

Request for Proposals

Legal Services

Issue Date: **August 10, 2023, 1:00 P.M., CDT**

Response Deadline: **September 7, 2023, 12:00 P.M., CDT**

Questions/Answers and RFP Forms at:

<https://www.wfsdallas.com/doing-business>

Workforce Solutions Greater Dallas is an equal opportunity employer/program and proud partner of the American Job Center Network. Auxiliary aids are available upon request, for persons with disabilities. TTY:214-745-1054. Funding received by the TWC and through the Departments of Labor, Health, Education and Agriculture. 100% of paid costs would be from Federal Funds. It is not anticipated that non-governmental funds will be involved. This RFP solicitation is conducted to comply with federal procurement procedures. It contains the necessary background, requirements, instructions, and information for responding to this RFP.

INTRODUCTION



The workforce system in Dallas County is governed and managed by the Dallas County Local Workforce Development Board, Inc. d.b.a. Workforce Solutions Greater Dallas (WFSDallas), acting on behalf of the county's citizens and employers. The Dallas County Local Workforce Development Board is a 501(c)(3) a not-for-profit corporation in the State of Texas. Board Directors represent a partnership of private employers, organized labor, non-profit organizations, and public entities. The Board administers and acts as fiscal agent for programs consolidated at the local level and is responsible and accountable for the management of all workforce development funds made available to the local workforce development area. The Board is also responsible for administering job seeker and employer services funded through the following programs, but not limited to, Workforce Innovation and Opportunity Act (WIOA), Supplemental Nutritional Assistance Program - Employment and Training (SNAP), Temporary Assistance for Needy Families (Choices), Employment Services (ES), Rapid Response, Trade Adjustment Assistance (TAA), Child Care Services (CCS) and Adult Education and Literacy (AEL). Grants are received from the Texas Workforce Commission and may include state funds, and federal funds from the US Department of Labor, Health and Human Services, and Agriculture. Please see the Board's website for additional information on the workforce programs and locations of the local workforce centers within Dallas County (www.wfsdallas.com).

Mission

Workforce Solutions Greater Dallas exists to ensure competitive solutions for EMPLOYERS through quality people and for PEOPLE through quality jobs.

PURPOSE OF REQUEST FOR PROPOSALS (RFP)

The Dallas County Local Workforce Development Board, Inc. dba Workforce Solutions Greater Dallas (WFSDallas) is soliciting proposals from qualified legal service providers, to offer legal services consistent with the mission of WFSDallas.

This Request for Proposal (RFP) provides a uniform method for the procurement of legal services. It contains the necessary background, requirements, information, instructions, and forms for responding to this RFP. This procurement is also conducted in accordance with Federal Uniform Administrative Requirement CFR § 200.317-326, supplemented by the Texas Workforce Commission (TWC) Financial Manual for Grants and Contracts (FMGC).

SCOPE OF LEGAL SERVICES

The Board follows the laws, regulations, and procedures mandated by the United States Department of Labor; procedures outlined in the Texas Workforce Commission's Financial Management Manual for Grants and Contracts (FMGC); and the Texas Workforce Commission contracts, rules, and directives issued to the Board. WFSDallas also complies with Federal and State guidance (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards:

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&n=pt2.1.200&r=PART>

All administrative records including contracts, leases, procurement documents, and Board files and documents are maintained and are accessible at **Ross Towers, 500 N. Akard, Suite 3030, Dallas, Texas 75201.**

Organizations should meet the following qualifications and be prepared to perform the following services:

- A. Be a legal entity in the State of Texas and a member of the State Bar of Texas.
- B. Have adequate knowledge and experience in governmental law and federally funded grants and contracts.
- C. Provide directly, or by associates, bearing legal specialization in employment, labor and employment, wage and hour, civil rights, non-profit compliance, Texas contract law, general

- complaints, Texas Open Records/Open Meeting compliance, among other potential legal needs.
- D. Serve as legal counsel for Workforce Solutions Greater Dallas and attend all Workforce Development Board meetings.
 - E. Review, submit findings, and offer guidance to WFSDallas regarding various technical and legal areas to include, but not excluded to personnel matters; resolution of audits; review of contracts/leases, Federal/State grants, and agreements when necessary, as well as other important documents.

ADMINISTRATION OF THIS REQUEST FOR PROPOSALS (RFP)

This RFP is issued at **1:00 p.m. CDT, Thursday, August 10, 2023**, and available to download from the Board's website: <http://www.wfsdallas.com/doing-business> If you are unable to download the RFP, please contact: procurement@wfsdallas.com or (214) 290-1000.

Proposals for legal services must be officially received by WFSDallas staff to: procurement@wfsdallas.com no later than **12:00 p.m. CDT on Thursday, September 7, 2023**. Any proposals or amendments received after the **September 7, 2023, 12:00 p.m. CDT** deadline will not be considered, but will be deemed late and non-responsive to the RFP procurement process. Late proposals or amendments will be returned without review. WFSDallas is not responsible for technology issues. No faxed proposals will be accepted. **All responsive proposals received by the deadline will be presented for action (recommended or not recommended) at the WFSDallas Board of Directors' meeting on September 20, 2023.**

BIDDERS' CONFERENCE

There will not be a Bidders' Conference. All questions will be received at the procurement@wfsdallas.com and posted on the website at <https://www.wfsdallas.com/doing-business> All questions must be received at the procurement@wfsdallas.com no later than **12:00 p.m. CDT on August 24, 2023**.

FUNDING

All funding is conditional upon the availability of grant funds. Funds available through the U. S. Departments of Labor, Health, Education and Agriculture, and the Texas Workforce Commission.

AGREEMENT TYPE/SERVICE PERIOD

The executed agreement as a result of this RFP process will be a vendor agreement unless another type is determined by WFSDallas to be more advantageous. The selected vendor will be under contract for the initial period, September 20, 2023, through December 31, 2023, and upon successful completion of work, could subsequently be renewed for up to four additional years. **All contracts shall be contingent upon the receipt of sufficient funding from the Texas Workforce Commission.** Final contract will also be subject to any changes in the legislation, regulations or policies promulgated by the funding sources. WFSDallas reserves the right to terminate the contract annually or earlier based on contractor performance and compliance with contractual terms and conditions.

METHOD OF PROCUREMENT

The services solicited under this RFP shall be procured under the competitive negotiation method of procurement, via the process described in the TWC FMGC and Board policy.

ELIGIBLE/COMPETENCY BIDDERS

Law firms and/or partnerships may respond to this RFP. All are eligible to respond to this RFP and compete for funding. The prospective recipients of Federal assistance funds certifies, by submission of this proposal, 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.

Bidder Competency -- Bidders must have the technical competence, expertise in management and administration, professional staff, and administrative and fiscal management systems to accomplish the goals and objectives stated in this RFP and meet high standards of public service and fiduciary responsibility. Bidder selected will be required to

assume full responsibility for all activities and services included in the contract. Any potential bidder who is issued this RFP may request a copy of the Workforce Innovation Opportunity Act (WIOA) and regulations via Internet @ <https://www.doleta.gov/wioa/> Copies of other pertinent legislation may be found through the Texas Workforce Commission at <http://www.twc.state.tx.us>

GOVERNING PROVISIONS AND LIMITATIONS

- A. The main purpose of this RFP is to ensure uniform information in the solicitation of proposals and procurement of Legal Services. This RFP is not to be construed as a purchase agreement or contract, or as a commitment of any kind; nor does it commit the Board to pay for costs incurred in the preparation of a response, or any other costs incurred prior to the execution of a formal contract, unless such costs are specifically authorized in writing by the Board.
- B. The Board reserves the right to accept or reject any or all Proposals received, to cancel and/or reissue this RFP in part or its entirety.
- C. The Board reserves the right to correct any error(s) and/or make changes to this solicitation, as it deems necessary.
- D. **Public Disclosure of Proposal Information** - this is a negotiated procurement utilizing the request for proposal method, and as such, the selection and award of a contract does not have to be made to the respondent(s) submitting the lowest priced offer, but rather to the respondent(s) submitting the most responsive proposal that satisfies the Board's requirements and is determined to be in the best interest of the Board.

Workforce Solutions Greater Dallas is a State of Texas appointed Local Workforce Development Board. Proposals submitted will not be returned and are subject to the Texas Public Information Act located in Chapter 552 of the Texas Government Code (the "PIA") and may be disclosed to the public upon request. Subject to the PIA, proposers may protect trade secret, proprietary and confidential information from public release. If a proposer does not desire proprietary or confidential information in its proposal to be disclosed, proposer is required to identify all proprietary or confidential information in its proposal. This identification must be done by individually marking each page with the words "Confidential Information" on which such proprietary or confidential information is found. If the proposer fails to identify confidential information, proposer agrees that, by submission of its proposal, those sections shall be deemed non-confidential and made available in response to any public request.

Proposers are advised that Workforce Solutions Greater Dallas, to the extent permitted by law, will protect the confidentiality of submitted proposals. However, proposers shall consider the implications of the PIA, particularly after the request for proposals process has ceased and the contract award has occurred. While provisions in the PIA may apply to protect confidential information, proposers are further advised that a determination on whether those standards have been met will not be made by Workforce Solutions Greater Dallas but must be decided by the Office of the Attorney General of the State of Texas. In the event a request for public information is made, Workforce Solutions Greater Dallas will notify the proposer and the proposer may then request an opinion from the Attorney General pursuant to Section 552.305 of the Texas Government Code. Workforce Solutions Greater Dallas will not make a request for an opinion from the Texas Attorney General. Copyrighted proposals are unacceptable and are subject to disqualification as non-responsive.

- E. The Board reserves the right to negotiate the final terms and conditions of any and all contracts or agreements with bidders selected and any such terms negotiated as a result of this RFP may be renegotiated and/or amended in order to successfully meet the needs of the local Board and impose additional requirements and refinements in the terms and conditions, scope of work, performance measures, and funding amounts during the course of any contract.

- F. **All Board Directors, officers, and staff, or any agents of the Board are precluded from entertaining questions concerning the proposal or this procurement process. Potential bidders, bidders and contractors are asked to respect these conditions by not making personal requests for assistance. No employee, member of a Board of Directors or other governing body, or representative of a bidder who submits a proposal under this RFP may have any contact outside of the formal review process with any employee of Board, or any member of the Board of Directors for purposes of discussing or lobbying on behalf of bidder's proposal. This contact includes written correspondence, telephone calls, personal meetings, email messages, or other kinds of personal contact. The Board will reject proposals of those bidders who violate this condition.**
- G. The Board reserves the right to contact any individual, agency employer, or grantees listed in a proposal, to contact others who may have experience and/or knowledge of the bidder's relevant performance and/or qualifications; and to request additional information from all bidders.
- H. Misrepresentation of the bidder's ability to perform as stated in the proposal(s) may result in cancellation of any contract or agreement awarded.
- I. The Board reserves the right to withdraw or reduce the amount of an award or to cancel any contract or agreement resulting from this procurement if adequate funding is not received from the Texas Workforce Commission or other specific funding source.
- J. **Bidders shall not under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any officer, member, employee, or agent of the Board, for the purpose of having an influencing effect toward their own proposal or any other proposal submitted hereunder.**
- K. **No Board Director, officer, or employee, or any agent of the Board shall participate in the selection, award or administration of a contract supported by Board funds if a conflict of interest, real or apparent, is involved.**
- L. **Bidders shall not engage in any activity, which will restrict or eliminate competition.** Violation of this provision may cause a bidder to be disqualified. This does not preclude joint ventures or subcontracts.
- M. All proposals submitted must be an original work product of the bidder. The copying, paraphrasing or otherwise using of substantial portions of the work product of others and submitted hereunder as original work of the bidder is not permitted. Failure to adhere to this instruction may cause the proposal(s) to be disqualified and rejected.
- N. The contents of a successful proposal may become a contractual obligation and be incorporated by reference if selected for award of a contract. Bidders must intend to fulfill all of the representations made in this proposal. Failure of the bidder to accept this obligation may result in cancellation of the award. **No plea of error or mistake shall be available to successful bidder(s) as a basis for release of proposed services at stated price/cost.** Any damages incurred to the Board as a result of the bidder's failure to contract may be recovered from the bidder.
- O. The Board reserves the right to deem a proposal non-responsive or disqualify any proposal that, in its sole determination, does not comply with or conform to the terms and conditions, and/or requirements of this RFP.

SELECTION PROCESS

Selection of provider shall be in accordance with the principles stated in the Board plan and State plans, as well as other applicable laws, regulations and policy issuances from Federal, State, and Local entities.

- A. A consideration in selecting a provider of professional services shall be the effectiveness of the entity in delivering comparable or related services.
- B. The review process will include: evaluation, rating, and ranking of proposals by professional staff or qualified outside evaluators using the general criteria specified in this RFP below. The review process will also include review, approval to negotiate and selection for award by the Board of Directors.
- C. The selection shall be made on a competitive basis to the extent practicable.
- D. The following provisions shall apply to the selection and award of a contract for services under the RFP:
 - 1) Responsive proposals submitted by the deadline are evaluated by Board staff for responsiveness and compliance with the technical specifications and requirements contained in the RFP.
 - 2) Parts of the scoring are scored independently by each reader; the final scores for those parts will be the average of the independent scores of all readers.
 - 3) The Board may interview top scoring bidders before selecting a bidder for award of contract.
 - 4) In selecting a proposal for award, the Board reserves the right to depart from the strict ranking by evaluation scores, whenever it deems such departure will better serve the best interests of the Board and its constituents.
 - 5) Action by the Board in selecting a proposal for award will be subject to successful negotiations.
 - 6) Positive efforts shall be made to utilize small, minority and female owned or operated organizations/businesses in the procurement and provision of these services. These efforts shall allow those sources maximum feasible opportunity to compete for contracts with the Board.

PROPOSAL EVALUATION CRITERIA/POINT VALUE

Points will be awarded to responsive proposals using the evaluation criteria listed below:

<u>Evaluation Criteria</u>	<u>Points</u>
<p>Qualifications The proposers to the RFP should meet the following qualifications and be prepared to perform the following services:</p> <ul style="list-style-type: none"> A. Be a legal entity in the State of Texas and a member of the State Bar of Texas. B. Have adequate knowledge and experience in governmental law and federally funded Grants and contracts. C. Provide directly, or by associates, bearing legal specialization in employment, labor and employment, wage and hour, civil rights, non-profit compliance, Texas contract law, general complaints, Texas Open Records/Open Meeting compliance, among other potential legal needs. D. Serve as legal counsel for Workforce Solutions Greater Dallas and attend all Workforce Development Board meetings. E. Review, submit findings, and offer guidance to WFSDallas regarding various technical and legal areas to include, but not excluded to personnel matters; resolution of audits; review of contracts/leases, Federal/State grants, and agreements when necessary, as well as other important documents. 	<p>55</p>
<p>Cost The bidder should submit standard fees for service. Fees will be reviewed to ensure that fees are reasonable, allocable, and allowable. Fees will be compared to other proposers' fees for service.</p>	<p>45</p>
<p>TOTAL</p>	<p>100</p>

PROPOSER INQUIRY AND APPEAL PROCESS

The Dallas County Local Workforce Development Board is the responsible authority for handling complaints or protests regarding the procurement and proposal selection process, and has established the following process for handling appeals of any procurement decisions:

- Step1. Request for Debriefing** -- Bidders not selected by this procurement process may appeal the decision by submitting, within 10 days of the receipt of Board notification of the procurement decision, a written Request for Debriefing to obtain information on the procurement process and how their proposal or offer was received and ranked. The Board shall acknowledge receipt of the Request for Debriefing in writing within 10 days of receipt, along with the date and time of the scheduled briefing. The briefing shall be scheduled, as soon as possible, and no later than 10 days from the receipt of the Request for Debriefing. (NOTE: The Board extends the courtesy of offering a briefing to any bidder who is not selected for funding; the 10-day time frame must be adhered to only if a bidder is considering an appeal.)
- Step2. Debriefing** -- The purpose of the debriefing is to promote the exchange of information, explain the proposal evaluation system, and help unsuccessful bidders understand why they were not selected. Debriefings serve an important educational function for new proposers, which hopefully, will help them to improve the quality of any future proposals. Materials provided in the debriefing include a blank copy of the proposal scoring sheet used by readers, spread sheet of rankings provided to the Board of Directors, and a summary of proposal scores. (Bidders who are selected for contract negotiations are offered similar feedback during contract negotiations.) Board staff will meet with the appealing party and review (a) the proposal evaluation process or the criteria for selection of sealed bids under RFPs or IFBs, and (b) how the appealing party's proposal or bid was scored or ranked. Bidders can gain a better understanding of the procurement process and how to improve their bids or proposals, while staff get direct feedback to help improve future procurements.
- Step3. Written Notice of Appeal** -- If, after the debriefing, the appealing party wishes to continue with the appeals process they must submit to the Board a Notice of Appeal. This written notice must clearly state that it is an appeal and identify (a) the funding decision being appealed (i.e., specific date of RFP or IFB, or the Board action); (b) the name, address, phone and fax number (if available) of the appealing party(ies); and (c) the grounds of the appeal. The Board President must receive the Notice of Appeal within 15 days of the date of the appealing party's debriefing, in Step 2, above. The Notice of Appeal must be emailed to procurement@wfsdallas.com and addressed to:

Laurie Bouillion Larrea, President
Dallas County Local Workforce Development Board, Inc.
Ross Tower
500 N. Akard Street, Suite 3030
Dallas, Texas 75201

Written acknowledgment of receipt of the Notice of Appeal will be provided to the appealing party within five (5) working days of receipt of the Notice of Appeal. Such acknowledgment will include specific instructions for completing the appeals process and the date, time and place of the next step, **The Informal Hearing**.

- Step4. Informal Hearing** –**Informal Hearing** will be held virtually **within 10 days of receipt of the Notice of Appeal**. The Hearings Officer will meet with the appealing party to discuss their concerns and the specific grounds of the appeal. The Hearings Officer may recommend to the Board President any appropriate actions, allowable under applicable rules and regulations and consistent with agency procurement policies, to resolve issues raised at the Informal Hearing. If the appealing party agrees, the appeal may be ended at this point.

Step5. Request for Formal Hearing -- The appealing party, if not satisfied with the results of the Informal Hearing, must inform the Hearings Officer, in writing, no later than five (5) working days from the date of the Informal Hearing of the intent to proceed with the appeal. Within ten (10) days of receipt of this written request, the Hearings Officer will respond, in writing, to inform the appealing party of the time, date, and place of Step 6, the Formal Hearing.

Step6. Formal Hearing -- The Formal Hearing shall be conducted within fifteen (15) days of the date of the Request for Formal Hearing. An independent hearing officer will conduct the Formal Hearing of the appeal. This hearing officer will consider the facts presented as grounds for the appeal and remedies requested. The hearing officer and staff or the appealing party may request additional information. After full review, the hearing officer will, at the next Board meeting, make its recommendation to the Board for final determination.

Step7. The Board Decision -- The Board will render a decision no later than 60 days from the date of the Written Notice of Appeal. The Board decision shall be the final decision and end the appeals process at the local level.

In all instances, information regarding the protest/dispute will be disclosed to TWC. TWC Financial Manual for Grants and Contracts, Chapter 14, provides for limited appeals of any Board decisions:

"The Commission shall accept no protest or dispute appeal until all administrative remedies at the contractor level have been exhausted. Commission appeal review is limited to:

- ◆ Violations of federal law and regulations, and procurement standards established by federal regulations,
- ◆ Violations of State or local law shall be under the jurisdiction of State or local authorities, and
- ◆ Violations of Board's protest/dispute procedures or failure to review a protest or dispute shall be referred to such authority as may have proper jurisdiction."

INSTRUCTIONS FOR SUBMITTING A RESPONSE TO THE REQUEST FOR PROPOSALS

Emphasis must be placed on addressing all the requirements of this RFP in a clear and concise manner. The RFP with Attachments is located at: <http://www.wfsdallas.com/doing-business> All proposals must be complete at time of submission.

PROPOSAL SUBMISSION - Proposals must be submitted according to the instructions regarding the response deadline of this RFP. **Regulations do not permit evaluation or consideration of proposals which are submitted after the RFP deadline.** Any modifications or amendments to a proposal already submitted must also comply with the submittal instructions and response deadline. Any proposals or amendments delivered/received after the deadline will not be considered but will be deemed late and non-responsive to this RFP and procurement process. WFSDallas is not responsible for technology issues in the submittal of the proposal.

PLEASE SUBMIT THE FOLLOWING FORMS:

ATTACHMENT A – PROPOSAL COVER SHEET

ATTACHMENT B – EXECUTIVE SUMMARY

ATTACHMENT C – PROPOSAL NARRATIVE

ATTACHMENT D – COST

ATTACHMENT E – AUTHORIZED SIGNATURE AND CERTIFICATIONS

ATTACHMENT F – TEXAS CORPORATE FRANCHISE TAX CERTIFICATION