



## Request for Quotations (RFQ) Legal Services

Deadline to submit: *Wednesday, June 22, 2022 at 12:00 p.m.*

Submissions must be submitted **electronically** via our website:

[www.first5fresno.org/funding](http://www.first5fresno.org/funding)

## RFQ Opportunity Overview

This page contains a summary of this Request for Quotations (RFQ) opportunity; please read the entire document for full requirements and details.

## Intent of RFQ

First 5 Fresno County (F5FC) is seeking quotations from qualified firms with experience providing comprehensive legal services and capable of producing the desired legal services deliverables in a highly professional and cost-conscious manner.

## Contract Period

The anticipated contract term is a one-year period beginning September 1, 2022 with an option to renew, based on performance, up to five consecutive years at the discretion of F5FC. F5FC reserves the right to negotiate the activities and/or budget of any proposed components of said contract.

## Eligibility

Experienced and qualified legal firms interested in providing these services are encouraged to submit a quotation as detailed in this document.

## Timeline

Date			Action
May 6, 2022			Release of the RFQ
June 9, 2022			Deadline to submit questions
May 18	June 1	June 15	Dates when a response to submitted questions will be posted on the F5FC website
<b>Wednesday, June 22, 2022 at 12:00 p.m.</b>			<b>RFQ Submission Deadline</b>
August 16, 2022			Notification to respondents
August 31, 2022			Recommended firm presented to the F5FC Commission for approval
September 1, 2022			Contract start date

## **Legal Services**

### **Request for Quotations**

#### **ABOUT FIRST 5 FRESNO COUNTY**

At First 5 Fresno County (F5FC), we know that children thrive when their families thrive. We envision a future where all children and their families are healthy, loved, and nurtured. We run after this vision by partnering with our community to create a seamless system of quality, accessible services that support the wellbeing of every child and family. The First 5 Fresno County Commission (the Commission) was created in 1998 when voters passed Proposition 10, which added a 50-cent sales tax to every pack of cigarettes or tobacco product sold in California. The State of California collects the money and distributes it to each county based on birthrate. The Commission is responsible for developing a strategic plan to guide local funding decisions that are consistent with the purpose of Proposition 10, which is to promote, support and improve the early development of children from the prenatal stage to five years of age.

F5FC created the Lighthouse for Children, Inc. (LFC), a 501 (c)(3) non-profit public benefit corporation, as a Qualified Active Low-Income Community Business to take advantage of a New Market Tax Credit financing structure in order to build a facility (the Lighthouse for Children Facility) in Downtown Fresno. Lighthouse for Children, Inc. is a component unit of F5FC as it is a legally separate entity. As the owner of Lighthouse for Children Facility, F5FC manages the daily administrative and operational functions. The Lighthouse for Children Facility is the home of a high-quality Child Development Center, the Community Learning Center, various office, and meeting space for community agencies, and F5FC's administrative offices.

#### **INTENT**

First 5 Fresno County is seeking a qualified firm with experience in providing comprehensive legal services and capable of producing the desired legal services deliverables in a highly professional and cost-conscious manner. The selected firm should generally be available on an as-needed basis for services.

While the RFQ outlines the needs of F5FC, the selected firm will represent both First 5 Fresno County and the Lighthouse for Children, Inc. Due to F5FC's relationship to the Lighthouse for Children, Inc., F5FC is including both entities as part of the procurement requiring legal services.

#### **ELIGIBILITY**

Experienced and qualified legal firms interested in providing these services are encouraged to submit a quotation as detailed in this document.

#### **CONTRACT PERIOD**

The anticipated contract term is a one-year period beginning September 1, 2022, with the option to renew, based on performance and availability of funds for up to five consecutive years at the discretion of F5FC. Please note, F5FC reserves the right to negotiate any proposed activities and/or budget of any proposed components of said contract.

#### **SCOPE OF SERVICES**

All quotations submitted shall include a statement affirming the firm's ability to deliver the scope of services consistent with the purpose of this RFQ identified above and as follows. F5FC is seeking a broad

range of expertise to perform the following tasks related to serving as Legal Counsel including, but not limited to:

*F5FC - General Support (approximately 3-8 hours a month)*

- Perform legal research, prepare/assist in the review of legal documents and provide legal guidance on F5FC ordinances and resolutions, forms, compliance documents, audit requirements for the state commission, policies and procedures, adherence to Proposition 10, notices, public records, records retention and destruction, the Brown Act, human resources, conflict of interest, contracts and grant agreements, procurement, appeals, leases, property acquisitions, deeds and other related documents.
- Act as the confidential legal advisor to the F5FC Board of Commissioners, LFC Board Members, various committees, the Executive Director and designated staff
- Support and represent the Commission in litigation on an as required basis
- Advise on state and federal legislative processes and agencies
- Prepare, review and interpret statutes, rules, ordinances and resolutions
- Be knowledgeable on governing board policies and procedures, and the Brown Act
- Knowledgeable on the Public Records Act
- Risk management advising
- Assist in legal aspects of federal and state grant processes

*Lighthouse for Children, Inc. (approximately 15 hours annually)*

- Provide general and pertinent legal advice on facility concerns
- Prepare documents, legal research, and negotiations in line with 501 (c)(3) requirements
- Act as the confidential legal advisor to the LFC Board and the Executive Director
- Assist in legal aspects of potential future construction on-site as it relates to LFC
- Any other contractual obligations or requirements

### **SUBMISSION REQUIREMENTS**

All quotations must be submitted via the F5FC website ([www.first5fresno.org/funding](http://www.first5fresno.org/funding)) by 12:00 p.m. on Wednesday, June 22, 2022. Respondents are solely responsible for ensuring their submissions are received on time. Late quotations will not be accepted. To complete the submission process, follow the steps on the website submission portal. Enter all required information and upload the required forms and the attachments listed below. All documents must be submitted in PDF form. Each form is available as an individual file on the F5FC website. Upon receipt by F5FC, respondents will receive an email from [funding@first5fresno.org](mailto:funding@first5fresno.org) as proof of receipt. Below are the required components to be submitted and their assigned maximum scoring value.

1. **Narrative & Fee Breakdown (80 total points) – FORM A – Attached:**  
Please submit in writing the requested information in brief narrative form, as outlined in the attached Form A and, to the extent possible, organize the narrative using headers (no more than 10 typewritten pages). Please do not use a font size smaller than 11-point size for legibility.
2. **Attachments (20 points, not part of the narrative page limit) - Submissions must include the following:**

- a. Names, titles, and contact information for three (3) professional references of organizations or individuals for whom the respondent has provided services citing related experience
- b. Conflict of Interest Disclosure: Include a statement describing any potential or known conflict of interest regarding this RFQ, First 5 Fresno County and/or the Lighthouse for Children, Inc., or affirm that you do not have a conflict of interest
- c. Financial Statements: Provide the most recently audited financial statements or annual report of the firm
- d. Completed W-9 Form

## **RFQ PROCESS**

### **Questions**

Any questions about this RFQ must be submitted via email to [funding@first5fresno.org](mailto:funding@first5fresno.org) with the subject line: "Question RFQ – Legal Services". Questions will be accepted until Thursday, June 9, 2022. F5FC will post answers to any questions received on the F5FC website ([www.first5fresno.org/funding](http://www.first5fresno.org/funding)) by 5 p.m. on May 18, 2022, June 1, 2022 and June 15, 2022.

Note: Questions submitted less than 48 hours before the May 18<sup>th</sup> or June 1<sup>st</sup> posting dates will be answered the following posting date.

### **RFQ Review and Process**

A Community Review Committee will evaluate and score each submission that complies with the purpose and requirements of this RFQ. Submissions receiving a score of 70 or more points out of 100 may become finalists for award. However, there is no guarantee that scoring above 70 will result in an awarding.

Respondents should be prepared to present and elaborate on their submission to the Review Committee as requested. Following the submission deadline, all respondents will be notified by email confirming whether a presentation is required and, if necessary, additional logistics.

Following the review process, F5FC will work with the recommended respondent to develop and finalize a contract agreement that will be presented to the F5FC Commission for consideration and ultimate approval. Notwithstanding the foregoing, F5FC reserves the right to terminate this RFQ without awarding a contract.

The contact person for each submission will be notified in writing of F5FC's decision. All submitters, including those that are selected as a finalist, will be notified by August 16, 2022, of the status of their submission. Upon notification, the finalist will be contacted by F5FC staff to confirm requirements prior to consideration by the F5FC Commission.

## **OTHER IMPORTANT INFORMATION**

### **Protest Process**

Upon notice by F5FC of a proposed award, any respondent may file a formal written protest regarding a procurement by the Commission. The protest shall be filed with the Executive Director no later than forty-eight (48) hours before the day of the meeting at which the Commission is scheduled to award the subject contract. The protest shall be in writing addressed to and filed with the F5FC Executive Director and contain the exact basis for the protest, and proof that the protestor is a viable and responsible provider of the services

sought. The protest should provide evidence that the award violated F5FC's procurement procedures or State law. Mere disagreement with the Commission or Executive Director's decision shall not be the basis for a successful protest.

### **Confidentiality of Responses**

F5FC cannot guarantee the confidentiality of information submitted by the firm. In the event that F5FC receives a California Public Records Act request for records or court order that F5FC reasonably determines compels its disclosure of the submission, F5FC shall provide such records as it deems appropriate. All materials submitted as part of a respondent's response to this RFQ opportunity become the property of F5FC.

### **Caveats and Legal Notes**

As of the issue date of this RFQ and continuing through the public notification of the award, agencies submitting a quotation shall not hold any unscheduled meetings, conferences, or technical discussions regarding this RFQ with F5FC staff, Commissioners or the Community Review Committee. "Off the record" contacts can taint the Commission's decision-making process and are therefore prohibited. Interested firms may only submit inquiries through the [funding@first5fresno.org](mailto:funding@first5fresno.org) email address in response to any matter pertaining to the RFQ. Any prohibited contact may result in disqualification of the potential contractor's submission.

Issuance of this RFQ does not constitute a commitment by the Commission to award a contract. The Commission reserves the right to reject any or all submissions received in response to this RFQ, or to cancel it if it is in the best interest of the Commission to do so. In addition, F5FC reserves the right, after contract award, to amend the resulting contract as needed throughout the term of the contract to best meet the needs of F5FC.

Any contract awarded by the Commission will contain various terms and conditions that will not be negotiable, including, but not limited to, respondent's obligation to indemnify, defend, and hold the Commission harmless from and against respondent's negligence and willful actions, insurance requirements as determined by the Commission, and compliance with various Commission policies.

On or before the Effective Date of any agreement, Contractor shall furnish to F5FC satisfactory proof of the required insurance (Certificates of Insurance), which shall include a commitment by Contractor's insurers that they will mail notice of any cancellation or reduction of coverage below the amounts herein required by F5FC, at least thirty (30) days prior to the effective date of such cancellation or change. Such required insurance shall include General Liability, Automobile Liability, and Workers' Compensation.

All agencies funded by the Commission must abide by all the policies and guidelines stipulated in the Commission's Funded Partner Manual as appropriate. The Funded Partner Manual is updated annually and can be found here: <http://www.first5fresno.org/forms-docs/>.

Pursuant to the Commission's Conflicts of Interest Policy and Conflicts of Interest Code, as amended, no Commissioner or designated staff may make, participate in making, or use their official position to influence

the making of any governmental decision which may have a direct or indirect foreseeable material financial effect on the Commissioner or designated staff person. Therefore, no entity in which a Commissioner or designated staff person has a material financial interest may submit a quotation to the Commission.

Additionally, under no circumstances, may a financial dependent of a F5FC Commissioner or staff respond to this RFQ. Relatives (which shall include, but not be limited to, adult children, siblings, aunts and uncles) of F5FC Commissioners or staff who are not financial dependents are discouraged from submitting.



## FORM A - NARRATIVE & FEE BREAKDOWN

### *RFQ – Legal Services*

Please provide a brief narrative response to the following questions and to the extent possible, organize using headers. The narrative and fee breakdown should not exceed ten (10) typewritten pages. Please do not use a font size smaller than 11-point.

#### **Narrative (4-8 pages)**

1. **Firm Description:** Provide an overview of the firm and the firm's commitment to the Fresno County community. Include a general description of the firm's financial condition and identify any conditions (impending merger, office closures, bankruptcy, etc.) that may impede the firm's ability to complete the scope of services detailed on page 3 of the RFQ. Also, include a statement of being properly insured against fraud, errors and omissions.
2. **Experience:** Describe the firm's experience in providing legal services to a minimum of three public sector and/or independent government agencies. Include a brief description of the services provided and how long such services have been provided.
3. **Legal Team Qualifications:** Identify the lead legal counsel and other members of the firm who would be involved in F5FC's and LFC's legal services by name, title, specialization, relevant experience, roles and responsibilities. Additionally, provide the following for each individual:
  - a. Length of employment with the firm
  - b. Legal training and years of practice (including date of admittance to the California Bar)
  - c. Years of municipal or other local public-sector law practice as a full-time government attorney and/or in a private law office specializing in local government
  - d. Litigation experience and demonstration of a good court track record
  - e. If the individual, or any of the attorneys employed by the firm, have ever been successfully sued for malpractice, have been the subject of complaints filed with the State Bar, or have had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results of the situation.
4. **Proposed Approach:** Discuss professional standards for turnaround time of typical requests such as: 1) Contract Reviews, 2) Policies and Procedure Reviews, 3) Meeting Preparation and 4) General/ Support Inquiries. Provide relevant information to describe the firm's approach to the scope of services detailed on page 3 of the RFQ.

#### **Fee Breakdown (1-2 pages)**

1. **Fee Structure and Schedules:** Describe the fee structure of the firm and provide any schedules to support the structure. Provide proposed fees and cost information for all services at an hourly rate. Include the following:
  - 1) Review the requirements of this RFQ and address all services in the fee schedule that might reasonably be expected to support the request.
  - 2) Provide proposed fees and cost information for all services at an hourly rate.
  - 3) Provide a comprehensive fee schedule and indicate how F5FC and its component unit, the



LFC, would be invoiced for services.

- i. This information should be detailed and broken down by type of service and units of work or other applicable measure, separately, per entity. F5FC and the LFC reserves the right to not include compensation for items not addressed in the submitted quote.
- 4) Describe the methodology for any future increases in costs of service. Include the method in which pricing adjustments will be calculated.

*Note: The fee quotation submitted along with the proposed approach will be used as a basis for any contract negotiations. The actual scope of services and fees included in the contract may be negotiated and may vary to satisfy the Commission's needs.*