



MONROE COUNTY COMMISSION ON AGING

REQUEST FOR PROPOSALS

LEGAL SERVICES FOR SENIOR CITIZENS

Issued to Firms: **January 23, 2012**

Responses Due: **February 27, 2012 by 4:00 p.m.**

Monroe County Commission on Aging
3rd Floor, Stoner Kemmerling Building, 29 Washington Street
Monroe, MI 48161

January 23, 2012

Dear Legal Professional:

The Monroe County Commission on Aging is inviting you to submit a proposal to provide legal services to the senior citizen clients (persons age 60 and over) of the Commission on Aging.

In preparation of your proposal and to facilitate the comparison of proposals each offeror shall review the attached Request for Proposal and prepare a response in accordance with the submittal format outlined in the RFP under Section D. "Proposal Content and Format".

If during the preparation of your proposal, you have any questions or require clarification of any part of the RFP, please contact the undersigned and we will respond accordingly.

The final date for submitting a proposal is **February 27, 2012 4:00 p.m. Eastern Standard Time**. Your proposal shall be e-mailed and marked as noted below so that no error in opening will occur. Firms shall submit proposals as separate Microsoft Word or PDF document attachments to jeff_mcbee@monroemi.org. Indicate on the cover of each transmission that a sealed Technical or Cost Proposal – Senior Legal Services is attached. There must be separate transmissions for the Technical and Cost Proposal to allow the Commission on Aging to open them separately. Late proposals will be rejected and returned unopened. Proposals will be evaluated at a later time.

We look forward to receiving your response to this request and appreciate your interest in our organization.

The Monroe County Commission on Aging reserves the right to accept any and all proposals, to waive or not waive any irregularities and to make an award that is determined to be in the best interest of the Commission on Aging and the senior population to be served.

Sincerely,



Jeff McBee

Director, Monroe County Commission on Aging

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ATTACHMENT A – LEGAL ASSISTANCE PROGRAM DEFINITION

A. Introduction and Overview of the Monroe County Commission on Aging

The Monroe County Commission on Aging is an advocacy body charged with recommending the prudent spending of public dollars to promote the health, dignity, and independence of older adults. The greatest benefit will go to those most in need. The most frail will receive the highest priority.

The Monroe County Commission on Aging supports a mix of countywide and community-based programs that service a variety of needs to those persons 60 and older within Monroe County. The Commission provides technical assistance, policy research, and advocacy for the senior population of the county. The Monroe County Commission on Aging has a desire to provide funding for legal advice, assistance, and representation to the senior public to augment its existing capabilities in the community. The funding made available will provide Monroe County senior citizens age 60 and older the opportunity to meet with professional, licensed attorneys who are capable of managing legal matters, which might interfere with a senior's day-to-day quality of life. Such legal matters commonly include estate planning, protection of income, health care, long-term care, housing assistance, family law matters, protective services, elder law issues, guardianships, abuse, neglect, and discrimination. If an entity submits a proposal but lacks capacity in one or more of the listed areas, there must be an indication by the entity submitting the proposal as to how the entity will accommodate the missing or deficient capacity.

The Monroe County Commission on Aging is inviting non-profit organizations and private entities to apply for funding for in-home and community-based legal services to senior citizens, which will improve their quality of life and maintain their community independence. Proposers may request up to \$100,000.00 on a fee-for-service contract for the proposed program. However, available funding is contingent upon the amount of funding in the Monroe County Commission on Aging's annual budget.

Funding eligibility is limited to community-based organizations with documented non-profit [501(c) (3) status] or private law firms. Non-profit agencies must have a governing Board of Directors and an Executive Director who is responsible for the day-to-day operations of the organization. Private law firms must have a Michigan licensed attorney who works with clients and a managing principal responsible for the day-to-day operations of the firm. Proposers must be members in good standing with the Michigan Bar Association. Proposers must be in good financial standing and must have the appropriate organizational capabilities to receive and administer public grant dollars. Proposers must perform services in conjunction with the Monroe County Commission on Aging Legal Assistance Program Definition. (See attached)

Priority ranking will be given to proposals that combine the use of in-home consultation, office consultation, site outreach, and educational programming to those persons age 60 and older within Monroe County. Based upon current performance data, proposers will need to show the ability to assist approximately 1000 clients or roughly 3500 hours annually under this contract. Proposers must also show a demonstrated method for assessing and gauging client satisfaction.

The following standards of performance will be required of the selected firm(s) and such standards shall be deemed to be included in the fee-for-service contract:

1. The Monroe County Commission on Aging requires that a firm performing legal services for it adhere to the highest legal, ethical, and professional standards.
2. The firm shall promptly report to the Monroe County Commission on Aging Director any significant or potentially significant issues of law or fact which may or do arise in the course of litigation of a matter including Monroe County and/or Monroe County Commission on Aging.
3. The firm shall provide the Director of the Monroe County Commission on Aging with monthly financial and programmatic status reports including information on the number of hours spent per client, types of matters handled, income and asset analysis of clients served by percent of total clients, and cases pending court. This information must be entered in the Monroe County Commission on Aging's PeerPlace web-based system.
4. The firm shall maintain a separate file for each referred case or matter, containing copies of all pertinent documents. All files shall remain the property of the client; however, the Monroe County Commission on Aging reserves the right to request copies of client files should an issue arise.
5. The proposing firm's physical location must be barrier-free, handicapped accessible, and located in Monroe County.

County funds will be administered under a fee-for-service contract by the Monroe County Commission on Aging. To ensure the firm that is awarded the contract follows the purpose stated in this proposal, such firm shall be required to submit monthly financial and programmatic justification of the service before payment will be remitted. Those firms that do not use the funding for the approved purpose stated in their proposal will be required to reimburse the Commission on Aging the full amount paid to the firm.

B. Issuing Office

This Request for Proposal is issued by the Monroe County Commission on Aging through its Director.

All correspondence regarding this RFP must be addressed to:

Jeff McBee, Director
Monroe County Commission on Aging
3rd Floor, Stoner Kemmerling Building, 29 Washington Street
Monroe, MI 48161
Telephone: (734) 240-7358
Facsimile: (734) 240-7360
Email: jeff_mcbree@monroemi.org

C. Proposal Submittal Information

The final date for submitting a proposal is **February 27, 2012 by 4:00 p.m.** Your proposal shall be e-mailed and marked as noted below so that no error in opening may occur. Firms shall submit proposals as separate Microsoft Word or PDF document attachments to jeff_mcbee@monroemi.org. Indicate on the cover of each transmission that a sealed Technical or Cost Proposal – **Senior Legal Services Proposal** is attached. There must be separate transmissions for the Technical and Cost Proposal to allow the Commission on Aging to open them separately. Late proposals will be rejected and returned unopened. Proposals will be evaluated at a later time.

Any firm interested in serving in this capacity and intending to submit a proposal shall notify the Monroe County Commission on Aging by February 7, 2012 stating such interest accordingly. The notification shall be in the form of an e-mail and shall include the company name, address, telephone number, facsimile number, e-mail address of the person who will be responsible for submitting the proposal and the full name of this person. This notice shall be provided to:

Mr. Jeff McBee
Director Monroe County Commission on Aging
Email: jeff_mcbee@monroemi.org

1. Submission Requirements

- a. The proposer shall submit a Cover sheet on their organizational letterhead that includes all relevant contact information for the organization, including but not necessarily limited to, the name of the contact person and their phone number, fax number, e-mail, and a brief concise summary of their proposed program;
- b. The proposal should be no more than ten (10) one-sided 8½ X 11 – inch pages using at least 12-point font with standard margins on single spaced pages when printed.

2. Technical Proposal

a. General Requirements

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake profession legal services on behalf of the senior population, which is serviced by the Monroe County Commission on Aging in conformity with the requirement of this request for proposals. As such, the substance of the proposal will carry more weight than the form or manner of presentation. The Technical Proposal should demonstrate the qualifications of the firm and

of the particular staff to be assigned to serve in this capacity. It should also specify an approach that will meet the request for proposals requirements.

The Technical Proposal should address all the points outlined in the request for proposals as well as the following information:

- (1) A short history of the firm;
- (2) The list of lawyers and other personnel who would be assigned to the contract (including specifically, who will serve as lead counsel);
- (3) A summary of each individual's background and expertise relevant to the proposal;
- (4) Amount of your request (up to \$100,000.00 maximum) or a detailed explanation of the fees that would be charged;
- (5) Program goals and objectives (describe your primary objectives and how your objectives will meet the community need);
- (6) Target population and geographic area;
- (7) Program activities (describe your proposed program in detail and show the manner in which the services will be carried out to senior citizens);
- (8) Your organization's qualifications, including your organization's background, primary mission, and history;
- (9) Detailed budget for the program.

b. Appendices – the following should be included as attachments to the submission of any proposal, (these attachments are not included in the 10-page limit restriction):

- (1) IRS tax status determination letter (for 501(c) (3) entities);
- (2) Certificate of incorporation and By-Laws;
- (3) List of staff, Officers and/or Board of Directors;
- (4) Latest annual audited financial statements and current general operating budget;

- (5) List of other current sources of revenue and uses;
- (6) Current annual report (if available);
- (7) Letters of commitment from any project consultants or subcontractors and maximum of three (3) letters of support;
- (8) Copy of the firms Affirmative Action policy;
- (9) Two client references relating to engagements similar to the one described in this Request for Proposals.

D. Proposal Content and Format

In addition to and in clarification of items outlined throughout this RFP, all proposals shall include the cost to serve in the capacity outlined in this RFP. Each respective proposal shall also include the following information in order to be fully considered:

1. A statement of your understanding of your role in providing senior legal service to the residents of Monroe County.
2. A statement describing the legal services your firm can provide for Monroe County Commission on Aging.
3. State the names of the partners and associates who will be assigned to provide services for the clients of the Monroe County Commission on Aging, describe the expected services to be provided by each attorney, provide their resumes, and describe their anticipated commitments to other clients during the next 12 months.
4. Names, addresses, e-mail addresses and telephone numbers of persons who may be contacted for personal and professional references.
5. The history of your organization and a list of experience particularly on behalf of public service agencies or local government jurisdictions in Michigan. Include information on the demographics of the organizations you currently serve.
6. Describe your firm's experience related to the types of services to be provided in response to this request for proposal, including a brief summary of any notable cases, transactions, issues and/or matters handled by your firm, which you feel, demonstrate the nature and extent of your firm's capacity and expertise.
7. Identify and describe the nature of any potential conflict of interest your firm may have in providing services to the clients of Monroe County Commission on Aging, and disclose whether contracting with the Monroe County Commission on Aging will create any potential conflict of interest.

8. Identify any past, pending or threatened litigation, or administrative or state ethic board proceedings to which you or any of your partners are a party and which would impair your ability to perform the services enumerated in this RFP. Also, describe those proceedings, which would adversely impact the financial condition of your firm or agency.

E. Cost Proposal

Submit a total not-to-exceed hourly rate and costs to provide services to the clients of the Monroe County Commission on Aging as outlined above. The Monroe County Commission on Aging expects to receive a rate in-line with the lowest rate charged by your firm to any governmental clients.

Proposers must also have a cost share mechanism by which clients eligible to receive funding for legal services through the Monroe County Commission on Aging contribute to the cost of the service. The sliding hourly scale amount will be based on the amount per hour charged by the proposer. Proposers are required to use the following **cost scale** as a means to establish cost share from clients. The balance of the hourly fee will be funded through this proposal based on client eligibility (Adjusted annually based on the HHS Federal Poverty Guideline):

2012 Proposed Cost Share Sliding Scale (Based on \$100.00 per hour rate)

Percent of Poverty	Cost Share	Hourly Rate (Unit Rate)	COA Portion	Client Portion
100% and Below	5%*	\$100.00	\$95.00	\$5.00
101 – 150%	10%	\$100.00	\$90.00	\$10.00
151– 200%	25%	\$100.00	\$75.00	\$25.00
201 -300%	75%	\$100.00	\$25.00	\$75.00
300% and Above	95%	\$100.00	\$5.00	\$95.00

*The Monroe County Commission on Aging will cover 100% of the unit rate for clients at or below 100% of the poverty level that are unable to pay 5% of the unit rate.

Health Insurances may be deducted from annual income.

Asset limits: Individuals/Families with assets totaling over 300% of the annual poverty guideline will automatically be placed in the “Over 300% Percent of Poverty” group.

Asset limits exclude principle residence, auto, and burial accounts.

F. Proposal Completeness

To be considered, each proposer must submit a complete response to the RFP. The proposal must be signed by an official authorized to bind the offeror as to the period during which the proposal remains valid. This period must be at least forty-five (45) days from the due date for proposal to this RFP.

G. Oral Presentation/Interviews

Attorneys and law firms who submit proposals may be required to make oral presentations or conduct interviews regarding their services. These presentations provide an opportunity for the offeror to clarify the proposal through mutual understanding and present capabilities to best match the requirements of the RFP.

H. Acceptance of Proposal Content

The contents of this RFP and the proposal itself will become contractual obligations if a contract ensues. Failure of the selected Attorney of law firm to accept these obligations may result in a cancellation of the award.

I. Rejection of Proposals and Commission on Aging's Reservation of Rights

The Commission on Aging reserves the right to accept or reject any or all proposals received as a result of this request. The Commission on Aging shall not be obligated to award a contract solely on the basis of any response made to this Request for Proposals, nor does the Commission on Aging intend to, nor will it be obligated to pay for the information solicited or obtained. The Commission on Aging reserves and may at its sole discretion, exercise the following rights with respect to this RFP and all proposals submitted pursuant to this RFP:

1. To reject all proposals and re-issue the RFP at any time prior to execution of a final contract; to require, in any RFP for similar products and/or services that may be issued subsequent to this RFP, terms and conditions that are substantially different from the terms and conditions set forth in this RFP; or to cancel this RFP with or without issuing another RFP.
2. To reject any proposal if, in the Commission on Aging's sole discretion, the proposal is incomplete, the proposal is not responsive to the requirements of this RFP, the proposer does not meet the qualification requirements set forth in this RFP or it is otherwise determined to be in the best interest of the Commission on Aging to reject this proposal.
3. To supplement, amend, substitute, or otherwise modify this RFP at any time prior to the execution of a final contract.

4. Accept or reject any or all of the items in any proposal and award a contract for the whole or only a part of any proposal if the Commission on Aging determines, in its sole discretion that it is in the Commission on Aging's best interest to do so.
5. To reject the proposal of any proposer that, in the Commission on Aging's sole judgment, has been delinquent or unfaithful in the performance of any contract with the Commission on Aging, is financially or technically incapable, or is otherwise deemed not to be a responsible proposer.
6. To waive any informality, defect, non-responsiveness and/or deviation from this RFP that is not, in the Commission on Aging's sole judgment, material to the proposal.
7. To permit or reject, at the Commission on Aging's sole discretion, amendments (including information inadvertently omitted), modifications, alterations, and/or corrections to proposals by one or more of the proposers following proposal submission.
8. To request that one or more of the proposers modify their proposals or provide additional information.
9. To request additional or clarifying information from any proposer at any time, including information inadvertently omitted by a proposer.
10. To require that proposers appear for interviews and/or presentations of their proposals at the Commission on Aging's offices.
11. To require references from proposers' previous clients on projects similar to type and scope to the work sought in this RFP.
12. To conduct such investigations as the Commission on Aging considers appropriate with respect to the qualifications of any proposer and with respect to the information contained in any proposal.

J. Invoicing/Billing

The selected attorney or firm shall submit monthly billing information as follows:

- Date of service
- Client identifying information
- Attorney's name or initials
- Brief summary of service(s) rendered
- Total hours charged for the date, corresponding rate and amount received from client

K. Contract Term

This agreement to provide legal services to clients age 60 and older residing within Monroe County is from the contract inception date until December 31, 2012.

This contract may be renewed after the initial contract term by exercising one-year extensions. These extensions shall be subject to review by both parties and based upon a mutually agreed desire to continue the relationship. Negotiation of the terms and conditions shall be resolved prior to any extension.

L. Return of RFP

In the event that any attorneys or law firm decide not to submit a proposal, they should return the RFP to the issuing office with a cover letter stating the disinterest prior to the closing date.

M. Incurred Offeror Cost

The Monroe County Commission on Aging will not be liable for any costs incurred by offerors or other respondents to this RFP prior to issuance of an agreement, contract, or other similar acquisition instrument.

N. Evaluation and Selection Criteria

1. Mandatory Criteria

Proposals will not be considered for further evaluation unless they meet all of the mandatory criteria:

- a. Must be properly licensed for public practice in the State of Michigan;
- b. Must not have a record of substandard work and must be in good standing with the Michigan Bar Association. This can be determined by checking with the State licensing authority, if available, or by requesting information on positive enforcement, ethics infractions, or references from the respondents;
- c. Must have no prior record with the State of Michigan Bar Association or another licensing agency for ethics infractions or any infraction in the practice of law. A record check may be completed on all proposers;
- d. Must meet any specific qualification requirements imposed by State or local law or rules and regulations.

2. Technical Criteria (Possible 80 Points)

- a. Responsiveness of the proposal in clearly stating an understanding of the work to be performed;
- b. Technical experience of the firm including legal work of the type under consideration and work with similar entities;
- c. Qualifications of staff and supervisory personnel;
- d. Size and structure of the firm.

3. Cost Criteria (Possible 20 Points)

- a. Cost of the representation.

The proposer should develop a list of criteria or special factors, which may be used to clarify points of interest on the proposer's qualifications.

The Monroe County Commission on Aging reserves the right to reject any or all proposals, to waive or not waive informalities or irregularities in bids or bidding procedures, and to accept or further negotiate cost, terms or conditions or any bid determined by the Board to be in the best interests of the Monroe County Commission on Aging even though not the lowest bid.

By submitting a proposal your firm:

- 1) Agrees to conform to all applicable Federal, State, and Local laws;
- 2) Agrees that the Monroe County Commission on Aging reserves the right to terminate the relationship at any time with the assurance that the firm will be entitled to reimbursement for any services rendered prior to the date of termination. Termination shall be in writing with a thirty (30) day written notice;
- 3) May also terminate the relationship by providing a thirty (30) day written notice;
- 4) Shall provide a statement that your firm has no conflicting financial or professional interest and is qualified to perform the services.

(Attachment A)

Community Services: Legal Assistance

Service Name: Legal Assistance

Service Definition: The provision of legal counsel to older individuals through counsel, advice, court representation, legal research, document preparation, and general advocacy on an individual's behalf.

Unit of Service: One hour of time spent in intake, advice/counsel, referral, representation, legal research, preparation of legal documents, negotiation, or legal education. Units over/under one-tenth of an hour are to be reported in increments.

Contract Type: Fee-for-Service

Minimum Requirements:

ALLOWABLE SERVICE COMPONENTS

Intake - The initial interview to collect demographic data and identification of the clients' legal difficulties and questions.

Advice and Counsel - Where the client is offered an informed opinion, possible courses of action and clarification of his/her rights under the law.

Referral - If a legal assistance program is unable to assist a client with the course of action that he/she wishes to take, an appropriate referral should be made. Referral may also be necessary when legal services providers observe individual needs, which they are unable to resolve, such as income maintenance, social service or health service needs.

Representation - If the client's problem requires more than advice and counsel and the case is not referred to another source, the program may represent the person in order to achieve a solution to the legal problem. Representation may include legal research, negotiation, and preparation of legal documents, correspondence, appearance at administrative hearings or courts of law, and legal appeals where appropriate.

Legal Research - The gathering of information about laws, rights, or interpretation of laws that may be performed at any point after intake has occurred, to resolve an individual's legal problems. Such information will be used to assist providers of legal services in counseling individuals, in representing them in hearings and a court of law, or in negotiations with potential legal adversaries.

Preparation of Legal Documents - Writing documents that serve to protect individual rights, such as contracts, wills, or leases, which might later be used in a court of law.

Negotiation - As the client's representative, program staff may contact other persons concerned with the client's legal problem in order to clarify factual or legal contentions and possibly reach an agreement to settle legal claims.

Legal Education - Preparation and presentation of programs to inform elderly persons of their rights, the legal system, and alternative courses of legal action.

MINIMUM STANDARDS

1. Each legal assistance program must have an established system for targeting and serving those in greatest social and economic need.
2. Service must be provided by, supervised by, or have direct contact with an attorney licensed to practice law in the State of Michigan who can perform or supervise any of the components listed above.
3. A paralegal, defined as an individual trained in accredited paralegal courses or in the specific legal service subject areas in which they will be assisting an attorney or a law student with under thirty (30) hours of course work under the supervision and guidance of a licensed attorney, can perform any of the components listed above with the exceptions of representation in court and final review of legal documents. Although a paralegal may represent a client at an administrative hearing, representation in court must be by an attorney. Preparation of legal documents may be assigned to a paralegal. However, all finalized documents must be reviewed and approved by an attorney.
4. Law students who have completed thirty (30) hours of course work at an accredited law school can perform any of the service components under legal assistance acting under the guidance and supervision of a licensed attorney.
5. The program may support the initiative of a class action suit when large groups of seniors are affected by a legal inequity.
6. Programs may not represent older adults acting in a business capacity, former or present.
7. Each program must provide at a minimum advice and counsel, representation, and education service components.
8. Each program must demonstrate coordination with local long-term care ombudsman/advocacy programs operating within the project area.
9. When a legal assistance program identifies issues affecting clients, who may be remedied by legislative action, such issues should be brought to the attention of the area agency, Michigan Office of Services to the Aging and the Michigan Legal Services legislative branch, as permissible and appropriate.
10. Each program must give priority to legal assistance related to income preservation, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and discrimination.
11. Legal Assistance programs must have the capacity to serve older adults in their homes, if necessary.

12. Legal Assistance programs are required to document efforts to create cooperative working relationships with the local bar association and other professional attorneys' groups, to maximize coordination and use of resources.
13. A legal assistance agency may not be required to reveal any information that is protected by attorney/client privilege. An agency shall make available non-privileged, non-confidential, and unprotected information, which will enable the Monroe County Commission on Aging to monitor the agencies performance under the contract.
14. Programs must service the Monroe County area and service only verified Monroe County residents.
15. Programs must serve residents age 60 and older.