



LEGAL SERVICES CORPORATION

REQUEST FOR PROPOSALS
FOR FACILITATION OF A FIRST-TIME
COLLECTIVE BARGAINING AGREEMENT VIA
INTEREST-BASED BARGAINING

March 21, 2012
Revised April 17, 2012

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I. Introduction and Project Overview

Background

The Legal Services Corporation (LSC) is a private, nonprofit corporation established by Congress in 1974 to promote equal access to justice and to provide grants for high-quality civil legal assistance to low-income Americans. The Corporation is headed by a bipartisan board of directors whose 11 members are appointed by the President and confirmed by the Senate. LSC distributes more than 95 percent of its total funding to 135 independent nonprofit legal aid programs with over 900 offices that provide legal assistance to low-income individuals and families in every county in the United States; the District of Columbia; the Commonwealth of Puerto Rico; the U.S. Virgin Islands; Guam; and Micronesia. LSC is neither a Federal agency nor a part of the Federal government. LSC is a private employer for purposes of labor and employment laws and regulations, with limited exceptions. LSC functions in a quasi-agency capacity; virtually all of LSC's funding and activities are pursuant to Congressional appropriations and requirements.

LSC is divided into two overall units: LSC Management, which handles management of the LSC program and grants oversight, and the independent LSC Office of Inspector General (OIG). The term "LSC Management" is not used to define employees who function in a management capacity. LSC has approximately 131 staff positions, of which 103 are in LSC Management and 28 are in the OIG (which is not unionized). Represented employees include attorneys, analysts, accountants, technology staff, and a variety of administrative and support staff. The Union has organized two collective bargaining units, representing the professional and other staff respectively.

LSC promotes equal access to justice by awarding grants to independent legal services providers through a competitive grants process; conducting compliance reviews and program visits to oversee program quality and compliance with statutory and regulatory requirements including restrictions that accompany LSC funding; and by providing training and technical assistance to programs. LSC-recipient programs provide legal assistance to individuals in civil matters pursuant to locally-established priorities that respond to pressing community needs.

Collective Bargaining Agreement

Management and the Union are negotiating LSC's first collective bargaining agreement (CBA). In September 2011, representatives of Management and the Union attended a training on interest based bargaining (IBB) by Joseph Swerzewski. Management and the Union have agreed to begin negotiations using IBB. LSC intends to

hire an experienced labor relations facilitator for this process. LSC seeks brief proposals from interested parties.

II. Statement of Work and Qualifications

LSC intends to hire a facilitator to assist in negotiation of the first LSC CBA. LSC anticipates multiple bargaining sessions spaced out over a few months to develop a final CBA. All sessions will be held in the Washington D.C. area. LSC will begin negotiations using IBB techniques and will continue using those techniques for as long as they are reasonably practical. The facilitator must also be prepared to handle traditional negotiations in some areas as needed. The facilitator will not be expected to draft provisions of the CBA, but must be able to ensure that the results of each bargaining session are accurately recorded. The facilitator will need to be able to suggest CBA language, provisions, or solutions based on other experiences and LSC's needs.

LSC seeks a facilitator with the following qualifications.

1. Experience facilitating first-time CBAs in newly unionized workplaces.
2. Experience with both private-sector (especially nonprofit) and Federal union matters, preferably including facilitating negotiations for developing first-time CBAs in both environments.
3. Experience with IBB, especially regarding CBA matters.
4. Experience with unionized staff covering a diversity of job types and levels including both FLSA exempt and non-exempt employees as well as professional employees.
5. Experience with workplaces that are subject to government oversight.
6. Experience with diversity issues, including those relating to age, race, religion, nationality, disability, sexual orientation, and any other characteristic protected by federal, state, or local laws or regulations.
7. Advanced degree or training in negotiation and/or IBB techniques.
8. Experience with, or a working knowledge of, federal, state, and local laws and regulations governing D.C. nonprofit workplaces.

III. Proposal Requirements

A. Firm and Key Personnel Qualifications

Describe the Submitter's expertise, experience, and background with facilitating first-time CBAs, using IBB methods, and addressing all seven qualification requirements above. Highlight the breadth of knowledge and experience of the individual who will be assigned to the project. Please specifically address all of the requirements listed above. Provide or describe samples of comparable work. *Added April 2: Please include a description of your experience with first-time CBAs, when you have facilitated them, how often you have handled them, and the kinds of employers and environments involved.*

Provide a résumé for the primary individual assigned to the project, describing his/her qualifications and experience which make him/her particularly suited for this project. Include relevant education, training, and work experience.

LSC expects to work with one facilitator, although LSC understands that he/she may or consult with, others that he/she works with or are part of the same firm.

B. Statement and Methodology

Describe your understanding of the objectives and deliverables for this kind of facilitation for a first-time CBA using IBB techniques. Include a clear description of the work to be performed, the anticipated methodology to be used to complete the work including specific descriptions of your facilitation and IBB techniques and your approach to facilitation of a first-time CBA, and the objectives to be reached and/or product to be delivered including anticipated stages or milestones for this process. Describe resources and data that may be available to complete the project.

C. Management

Provide a work plan for completing CBA negotiations. Clearly identify the proposed primary individual to be assigned to this project. The Proposal must include an estimate of the labor hours anticipated to complete the work.

D. Cost

Identify the estimated cost and the proposed cost basis for this project, including direct and indirect costs and expenses (including travel). Rates, whether fixed, daily, or hourly, must include all overhead costs and profit. If non-fixed rates are proposed, the proposal must estimate the total number of days or hours the Submitter expects to bill. The proposal should include a cost-not-to-exceed limit, subject to properly executed extensions or modifications.

E. References

Provide recent references concerning the facilitator's performance on three (3) comparable projects. For each reference, please indicate the goal of the facilitation, the outcome, the employer and the union, and the name, title, telephone number and email address of references from both management and the union who are knowledgeable about the project and who may be contacted by proposal evaluators.

IV. Evaluation Process and Selection Criteria

A. The Evaluation Process

Written proposals will be reviewed and evaluated in accordance with the criteria set forth above. LSC reserves the right to conduct interviews with some or all Proposal

Submitters before making final award of the contract. Interviews will include representatives of both Management and the Union.

B. Contract Award

LSC reserves the right to award the contract to the Submitter with the best overall approach, regardless of cost, or to not award a contract to any Submitter. Nothing in the RFP or this process creates any Submitter's rights.

V. Proposal Format and Administrative Requirements

A. Proposal Format

The Submitter must provide LSC with one copy of the proposal electronically in PDF format. A hard copy is permitted but not required. Double-sided copying and use of recycled paper is encouraged. To the extent possible, Proposals should be prepared on 8½" x 11" paper. Fold-outs for charts, tables and/or spreadsheets are permitted. Proposals must not exceed five (5) pages (single spaced), not including a cover letter, résumés, background materials, and examples of previous related work.

B. Delivery of Proposals

LSC will accept proposals for review until a facilitator is selected. Management and the Union are reviewing proposals beginning on April 9, 2012.

Proposals should be clearly marked as such and should be addressed to the attention of Mark Freedman, Senior Assistant General Counsel, at the address/email address noted in Paragraph D, below. Electronic submissions are encouraged. Hard copies of Proposals may be hand-delivered or delivered by first class or overnight/express mail delivery service, with the electronic documents submitted via email. Proposals submitted by fax are not permitted.

Submitters are also required to indicate whether they qualify as a small disadvantaged business under section 8(a) of the Small Business Act (13 CFR 124).

Submitters are solely responsible for ensuring that both hard copy and electronic Proposals are delivered on time. Delays caused by any delivery service will not be grounds for extension of the proposal due date and time. Late received proposals (either the hard copies or the PDF) may be returned unopened to the Submitter at LSC's sole discretion.

C. Cost of Proposal

All costs incurred in preparing Proposals shall be borne by the Submitter. Any final contract awarded will not provide for costs of the proposal to the Submitter.

D. Communications with LSC

All communications concerning this RFP must be directed to:

Mark Freedman
Senior Assistant General Counsel
Legal Services Corporation
3333 K Street, NW
Washington, DC 20007
mfreedman@lsc.gov
202-295-1623

E. Freedom of Information Act

The Freedom of Information Act (FOIA) and the associated LSC regulations may require the release to the public, upon request, of certain documents held by LSC, including portions of proposals submitted to LSC by third parties. In general, LSC will not release any documents that are exempt from disclosure because their release would cause competitive harm to the Submitter. If a FOIA request for such documents is received, LSC will contact the Submitter prior to any release of material. Nonetheless, Submitters are encouraged to label information considered confidential as such in Proposals at the time of submission.

F. Miscellaneous

Minor procedural or administrative exceptions to the requirements contained in this RFP may be accepted by LSC during the proposal review process.

LSC may disqualify or reject any or all proposals.

LSC reserves the right to have and retain all original data and working papers generated during the project.