



# Fresno Economic Opportunities Commission

## REQUEST FOR PROPOSAL

For  
Legal Services  
Bid Number: 031918

March 2, 2018

Fresno Economic Opportunities Commission (Fresno EOC) is soliciting proposals to establish a contract with one (1) qualified and experienced legal firm to serve as General Legal Counsel for Fresno EOC and to provide legal services as needed.

Proposals will be considered from qualified and experienced firms who are regularly established in the business of legal services, and who in the judgment of Fresno EOC are financially responsible. Only an attorney or legal firm who is licensed by the State of California and in good standing with the California Bar Association may respond. Through prior work performed, firms must be able to show evidence of reliability, ability, experience, and personnel to perform the services.

You can also find this Request for Proposals (RFP) on the Fresno EOC website [www.fresnoeoc.org](http://www.fresnoeoc.org).

### Proposal Submission:

Qualified firms are invited to submit a proposal (six (6) hard copies and one digital copy) meeting the requirements described herein, and it must be received no later than **2:00 P.M. March 19, 2018**. Mail or deliver hard copy proposals in a sealed envelope to:

Fresno Economic Opportunities Commission  
ATTN: Salam Nalia  
1920 Mariposa Mall, Suite 330  
Fresno, CA 93721

- Submit a proposal in pdf format to: [darlene.trujillo@fresnoeoc.org](mailto:darlene.trujillo@fresnoeoc.org) with a subject line: Legal RFP 031918

It is the responsibility of the Bidder to insure that proposals are received by the above deadline. Late proposals will not be considered.

### Questions:

Direct all questions regarding this RFP to [salam.nalia@fresnoeoc.org](mailto:salam.nalia@fresnoeoc.org). All questions and responses are public and posted in a timely manner on the Fresno EOC website ([www.fresnoeoc.org](http://www.fresnoeoc.org)) under the RFP section. Fresno EOC will not accept questions after March 13, 2018.

This Request for Proposal does not commit Fresno EOC to award a contract or pay any costs incurred in the preparation of a proposal in response to this request. Fresno EOC reserves the right to accept the proposal that it considers to be in its best interest. Selection of the firm is at the sole discretion of the Fresno EOC. All materials submitted to Fresno EOC by firms in response to this RFP become the sole property of Fresno EOC and will be used at its discretion unless the proposer identifies any



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trademarks or patents that protect products submitted.

Thank you for your interest in working with Fresno Economic Opportunities Commission.

Brian Angus, Chief Executive Officer  
Fresno Economic Opportunities Commission



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Fresno County Economic Opportunities Commission, doing business as Fresno Economic Opportunities Commission (Fresno EOC) is soliciting proposals from qualified and experienced legal firms to provide general legal counsel services for Fresno EOC, and to provide legal services as needed. Firms must demonstrate the ability to perform the work described in the Scope of Services and have significant experience to perform the outlined work successfully. Periodically, Fresno EOC carefully explores and considers all service provider options with the goal of adequately protecting the Agency from risk exposures within the limitations of available funding.

### **About Fresno Economic Opportunities Commission (Fresno EOC):**

Fresno EOC is a non-profit community benefit corporation organized under section 501 (c) (3) of the internal revenue code. Fresno EOC is part of a large network of Community Action Agencies authorized by the Economic Opportunities Act of 1965. Governed by a tri-partite board of 24 commissioners representing the various regions of our county, its elected representatives, and organizations serving the poor, Fresno EOC has over the past 50 years emerged as one of the premier Community Action Agencies in the nation operating more than 30 programs directed towards the needs of, and empowering the poor in our community. Fresno EOC employs approximately 1,200 individuals within approximately eighty-six (82) owned or leased facilities with a vehicle fleet of approximately 200 within Fresno County.

Fresno CDFI, doing business as Access Plus Capital, is a wholly-owned subsidiary of Fresno EOC which provides financing and training to grow businesses and jobs within California.

Fresno EOC's vision is in serving as an entrepreneurial agency, to bridge the gap to self-sufficiency by providing opportunities and resources, as we initiate and partner in shared community efforts to improve the quality of life.

### **Response Format:**

Responses should be concise and include the materials which are requested within this RFP. Generic marketing and promotional materials are neither required nor desired. Responding firms should concisely but completely describe the scope of services they feel are appropriate to Fresno EOC and its affiliate entities.

### **Scope of Service**

The firm selected will be required to provide the services below.

1. Serve as General Counsel of Record and be named in official documents as Fresno EOC Legal Counsel.
2. Assist in preparing, reviewing, and/or negotiating legal documents.



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3. Provide timely and responsive guidance and counsel on emergent matters.
4. Advise on corporate and tax-exempt organization legal issues, including responding to inquiries regarding potential new business start-up (Social Enterprise).
5. Review / advise on matters of procurement, service contracts, and leases, upon request.
6. Represent Fresno EOC in any lawsuits, administrative claims, or other legal claims. Fresno EOC reserves the right to utilize the services of alternate legal firms in the event more specialized knowledge or experience is required.
7. Render written legal opinions upon request.
8. Advise on responses to subpoenas, court orders, and requests for information from third parties.
9. Advise on government grant and contract issues.
10. Attend meetings of the Fresno EOC Board or its committees as necessary and serve as the contracted “licensed attorney familiar with issues that come before the governing body” in the event the board composition does not already have this representation, as required by the Head Start Act.
11. Advise on individual labor and employment matters as requested.
12. Work cooperatively with outside legal counsels representing human resources, insurance companies, Pension Plans, New Market Tax Credits, or other affiliated interests.
13. Assist with formal evictions for the transitional living or permanent housing programs, as needed.
14. Assist with Access Plus Capital loans that default, particularly in situations where the borrower and/or grantor(s) have filed for bankruptcy.



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15. Provide legal assistance to file judgments and/or collection letters on an as-needed basis for both Fresno EOC and Access Plus Capital.
16. Assistance with new and existing appeals filed with the Government, as required.
17. Provide assistance with the Head Start/Early Head Start Impasse Policy, if needed.
18. As needed, provide assistance in matters pertaining to Agency and Board structure for items such as conflict of interest reporting.
19. Upon request, provide written, timely notification of changes in federal, state, or local laws/regulations that impact the operations of Fresno EOC.
20. Provide assurance statements as required for financial audits, bonding matters, and grant compliance warrants.
21. Fulfill other legal duties as are commonly accepted and assigned.

Firm 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. Additionally, firm shall also be prepared to include summaries of work performed and time spent on services performed under any flat monthly fee.

**Specifications:** Responses to this RFP should cover the following components:

1. Firm Background
  - Firm Name
  - Home Office Address
  - Website
  - Contact Information for this RFP:
    - Name and Title
    - Office Location, if different from above
    - Phone
    - Fax
    - e-mail address



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### 2. Structure and Experience (5 points)

- Number of branches and size (overall as well as locally within Fresno County)
- List your firm's lines of business (including affiliated companies)
- Primary purpose and function in the legal field
- Number of years in practice
- Number of employees
- Employee turnover
- Number of new and resigning clients in 2017
- Client volume
- Provide your privacy policy with regards to sharing client and account information with outside parties
- Provide a conflict of interest statement that your firm; associate firms and/or key staff may have regarding these services. The statement should not only include actual conflicts, but also any working relationships that may be perceived by disinterested parties as a conflict. If no potential conflicts of interest are identified, state so within your proposal.
- Provide proof of professional liability insurance of at least \$1 million, coverage provided by a company with an AM Best rating of B+ or better.

### 3. Non Profit Expertise / Relevant Experience / References (10 points)

- Descriptions / examples of previous experience that may be relevant to servicing the legal needs of Fresno EOC, or similar Community Action Agencies.
- Provide a listing of current clients with non-profit structure.
- List three clients, preferably non-profit organizations, whom we may contact as references. Please also include the number of years you have been working (or worked) with them.
- Provide two specific examples of ways in which your firm has made a positive impact within firms you have served, or represented, over the past 24 months (For example: policy research, mediation / arbitration efforts, enhanced services, lowered fees).

### 4. Proposed Service Approach (25 points)

- Describe your understanding of Fresno EOC's desired services.
- Discuss your firm's philosophy on the process of providing legal services, including proposed techniques and methodology to be used for each task.
- State any difficulties foreseen in performing the designated tasks.
- Describe depth of understanding and knowledge of a wide variety of corporate, governmental and business laws, regulations, and rules including but not limited to Federal OMB circulars covering nonprofits, human services grant funded programs, economic development/lending activities, contract transactions, board governance (by-laws/Brown Act), real estate/construction, self-funded Health and Benefits plans, and defined contribution Pension Plans / ERISA.



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- Present the process taken in handling negotiations and arbitrations with governmental entities.
- Describe your firm's technological capabilities and what resources are available as a result.
- Describe available resources utilized to stay current with changes in federal, state, or local laws/regulations.
- Describe any services or portion of services, which will be performed by a sub-consulting firm, and provide relevant information on such firm's qualifications and personnel.
- Confirm your representative(s) will be available to attend, in person, the monthly Board of Commissioner meetings, and serve as a legal consultant within the Board of Commissioners, as necessary.

### 5. Service Team (10 points)

- Describe the proposed account team, such as:
  - name
  - job title
  - location
  - education
  - number of years with your firm
  - current responsibilities and area(s) of specialization
  - length of practice within area(s) of specialization
  - professional affiliations
  - professional qualifications (such as: honors, designations, other credentials)
- Include resumes of these key individuals as an Appendix to this proposal
- Provide the number and average size of firms currently supported for each of the primary service team members who will be assigned to Fresno EOC
- Include your approach to providing quality customer service and education as well as response times.
- Supply an outline of key milestones to implement services and who will be responsible for completion of each milestone
- Provide a list and description of any current or pending administrative or similar actions against you or your firm or an affirmative statement that there are none
- Specify if you have on-staff ERISA counsel

### 6. Small, Women, Disabled Veteran, or Minority Owned Business and Diversity (20 points)

- Efforts will be made to utilize small businesses, women, disabled veteran, and minority-owned businesses, with the consideration that the primary responsibility is the most favorable return to Fresno EOC. If applicable, provide publically certified documentation or a self-certification statement that is subject to examination. The





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definition of “small business” is established by the Small Business Administration (13 C.F.R. Section 121.201. If not applicable, please so state.

- Please provide details of efforts to support of diversity by your firm.

### 7. Proposed Fee Structure / Pricing (30 points)

- Provide a fee structure, including hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charged for expenses, if any, such as legal research, copies, and travel. If applicable, provide a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or otherwise without extensive research or legal work. Fresno EOC reserves the right to negotiate with the Firm on the structure of the billing and/or retainer fee.
- Does your firm receive any form of compensation or benefits from companies or individuals whose products or services you may refer or recommend? Please explain.
- Describe any and all fees for services to our plan under this proposal,
- Are you willing to guarantee your rates for a specific period of time?
- If your firm provides a written agreement or letter of engagement detailing services to be provided, please provide a sample.
- All pricing must be typed or written in ink. No erasures or correction fluid is permitted. Pricing will be reviewed based on reasonableness for services being provided, competitive market rates, and fee structure. Fresno EOC is not obligated to select the firm with the lowest fee proposal to perform these professional services.

### **Patent Indemnity**

The Bidder shall hold Fresno EOC, its officers, agents, and employees, harmless from liabilities of any nature or kind on account of use of any copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, article of appliance furnished or used under this RFP.

### **Selection Process**

All eligible proposals will be reviewed and rated for their qualifications, experience, price, and suitability to complete the Scope of Work for this RFP. Oral interviews may be requested. Fresno EOC, at its discretion, may request presentations or additional information from any or all Bidders to clarify or negotiate modifications to the Bidders' proposals. Such interviews are tentatively scheduled for the first week of April 2018. However, Fresno EOC reserves the right to make an award without further discussion of the proposals submitted. Therefore, proposals should be submitted initially on the most favorable terms, from both technical and price standpoints, which the Bidder can propose. All bids are subject to approval by the Fresno EOC Board of Commissioners. Notice to selected bidder to proceed with scope of work is anticipated in May 2018.





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Proposal evaluation shall be based solely on the information provided in the proposal submittal package. Be sure to include all relevant information and evidence of your firm's record of performance and ability to perform the work.

**Right to Reject**

Fresno EOC reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be based upon the factors described in this RFP. Fresno EOC reserves the right to waive informalities or irregularities in bids. In case of deviation from enclosed specifications, the bidders shall indicate in writing the exception(s) from the specifications. If no exception(s) is noted, it is understood that the specification will be complied within detail as requested.



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Firm Name \_\_\_\_\_

	Maximum Points	Score
<b>Firm Structure and Experience</b> <i>Size / complexity of firm / local presence. Services offered, privacy policy, conflict of interest, adequate insurance</i>	5	
<b>Non Profit Experience / References</b> <i>Clients with similar structure and needs, 3 references</i>	10	
<b>Proposed Service Approach</b> <i>Understanding of our desired services, technological capabilities and resources available, service philosophy.</i>	25	
<b>Service Team</b> <i>Provide experience and certification information, resumes of the team to be assigned, approach to customer service</i>	10	
<b>Diversity and SWaM Preference</b> <i>Small, Women, Disabled Veteran, and Minority Owned Business / Efforts to support diversity</i>	20	
<b>Proposed Fee Structure/Pricing</b> <i>Describe how your firm is compensated; include any and all fees that will be charged to our plans. Are fees guaranteed?</i>	30	
<b>Total Score</b>	100	

Reviewer's Signature \_\_\_\_\_

Reviewer's Name \_\_\_\_\_

Date \_\_\_\_\_