

REQUEST FOR BID PROPOSAL

NORTHEAST IOWA AREA AGENCY ON AGING

LEGAL ASSISTANCE FOR OLDER IOWANS

April 11 2023

BACKGROUND

I. Description of the AAA and OAA

Northeast Iowa Area Agency on Aging (NEI3A) has been designated by the Iowa Department on Aging as the Area Agency on Aging for Allamakee, Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Grundy, Hardin, Howard, Jackson, Marshall, Poweshiek, Tama, and Winneshiek Counties in Iowa. The purpose of this RFP is to solicit proposals to provide legal assistance to individuals age 60 and older in the eighteen county area. ACL programs and services funded under the Older Americans Act (OAA) are designed to empower older persons to remain independent, healthy, and safe within their homes and communities, for as long as possible. Legal assistance and elder rights programs work in conjunction with other ACL programs and services to maximize the independence, autonomy and well-being of older persons.

II. Statement of Purpose/Mission

The overall mission of the Title III-B legal assistance program is to provide quality advice, representation, and referral to those Iowans, age 60 and over, with the greatest social and economic need. NEI3A has \$25,000 in funds to expend on this service for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

The broad purposes of the legal assistance program in Iowa are:

- 2.1 To protect the autonomy, dignity and independence of vulnerable older persons.
- 2.2 To focus outreach and services particularly directed toward the most socially or economically needy older persons—those least able to advocate on their own behalf—to assist them to:
 - 2.2.1 Understand their rights;
 - 2.2.2 Exercise choice;
 - 2.2.3 Benefit from services, opportunities and entitlements;
 - 2.2.4 Meet essential needs of income, shelter, health care and nutrition; and
 - 2.2.5 Maintain rights promised and protected by law.
- 2.3 To assist vulnerable older persons in preventing legal problems through education and outreach.
- 2.4 To be accessible in each county throughout the eighteen counties.

- 2.5 MEANS TESTING PROHIBITION: UNDER NO CIRCUMSTANCES SHALL A PERSON 60 YEARS OF AGE OR OLDER BE DENIED LEGAL SERVICES ON THE BASIS OF HIS OR HER INCOME OR ASSETS. The area agency on aging and providers shall not means test for any service for which contributions are accepted or deny services to any individuals who does not contribute to the cost of the services. 315(b)(3)

III. DEFINITIONS

- 3.1 “Agency” means the local Area Agency on Aging identified on the RFP cover sheet that is issuing the RFP.
- 3.2 “Applicant” means the company, organization or other business entity submitting a Proposal in response to this RFP. “Applicant” includes any related entities including but not limited to parent organizations, subsidiaries, holding companies, foundations and affiliates.
- 3.3 “Area Plan on Aging” means the grantee agency(ies) designated by the Iowa Commission on Aging in a Planning and Service Area to develop and administer the multiyear area plan for a comprehensive and coordinated system of services for elders and to carry out the duties specified in Iowa Code Chapter 231 and rules promulgated by the State.
- 3.4 “Eligible Applicant” means an Applicant that has the capability in all respects to perform the requirements of a legal services provider as required by the Older Americans Act and state law.
- 3.5 “Legal Assistance” means legal advice and representation provided by an attorney to older individuals with economic or social needs; and includes counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney and counseling or representation by a non-lawyer where permitted by law.
- 3.6 “Planning and Service Area” means a geographic area of the state that is designated by the Iowa Commission on Aging for purposes of planning, development, delivery and overall administration of services under a multiyear area plan. A map of the Planning and Service Areas designated for purposes of this RFP is included as Attachment 1.
- 3.7 “Procurement Officer” means the individual identified on the RFP cover sheet that serves as the sole point of contact throughout the RFP process.

- 3.8 “Proposal” means the Applicant’s proposal submitted in response to the RFP.
- 3.9 “Responsive Proposal” means a Proposal that complies with all of the provisions of this RFP.
- 3.10 “RFP” means this Request for Proposal and any attachments, exhibits, schedules or addenda hereto.
- 3.11 “Target Populations” means older individuals residing in rural areas; older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas); older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas); older individuals with severe disabilities; older individuals with limited English proficiency; older individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and older individuals at risk for institutional placement as defined by Section 306(a)(4)(B)(i) of the Older Americans Act.

IV. Information for Applicants

- 4.1 Contact Information
 Procurement Officer: Greg Zars
 Phone: 319 874 6840
 Fax: 319 874 6888
 E-Mail: gzars@NEI3A.org

The procurement officer is the point of contact for this RFP. All Applicant communications regarding this RFP must be directed to the procurement officer. The preferred method of communication is e-mail. Unauthorized contact regarding the RFP with other employees of the Agency may result in the Applicant being disqualified.

- 4.2 RFP Schedule
 This schedule of events represents Purchasing Agency’s best estimate of the schedule that will be followed for this RFP. The schedule, however, is subject to change. The estimated RFP schedule is as follows:

<u>RFP Schedule</u>	<u>Dates</u>	<u>Time</u>
RFP Issue Date	4/11/2022	12:00 PM
RFP Due Date	5/11/2022	12:00 PM

4.3 Acceptance of Terms

- 4.3.1 Acceptance of Terms and Conditions. The Applicant shall specifically agree that by submitting the Proposal, the Applicant is accepting all terms and conditions stated in the RFP.
- 4.3.2 Objection to Terms and Conditions. If the Applicant objects to any term(s) or condition(s), the Applicant shall specifically refer to the RFP page and section number and provide the reason for the objection. Objections or responses that materially alter the RFP may be deemed non-responsive and result in rejection of the Proposal.
- 4.3.3 All Proposals become the property of Area Agency on Aging and shall not be returned to the Applicant.
- 4.3.4 Copies. By submitting a Proposal, the Applicant agrees that the Agency may copy the Application for purposes of facilitating the evaluation of the Application or to respond to requests for public records. By submitting an Application, the Applicant consents to such copying and warrants that such copying shall not violate the rights of any third party.
- 4.3.5 Mandatory Requirements. Applicants shall furnish all information necessary to enable the Agency to evaluate the Proposal. Proposals that fail to meet the mandatory requirements of the RFP shall be rejected.
- 4.3.6 Oral Information Rejected. Oral information provided by the Applicant shall not be considered part of the Applicant's Proposal unless it is submitted in writing.
- 4.3.7 RFP Amendments. The Agency reserves the right to amend the RFA at any time using an addendum. The Applicant shall acknowledge receipt of all addenda in its Proposal. If the Agency issues an addendum after the due date for receipt of Applicants, the Agency may, in its sole discretion, allow Applicants to amend their Proposals in response to the addendum.
- 4.3.8 Addendum. The RFP and any addenda to the RFP shall be available on AAA website.
- 4.3.9 Ideas and Adaptations. The Agency shall have the right to use ideas or adaptations of ideas that are presented in Proposals.

4.3.10 Claims and Causes of Actions. By submitting a Proposal, the Applicant agrees that it shall not bring any claim or cause of action against the Agency based on any misunderstanding concerning the information provided in the RFP or concerning the Agency's failure, negligent or otherwise, to provide the Applicant with pertinent information in this RFP.

4.4 Inquiries, Requests for Clarification, and Suggested Changes

4.4.1 Sole Point of Contact. The Procurement Officer identified in the RFP is the sole point of contact regarding the RFP from the date of issuance until a Notice of Intent to Award Designation as a Legal Provider is issued.

4.4.2 Disqualification. Applicants may be disqualified if they contact any Agency employee other than the Procurement Officer about the RFP.

4.4.3 Inquiries, Requests for Clarification, and Suggested Changes. Applicants are invited to submit written inquiries and requests for clarifications regarding the RFP. Applicants may also submit suggestions for changes to the requirements of the RFP. The inquiries, requests for clarifications, or suggestions shall be in writing and received by the Procurement Officer before the date and time listed in the RFP. Oral questions will not be permitted. If the inquiries, requests for clarifications, or suggestions pertain to a specific section of the RFP, the Applicant shall reference the page and section number(s). The Agency shall provide written responses to inquiries, requests for clarification, or suggestions that are received from Applicants on or before the date listed in the RFP.

4.4.5 Addendum. The Agency's written responses shall become an addendum to the RFP. If the Agency decides to adopt a suggestion that modifies the RFP, the Agency shall issue an addendum to the RFP.

4.4.6 Agency Responsibility. The Agency assumes no responsibility for oral representations made by its officers or employees unless such representations are confirmed in writing and incorporated into the RFP through an addendum.

4.5 Rejection of Proposals

NEI3A reserves the right to accept or reject any part of any proposal, to accept or reject any or all proposals without penalty, to advertise for new proposals, to abandon the need for the services, and to cancel this RFP if it is in the best

interest of NEI3A. Any proposal shall be rejected out-right and not evaluated for any one of the following reasons:

4.5.1 Failure to deliver the proposal by [time] on [date] at the location specified under Section 4.2, "RFP Schedule of Events".

4.5.2 Failure to follow the proposal format instructions.

4.5.3 Failure to respond to a mandatory requirement of the RFP that does not constitute a nonmaterial variation, or if the bidder has engaged in unfair bidding procedures.

4.6 Withdraw of Proposals

Proposals may be withdrawn, modified and resubmitted at any time prior to submission deadline for the receipt of proposals.

4.7 Pre-Proposal Conference

There will be no pre-proposal conference

4.8 Notice Provided

Notice of this solicitation has been provided through the following:

- AAA Website
- Solicitation Notice Mailed (postal or electronic) to Potentially Interested Parties

4.9 Assistance to Applicant with a Disability

An Applicant with a disability that needs an accommodation should contact the procurement officer listed in section 4.1 prior to the RFP Due Date specified in 4.2 so reasonable accommodation can be made.

V. Evaluation

5.1 Comprehensive, Fair, and Impartial Evaluation

The Agency intends to conduct a comprehensive, fair, and impartial evaluation of Applications received in response to this RFP.

5.2 Evaluation Process

The Agency shall open Proposals after the deadline for submission of Proposals has passed. The Proposals shall remain confidential until the Evaluation Committee has reviewed all of the Proposals submitted in response to this RFP and NEI3A has issued a Notice of Intent to Award designation as a Legal

Services Provider. However, the names of Applicants who submitted timely Proposals shall be publicly available after the Proposal opening. The announcement of Applicants who timely submitted Proposals does not mean that an individual Proposal has been deemed technically compliant or accepted for evaluation.

5.3 Rejection of Application

The Agency may reject outright and not evaluate a Proposal for reasons including but not limited to:

5.3.1 The Applicant acknowledges that a mandatory requirement of the RFP cannot be met.

5.3.2 The Applicant's Proposal changes a material requirement of the RFP or the Application is not compliant with the mandatory requirements of the RFP.

5.3.3 The Applicant's Proposal limits the rights of the Agency.

5.3.4 The Applicant fails to respond to the Agency's request for information, documents, or references by the specified date.

5.3.5 The Applicant fails to include any signature, certification, authorization, stipulation, disclosure or guarantee as provided in this RFP.

5.3.6 The Applicant presents the information requested by this RFP in a format inconsistent with the instructions to the RFP or otherwise fails to comply with the requirements of the RFP.

5.3.7 The Applicant initiates unauthorized contact regarding the RFP with Agency employees.

5.3.8 The Applicant provides misleading or inaccurate responses.

5.3.9 There is insufficient evidence (including evidence submitted by the Applicant and evidence obtained by the Agency from other sources) to satisfy the Agency that the Applicant is a Responsive Applicant.

5.4 Application Subject to Verification

The content of a Proposal submitted by an Applicant is subject to verification.

5.5 Misleading or Inaccurate Information

The Agency may reject the Proposal if the Agency determines, in its sole discretion, that the content is in any way misleading or inaccurate.

5.6 Clarification of Application

The Agency reserves the right to contact applicant after the submission of Proposals for the purpose of clarifying a Proposal. This contact may include written questions, interviews, site visits, or requests for clarification of the Proposal. The Agency shall not consider information received from or through an Applicant if the information materially alters the content of the Proposal or services the Proposal is offering. An individual authorized to legally bind the Applicant shall sign responses to any request for clarification. Responses shall be submitted to the Agency within the time specified in the Agency's request. Failure to comply with the requests for additional information may result in rejection of the Proposal.

VI. SCOPE OF SERVICE

6.1 Scope of Service

6.1.1 Overview. Purchasing Agency is soliciting proposals for the legal assistance to individuals age 60 and older throughout the State of Iowa.

6.1.2 Description of Specific Results-Oriented Activities. Specific activities of legal assistance to older individuals include the following:

- a) Provide legal advice and representation to older individuals in the legal assistance casework areas of abuse, age discrimination, defending guardianships, health care, housing, income, long-term care, neglect, nutrition, protective services, and utilities. Priority will be given to legal assistance related to income, health care, long term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect and age discrimination. 307.(a)(11)(E).
- b) Provide community education. The community legal education shall be presented to the targeted groups. The community legal education topics shall reflect the priority issues outlined in this RFP.
- c) Outreach activities. Ensure that the targeted population is reached through a plan of outreach activities.

6.1.3 Attorney Requirement. The legal assistance shall be provided by an attorney or under the supervision of an attorney licensed to provide services in the State of Iowa.

- 6.1.4 Service Area. Successful Applicant shall provide the services throughout the Agency's Planning and Service Area.
- 6.1.5 Service Availability. Successful Applicant shall provide the services throughout the contract term.
- 6.1.6 Service Eligibility. Successful Applicant shall provide the services to individuals age 60 and older.
- 6.1.7 Program Income. Successful Applicant shall provide individuals the opportunity to contribute to the cost of the service on a voluntary basis and in confidential manner. The program income must be expended towards fulfilling the scope of work and must be expended in each monthly service period in addition to the requested contract funds. Voluntary contributions shall be allowed and may be solicited if the method of solicitation is non-coercive. Such contribution shall be encouraged for individuals whose self-declared income is at or about 185% of poverty line at contributions levels based on the actual cost of the service. (315(b)(1). The Area Agency on Aging shall consult with the provider and older individuals in the planning and service area to determine the best method for accepting voluntary contributions. 315(b)(2)

6.2 Priority Services/Targeting

Successful Applicant shall give priority to serving older individuals with special emphasis on: individuals residing in rural areas, individuals with greatest economic need, individuals with the greatest social need, individuals with severe disabilities, individuals with Alzheimer's disease and related disorders and individuals at risk of institutional placement. This outreach will not only identify but will inform these older individuals and their caretakers of the availability of legal assistance under this contract.

* Plan for targeting services – Provide a plan on how services will be targeted as listed above in Section 6.2.

* As specified by the OAA of 1965 as amended, AAA's and providers will give priority to legal assistance related to: income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, protective services, abuse, neglect and exploitation, age discrimination.

6.3 Capacity of the Organization

Successful Applicant will be a legal assistance provider who can meet the standards set forth in 45 CFR 1321.71 and Iowa Administrative Code 7.10:

- Expertise in specific areas of law affecting older persons in economic or social need;
- Capacity to provide effective administrative and judicial representation in the areas of law affecting elders with economic or social needs;
- Capacity to provide support to other advocacy efforts, for example, the Long-Term Care Ombudsman Program;
- Capacity to deliver legal assistance to institutionalized, isolated and homebound elders effectively;
- Capacity to provide legal assistance in the principal language spoken by client in areas where a significant number of clients do not speak English as their principal language;
- Capacity to coordinate the provision of legal assistance with private bar attorneys and legal services corporation state grantees;

6.4 Required Licenses

At the time specified by the Deadline for Receipt of Proposals in 1.03 RFP Schedule, the applicant shall have and keep current any professional licenses and permits required by federal, state, and local proposals are due will be determined non-responsive.

6.5 Federal and State Requirements

Successful applicant shall comply with all federal and state laws, regulations and rules which govern ethical and professional conduct and the practice of law.

6.6 Monitoring

Assessments and reviews will be conducted to assure that services are being provided according to requirements.

VII. Scope of Work

7.1. Service Activities/Tasks

- a. Legal advice and representation
- b. Community education
- c. Outreach activities—ensure that the targeted population is reached through a plan of outreach activities

7.2. Targeting Plan – Provide plan on how applicant will target services & give priority to older persons in greatest economic need (poverty or low-income, with particular attention to low-income minority); greatest social need (isolated, frail, homebound, illiterate/low literacy, institutionalized); severe disabilities, including mental health issues; limited English proficiency; Alzheimer’s disease and related

disorders (and the caretakers); at risk of institutionalization; at risk of homelessness; at risk of or under guardianship

As specified by the OAA of 1965 as amended, AAA's and providers will give priority to legal assistance related to: Income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, protective services, abuse, neglect and exploitation, age discrimination

VIII. Reporting and other required activities

Reports must be submitted to NEI3A by the tenth (10th) day of the month following the end of each three-month period of the contract.

Reports required:

- 8.1 Quarterly Legal Assistance Reports
- 8.2 Expenditure reports /Billing requests.
- 8.3 Match Report (Form will be provided)

IX. APPLICATION SPECIFICATIONS

- 9.1. Understanding of the Problem

Briefly describe how your agency understands the legal needs and legal issues affecting older persons and is knowledgeable in these areas of law. Describe how successful targeting would be achieved.

- 9.2. Plan for targeting services

Provide detail of how you will target services to the older adults in the greatest social and economic need as described in VII. 7.2. Targeting Plan above.

- 9.3. Capacity of the Organization

Explain the capacity of your organization to undertake this project including any special qualifications for working with older clients.

- 9.4. Voluntary Contribution Process

In detail explain how the process for collecting voluntary contributions would work.

9.5. Budget

Provide an itemized budget which includes:

- a. Voluntary contributions
- b. **Match Requirement of 15% of total funds either cash or in-kind in the amount of \$3,750. Federal funds cannot be used to match federal funds.**

- 9.6 Service provider, prior to requesting Title IIIB funding, shall demonstrate efforts to seek funds from other federal, state, and local sources. IAC 6.16(4).
- 9.7 Outline specific objectives for how the provider intends to satisfy the service needs of low-income minority individuals, older individuals with limited English proficiency, older individuals at risk for institutional placement, and older individuals residing in rural areas of the planning and service area.
306(a)(4)(A)(i)(I)(aa)&(bb)&(ii); 306(a)(4)(B)
- 9.8 Propose methods to achieve the specific objectives outlined in Section 9.7 above. 306(a)(4)(A)(i)(II).
- 9.9 Provide assurances that services will be provided in accordance with the need for such services, to the maximum extent feasible. 306(a)(4)(A)(ii)(II)
- 9.10 Outline a grievance procedure that eligible individuals can follow for complaints with the legal assistance program. IAC 2.9(1)
- 9.11 Outline any cash or in-kind match that will be attributed by the provider to the legal assistance program. IAC 5.9(4)
- 9.12 Provide assurances that the legal provider is subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act and coordinate its services with the existing Legal Services Corporation projects.
307(a)(11)(A)(ii)
- 9.13 Outline what attempts will be made to involve the private bar in legal assistance activities, including pro bono and reduced fee basis. 307(a)(11)(A)(iii).
- 9.14 Outline what efforts will be undertaken to obtain the views of older lowans regarding the services provided. 315(C)(1) & IAC 6.16(3)

X. Standards that the Provider must meet:

- 10.1 Provider shall not require an older individual to disclose information about income or resources as a condition for providing legal assistance. The provider may ask about an older individual's financial circumstances only as a part of the process of providing legal advice or counseling and representation or for the purpose of identifying additional resources and benefits for which the person may be eligible.
- 10.2 Complies with all federal and state laws, regulations and rules which govern ethical and professional conduct and the practice of law.
- 10.3 No provider shall use funds received under the OAA to provide legal assistance in a fee generating case unless other adequate representation is unavailable or there is an emergency requiring immediate legal action. All providers shall establish procedures for the referral of fee generating cases.
- 10.4 While engaged in legal assistance activities supported under the OAA, no attorney shall engage in any political activity or lobbying.
- 10.5 While carrying out legal assistance activities and while using resources provided under the OAA, no provider or employee(s) shall participate in any public demonstration, except as permitted by law in connection with the employee's own employment situation or engage or encourage others to engage in illegal activity.
- 10.6 Request outreach efforts to identify older individuals eligible for assistance under the act with special emphasis on:
 - a. Individuals residing in rural areas
 - b. Individuals with greatest economic need
 - c. Individuals with greatest social need
 - d. Individuals with severe disabilities
 - e. Individuals with Alzheimer's disease and related disorders
 - f. Individuals at risk of institutional placement 306(a)(4)(B)

These outreach efforts shall also inform the older individuals listed above and their caretakers of the availability of legal assistance. 307(A)(4)(B)(iii)

- 10.7 Provide each recipient with an opportunity to voluntarily contribute to the cost of the service. Establish appropriate procedures to safeguard and account for all contributions and protect the privacy of each recipient's contribution or lack of contribution. 315(b)(4)

- 10.8 Use all collected contributions to expand the service for which the contributions were given and to supplement (not supplant) funds received under the OAA. 315(b)(4)(E)
- 10.9 Clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary. 315(b)(4)(B)
- 10.10 Assure that all services are coordinated with other appropriate services in the community and that these services do not constitute an unnecessary duplication of services provided by other sources. CFR 1321.65

XI. Criteria for evaluation of proposals

The following rating scale will be used to determine which prospective entity is best able to meet the needs of older lowans.

- 11.1 The experience to do the job with adequate staff to serve the needs of older lowans in the NEI3A area and staff with the ability and sensitivity to work with older individuals. (20 points)
- 11.2 Demonstrates the capacity to provide effective administrative and judicial representation in the areas of law affecting elders with economic or social needs. (10 points)
- 11.3 Demonstrates the capacity to deliver legal assistance to isolated and homebound elders effectively. (20 points)
- 11.4 Coordinates the provision of legal assistance with private bar attorneys and legal services corporation state grantees. (10 Points)
- 11.5 The ability to balance the needs of older lowans under the Title III-B contract with the priorities of their primary business. (10 points)
- 11.6 The ability to bring to our network expertise that other prospective providers do not possess in the same degree. (10 points)
- 11.7 Knowledge/awareness of the aging network. (20 points)

SIGNATURE

I am signing with understanding that this is a bid process and this does not guarantee contract for services. All of the information provided in this application is correct.

Name of organization

Address of organization

Signature & Title of applicant