



## **REQUEST FOR QUALIFICATIONS**

### **Legal Services**

## **for Appalachian Community Grant Program Projects**

### **Summary and Background:**

Buckeye Hills Regional Council (BHRC) is a council of governments established in 1968 and serves the counties of Athens, Hocking, Meigs, Monroe, Morgan, Noble, Perry, and Washington in rural Appalachian Ohio. Buckeye Hills administers funding from multiple State and Federal sources in the areas of community and economic development, transportation planning, and aging services to address the needs of member communities.

The Appalachian Community Grant Program (ACGP) is a \$500 million program, created by House Bill 377, that provides planning and development grants for communities located in Ohio's 32-county Appalachian region. Program funds are provided by Ohio's designation of American Rescue Plan Act (ARPA) dollars and are administered by the Governor's Office of Appalachia within the Ohio Department of Development. Projects should be designed to bring about transformational change and be a catalyst for future development by providing generational investments in the Appalachian region.

### **Project Description:**

In anticipation of Round 2 of ACGP, BHRC has communicated with stakeholders and communities to identify centers of gravity of similar projects and interests. BHRC has worked with partners across the region to determine the best State Procured Planner to work with on their projects and aided communities in applying for and receiving services from these planners. Through conversations with planners, gaps in services have been identified that may prevent communities from submitting competitive applications in round 2 of ACGP. BHRC aims to fill in these gaps by procuring services for healthcare feasibility studies, historical architecture, and legal advisement. Respondents to this request for qualifications will be expected to work with BHRC staff, communities, and State Procured Planners where necessary to ensure communities are able to take full advantage of the Appalachian Community Grant Program.

### **Scope of Services**

The Respondent shall be readily available to perform all legal work necessary in connection with the Appalachia Community Grant Program as directed by BHRC representatives. These requests will be in support of the Lead Applicant, Subordinate Applicants, community stakeholders, jurisdictions, and other participants located or represented within the eight-county council footprint. Anticipated assignments include:

1. Structure lead applicant and subrecipient obligations in cooperative agreements memorandums of understanding, contracts, or other legal instruments as needed within each Development Application Group for use throughout the application, implementation, and operational phases of the project for the length of the obligations but not less than twenty years.

2. Provide all necessary legal services regarding real estate transfers, easements, or use agreements, including but not limited to the review of utility easements and ownership, purchase agreements, title search, closing documents, and reviews to certify conformance to Local, State, and Federal regulations when needed.
3. Draft and/or review all legal documents, papers, contracts, agreements, waivers, and other such legal drafting as may be required.
4. Consult on legal process and make recommendations on the most advantageous method to project implementation as needed. Examples may include recommendations for Tax Incremental Financing Agreements or a variety of designations for segments of a Downtown Area, etc.

### **Period of Performance:**

The period of performance for the Appalachian Community Grant Program is congruent with other ARPA-funded programs. All funding within the program must be obligated by October 2024 and completed by October 2026. The respondent(s) selected would be expected to serve as a consultant for communities beginning at the contract award, projected to be September 1, 2023, and continue until October of 2024, at which time all funds will be obligated under the program. Contractor may still be consulted through October of 2026 to provide interpretation of documents they created during the period of performance.

### **Requirements to be Responsive to RFQ:**

Responses to this Request for Qualifications shall be prepared in accordance with the rules codified in 2 CFR 200 (Unified Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and submitted with the following listed sections completed as part of one singular document. The submission must be in a digital format with print capabilities. BHRC may solicit additional information at a later time.

#### **Part 1 – Company and Response Information Summary**

The respondent must provide information as follows:

1. Company Name and Address in which to send contract/service agreement (if awarded)
2. Company Description and Overview
3. Website Address
4. Name, Bio, Phone Number, Email Address of Key Representative(s) that will be responsible for carrying out project activities, inclusive of billing for services
5. Comprehensive list of company's technical assistance expertise area(s) relative to the scope of work

#### **Part 2 – Consultant Qualifications and Experience (50%)**

1. Provide a description of the qualifications and experience of key personnel as it pertains to the scope of work for which respondents are submitting. Please specifically include details on work completed within the Appalachian region of Ohio.
2. Provide descriptions of previous projects that the Respondent has undertaken that are similar to this Project. Please include references as detailed in Part 3 of this RFQ
3. Sample client listing of entities receiving similar assistance. Please include dates for provision of service
4. Web links to related projects are encouraged

#### **Part 3 – References (40%)**

Provide a minimum of 3 and a maximum of 10 references for clients receiving similar services. References of projects should ideally be similar to those that are in development in the BHRC region. If such references are not available, list references that match as closely as possible.

#### **Part 4 – Cost (10%)**

BHRC anticipates entering into an agreement for services with the successful respondent(s). The successful respondent(s) should expect to provide invoices to BHRC on an as-needed basis or at least quarterly for the duration of the project.

Respondents should address the following in response to this RFQ:

1. Total cost of services
2. Retainer fee cost
3. Detailed breakdown of activities/tasks to be completed and cost associated with each
4. Methodology for tracking and billing on an as-needed basis

#### **Timeline and Deliverables:**

Interested respondents should respond by email to Sam Miller, Development Director, [smiller@buckeyehills.org](mailto:smiller@buckeyehills.org). The subject line should read 'BHRC ACGP Technical Assistance RFQ-LEGAL.'

RFQ Issued	August 11, 2023
Responses DUE	August 25, 2023
Notification of Award	August 30, 2023

Responses received after the time and date specified **are not eligible for consideration**. ALL PROPOSALS MUST BE SIGNED.

Failure to provide this information may result in rejection of the response.

BHRC reserves the right to reject any response not prepared and submitted according to the provisions herein outlined and may reject any or all responses.

IMPORTANT NOTE: The respondent is cautioned against last-minute attempts to meet the due date and time, and BHRC will not be responsible for network outages and other related internet malfunctions on the part of the respondent in submitting their proposal.

#### **Evaluation and Selection:**

All qualified responses submitted in accordance with the terms of the RFQ will be evaluated to determine the most responsive entity. A uniform selection process will be used to evaluate all proposals.

Staff from BHRC will review and evaluate all responses received in response to this Request for Qualifications. Proposals will be evaluated and ranked based on the selection criteria outlined below. After the conclusion of the evaluation process, the firms, groups, or persons will be ranked in priority order, with the highest-ranking firm, group, or person being selected to negotiate a contract and scope of services with BHRC. If a contract satisfactory to both parties cannot be negotiated, BHRC will then enter negotiations with the next highest-ranked firm, group, or person, and so on until an agreement is reached.

In the event BHRC elects to negotiate a contract with a selected firm, group, or person, BHRC reserves the right to negotiate such terms and conditions of the contract, including, but not limited to, scope, role, price, and staffing which may be in the best interests of BHRC.

Proposal evaluation will be based upon the following criteria:

- Scope of services
- Experience and ability to successfully complete the scope of services
- Experience working in Appalachian Ohio
- Demonstrated experience from the perspective of references

**Discrimination:**

No person in the United States must, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

To effectuate compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.); as amended, BHRC is required to include the following in any solicitation or contract, and these provisions will be incorporated into the contract between BHRC and the selected consultant (CONSULTANT). The CONSULTANT will need to abide by these provisions:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d *et seq.*) and DOC implementing regulations published at 15 C.F.R. Part 8 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance.
2. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities.
3. The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*) prohibiting discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation.
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance. For purposes of complying with the accessibility standards set forth in 15 C.F.R. § 8b.18(c), non-federal entities must adhere to the regulations, published by the U.S. Department of Justice, implementing Title II of the Americans with Disabilities Act (ADA) (28 C.F.R. part 35; 75 FR 56164, as amended by 76 FR 13285) and Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286). The revised regulations adopted new enforceable accessibility standards called the “2010 ADA Standards for Accessible Design” (2010 Standards), which replace and supersede the former Uniform Federal Accessibility Standards for new construction and alteration projects.
5. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance.
6. Any other applicable non-discrimination law(s).

**Disclaimers:**

Buckeye Hills Regional Council reserves the right to accept or reject any and all responses received to this posted RFQ and to re-advertise for new submissions.

Buckeye Hills Regional Council will not be responsible for any costs incurred by respondents in the preparation of a response to this RFQ.

Buckeye Hills Regional Council reserves the right to delay or discontinue the selection process at any time.

Buckeye Hills Regional Council reserves the right to award all, part, or none of the project in the best interest of the overall project and will not be held responsible for any impact on respondents resulting from this decision.

Buckeye Hills Regional Council reserves the right to request modifications to any documentation submitted if it is in the best interest of the project prior to the time of selection.

Buckeye Hills Regional Council reserves the right to request clarification or additional information from a respondent prior to selection.

Buckeye Hills Regional Council reserves the right to negotiate with the selected respondent to provide additional services not outlined in this RFQ if necessary and in the best interest of the project.

The evaluation and selection of the Consultant will be based on the information submitted in the entity's proposal, including estimated cost, scope of work, and creativity. Failure to respond to each of the requirements in the RFQ may be the basis for rejecting a response. Entities should respond clearly and completely to all requirements. Entities must be as concise as possible with respect to presenting a clear and complete proposal.

Deviations and exceptions from terms, conditions, or specifications from this RFQ shall be described fully on the entity's letterhead, signed, and attached to the response. In the absence of such a statement, the proposal shall be accepted as in strict compliance with all terms, conditions, and specifications and the entity shall be held liable.

This RFQ is the official media governing proposal procedures. No other documents, letters, or oral instructions shall have any influence whatsoever, unless incorporated by reference herein, or unless an official AMENDMENT is made to this document by the issuing office.

Evaluation criteria contained herein shall be used in evaluating interested firms, groups, or persons for selection. BHRC may contact any RFQ respondent after receiving its submittal to seek clarification on any portion thereof.

Proposals will not be returned to the RFQ respondents.