

POLK COUNTY WORKFORCE DEVELOPMENT BOARD, INC.
600 N. BROADWAY AVENUE
SUITE B
BARTOW, FL 33830

REQUEST FOR PROPOSAL
For
LEGAL SERVICES

RFP # PWDB 10-LS-01

Issue Date: June 27, 2010
Proposals Due: 12:00 Noon, EST, July 26, 2010
Proposal Review Team Meeting: July 28, 2010
Proposer's Presentation to Business Competitiveness Council: August 2, 2010
Recommendation to Executive Committee: August 12, 2010
Board Action Regarding Authorization to Negotiate: August 19, 2010
Agreement to be Executed Approximately by: September 1, 2010

The Polk County Workforce Development Board, Inc.
Request for Proposals for Provision of Legal Services

I. General Information

The Polk County Workforce Development Board, Inc. (d.b.a. Polk Works) is requesting proposals from qualified licensed Attorneys or Law Firms for the provision of legal services on a contract basis for an initial one-year period, beginning September 2010, with the possibility of renewals based on satisfactory performance as determined solely by the Polk Works Board of Directors.

A retainer or fixed fee paid on a periodic (monthly) basis is the desired method of remuneration. Generally, a monthly fixed fee arrangement will be for attendance at Board meetings, providing advice on day-to-day legal issues that may arise, as well as services consisting of legal assistance and advice and opinions on an “as needed” basis. Such requests shall be based solely upon the written request of the Board Chair and/or the President/Chief Executive Officer.

Polk Works is a not for profit corporation organized under the laws of the State of Florida and is the administrative entity for certain job training and job placement provisions of the federal Workforce Investment Act of 1998, (Public Law 105-220); The Florida Workforce Innovation Act (Chapter 2000-165, Laws of Florida), the Personal Responsibility and Work Opportunity Act of 1996 (*Welfare Transition Program*), The Wagner-Peyser Act of 1933, as amended by the Workforce Investment Act of 1998), Title IV of the Social Security Act, (*Temporary Assistance to Need Families*), as amended, *et al.* Polk Works adheres to various OMB circulars including OMB Circular A-110, A-122 and A-133.

Among other activities, Polk Works is responsible for the operation of the One-Stop Career Centers in Polk County. Polk Works’ Fiscal Year 2010/2011 operating budget (July 1, 2010-June 30, 2011) is approximately \$15.6 million. The organization is currently governed by a 47 member Board of Directors which represents both business and public sector entities. At least 51% of the Board’s membership is from the private sector.

The majority of Polk Works’ funding comes from Federal funding sources. However, the agency also receives contributions, donations and special awards to assist in furthering its mission to ensure and sustain a quality workforce. As the administrative entity, the Board does not provide direct services. Polk Works has subcontracts with 2 primary service providers charged with the provision of direct customer services. In addition the Board contracts with educational institutions, community based organizations, private sector employers, public institutions, and other vendors of goods and services. The Board of Directors works closely with local, state and regional economic development entities.

Minority or female-owned businesses, and community-based institutions are encouraged to apply. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any services provided under this RFP because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

Acceptable proposals shall, at a minimum, meet the specifications contained in this RFP and any other specifications as may be necessary or required by law.

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II. Terms and Conditions Applicable to All Proposals

All proposals are subject to the following Terms and Conditions:

- The Original and five (5) copies of the proposal must be received at 600 N. Broadway Avenue, Bartow Florida 33830 no later than 12 Noon (EST), July 27, 2010. E-mailed and faxed submittals will not be accepted. Any proposal received after that time and date will be returned to the proposer unopened.
- Polk Works reserves the right to reject any and all proposals, in whole or in part, to waive any informalities or irregularities in the proposals received, and to accept any proposal that is deemed most favorable to Polk Works.
- Non-conforming proposals will be considered non-responsive and are subject to rejection without review or scoring.
- Polk Works reserves the right to request additional information for clarification purposes or to allow corrections to errors or omissions provided errors or omissions do not provide a competitive advantage to any proposer.
- The selected proposal may be subject to further negotiation if deemed, at Polk Works' sole discretion, to be advantageous to Polk Works.
- Submission of a proposal indicates acceptance of all terms and conditions set out in this solicitation.
- Polk Works will accept and respond to written technical questions up to seven (7) calendar days prior to the Final Deadline. Questions should be submitted, in writing, to the address shown on the cover page of this RFP, attention: Mark V. Thomas, Vice President of Operations, or via email to mark_thomas@polkworks.org.
- Proposers may be requested to appear before the President/Chief Executive Officer and/or the Board's Executive Committee, any designated Senior Management Staff or Board Committee, to further discuss the submitted proposal.
- A written Representation/Retainer agreement will be entered into between Polk Works and the successful proposer subject to final negotiation between both parties. The resulting agreement will be for an initial period of one (1) year with the possibility of renewals based on satisfactory performance as determined solely by the Polk Works Board of Directors.
- Any retainer payment or billing procedure will be negotiated prior to final award.
- Prior to execution of a written Agreement, the successful Attorney or Law Firm must provide documentation of a minimum of \$500,000 dollars per occurrence, \$1 million dollars aggregate in Professional Liability (Malpractice) insurance coverage.
- Any contract awarded under the RFP is subject to available funding.

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III. Services to be Provided:

Following is a summary of the services to be provided under this RFP:

- A. Attendance at all meetings of the Polk Works Board of Directors and its Executive Committee. Services provided at said meeting may include Parliamentary Guidance and legal advice concerning the conduct of the Board meeting as well as any matters that may come before the Board of Directors. Although subject to change, all meetings, with the exception of the Board of Directors meetings and an annual Board Meeting, are generally held in the administrative offices at 600 N. Broadway Avenue Bartow, Florida. The Board meets on a quarterly basis. Scheduled meeting dates are:

August 19, 2010
November 18, 2010
February 17, 2011
May 19, 2011

The Board meetings are usually convened at 2:45 p.m. Executive Committee meetings are usually held on Thursday's, one week prior to Board of Directors meeting, at 3:00 p.m. Most meetings will last 1-2 hours. (For a full schedule of meetings navigate to www.polkworks.org). The Board's Annual Meeting is generally held at a Polk County location to be determined amongst the members of the Board. During the Annual Meeting, the selected Attorney/Law Firm may be required to attend and administer the oath of office for newly elected officers and members.

Proposer must also be available, with notice, for other Board functions as appropriate.

- B. Provision of legal assistance, advice and opinions - Such requests shall be based solely upon the written or oral request of the Board Chair, President/Chief Executive Officer or her designee, and may cover a wide range of issues including, but not limited to, the following:
- i. Interpretation of Federal, State or Local Laws, Rules, and Regulations as such relate to Program, Agency, or Board operations;
 - ii. Advice as to complying with all applicable laws, rules and regulations as well as Contracts or Agreements;
 - iii. Review of staff prepared contracts and/or service agreements (including inter-local agreements, grant agreements, etc.) to assure legal sufficiency and compliance with applicable laws, rules and regulations;
 - iv. Review of staff prepared agendas for legal sufficiency and compliance;
 - v. Review of meeting minutes for legal sufficiency and compliance;
 - vi. Representation of Polk Works and its Board of Directors before any Boards, Commissions, Courts, or Tribunals, when necessary;

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- vii. Oral opinions should be rendered within three (3) working days and written opinions should be rendered within five (5) working days unless Polk Works is otherwise advised in advance by the responsible attorney;
- viii. Reviewing and/or revising the articles, bylaws, and other governing documents of Polk Works, as well as existing contracts;
- ix. Coordination with outside Counsel – Coordinate with outside counsel retained by Polk Works or its insurance carriers on legal matters to protect the interests of the Corporation and its Board of Directors;
- x. Other related services as needed.

IV. Minimum Qualifications

To be considered for award of this RFP, the proposing Attorney or, if a Law Firm, all Attorneys identified to provide services under this RFP, must meet the following minimum qualifications:

1. Member in good standing of the Florida Bar. This is a minimum requirement. RFP's that do not clearly show compliance with this requirement will not be scored.
2. A minimum of five (5) years experience in transactional law. Such experience must include representation of a not-for-profit corporation; local government; or Political Subdivision that administers federal grant funds.
3. A minimum of three (3) years of the five (5) years must have included direct experience in working with volunteer, not-for-profit Boards; Florida Sunshine Law; Federal OMB Circulars covering government or not-for-profit entities; Federal Programs, such as programs authorized pursuant to the Workforce Investment Act (WIA), The Personal Responsibility and Work Opportunity Act (PRWOA), or any other Federal/State Grant Programs.
4. Proposer should list the name of the person assigned, in its response to the RFP.

V. Evaluation

Each proposal will be considered based on the criteria outlined below. The Attorney or Law Firm with the highest score will be requested to meet with the President/Chief Executive Officer, or her designee, to negotiate an Agreement. If such an Agreement cannot be reached, Polk Works reserves the right to terminate negotiations and commence negotiation with the next highest scorer. This process will continue until an acceptable Agreement is reached or, at its sole discretion, Polk Works will exercise its right to cancel this RFP.

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IV. Scoring Criteria:

Qualifications & Experience	40 points
Ability to provide requested services	20 Points
Schedule and service requirements	20 points
Proposed fee	40 points
Availability	40 points
Classification as a minority or women-owned business	5 points
Professional minority staff assigned to Polk Works	5 points
References	30 points
Total Possible Points	200 points

Proposal Response

Name of Attorney/Law Firm: _____

Address: _____

City, State, Zipcode: _____

Phone Number: _____

Fax Number: _____

1. Conflict of Interest Declaration

1. Our (my) firm _____ is an independent firm or company and has this date submitted a bid proposal, or quote to provide goods and/or services to the Polk County WorkForce Development Board, Inc.

2. I certify on behalf of the above named firm, that I nor my employees:

WILL

WILL NOT

have an interest, direct or indirect, which may or may not conflict in any manner or degree with the performance or provision of these goods and/or services to the Polk County Workforce Development Board, Inc.

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3. If awarded a contract my (our) firm agrees that in providing the goods or in the rendering of services to the Polk County Workforce Development Board, Inc., no persons having any such interest shall be employed by the firm. I assume full responsibility for knowing whether my (our) employees or agents have any such interest and hereby certify that no such interest exists.

Date

Signature of Authorized Official

Printed Name and Title

2. Florida Bar Membership

- If individual Attorney, are you a member in Good Standing of the Florida Bar (Y/N)? ____
Florida Bar #: _____

- If law firm, are each of the members of the firm that will be assigned to provide services under this RFP members in Good Standing of the Florida Bar (Y/N)? ____

NOTE: If law firm, please include in narrative section a list of each attorney, including Florida Bar Number, that may be assigned to provide services.

3. Proposed Fee

Proposed Monthly Fee

4. The Proposal

The proposal should be prepared in the following format and should not exceed ten (10) pages in length (Single-spaced Times New Roman 12 Font, no less than 1” margins)

1. Name of Proposer
2. Proposer’s Street Address, City, State and Zipcode
3. Phone and Fax Numbers
4. Website address
5. If Law Firm, list all attorneys that will provide services along with his/her Florida Bar Number.
6. Transactional Law experience (include type of law practiced and the # of years for each type of law)

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7. Not-for-profit volunteer Board experience (include type of experience advising Not-for-Profits and the # of years for each experience)
8. Include a description of firm's qualifications and experience in each of the following areas:
 - a. Experience with government programs (identify the type of government programs and the # of years for each type. Note: proposers with experience in the following will generally score higher):
 - i. Federal Workforce Investment Act (WIA) of 1998
 - ii. State Workforce Investment Act of 2000
 - iii. Personal Responsibility and Work Opportunity Reconciliation Act of 1996
 - iv. Federal OMB Circulars applicable to government and not-for-profit entities
 - v. Florida Sunshine Law compliance
9. List of type of clients served and the number of years advising.
10. Describe your firm's ability to provide the requested services.
11. How will you ensure you can meet the schedule and service requirements as described in Section III above?
12. Provide a proposed monthly fee. Fee should include a monthly retainer amount for routine and non-routine services as enumerated in Section III above.
13. What steps will you take to ensure you will be readily available to answer questions and requests for information during the course of the contract period?
14. Are you categorized as a minority or women-owned business? If so, describe the classification.
15. Will you have professional minority staff assigned to conduct the work proposed?
16. Provide a list of at least 3 client references for which you are, or have provided, services.
17. Attachments (not included in the page limit) that demonstrate experience in related services (i.e. resumes of Attorneys providing the requested services, Newsletters, Newspaper Articles, etc.)

5. Special Instructions

In submitting a proposal, the following instructions are to be followed:

1. The original Proposal Response should be signed in blue ink and marked "original".
2. The original and all five (5) copies should be placed in a sealed envelope. On the outside of the envelope, the proposer must print or type the name and address of the proposer. Also printed or typed on the outside should be:

Response to Request for Proposal for Legal Services

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3. The proposer should submit the original the Proposal Response, and all supporting documents to Polk Works, Attention mark V. Thomas, V.P. Operations, 600 N. Broadway Avenue, Bartow, Florida 33830.
4. A Proposal Response may be submitted via US Mail, UPS, Fedex, hand delivery, or any other means selected by the proposer except for email and fax. However, proposals must be received no later than the due date and time identified in the RFP or any subsequent Addenda.

6. Certifications

The individual signing this proposal hereby certifies that he/she has read the entire document and fully understands the requirements contained herein. Additionally, the individual certifies as follows:

1. He/she is authorized to contract on behalf of the Attorney or Law Firm.
2. The Attorney or Law Firm is not involved in any agreement to pay money or other consideration for the execution of this agreement.
3. There has been no attempt by the Attorney or Law Firm to discourage any other Attorney or Law Firm from submitting a proposal.
4. The proposer certifies, by submission of this document and signing the attached certification regarding Debarment and Suspension, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Where the proposed contractor is unable to certify to the above statement, the prospective contractor shall attach an explanation to this Proposal.

Submitted this ____ day of _____, 2010.

Signature of authorized representative

Printed name of authorized representative

Name of Firm

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Certification Regarding

**DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

(BEFORE SIGNING CERTIFICATION, READ ATTACHED INSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

A. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency.
2. Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or proposal under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
3. Are not presently indicted for or otherwise criminal or civil charges by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1.b. of this certification.
4. Have not within a three (3) year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

B. Where the prospective primary participant is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to this proposal and submit to:

Stacy Campbell-Domineck, President/CEO, Polk County Workforce Development Board, Inc.

Name and Title of Authorized Representative:

Name of Proposer:

Signature

Date

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**INSTRUCTIONS FOR CERTIFICATION REGARDING
DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

1. By signing and submitting this Request for Proposal, the prospective primary participant is providing the certification as set out herein.
2. The inability of a person to provide the required certification will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Board's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this Request for Proposal.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Board determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available, the Board may terminate this Request for Proposal for cause or default.
4. The prospective primary participant shall provide immediate written notice to the Board if at any time the respective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage Sections of the rules implementing Executive Order 12549. You may contact the Board for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this Request for Proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the Board.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions, provided by the Board without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph six (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction in addition to other remedies available to the Federal Government, the Board may terminate this Proposal for cause or default.