



REQUEST FOR PROPOSAL FOR LEGAL SERVICES FOR THE PERIOD

**January 1, 2020
to December 31, 2022**

INQUIRIES SHOULD BE DIRECTED TO:

**Donna Satterthwaite
Chief Operating Officer**

dsatterthwaite@ssa-i.org

**Senior Service America, Inc.
8403 Colesville Road, Suite 200
Silver Spring, MD 20910**

<https://www.seniorserviceamerica.org/>

I. GENERAL INFORMATION.

A. **Purpose.** This Request for Proposal (RFP) is to contract for legal services to be provided to Senior Services America, Inc. for the January 1, 2020 to December 31, 2022. The company is seeking individual attorneys and/or law firms with extensive experience representing non-profit enterprises in the areas of litigation, pension, employment and labor law; contract preparation and review; intellectual property, and bond counsel services including, but not limited to, authorizations/resolutions, disclosures, and financial rules consideration including tax-exempt status. One or more individual/firms may be selected to provide services. Depending on the services to be rendered, a retainer agreement may be requested at a compensation rate agreed upon.

B. **Who May Respond.** Only attorneys who are currently licensed to practice law in good standing in Maryland, Virginia or District of Columbia, and maintain an office in the Washington, DC metropolitan area, or law firms including such attorneys, may respond to this RFP.

C. Instructions on Proposal Submission.

1. **Closing Submission Date.** Proposals must be submitted no later than **4:00pm EST on Monday November 25, 2019.**
2. **Inquiries.** Inquiries concerning this RFP should be sent by Thursday November 14, 2019 at 3:00pm EST to:

Donna L. Satterthwaite, Chief Operating Officer
Senior Service America, Inc.
8403 Colesville Road, Suite 200
Silver Spring, MD 20910

Or e-mailed to: dsatterthwaite@ssa-i.org

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposer and will not be reimbursed by **Senior Service America, Inc.** (hereinafter referred to as SSAI).
4. **Instructions to Prospective Contractors.** Responses to this request should be sent to RFP-response@ssa-i.org with complete proposal and all attachments.

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Proposer to ensure that the proposal is received by SSAI, by the date and time specified above. Late proposals will not be considered.
5. **Right to Reject.** SSAI reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Small and/or Minority-Owned Businesses.** Efforts will be made by SSAI to utilize small businesses, women and/or minority owned businesses. Proposer qualifies as a small business firm if it meets the definition of "small business" as established by the Small Business Administration ([13CFR §](#)

[121.201](#)).

7. **Notification of Award.** It is expected that a decision selecting the successful Firm will be made within four (4) weeks of the closing date for the receipt of proposals. While there may be some variance depending on the selected firm(s), the ideal arrangement would be that the contract is a retainer agreement and additional fees considered on a monthly basis.

D. **Description of Entity.** SSAI, EIN 52-6048236, is a long-established non-profit corporation and has been determined to be exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code. Our mission is to connect experienced Americans, especially low income and disadvantaged adults, with employers in all 50 states to ensure a vibrant, diverse, and productive workforce. SSAI currently administers several federal workforce development programs for 55+ older adults, the largest of these programs is the Department of Labor's Senior Community Service Employment Program, with an award of \$45M to SSAI.

SSAI has an annual budget of approximately \$56 million and is governed by an 11-member volunteer Board of Directors, which meets four times per year. SSAI employs approximately 40 employees. 50% of the SSAI employee population is represented by the Office and Professional Employees International Union. The headquarter office is located at 8403 Colesville Road, Suite 200, Silver Spring, MD 20910 and is incorporated in the District of Columbia. Other SSAI offices are located in Baltimore, MD, Casper, WY and Fresno County, CA; And through our programming, we operate in 35 states.

SSAI Community Partners, Inc. ("Community Partners") is a newly formed non-profit by the leadership of SSAI, Inc. In November 2017 to innovate new approaches, advance best practices, and tackle the challenge of bringing underserved Americans of all ages into the workforce by engaging the business and philanthropic communities' support as partners in its efforts. Exemption from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code is pending determination.

- II. **SCOPE OF SERVICES.** Our Company's use of legal services is focused on the following major subject areas sited below. We seek strategic relationships that will provide high quality and consistent service, lower and more predictable costs, and knowledge sharing. Commitments to diversity and the highest standards of ethics and business conduct are expected. Our goal is to build strong relationships with providers who appreciate the unique nature of Our Company's history, people, products, organizational structure, and goals.

The Proposer shall be readily available to perform the following legal services:

1. Review, draft, and negotiate contracts and leases
2. Advise on legal issues related to agency and tax-exempt organization status
3. Advise on laws/regulations related to intellectual property, privacy, personal data collection/storage, online payments, electronic communication, and other issues related to marketing and communications activities.
4. Advise on individual labor and employment actions
5. Lead labor negotiations, arbitrations, labor and employment counseling, and employment litigation
6. Drafting and/review for legal correctness and acceptability; legal documents, contracts, settlement agreements, severance agreements, releases, collective bargaining agreements and other legal drafting, as requested.
7. Advise on Human Resources policies and/or procedures that directly impact agency or participants in SSAI workforce development/employment programs (covering 35+ states), including workers'

- compensation.
8. Review personnel, fiscal and other policies, as well as agency by-laws
 9. Pension Plan: Provide advice and counsel to the SSAI Board of Trustees on matters involving fiduciary obligations, especially as they relate to plan administration and investment manager selection and retention. Provide advice and counsel on real or potential conflict of interest situations.
 10. Attend Board of Directors and Committee meetings as necessary
 11. Advise on government grant and contract issues
 12. Advise on responses to subpoenas, court orders, and requests for information from third parties
 13. Defend lawsuits, administrative claims, or other legal claims
 14. Conduct litigation as necessary
 15. Other legal services as needed

Although it is preferable for an attorney or firm to submit a proposal covering all of the above areas, SSAI will consider proposals for subsets of these areas.

Proposer shall be prepared to submit detailed billing statements for all services billed at an hourly rate, if any, broken down into time increments of no more than a quarter hour. Proposer shall also include summaries of work performed and time spent on services performed under the flat monthly fee, as discussed below.

III. PROPOSAL CONTENTS. The Proposer, in its proposal, shall, as a minimum, include the following;

- A. **Legal Experience.** The Proposer should describe its experience related to the areas outlined in the scope of services above. There is a particular interest in the following topic areas: nonprofit and tax-exempt organizations; real estate, including bond financing; government grants and contracts; labor negotiations, pension administration and general business operations. Additionally, if applicable, provide a description of any experience advising organizations comparable to SSAI that offer similar programs and government-funded services.
- B. **Organization, Size, Structure, and Areas of Practice.** The proposer should describe its organization, size, structure, areas of practice, and geographic coverage. Indicate, if appropriate, if the firm is a small or minority/owned business. Also include copy of an Equal Opportunity/Affirmative Action Policy and/or Code of Conduct, if the firm has one.
- C. **Attorney Qualifications.** The Proposer should describe the qualifications of attorneys to be assigned to the representation. Descriptions should include:
 1. Professional and education background of each attorney.
 2. Overall supervision to be exercised.
 3. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.
- D. **Price.** All proposals must be accompanied with a copy of Company's billing guidelines, practices and systems.

The Proposer's proposed price should include information on the hourly billing rates of each attorney or

other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, long-distance telephone calls, copies, delivery fees and faxes. Interested Proposers must also provide information on any alternate fee arrangements that the firm utilizes in connection with the performance of a specific service and must indicate whether the firm would be able, upon reasonable SSAI request, to provide an advance estimate of expense or a budget on a given matter. Also include a retainer amount that would be charged to advise SSAI on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. SSAI reserves the right to negotiate with the Proposer on the structure of the billing and/or retainer fee.

E. **References.** The Proposer must provide at least three client references with similar operations to SSAI and comparable scope of services. Each reference should include the business name, address, phone number and the name of a person that SSAI may contact regarding the firm's work for that client.

IV. PROPOSAL EVALUATION

A. **Submission of Proposals.** Responses to this request should be sent to RFP-response@ssa-i.org with complete proposal and all attachments by **4:00pm EST on Monday November 25, 2019.**

B. **Evaluation Procedure and Criteria.** SSAI's President/CEO and senior leadership team will review and evaluate proposals that are completely responsive to the requirements for submission. The President/CEO may request a meeting with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following criteria:

1. Proposed approach to scope of work.
2. Level of experience of the individual(s) identified to work on this matter.
3. The Proposer's experience with similar clients and legal matters.
4. Proof of financial viability.
5. Cost.
6. Interviews, if conducted.

C. **Required Format for Proposals.** All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal:

1. Page Limit: 12, including cover page
2. Attorney Qualifications section should be attached and is not included in the page limit
3. Page Size: 8 ½ x 11; portrait
4. Font Size: 12
5. Double-spaced
6. Margins: 1" minimum on the top, bottom, and sides of all pages
7. Do not use material in proposals dependent on color distinctions, animated electronics, etc.
8. Do not include attachments other than those requested or required by this RFP.

V. PROPOSAL TIMELINE.

During the period from your organization's receipt of this Request for Proposals and until a contract is awarded, your organization shall not contact any employee of SSAI for additional information except in writing directed to Donna Satterthwaite at dsatterthwaite@ssa-i.org.

VI. QUESTIONS.

Questions for the purpose of clarifying the RFP must be submitted by email and must be received no later than **3:00pm EST on November 14, 2019**. Questions must be emailed to Donna Satterthwaite at dsatterthwaite@ssa-i.org. Please note that submissions of questions for response do not in any way enhance or guarantee the chances of receiving a contract through this proposal. Company is not required to respond to any query submitted but, if Company does reply, may make your query as well as Company's answer to it available to all bidders.

VII. GENERAL INFORMATION.

A. Contract Award

SSAI reserves the right to award the contract in a manner deemed to be in the best interests of SSAI.

B. Stability of Proposed Prices

Any price offerings from Proposers must be valid for a period of 30 days from the due date of the proposals.

C. Amendment or Cancellation of the RFP

SSAI reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interests of SSAI.

D. Proposal Modifications

No additions or changes to any proposal will be allowed after the proposal due date, unless such modification is specifically requested by SSAI. SSAI, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

E. Proposer Presentation of Supporting Evidence

Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that SSAI deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.

F. Proposer Demonstration of Proposed Services

Proposers must be able to confirm their ability to demonstrate the services they would provide.

G. Erroneous Awards

SSAI reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a Proposer and subsequently awarding the contract to a different Proposer. Such action shall not constitute a breach of contract on the part of SSAI because the contract with the initial Proposer will be deemed voided as if no contract were ever in place.

H. Ownership of Proposals

All proposals shall become the property of SSAI and will not be returned.

I. **Ownership of Subsequent Products**

Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP shall be the sole property of SSAI unless otherwise stated in the contract.

J. **Oral Agreement or Arrangements**

Any alleged oral agreements or arrangements made by Proposers with SSAI will be disregarded in any proposal evaluation or associated award.

K. **Not a Contract**

This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. SSAI will pursue negotiations with the strongest proposal. If, for some reason, SSAI and the initial Proposer fail to reach consensus on the issues relative to a contract, then SSAI may commence contract negotiations with other Proposers. SSAI may decide at any time to start the RFP process again.

The selected Proposer will be required to sign a formal contract.

L. **Subcontractors**

SSAI must approve any and all subcontractors utilized by the successful Proposer prior to any such subcontractor commencing any work. Proposers acknowledge by the act of submitting a proposal that any work provided under the contract is work conducted on behalf of SSAI and that the SSAI President/CEO or designee may communicate directly with any subcontractor as SSAI deems necessary or appropriate.

It is also understood that the successful Proposer shall be responsible for all payment of fees charged by the subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the successful Proposer to SSAI upon request. The successful Proposer must provide the majority of services described in the specifications.