

**YWCA IS ON A MISSION**

REQUEST FOR PROPOSALS  
FOR  
LEGAL SERVICES

RFP# 19-0601

RELEASE DATE: JUNE 14, 2019

PROPOSALS DUE: JULY 8, 2019

CONTACT INFORMATION:

Rocio L. Castruita  
[r.castruita@ywcaelpaso.org](mailto:r.castruita@ywcaelpaso.org)  
201 E. Main St., Suite 400  
El Paso, Texas 79901-1383  
[www.ywcaelpaso.org](http://www.ywcaelpaso.org)

**YWCA EL PASO DEL NORTE REGION  
REQUEST FOR PROPOSALS FOR LEGAL SERVICES**

Young Women’s Christian Association El Paso del Norte Region (referred to as YWCA) is accepting proposals in response to this RFP for Legal Services to provide YWCA with legal counsel. Proposers must be licensed attorney(s) qualified to practice in the State of Texas. This Request for Proposals (RFP) provides potential respondents with vital background information and describes the desired services, guidelines for submitting a response, and the selection process.

**Background Information**

YWCA is a 501(c)(3) not-for-profit organization formed as a women’s membership movement. YWCA is the largest in the nation, serving almost 40,000 households annually. The organization employs approximately 380 full-time and part-time employees. Revenues include fees for services, proceeds from special events, private foundation grants and approximately \$22,000,000 from federal contracts. YWCA is a non-profit corporation and has been determined to be exempt from federal income tax under Section 501 (c)(3) of the Internal Revenue Code. A Board of Directors composed of thirty-one (31) volunteers, the Chief Volunteer Officer being the President of the Board of Directors, governs the organization. The Board of Directors has hired a Chief Executive Officer (CEO) to serve as the person in charge of YWCA’s daily operations. The CEO is ultimately responsible for and oversees the operations of YWCA’s programs, the personnel, the procurement process utilized by YWCA to purchase goods and services, and all financial and compliance matters of the organization.

The work of the agency ties to its mission that states, “The YWCA El Paso del Norte Region is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all.” A majority of YWCA’s services focus on the well-being of families, women and children, addressing areas of early childhood education, afterschool and teen programs, affordable housing for seniors and low-income households, health & wellness programs and workforce and leadership development. YWCA is the largest provider of transitional housing for homeless women & their children, and for survivors of sexual and family violence in the region. YWCA is also the largest provider of licensed, high-quality afterschool programs in the region with over 40 locations. Through a contract with Workforce Solutions Borderplex (WSB), the Child Care Services (CCS) Division assists parents in meeting their childcare payments. YWCA also provides racial justice training throughout the community and collaborates with many local public and private organizations to meet the needs of our community. Administrative offices are located at 201 E. Main St., Suite 400, El Paso, TX 79901. Other offices are located throughout the city of El Paso. Activities are further detailed in our web site, [www.ywcaelpaso.org](http://www.ywcaelpaso.org) and on Facebook, Twitter and Instagram.

**GENERAL INFORMATION**

**Procurement Standards**

Procurement of goods and services shall comply with the guidelines of 2CFR 200 and Texas Workforce Commission (TWC) Financial Manual for Grants & Contracts Chapter 14, Procurement. These guidelines require that all procurement transactions be conducted in a manner to provide, to the maximum extent practical, open and free competition. Additionally, awards may only be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of the contract agreement.

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**Eligibility To Respond**

Organizations able to meet the technical specifications for quality and other terms of this proposal package and not debarred and/or suspended from conducting business with federal and state funded agencies are invited to respond. A prospective proposer must affirmatively demonstrate responsibility. A prospective proposer, by submitting a proposal, represents to YWCA that it meets the following requirements:

- Possesses or is able to obtain adequate financial resources as required to perform under this RFP.
- Is able to comply with the required or proposed RFP.
- Has a satisfactory record of integrity and ethics.
- Be otherwise qualified and eligible to receive an award.
- Be in good standing with the applicable national or state associations.

No contract(s) will be awarded to any respondent(s) that is/are on State or Federal sanctions, during the award phase of the procurement process.

Minority, disadvantaged, veteran-owned and women-owned businesses that are certified by the State as Historically Underutilized Businesses are encouraged to respond to this RFP.

For purposes of this RFP, interested contractors are referred to as Proposers, Respondents, Bidders, or Applicants.

**Authorized Agency Contact**

All communications regarding this Request for Proposals (RFP) must be addressed solely to Rocio Castruita, Contracts and Compliance Officer, email at [r.castruita@ywcaelpaso.org](mailto:r.castruita@ywcaelpaso.org).

To ensure a fair and competitive bidding environment, communication is prohibited between YWCA officials, employees, or representatives and parties involved in the bidding process that could create an unfair advantage to any party with respect to the award of a YWCA contract. Communication is prohibited from the day that the request for proposals (RFP) is advertised until the day that a recommendation of a contract award is made. Any person, including but not limited to, bidders, lobbyists or consultants of bidders, service providers or potential vendors and any YWCA board member, YWCA staff, and associated parties are precluded from entertaining any questions outside the written question process described below. Potential applicants are asked to respect these conditions by not making personal requests for assistance. No unauthorized methods or sources of responses or clarification are considered valid. Any violation of this process may disqualify an applicant.

**Changes, Amendments, Withdrawal, Re-Issuance**

YWCA reserves the right to amend or withdraw this RFP at any time; reject any and all applications; re-issue this RFP and/or waive technicalities and to accept the proposal which in its judgment is in the best interested of the agency and its employees.

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**SCHEDULE OF ITEMS**

**RFP Packets**

Request for Proposals packet will be available beginning on and after 10:00 A.M. MST on Friday, June 14, 2019 at the address listed on the cover page. Packets may be picked up in person or may be requested in writing to the address listed in the contact section. The RFP will also be available on the YWCA website at [www.ywcaelpaso.org](http://www.ywcaelpaso.org).

**Due Date And Delivery Method**

The Contracts and Compliance Officer or authorized YWCA staff must physically receive responses to this RFP. Sealed proposals must be received by:

**5:00 P.M. MST on Monday, July 8, 2019**

**Responses submitted after this time will not be accepted under this RFP.**

Any reasonable delivery method may be used, except facsimile nor email. Use of a traceable delivery method such as certified mail-return receipt requested, guaranteed express service, or hand delivery is recommended. Submissions post marked prior to the due date but received after the due date will not be considered. No email or facsimile will be accepted. YWCA will not be responsible for any lost or late deliveries.

**Proposal Timeline**

The following schedule of events is subject to change at the discretion of YWCA. All requestors of this RFP will be notified of any and all changes. All times shown in the RFP are Mountain Standard Time Zone (MST).

Issuance of RFP	June 14, 2019 – 10:00 A.M. MST
Announcement Published in the El Paso Times	June 17, June 18, and June 19, 2019
Deadline to Submit Questions	June 25, 2019 – 2:00 P.M. MST
Questions and Answers Posted on Website	June 26, 2019
<b>Deadline for Proposal Submission</b>	<b>Monday, July 8, 2019 – 5:00 P.M. MST</b>
Proposal Opening	July 9, 2019
Evaluation of Proposals	July 9 - 15, 2019
Potential “Best and Final Interviews”	To Be Announced
Engagement of Most Qualified Firm	Est. July 22 - 26, 2019
Contract Start Date	Est. July 29 - 31, 2019

**Question & Answer Period**

Prospective Bidder(s) may submit written questions no later than 2:00 P.M. on June 25, 2019. Submit questions via email to Rocio Castruita at [r.castruita@ywcaelpaso.org](mailto:r.castruita@ywcaelpaso.org). Answers to questions will be posted to YWCA’s website located at [www.ywcaelpaso.org](http://www.ywcaelpaso.org). All answers issued in response to Respondent questions become part of the RFP and the RFP process. Respondents are encouraged to view the website frequently to ensure they are fully aware of the most current information. Notifications of changes or addendums will be posted through YWCA’s website. Prospective Bidder(s)

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who notify YWCA ([r.castruita@ywcaelpaso.org](mailto:r.castruita@ywcaelpaso.org)) that they may submit a sealed proposal will be notified of amendment(s) to the packet and will be provided with answers to questions submitted or any other applicable clarification(s).

**Submission of Proposals**

Official receipt of proposals will be entered on a receipt form issued by YWCA staff. Bidder(s) who mail a proposal will be sent (or faxed) a copy of this receipt from upon request. Sealed proposals must be hand delivered or mailed to and labeled as follows:

**YWCA El Paso del Norte Region  
Contracts Department  
RFP# 19-0601  
201 E. Main St., Suite 400  
El Paso, TX 79901**

Timely delivery of proposals to the above address is the sole responsibility of the proposer. Proposals submitted via courier or overnight mail services will be considered hand-carried and must be received by the deadline.

All proposals will become the property of YWCA and will not be returned. No documents relating to this procurement will be presented or otherwise made available to any other person, agency or organization until after the funding award. Any proprietary information should be clearly marked "Proprietary". All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposer and will not be reimbursed by YWCA.

**Contract Term Period**

YWCA may award one or more contract(s) for the services delineated in the Scope of Work in this RFP. Any contract(s) awarded will be effective upon determination of award. The contract(s) resulting from this procurement will be for a 1-year term. YWCA reserves the right to negotiate up to five (5) one-year contract renewals, contingent upon satisfactory performance, need, and availability of funds. A contractor performance evaluation will be required at the end of each year.

**SPECIFICATIONS**

**Scope of Services**

YWCA desires to enter into an agreement with a qualified firm or individual(s) to serve as the agency's general legal counsel. Scope of Services shall include the provision of legal advice to YWCA on all matters pertaining to YWCA and shall be readily available to perform the following legal services to include but not limited to the following:

- Review and draft of documents, correspondence, agreements, contracts and leases;
- Advice on litigation involving YWCA or potentially involving YWCA;
- Consultation, information and guidance on legal matters pertaining to YWCA;
- Advice on corporate and tax-exempt organization legal issues;

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Review personnel, fiscal and other agency policies, as well as corporate by-laws;  
Attend Board of Directors and Committee meetings as necessary;  
Advice on government grant and contract issues; and  
Advice on responses to subpoenas, court orders, and requests for information from third parties.

Individual/Firm's Experience desired in advising non-profit organizations and advising clients conducting similar programs and government-funded services. Preferred attorney qualifications in the following areas: non-profit and tax-exempt organizations, government grants and contracts, real estate, and general business operations.

**General Requirements**

Respondent is required to comply with all federal, state, and local laws, rules and regulations, YWCA policies and procedures, and the terms and conditions of this contract as follows:

- Provide General Liability Insurance as required by YWCA policies.
- Demonstrate the ability to provide the requested services.
- Comply with budget constraints and the appropriate billing procedures.

**SUBMISSION GUIDELINES**

**General Guidelines**

To be considered for funding, each respondent must submit an offer (proposal) and other supporting documentation in accordance with these instructions. When evaluating a proposal, YWCA will consider how well the respondent complied with these instructions. YWCA will consider any failure on the part of the respondent to comply with these instructions to be an indication of the type of conduct it can expect during contract performance. Therefore, YWCA encourages respondents to contact the Authorized Contact by email to request any additional clarification that may be needed to comply with these instructions.

**Format**

Each respondent is required to submit one (1) signed original, four (4) copies and one (1) reproducible master disk or flash drive prepared or converted to Microsoft Office Software (Word, Excel, etc.) or PDF of the complete proposal response. The original must clearly be marked "ORIGINAL" on the cover sheet and contain signatures, where applicable. Double-sided printing is allowed. All responses must be typed and will become the property of YWCA. All responses, forms and attachments must be submitted on standard 8.5 by 11-inch paper, and either stapled or bound together with a binder clip. Please do not submit proposals in three-ring binders, other multiple ring binders, or spiral binders. Font size must be no smaller than 12 point, single space.

Each copy of a completed Request for Proposal must contain all of the following documents in the order indicated.

- a) **Attachment A:** Proposal Cover Sheet - Must be signed by the individual having contract signature authority.

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- b) **Attachment B:** Proposal Narrative and Organizational Capacity – Completed and signed Statement of Work, include professional references information. Name, address, email and telephone number for three recently-served organizations with similar projects/services.
- c) **Attachment C:** Proposed Cost Budget
- d) **Attachment D:** Franchise Tax Account
- e) **Attachment E:** Proof of General Liability Insurance
- f) **Attachment F:** Assurances and Certifications – The individual having contract signature authority as indicated on the cover sheet at Attachment A must sign the Assurances and Certification Document. Do not re-type this document, use the copy provided with this RFP.
- g) **Attachment G:** Historically Underutilized Business (HUB) Certificate (if applicable) – If the Respondent’s organization is HUB certified, enter the certification on the cover sheet and attach a copy of the HUB Certificate.

**Evaluation Criteria**

YWCA will award the contract to the bidder(s) that submits a bid which represents the best value to the agency. The best value shall not be based solely upon price but the bid that receives the highest cumulative score for each of the evaluation factors delineated herein.

YWCA may request a meeting/presentation with some qualified Proposers prior to final selection.

Each response will be awarded a numerical rating based on the information provided by the respondent, up to the maximum number of points indicated for each area of consideration. There are 100 points available. The review and evaluation of proposals shall be based on the following criteria:

**Responsiveness (Maximum 10 points)**

- a. Were appropriate attachments requested in the RFP provided and were the documents requiring signatures signed?
- b. Did the respondent follow the required format to submit the response to this RFP?

**Respondent Background Information (Maximum 35 Points)**

- a. Did the respondent provide sufficient background information to determine stability and did the proposal demonstrate compliance with regulatory requirements (tax status, license if applicable)?
- b. Did the respondent provide resume(s) of individuals who would be responsible for providing the requested services and did the resume(s) reflect adequate qualifications, experience and education in performing this type of service?
- c. Did the respondent provide a brief description of the organization’s Principals and/or Officers, their education and relevant qualifications & experience and did the proposal demonstrate adequate qualifications, experience and education to perform these services (e.g. 5 years minimum experience)?

**Past Performance (Maximum 35 Points)**

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All responses will be reviewed for the respondent's approach and demonstration of successful past performance.

- a. Did the respondent provide information for three (3) contracts establishing experience and performance relating to the provision of legal services similar to those sought by YWCA?
- b. Did the information on the three (3) contracts include Contracting Agency, address, telephone number, email address and point of contact; beginning and ending dates of contracts; a brief synopsis of the services performed; and other indicators of successful past performance? Did these indicators demonstrate successful performance carrying out services the YWCA is seeking?
- c. Were the services provided similar in nature to the services requested in this RFP?

**Cost Analysis (Maximum 20 points)**

All responses will be rated as to reasonable and necessary costs. Itemization and a detailed explanation of all costs are required.

- a. Are all costs associated with the requested services clearly stated in detail?
- b. Are the costs reasonable (i.e. does the respondent's proposed cost compare well to the costs offered by other respondents or to what is reasonable for the local market?)

**Historically Underutilized Businesses (HUB) (5 Points, Tie Breaker)**

In the event that two (2) or more responsive proposals end-up with a tie score the following criteria will be used as a tie-breaker:

A respondent that is State HUB certified and has provided the organization's State HUB Certification Number of the Cover Sheet (Attachment A) and attached a copy of the State HUB Certificate (Attachment H) will be awarded five (5) points.

The bonus points will not be added to the total score but only used to break the tie scores between bidders.

**Governing Provisions**

YWCA reserves the right to contact any individual, agencies, or employers listed in a response to the RFP, to contact others who have experience and/or knowledge of the Respondent's relevant performance and/or qualifications and to request additional information from any and all respondents.

YWCA reserves the right to negotiate the terms of any and all purchase agreements with Respondents selected and such agreements negotiated as a result of this RFP may be re-negotiated and/or amended in order to successfully meet the needs of the agency.

The contents of a successful application may become a contractual obligation if selected for the award of a contract. Failure of a Respondent to accept this obligation may result in cancellation of this award.

Respondent is expected to honor their quoted pricing for ninety (90) days after the RFP closes.

**V. ATTACHMENTS**

The following attachments are to be submitted with the proposal in the order indicated in this RFP.



**ATTACHMENT A: PROPOSAL COVER SHEET**  
**RFP# 19-0601 – Legal Services**

Legal Business Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person & Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Company Website: \_\_\_\_\_

Authorized Representative Signature: \_\_\_\_\_

Authorized Representative Printed Name and Title: \_\_\_\_\_

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Tax/Legal Status:

_____ State Government Agency	_____ Local Government	_____ Union
_____ Community College	_____ Local School District	_____ Non-Profit
_____ Private For-Profit	_____ Other: _____	

Federal Employer Identification Number: \_\_\_\_\_

Texas State Comptroller ID Number: \_\_\_\_\_

Historically Underutilized Business (HUB) Certification Number: \_\_\_\_\_

**ATTACHMENT B:  
RFP# 19-0601 – Legal Services**

**Proposal Narrative and Organizational Capacity**

This section formally introduces your organization and its proposed solution. Include a brief summary of your company's background, capabilities, and qualifications for the staff.

1. Describe your firm's history, structure, financial strength, and expertise in legal matters. If the Proposer is a firm, it should describe its organization, size, structure, areas of practice, and office location(s).
2. Legal Experience. Describe the experience your firm has had providing legal advice to entities that you consider comparable to YWCA. Describe your organization's capacity to manage and provide services proposed.
3. Provide a resume for each team member that will be assigned to YWCA; including number of years of experience, qualifications, licenses, certifications, project responsibilities, education background, position in firm, and any other information that will benefit our organization. Include for example: Resumes of key management staff, identification of staff by position and responsibilities involved in project, and organizational chart with lines of authority.
4. Describe how your firm will communicate with YWCA assigned personnel, CEO and Board of Directors of YWCA.
5. Provide information on three (3) references of other organizations similar to ours that your firm currently provides or has provided services in the last 3 years. Please include contracting agency, address, telephone number, email address and point of contact; beginning and ending dates of contracts; a brief synopsis of the services performed; and other indicators of successful past performance.

**ATTACHMENT C:  
RFP# 19-0601 – Legal Services**

**Proposed Cost Budget**

The proposed price should include a monthly flat fee that would be charged to advise on routine legal matters that could be handled over the telephone/email or otherwise without extensive research or other legal work. Also include information, if applicable, for any hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. Please include a budget narrative that succinctly explains and clarifies the requested cost budget.

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**ATTACHMENT D:  
RFP# 19-0601 – Legal Services**

**Franchise Tax Account Status**

All vendors must attach a copy of their current Franchise Tax Account Status from the Texas Comptroller of Public Accounts. Out of state respondents should submit Certificate of Good Standing from their state of operation. The Web Site address to obtain this certificate is:

<http://www.window.state.tx.us/taxinfo/coasintr.html>. If the Franchise Tax Account Status is not applicable, the respondent must indicate as such and provide a reason for non-applicability i.e., non-profit organization, sole proprietorship, etc.

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**ATTACHMENT E:  
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**Proof of General Liability Insurance**

All vendors must provide proof of General Liability insurance in the form of a certificate of liability insurance.

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**ATTACHMENT F:  
RFP# 19-0601 – Legal Services**

**Assurances and Certifications**

The authorized representative agrees to comply with all applicable State and Federal laws and regulations governing YWCA El Paso del Norte Region and any other applicable laws and regulations.

The authorized representative certifies that the proposing organization possesses legal authority to offer the attached proposal.

The undersigned Respondent certifies that neither it nor its principals:

- (1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal or state department or agency;
- (2) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of offenses enumerated in Paragraph (2) of this section; and
- (4) Have not within a three-year period preceding this application had one or more public transactions terminated for cause or default.

Conflict of Interest: The undersigned Respondent certifies that:

- (1) Their organization has not prepared this bid in collusion with any other vendor and that the contents of this bid have not been communicated by the organization or its agent(s) to any other person engaged in this type of business.
- (2) No manager, employee or paid consultant of the Bidder is a member or is married to a member of the YWCA Board, President, or an employee of YWCA El Paso del Norte Region;
- (3) No member of the YWCA Board of Directors, or an employee of YWCA owns or has any control in the Bidder's organization;
- (4) No member of the YWCA Board of Directors or employee of YWCA receives compensation from Bidder for lobbying activities;
- (5) Bidder has disclosed within the proposal response any interest, fact or circumstance that does or may present a potential conflict of interest.
- (6) Should Bidder fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Bidder shall not be entitled to the recovery of any costs or expenses incurred in relations to any contract with YWCA and shall immediately refund the YWCA any fees or expenses that may have been paid under the contract and shall further be liable for any other costs incurred or damages sustained by YWCA relating to that contract.

Acknowledgement of Cooperation regarding Affirmative Action

YWCA El Paso Del Norte Region, as an equal opportunity employer, has developed an affirmative action plan and has an ongoing commitment to hire and develop the best people we can find, basing our judgment on their job-related qualifications. For this reason, we are asking your assistance and cooperation in actively recruiting and referring qualified applicants for all jobs without regard to race,

**ATTACHMENT F:  
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gender, religion, national origin, ethnic background, age, disability, political beliefs or veteran status. Because of our commitment as an equal opportunity employer, we request your service to include active recruitment of qualified minority and female applicants for all positions when available.

The undersigned authorized representative affirms that she/he is duly authorized to sign proposals on behalf of the organization. The undersigned authorized representative of the respondent herein certifies that the statements above pertaining to Debarment, Suspension and Other Responsibility Matters; Conflict of Interest; and Nondiscrimination are true and correct as of the date of submission.

Respondent must notify YWCA El Paso del Norte Region in writing if the authorized signatory changes.

Certified by:

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Signature of Authorized Representative

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Printed Name of Authorized Representative

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Title of Authorized Representative

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Business Name

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Date

**ATTACHMENT G:  
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**HUB Certificate**

Respondents certified as a Historically Underutilized Business (HUB) in the state of Texas should submit a copy of the HUB certificate.

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