REQUEST FOR PROPOSAL

LEGAL SERVICES

UNDER THE OLDER AMERICANS ACT OF 1965, AS AMENDED

TO BE AWARDED BY:

MID-AMERICA REGIONAL COUNCIL
600 BROADWAY, SUITE 200
KANSAS CITY, MISSOURI

Released: February 1, 2019
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I. SUMMARY

In this Request for Proposal (RFP), MARC seeks proposals to provide legal services, including services rendered under the National Family Caregiver Support program funds, to older adults that support health, well-being, and independent living in the community. Contracts for the service area can be written in full or in part, depending upon the interests and capabilities of applicants. Applicants are encouraged to develop rate schedules that forecast full or partial awards.

To reduce complexity and administrative burden, preference will be given to providers who are able to cover broader service areas. Innovative and technology-based solutions that enhance service quality and capacity are strongly preferred. MARC embraces the principle of person-centered, consumer-directed care that places individualized client needs at the forefront of service delivery.

Respondents must submit the following documentation:
1) Proposal Narrative (cover page, narrative, budget, and budget justification)
2) If applicable, Intent to Perform as a Women and/or Minority Owned Business (WBE/MBE)
3) If applicable, Request for Waiver
4) Remaining documents and certifications

All forms of the response/application process are available in simple .doc/.rtf formats on MARC’s RFP website (http://marc.org/Requests-for-proposals). Ultimate submission of the proposal and associated documents is via email.

II. PUBLIC NOTICE

Notice is hereby given that the Mid-America Regional Council (MARC) will release Request for Proposal (RFP) documents for the provision of the following services in the Missouri counties of Cass, Clay, Jackson, Platte, and Ray for State Fiscal Year (SFY) 2020 (July 1, 2019, through June 30, 2020):

Legal Services
Information and Referral Services
Transportation Services
Integrated Care Network Partner Services

These documents will be released on Friday, February 1, 2019. There will be several conferences focusing on the various services being requested. All conference dates, times and locations can be obtained by contacting Ms. Tonya Boston at (816) 701-8290, or by email at tboston@marc.org. Questions relating to proposal procedures, requirements and evaluation will be answered at these conferences. Proposals will be accepted at the MARC office no later than Monday, 3:00 pm, March 11, 2019.

MARC hereby notifies all interested parties that it affirmatively ensures that all respondents to this notice are afforded full opportunity to submit proposals and that no
respondent will be discriminated against on the grounds of race, color, national origin, disability, sex or veteran status in consideration of an award.

III. PROPOSAL BACKGROUND

The structure of the Area Agency on Aging and authority of the Mid-America Regional Council to conduct this solicitation and to procure contractors is described under Part I and Appendix 1 of the MARC/Commission on Aging Policies and Procedures Manual. Refer to this manual for additional information regarding:

A. Legislative Authority and Funding Sources (Part I, Section 1)
B. Definition and Description of the AAA (Part I, Section 2)
C. Overview of Service System (Part I, Section 3)
D. Eligibility for Services (Part I, Section 6)

IV. CONTRACT PERFORMANCE PERIOD

The MARC aging program period coincides with the state fiscal year (SFY), which in Missouri is July 1 through June 30 of the succeeding calendar year. For SFY 2019 the period will be July 1, 2018, through June 30, 2019.

RENEWAL OPTION:

The initial award of this contract will be for a one (1) year period. MARC reserves the right to negotiate this contract for two (2) additional one-year renewal periods. MARC reserves the right to terminate the current contract without cause and solicit new bids. MARC shall notify the Contractor, in writing, of the intent to exercise the renewal option. However, failure to notify the Contractor does not waive MARC’s right to exercise the renewal option. The Contractor shall be required to submit documentation to MARC, as proof of any requested price increase. Under no circumstances shall an increase be granted that is greater than the Federal Consumer Price Index (C.P.I.) for the Kansas City area, without approval of MARC.

V. MINIMUM REQUIREMENTS OF ALL RESPONDENTS

Responses to this RFP will be accepted only from organizations meeting the following minimum requirements:

A. A business/organization eligible to do business in the State of Missouri. Proposals from individuals will not be accepted.

B. A business/organization that has current licenses and/or permits, as required for proposed service(s).

C. A business/organization that has developed and implemented programs for compliance with federal and state regulations for equal opportunity, drug-free workplace, and ADA.

D. The business/organization must have at least two years’ experience in the delivery of services to the target population.
E. The business/organization must be eligible to receive Federal funds. MARC is prohibited from contracting with or making sub-awards under cover transactions to parties that are suspended, debarred, or otherwise excluded from, or ineligible for, participation in Federal assistance programs or activities, or whose principles are suspended, debarred or otherwise excluded from, or ineligible for, participation in Federal assistance programs or activities. Covered transactions include procurement contracts for goods or services equal to or in excess of $25,000 (e.g., sub-awards to sub-recipients).

VI. JOINT VENTURE

Joint ventures are acceptable and encouraged provided all parties of the joint venture satisfy the proposal requirements. Any joint venture must be identified as such and documentation for both entities must be submitted.

VII. SUBCONTRACTS

Subcontracts are acceptable, but will require the following:

A. The primary subrecipient/contractor and the proposed subcontractor must agree to all applicable requirements set forth in the primary contract. Municipalities administering programs are exempted from this requirement.

B. A primary transportation subrecipient/contractor must use only vehicles that are titled in the corporate name of the primary subrecipient/contractor or leased in the name of the primary subrecipient/contractor to provide MARC-funded services. Municipalities administering programs are exempted from this requirement.

C. Prior to MARC approving a subcontract, the primary subrecipient/contractor must submit a written copy of the proposed agreement to subcontract, and the same documentation required of the primary subrecipient/contractor will be required of the subcontractor agency.

VIII. WOMEN BUSINESS ENTERPRISE (WBE)/MINORITY BUSINESS ENTERPRISE (MBE) REQUIREMENTS AND PARTICIPATION

MARC encourages qualified businesses to actively participate in the procurement of MARC-sponsored contracts. MARC does not discriminate based on race, color, sex, national origin, age, military status, or disability. Women and/or minority owned business (WBE/MBE) are encouraged to participate as prime subrecipient/contractors, subcontractors or joint ventures.

WBE/MBE respondents must submit a completed Intent to Perform as a WBE/MBE Firm (Part E, Proposal Forms) for each proposed WBE/MBE subrecipient/contractor, subcontractor, or joint venture. MARC does not provide WBE/MBE certifications but will accept certifications of WBE/MBE from the City of Kansas City, MO or any other federal, state or local agency that participates in a WBE/MBE Certification Program. MARC will accept certified Disadvantage Business Enterprise (DBE) forms as certification of WBE/MBE status.
IX. SINGLE AUDIT CERTIFICATION

Successful governmental and non-profit organizations receiving a contract from the Mid-America Regional Council as a result of submitting a proposal to this solicitation, that expend $750,000 or more annually in federal financial assistance, must have a single audit performed in accordance with Subpart F Audit Requirements, of the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal, dated December 26, 2013. Successful organizations that expend less than $750,000 annually are exempt from federal audit requirements for that year.

All funds supporting Legal Assistance will be derived from Title III, Part B, CFDA #93.044 and Title III, Part E, CFDA #93.052.

For audit purposes, all project income (voluntary contributions from service recipients) collected through the provision of this service will be considered federal funds and subject to the $750,000 threshold mentioned above.

X. APPEALS PROCESS

The purpose of the appeals process is to give current, past and potential service providers and consumers of MARC-operated programs an opportunity to express their grievance, or to appeal a decision in the proposed award of contracts.

A. A preliminary provider list will be approved by the MARC Board of Directors at its meeting on April 23, 2019. A formal response will be sent to all respondents officially notifying them of the Board's recommendations subsequent to the meeting. Respondents wishing to submit an appeal of the preliminary contract award decision must submit a formal written request including the reason for appeal, by 12:00 p.m., May 1, 2019.

B. The appeals request should be addressed to the Executive Director of MARC detailing the basis for the appeal. The individual who was authorized to submit the original proposal must also submit the appeal.

C. If necessary, an appeals hearing will be held between May 2 and May 14, 2019.

Refer to Appendix 1, page iv (Grievance Resulting from Service Proposal Denial), of the MARC/Commission on Aging Policies and Procedures Manual for details regarding the steps a respondent is required to take to process an appeal.
PART B

Statement of Purpose

To align with enhancements of highly targeted services to vulnerable older people, this RFP represents a departure from past legal services activities at MARC. The need to better integrate services with health providers, track individual outcomes that satisfy funders, and offer high-risk older people with comprehensive wraparound services drives this change.

Therefore, legal services providers will receive referrals, according to an identified need by MARC, contracted care management, or other contract service providers. Outcomes, client satisfaction, and efficacy of services will be measured at the individual level by MARC.

For all services, MARC will identify and screen participants for eligibility, prioritize receipt of services using validated multi-domain measures of risk, and authorize units of service. Only MARC-authorized clients are eligible for service, and they are only eligible for the specific service(s) identified by MARC at the time of referral. “Walk-in” or other referral sources are not authorized under this service line.

I. LEGAL AND LEGAL CAREGIVER SUPPORT SERVICES REQUESTED

This solicitation requests proposals from qualified legal services providers for the following categories of service. A proposal may consist of one or more legal services, but each type of service may be considered individually. MARC will award contracts to successful respondents for each specific type of service. Each service contract will specify service areas. Proposals may be evaluated recognizing no inter-dependencies among proposed services, unless otherwise stated by the respondent.

All activities funded by MARC must have appropriate, adequate, and timely reporting tied to those activities. MARC reports these activities to State and Federal authorities for regular program accountability and occasional analysis of program or service effectiveness.

It is the contractor’s responsibility to gather and report all necessary data elements – for all activities, programs, and services under MARC funding – using the software, processes, and formats required by MARC, as applicable. Usually, data elements are required at the individual client or individual participant level, unless restricted by law.

Individual Legal Assistance

Definition: The provision of legal advice and/or representation by an attorney, which includes counseling or presentation by a non-lawyer where permitted by law, to older persons with economic or social needs who are at least age 60.

Caregiver Legal Assistance

Definition: The provision of legal advice and/or representation by an attorney, which includes counseling or presentation by a non-lawyer where permitted by law. Eligible persons for these services include:
• Adult family members or other informal caregivers age 18 and older providing care to individuals 60 years of age and older
• Adult family members or other informal caregivers age 18 and older providing care to individuals of any age with Alzheimer’s disease and related disorders
• Older relatives (not parents) age 55 and older providing care to children under the age of 18; and
• Older relatives, including parents, age 55 and older providing care to adults ages 18-59 with disabilities

**Unit of Service:**

A unit of legal assistance for reporting purposes is one case hour, to be calculated as one hour of professional or para-professional staff time spent on an individual's case. This time may include face-to-face contact, investigation of the case, legal research related to the case, representation in court, or time spent discussing the case with someone in a relevant office or agency.

Refer to Part III, Section 1 of the MARC/Commission on Aging Policies and Procedures Manual for details regarding the specifications and standards of Legal Services.

**Service Specifications:** The provider shall have all appropriate licenses and certificates to provide the service(s) that they propose. Any facility to be used for the direct provision of services to clients shall meet the accessibility standards of the ADA and all applicable local and state standards for health and safety.
PART C

Proposal Narrative

Cover Sheet: (Part E, Proposal Forms) must be signed by an executive officer who is legally authorized to sign for respondent. Specify the service(s) being proposed. A contact person and telephone number must be included.

Contact information (email address) must be provided for the executive officer who is legally authorized to sign for the respondent, including the Board Chair for nonprofit entities.

Proposal Narrative (Scope of Services): As supported by the details and requirements stated below, in a maximum of 8 pages (Single-spaced, .5” margins, Arial 11-point font), describe what will be delivered and how it will be delivered.

As applicable, the narrative must specify approaches, plans, or descriptions that are relevant to the specific type of service proposed.

Respondents are strongly encouraged to address the service needs of low-income minority individuals, older individuals with Limited English Proficiency, and older individuals living in rural areas throughout the proposal. Moreover, respondents are encouraged to embrace principles of person-centered, consumer-directed care throughout the proposal.

The following headings and content are recommended for structuring the narrative.

1) Service Background and Experience
   a. First time respondents must give organizational experience in providing services to MARC’s target population. Where appropriate, also provide contractual experience. Funded services are not designed to provide seed money or pilot testing unless explicitly stated by MARC in the RFP documentation.
   b. How will the respondent satisfy the service needs of low-income minority individuals, older individuals with Limited English Proficiency, and older individuals residing in rural areas in the area served by the respondent?
   c. Proposed ADA compliance methods for individuals with disabilities.
   d. A summary of staff qualifications, certifications, and relevant credentials should be provided.
   e. Concisely describe known program impact derived from validated measures and methodologies.

2) Service Delivery
   a. Specify how the service will be delivered and what will be delivered
      i. A clear description of the service, including client processing after receiving a referral from MARC
   b. Contingency plan for continued delivery of critical services, if applicable
   c. Quality assurance (as applicable to the type of service requested)
      i. Anonymous responses from surveyed clients
      ii. Aggregate data electronically provided to MARC
      iii. Client grievance procedures
3) Innovation, Integration, and Technology

a. Summarize how the innovative application of technology will enhance service quality and capacity in the Kansas City community.
b. Summarize how the application will utilize innovative models of collaboration, integration with other sectors such as health care, or systems transformation to better serve the Kansas City community.

4) Data Sharing and Partnerships

a. Describe plan for sharing service utilization patterns with MARC.
b. Describe partnerships and/or capacity/quality enhancing collaborative efforts. How does the proposed service enhance the capacity of the Kansas City region’s “aging network” to keep older people healthy, engaged, and in the community?

5) Additional Requirements

a. An outline/summary of the respondent’s training program is to be included. The description of the training plans must comply with Program Standards issued by the Missouri Division of Senior and Disability Services that require training of paid personnel and volunteers who provide and are connected with the delivery of transportation services.
b. All of MARC’s clients are encouraged to make voluntary donations for services received. Describe the respondent’s plan for informing clients how to submit contributions directly to MARC and a description of how the respondent will inform clients they are receiving MARC funds and give an explanation of those funds. **Note: At no time should contributions pass through the responding entity or the responding entity’s staff. Electronic donation solutions will be considered.**

6) Budget and Budget Justification

a. Properly completed budgets for all services must be submitted to MARC (as shown on the Unit Cost Determination and Service Budget page found in the online Proposal Forms packet at http://marc.org/Requests-for-proposals). Computer generated facsimiles are acceptable. **A budget justification of each expense item must be included with this page.**

**Supporting Documentation (See Part E for link to forms)**

The respondent must submit the following supportive documentation, if applicable, regarding all proposed services (supporting documentation does not apply to the proposal narrative page limit):

a. The **respondent** is required to provide a complete listing of the members of the Board of Directors for the years 2017, 2018, and 2019.
b. The **respondent is required to, if a tax-exempt organization, submit its most recent IRS Form 990. Any new not-for profit organizations to the MARC system will be required to also include its most recent A-133 audit report.**
c. **Annual Registration Report and Fictitious Name Registration** - Each respondent, except a governmental entity, must submit a copy of its most recent Annual Registration Report filed with the Secretary of State, and evidence of any and all Fictitious Name Registration(s) that the respondent currently has on file with Secretary of State. **A Certificate of Good Standing will not suffice.**

d. **Insurance and Licenses** - All respondents awarded contracts will be required to forward to MARC copies of all insurance certificates and appropriate licenses prior to the beginning of the program year. Successful respondents will be required to submit insurance certificates. Certificates do not need to be submitted within the proposal, but must be submitted prior to contract initiation.

e. **Civil Rights Compliance** - All respondents awarded contracts will be required to provide assurance of compliance with the Civil Rights Act of 1964, as amended (Part E, Proposal Forms).

f. **ADA Assurance** - All respondents are required to provide assurance of compliance with the Americans with Disabilities Act of 1990 (Part E, Proposal Forms).

g. **Assurance of Compliance Regarding Criminal Background Checks for In-Home Service Direct Care Workers** – All respondents proposing to provide direct in-home services are required to provide assurance of compliance with regulations regarding criminal background checks for all direct care workers (Part E, Proposal Forms).

h. **Suspension and Debarment Certification** - All respondents are required to certify that their organizations and its principals are not suspended or debarred from participating in Federal assistance programs or activities (Part E, Proposal Forms).

i. **Single Audit Certification** - All governmental and non-profit respondents are required to certify to MARC the total federal awards expended from all funding sources during the respondent’s most recently completed fiscal year (Part E, Proposal Forms).


k. **Intent to Perform as a WBE/MBE Firm** – To confirm the intent to perform as a primary subrecipient/subcontractor, subcontractor, in a joint venture or any other specified situation, this form must be completed and submitted in the proposal. A copy of the organization’s current certification certificate must be included as well (if applicable, Part E, Proposal Forms)

8) **Request for Waivers**

If, in the respondent’s opinion, some requirements contained in this proposal packet are impossible, impractical, or uneconomical to uphold, a request for waiver may be included with the proposal. Only one waiver request should be contained on a page. There is no limit to the number of waiver requests that may be submitted.
Each waiver request will be reviewed on its own merits. No waiver will be granted for state-mandated regulations. Each request must include the alternative procedure that the respondent will implement to meet the intent of the procedure, process or compliance requirement.
PART D

CRITERIA FOR EVALUATION OF PROPOSALS

MARC Review, Proposal Evaluation and Selection

A. All responses to this RFP must be received at MARC no later than 3:00 PM, Monday, March 11, 2019, in order to be given consideration. Late proposals will not be reviewed.

MARC strongly encourages electronic submission to Tonya Boston (tboston@marc.org). The respondent should only be certain of electronic submission after receiving the confirmation receipt email. If a receipt email is not issued within 24 hours (48 hours on a weekend), please call the MARC offices at (816) 701-8290.

B. MARC reserves the right to select or reject any proposal, in whole or in part.

C. All proposals received by the aforementioned deadline shall be screened by MARC staff for completeness.

D. Non-conforming proposals shall be rejected. The respondent will be informed as such in writing by April 1, 2019.

E. In addition to the overall price of service contained in the proposal, the following factors will also be considered by MARC in evaluating the proposals:

1. It is imperative that all respondents to this RFP carefully read the document in its entirety prior to responding in writing. The narrative shall address in detail each specific question. If a question is not addressed it will affect the overall proposal score.

2. Conformity to service standards stated in the proposal package.

3. Past performance records as verified by monitoring reports, administrative reviews and participant input for any respondent who has previously provided services to MARC. But a lack of prior service provision to MARC will not count against any respondent;


5. Respondent's financial condition and management capability, including copies of the current health inspections of the facility to be used in the preparation of the meals for MARC service (MARC will request if a tentative award is recommended).

6. The extent to which the respondent's programs are actually or potentially coordinated with other services provided by the respondent, community based local organizations or applicable local governments.
7. MARC reserves the right to evaluate a respondent based upon historic information and fact, no matter the source.

F. A review committee will be established to review all proposals responding to this RFP. Representatives of each agency submitting an accepted proposal may be invited to a meeting held by this committee (time and place to be announced) to answer and possibly clarify any questions or concerns committee members may have. Evaluation scores will be summed and combined with recommendations from this committee, which will be submitted to the Commission on Aging. The Commission on Aging shall review this information and forward its recommendations to the MARC Board of Directors. Part A, Section X of this RFP explains the appeals procedure.

All proposals accepted for consideration will be evaluated using a weighted scoring system:

<table>
<thead>
<tr>
<th>Proposal Scoring Criteria</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category</strong></td>
<td></td>
</tr>
<tr>
<td>Cost (lowest per service unit)</td>
<td>35</td>
</tr>
<tr>
<td>Proposal Narrative</td>
<td>40</td>
</tr>
<tr>
<td>- Including alignment with Older Americans Act service priority to low-income minority, rural, and limited English proficiency individuals</td>
<td></td>
</tr>
<tr>
<td>- Contractor past performance, if applicable, will be considered in scoring of this category, including breach of contract or notice(s) of termination.</td>
<td></td>
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<tr>
<td>Innovation, Integration, and Technology</td>
<td>25</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100</td>
</tr>
<tr>
<td><strong>Bonus points</strong></td>
<td></td>
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<tr>
<td>(DBE) Disadvantaged Business Enterprise</td>
<td>5</td>
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<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>Joint venture with DBE</td>
<td>2.5</td>
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</tbody>
</table>

G. MARC reserves the right, in the event of only one response to this RFP, to negotiate the terms and conditions, including the price included in the sole respondent's proposal.

H. As part of any negotiations, MARC reserves the right to require any data that would support the reasonableness and acceptability of the proposal. Respondents may be asked to further define and/or refine the services they propose as part of contract negotiation. If so, they will be afforded the opportunity to refine their proposed cost to reflect MARC requested changes from the original proposal. Similarly, MARC may wish to increase or decrease the total amount of services required relative to those proposed.
I. The community-based care system is comprised of the total array of public and private resources available to assist the older person. Federal service funds are provided through Title III of the Older Americans Act, and the Social Services Block Grant. Special consideration may be given to those respondents having the capability to deliver services through multiple funding sources.

J. All proposals received by MARC are subject to the Missouri Sunshine Law and the U.S. Freedom of Information Act. To the extent possible, MARC will keep information contained in bid proposals confidential. Respondents are required to identify those portions of their bid document that they consider to be proprietary. An entire bid document may not be protected. All proposals and supporting documents will remain confidential until a final contract has been executed.

PART E

Proposal Forms: All forms are available in the online Proposal Forms Packet on the MARC website at http://marc.org/Requests-for-proposals