (Form A).

This document must be submitted as a separate attachment with RFP proposal response. Template is included as an attachment with this RFP. **This document must be signed and submitted as a separate attachment with RFP proposal response.** Form A must detail the full legal name and business address of the prospective subrecipient, including a street address if different from the mailing address, and must be signed and dated by the person or persons authorized to bind the prospective subrecipient. **A Separate cover sheet (Form A) is required for each co-grantee, detailed in the response.**

10. Representations and Certifications

This document must be submitted as a separate attachment with RFP proposal response. Template is included as an attachment with this RFP. Provide as applicable below.

If registered with www.SAM.gov, provide Representations and Certifications Report;

otherwise; If not registered with SAM.gov, complete and provide DESC Representations and Certifications for RFP Offerors as provided in this RFP. **This information must be provided for all entities identified as co-grantees in the proposal.**

11. Co-Grantee Agreements.

If two or more applicants are submitting a proposal as co-grantees, response must include Memorandum of Understanding (MOU) that clearly outlines the roles and responsibilities of each partner. MOU must state that all co-grantees are equally responsible for performance and financial obligations and signed by authorized Agents of each entity. Agreement must be included with Attachments as described below. Acceptable file formats are MS Word or PDF. Agreement response must be composed in a separate document and **include MOU Agreement in the title of the file.**

12. Subgrantee and/or subcontractor agreements section (if applicable)

Subgrantee and/or subcontractors that will receive funds as a result of this competitive bid process must be procured. For each subgrantee or subcontractors identified in the RFP response, the following documentation must be provided:

a) RFP/Q Solicitation detailing issue and response dates.
b) Bid list or copy of the advertisement.
c) Awarded Applicant(s) response.
d) The summary document listing all respondents and scores/rankings.

Agreement response must be composed in a separate document and **include Subgrantee Agreement in the attachment's title**. Acceptable file formats are MS Word or PDF. **This information must be provided for all entities identified as co-grantees in the proposal.**

D. Changes in Proposal Requirements

DESC may make changes to the requirements of this RFP as it deems necessary. Such changes will be in writing, issued by DESC and will be publicized or sent to applicants who have formally identified themselves as a potential vendor. If changes are made, DESC may, at its discretion, extend the time allowed for submission of proposals.

E. Submittal Information

Prospective vendors shall submit their proposals in the following order and must contain the elements listed below, including all applicable attachments. The following elements should be submitted separately. Document items 1-7 together and listed below **should not** be compiled into a single PDF document.

1. **Table of Contents**
2. **Proposal Response,** required
   a. Summary
   b. Qualifications
   c. Service Delivery Description
   d. Organizational Capacity and Performance History
   e. Administrative Capacity

f. Price Proposal *(provide as a separate document)*, required

3. **Financial Fit/Capacity,** required
4. **DESC Cover Sheet (Form A),** required
5. **Representation and Certifications,** required
6. **Co-Grantee Agreements.** (if applicable)
7. **Subgrantee and/or subcontractor Agreements** (if applicable)

F. Submittal Instructions

1. Proposals must be received electronically on or prior to the exact date and time detailed herein.
2. Attachments should be of good copy, quality, and legible.
3. Do not include embedded links to external information in proposal submissions. Links to external information provided in response to this RFP will not be evaluated.
4. Responses must be received no later than **April 24th, 2023, 5PM (EST) by email to:** Procurement@detempsol.org. Files submitted via email must not exceed 25 MB.
5. To be properly received, Email Subject line must include **Response to WDLS RFP 2023**

Important Note: Allow ample time for submitting your proposal. DESC strongly encourages submitting at least one business day prior to due date above. DESC will not extend the submission deadline due to technical issues or outages.

Due to the nature of this solicitation, proposal email submissions that include DESC staff will not be accepted. Confirmations of proposals received will be provided within 48 business hours of receipt.

DESC WILL NOT ACCEPT PAPER / HARD-COPY OR LATE PROPOSALS.

G. Changes in Facts

Applicants shall advise DESC during the time the proposal is open for consideration of any changes in the principal officers, organization, the financial ability of, or any other facts presented in the proposal with respect to the applicant or the proposal immediately upon occurrence.

H. Communications

Applicants must submit all inquiries related to this RFP in writing to procurement@detempsol.org. Due to the competitive nature of this procurement, prospective applicants should refrain from communicating with DESC staff or stakeholders regarding elements of this procurement opportunity. Individualized technical assistance is not available to assist in completing a response to this RFP. DESC reserves the right to disqualify an Applicant's proposal from evaluation for failure to comply with requirements of this RFP.

I. Evaluation Procedures, Oral Presentations, and Site Inspections

Following the receipt of the applicant's proposal, a DESC designated evaluation committee will evaluate each response. All proposals which meet the required format of this RFP will be evaluated. Any proposal determined to be non-responsive to the specifications or other

requirements of the RFP, including instructions governing submission and format, will be disqualified unless DESC determines, at its sole discretion, that noncompliance is not substantial or that an alternative proposal by the prospective vendor is acceptable.

DESC reserves the right to request additional information to amplify, clarify, or support proposals. DESC also reserves the right, at its own discretion, to request oral presentations regarding proposals received in response to the RFP. Failure to make an oral presentation after one is requested by DESC will be grounds for rejection of your proposal.

Applicants will be notified by DESC of the date, time and location for any pre-award survey, site inspection, or oral presentation, if one is requested. A final determination will be made by DESC after any pre-award survey, site inspection, or oral presentations are completed.

Applicant programs will be evaluated in accordance with the criteria listed below. Please note, only finalists will be invited for an oral presentation, as required. DESC reserves the right to award or reject funding for a proposal. Decisions regarding applicant proposals are the final determination of DESC.

LEGAL SERVICES RFP - SCORING	
CATEGORY	**MAXIMUM POINTS POSSIBLE**
Form 1	
Section 1: Summary Please see above under Section VIII-C.2.	**5**
Section 2: Qualifications Please see above under Section VIII-C.3.	**15**
Section 3: Service Delivery Description Please see above under Section VIII-C.4.	**15**
Section 4: Organizational Capacity and Performance History Please see above under Section VIII-C.5.	**20**
Section 5: Administrative Capacity Please see above under Section VIII-C.6.	**20**
Section 6: Price Proposal Please see above under Section VIII-C.7.	**20**
Section 7: Financial Fit/Capacity Please see above under Section VIII-C.8.	**5**
TOTAL MAXIMUM POINTS – WRITTEN PROPOSAL	**100**

J. Pre-Award Termination of RFP process

DESC in conjunction with the MWDB reserves the right to cancel this RFP in part or in its entirety, to accept or reject any or all proposals received, to waive any non-conformity, to re-advertise for proposals, or withhold the award for any reason DESC determines, and to take any other appropriate action regarding this RFP that is in the best interest of DESC.

DESC reserves the right to negotiate with all qualified entities. This RFP does not commit the MWDB or DESC to award a contract, to pay any costs incurred in the preparation of a proposal under this request, or to procure or contract for services.

K. Contract Negotiations/Stipulations

The RFP is competitive. Each proposal should be submitted in the most favorable terms that the prospective vendor can submit from a technical and price standpoint. The offer is subject to negotiation, but costs cannot increase during contract negotiation unless required by DESC.

All contracts with DESC in excess of $10,000 are subject to termination for cause, and for convenience by DESC. DESC will not enter into a contract with any person or entity that has been debarred or suspended from contracting with any Federal or State governmental unit. All prospective vendors must accept DESC's contract boilerplate language or have a negotiated revision to said language on file with the DESC. DESC's standard contract provisions can be provided upon request.

DESC has the right to terminate the negotiation process, at any time for default, or for convenience, at the sole discretion of DESC.

L. Contract Approval

Upon award of a contract, pursuant to this RFP, DESC and the applicant shall execute a contract that shall contain all contractual terms and conditions in a form provided by DESC. No contract shall become effective until the contract has been approved and executed by DESC. Prior to the completion of this approval process, the vendor shall have no authority to begin work under the contract. The Chief Financial Officer of DESC shall not authorize any payments to the vendor prior to such approvals; nor shall DESC incur any liability to reimburse the vendor regarding any expenditure for the purchase of materials or the payment of services.

M. DESC Performance Monitoring and Evaluation Procedures

DESC may conduct periodic monitoring and evaluation of all vendors to determine contractual compliance relative to funding requirements and guidelines, performance outcomes, quality of operation, and/or customer service. Based on the results of the evaluation or monitoring efforts, DESC may request performance improvement plans. In instances of significant performance or compliance deficiencies, DESC may place the contractor on a corrective action plan.

N. Modification of Services and Funding

DESC reserves the right to modify the services provided by vendors awarded a contract during the contract period. Any modification and resulting changes in pricing shall be made by amendment to the contract and the vendor and DESC.

DESC also reserves the right to decrease or increase contract amounts during the life of the contract, based on the utilization of funds, vendor performance, and the availability of funds, or as further described in the contract.

Any individual/organization applying under this RFP must be willing to adapt its proposal to specific funding guidelines or changes in DESC's, state, or federal regulations or policies.

Prospective vendors may be required to submit cost, technical, or other revisions of their proposal that may result from negotiations.

O. Terms and Conditions

The successful applicant will be expected to enter into a contract with DESC which will contain the Terms and Conditions outlined in a separate document that can be found on DESC's website at https://www.descmiworks.com/wp-content/uploads/2018-06-22-DESC-General-Contract-Terms-and-Conditions.pdf.