



To: Potential Bidders

From: Michigan Works! Northeast Consortium

Subject: Release of Request for Proposal – Criminal Law Legal Counsel

Date: April 9, 2021

The Michigan Works! Northeast Consortium, henceforth known as NEMC, is seeking to procure legal counsel/services from qualified providers with experience in criminal law.

Proposal must be submitted to: Angela Asam
Special Initiatives Manager
P.O. Box 711
Onaway, MI 49765
asama@nemcworks.org

Proposals are due by 12:00 PM EASTERN, Friday, April 30, 2021.

It is the responsibility of the interested bidder to ensure that the proposal is received by NEMC by the date and time specified above.

Please note this RFP does not commit NEMC to award a contract or pay any cost incurred in the preparation of a proposal. NEMC reserves the right to accept or reject any or all proposals or parts of proposals received as a result of this request. NEMC can cancel this RFP, in part or in its entirety, if it is in our best interest to do so.

However, NEMC reserves the right to make an award without further discussion of the proposals submitted. Therefore, proposals should be submitted initially on the most favorable terms, from both technical and price standpoints, which the bidder can propose.

Inquiries

Inquiries concerning this RFP should be directed in writing to Angela Asam via email at asama@nemcworks.org

REQUEST FOR PROPOSAL (RFP)

I. Background

NEMC serves the following counties of Northeast Michigan: Alpena, Alcona, Cheboygan, Crawford, Montmorency, Otsego, Oscoda, Presque Isle. It is governed by a board consisting of a County Commissioner from each of the member counties. NEMC serves as the Grant Recipient and Administrative Entity for a variety of federal, state, and local funds that support workforce, economic, and career activities. The administrative office is located in Onaway, which serves all financial and operation oversight activities. The Workforce Innovation and Opportunity Act (WIOA), Partnership Accountability Training Hope (PATH), Welfare Reform, Wagner-Peyser Employment Services, and other workforce development related grants with corresponding Regulations provide the framework for operation of NEMC services. Instructions letters from the Department of Labor and Economic Opportunity, State of Michigan also provide guidance, procedure, and policy required within the State of Michigan.

II. Nature of Services:

NEMC is participating in the Clean Slate Pilot Program implemented by the Department of Labor and Economic Opportunity, Workforce Development to coordinate with, and in support of, the recently enacted Clean Slate laws in Michigan. This program is to assist Returning Citizens in expunging eligible convictions from their criminal record to aid them in their pursuit of full-time, self-sufficient employment. It will also expand the pool of potential employees to employers that are restricted on who they can hire based on criminal record.

The attorneys will work with NEMC on an as-needed basis. The attorneys must be licensed to practice in the State of Michigan and must be available within a reasonable standard of promptness. The attorneys must be willing to travel throughout Northeast Michigan, if necessary, to provide legal services. However, two law offices may be contracted with during the same timeframe to reduce travel time and costs or should a conflict of interest ever arise with either one.

The basic expungement process program steps include:

- The Individual registers for the Clean Slate program and a pre-screening is conducted with NEMC;
- NEMC requests an ICHAT, which is sent for review for expungement eligibility to the **contracted attorney**;
- NEMC coordinates appropriate fingerprinting services for the individual;
- NEMC coordinates the completion of the Application to Set Aside a Conviction with the individual and **contracted attorney**;
- NEMC files completed application with the court. Copies to the local Prosecutor, Attorney General (AG) and the Michigan State Police (MSP). The MSP runs a criminal history report and forwards to all parties. This report is the basis for AG support or opposition;
- **Contracted attorney** assists individual with expungement hearing preparation;
- **Contracted attorney** attends court hearing where the conviction occurred;
- Court sends expungement order to MSP to seal the record.
- The court system and MSP will maintain a nonpublic record of any convictions.
- NEMC follows up with the individual to verify expungement was fully processed and removal from criminal history reporting services.

A contract through June 30, 2022 will be entered into upon award of this Request for Proposals, with the possibility of a renewal option.

III. Rating/Selection Process

In addition to adequately addressing the questions posed by this RFP and proposing to meet or exceed the performance standards, proposals will be evaluated and selected based on reasonableness and competitiveness. Reasonableness and competitiveness will be determined by, but not limited to, (a) organization qualifications and experience, (b) cost, and (c) comparison with other proposals.

IV. Evaluation Criteria:

The award shall be made to the proposal generator whose proposal is responsive to the solicitation and is most advantageous to NEMC with respect to price, quality, and other relevant factors. Evaluation of each proposal will be based on the following criteria:

Criteria	Max. Points Possible
Organization Qualifications/Experience	60
Cost	40
Total Possible Points	100

During the proposal rating process, NEMC staff may contact you for clarification.

Proposals must meet a minimum of 75% of Total Points Available to be considered for further review.

NEMC' Code of Conduct and Conflict of Interest Policies will be in effect throughout all phases of this procurement process.

V. Information Proviso

NEMC is directly responsible and accountable to the Michigan Department of Labor and Economic Opportunity for the planning and oversight of all workforce development services in the region. NEMC shall ensure effective outcomes consistent with statewide goals, objectives and performance standards approved by the Michigan Department of Labor and Economic Opportunity.

Information provided by a proposer that is willingly, knowingly and purposely false, inaccurate or misleading, will be grounds for not considering a proposal for funding, for not awarding a contract, or for canceling a contract if awarded.

VI. Cost of Proposal Preparation

All costs incurred in the preparation of a response to this RFP will be the responsibility of the offeror and will not be reimbursed by NEMC.

This RFP does not commit NEMC to award a contract or pay any cost incurred in the preparation of a proposal. NEMC reserves the right to accept or reject any or all proposals or parts of proposals received as a result of this request. NEMC can cancel this RFP, in part or in its entirety, if it is in its best interest to do so.

NEMC requires applicants to enter into an agreement based on their proposal without further discussion or may require the applicant to enter negotiations. NEMC reserves the right to request any additional data or discussion/presentation in support of the written proposal at any time, prior to the execution of a contract. Proposers may be required to submit cost, technical or other revisions of their proposals that may result from such negotiation.

Implementation of this project is subject to policies and funding constraints of the Michigan Department of Labor and Economic Opportunity and NEMC, in addition to any policies and funding levels imposed by the U.S. Department of Labor, State of Michigan and related State and Federal regulations.

VII. Equal Opportunity

The selected Contractor shall adhere to all applicable federal, state and local laws and regulations prohibiting discrimination. The Contractor shall not unlawfully discriminate in providing services on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, height, weight, age, arrest record without conviction, political affiliation or belief, marital status, disability, or status as a job candidate. Likewise, the Contractor shall not unlawfully discriminate against an employee or applicant of employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, sexual orientation, gender identity, disability, arrest record without conviction, height, weight, or marital status. NEMC is an equal opportunity employer/program.

Auxiliary aids and services are available upon request. Alternative large print is available upon request. Submit requests to general@nemcworks.org.

**Michigan Works! Northeast Consortium
Criminal Law Legal Counsel**

I. - General Information – COVER PAGE

Applicant Organization Federal ID Number

Street Address

City State Zip Code

Printed Name and Title of Applicant's Authorized Representative

Telephone Number Fax Number

E-mail address

Certification

I certify that I have been authorized to submit and sign this proposal on behalf of the submitting organization(s). In addition, I certify that the entire proposal is true and accurate and to the best of my knowledge the projected costs are reasonable and necessary for the proposed Service and do not duplicate other funds already available, or which will be available, to pay the projected costs. I also certify that my organization will implement this project in compliance with the stipulations and guidelines set forth by Michigan Works! Northeast Consortium.

Signature of Authorized Representative

Date

The parties agree that this agreement may be electronically signed. The parties agree that the electronic signatures appearing on this agreement are the same as handwritten signatures for the purpose of validity, enforceability, and admissibility.

II. Organization Qualifications and Experience

- Provide a description of your organizational qualifications and experience in providing criminal law legal counsel. (Attach additional pages if needed.)

- Provide resumes of staff assigned to provide legal counsel.

III. **Cost** (Fill in below or provide in excel spreadsheet)

Provide a cost breakdown for the following:

- Per ICHAT Review
- Per Application Submission/Packet Review
- Per Hearing Preparation and Attendance
- Travel Charges
- Any additional costs (i.e. Copy Charges; Postage)

IV.

**EQUAL OPPORTUNITY POLICY STATEMENT
Michigan Department of Labor and Economic Opportunity**

THIS POLICY APPLIES TO ALL PROGRAMS ADMINISTERED BY THE MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY.

It is the policy of the State of Michigan to assure that equal opportunity will be provided under any contract, program, or activity funded in whole or in part with funds made available by or through any state department, institution, or agency.

All recipients of financial assistance are required to assure the equitable treatment of all persons in the opportunity for employment as well as their access to and receipt of, program services without discrimination based upon religion, race, color, national origin, age, sex, sexual orientation, gender identity, generic information, parental status, height, weight, marital status, arrest record, disability, or other non-merit factors.

This policy applies to all programs administered by the State, subgrantees, contractors, and subcontractors. All personnel will actively promote equal employment opportunity within their respective organizational units. This policy extends to the active recruitment of female and minority-owned enterprises in the delivery of services related to employment and training.

This policy will affect all employment and training practices including, but not limited to, recruitment, hiring, transfer, promotions training, compensation, benefits, layoffs, placements, and selection of subgrantees and contractors.

To ensure compliance with the established policy, a goal-oriented program has been structured with specific targets and timetables. Failure on the part of subgrantees and contractors to comply with this policy will jeopardize initial, continued, or renewed funding under federal and state-funded programs.

The Workforce Innovation and Opportunity Act (WIOA) further requires for all programs receiving WIOA funds the following assurance:

As a condition to the award of financial assistance under WIOA from the Michigan Department of Labor and Economic Opportunity the grant applicant assures, with respect to operation of the WIOA-funded program or activity and all agreements or arrangements to carry out the WIOA-funded program or activity, that it will comply fully with nondiscrimination and equal opportunity provisions of WIOA; including the nontraditional Employment for Women Act of 1991; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 38. The United States has the right to seek judicial enforcement of this assurance.

Issued by: Michigan Department of Labor and Economic Opportunity

Signature of Authorized Representative

Date

The parties agree that this agreement may be electronically signed. The parties agree that the electronic signatures appearing on this agreement are the same as handwritten signatures for the purpose of validity, enforceability, and admissibility.

V. Certifications and Bidder Forms

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 Code of Federal Regulation (CFR) Part 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 19160-19211). 2 CFR 180 is also applicable.

This certification is also required by the regulations implementing Executive Order 12689, Debarment and Suspension, 3 CFR 1989 Compiled, p. 235.

**BEFORE COMPLETING CERTIFICATION, READ ATTACHED
INSTRUCTIONS THAT ARE AN INTEGRAL PART OF THE CERTIFICATION.**

(1) The prospective recipient of federal assistance funds certified, 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.

(2) Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Printed Name and Title of Authorized Representative

Signature of Authorized Representative

Date

The parties agree that this agreement may be electronically signed. The parties agree that the electronic signatures appearing on this agreement are the same as handwritten signatures for the purpose of validity, enforceability, and admissibility.

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "proposal" and "voluntarily excluded", as used in this clause have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any low tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting his proposal that it will include clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions", without modification, in all lower tier covered transactions and in all solicitation for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it know that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishing a system of records on order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

CERTIFICATION REGARDING LOBBYING

Certification of Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contract under grants, loans, and cooperative agreements) and that all subrecipient shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$10,000 and not more than \$100,000 for each such failure.

Signature (Must Be Authorized to Bind the Bidder/Agency)

Date

Name and Title of Authorized Representative

Name of Bidder/Agency

The parties agree that this agreement may be electronically signed. The parties agree that the electronic signatures appearing on this agreement are the same as handwritten signatures for the purpose of validity, enforceability, and admissibility.

