



Area Agency on Aging & Independent Living (AAAIL)

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Title IIIB & Title IIIE Legal Services

AND

Kentucky Caregiver Program (KY Grandparents) Legal Services

Procurement Period: FY 2024 – FY 2026

| Fiscal Year | Period of Contracts |
|-------------|------------------------------|
| FY2024 | July 1, 2023 – June 30, 2024 |
| FY2025 | July 1, 2024 – June 30, 2025 |
| FY2026 | July 1, 2025 – June 30, 2026 |

FOR SERVICES FUNDED UNDER THE UNITED STATES ADMINISTRATION FOR COMMUNITY LIVING (ACL),
ADMINISTRATION ON AGING (AOA), PURSUANT TO THE OLDER AMERICANS ACT OF 1965, AS AMENDED IN
2020

KENTUCKY CAREGIVER PROGRAM FUNDED THROUGH THE KENTUKY GENERAL ASSEMBLY

Serving the Kentucky counties of Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer and Trimble

Bidder's Meeting: April 5, 2023, 1:00 p.m. (Eastern Time)

Submission Deadline: April 19, 2023, 12:00 p.m. (Eastern Time)

The Bidder's Meeting will be held at KIPDA and may be attended in person or via conference call or Zoom using the bidders meeting Zoom link on KIPDA's website, under Upcoming Meetings and Events. A two-week inquiry period is open for all questions to registered vendors. Registration and questions must be submitted to <https://kipda.bonfirehub.com/>. We suggest two or more staff members register for each interested agency.

The mission of KIPDA Area Agency on Aging and Independent Living is to promote and ensure meaningful, timely, person-centered services are available for all older adults, caregivers, family members, grandparents, persons with disabilities and the general community to improve their health, safety, and overall well-being, and to provide leadership to the network serving persons who are aging or persons with disabilities through planning and coordination.

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I. Introduction, Purpose and Structure of Procurement

Kentuckiana Regional Planning and Development Agency (KIPDA) has been designated the Area Agency on Aging and Independent Living (AAAIL) in accordance with Administration for Community Living (ACL), Administration on Aging (AOA), pursuant to the Older American's Act of 1965 (amended 2020) and Regulations thereto. As the Area Agency on Aging and Independent Living, KIPDA is responsible for administering federal and state funded programs for the citizens of the Kentucky counties of Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer and Trimble, which comprise the KIPDA AAAIL service area. In this capacity, KIPDA supports a network of service providers whose mission is to provide services for older adults throughout the KIPDA region.

KIPDA is seeking proposals from qualified organizations experienced and capable of providing Legal Services consistent with the provisions of:

1. Title IIIB of the Older Americans Act for individuals aged 60 and over;
2. Title IIIE National Family Caregiver Services, (standard caregivers and grandparents raising grandchildren eligible through Title IIIE); and
3. Kentucky Caregiver Program (Grandparents Raising Grandchildren)

Applications will be accepted from service providers who are certified and licensed to conduct legal counseling and litigation services for the general public, with priority given to organizations whose mission is to provide services for low-income individuals. **Service providers must be licensed to practice Law in the Commonwealth of Kentucky and have three (3) or more years of legal experience by the date of application, with a copy of the current license included in response to this RFP.** KIPDA anticipates awarding funding for the provision of legal services throughout the Area Agency on Aging KIPDA region. Anticipated funding allocations include up to \$45,000 through Title IIIB, and additional funds, as they are available, for Title IIIE National Family Caregiver eligible clients (standard caregivers) and grandparents raising grandchildren eligible through Title IIIE, or the Kentucky Caregiver (Grandparents Raising Grandchildren) Program.

The procurement period within which services are to be performed is **July 1, 2023 – June 30, 2026**. Contracts will be issued on an annual basis. Continuation of subsequent contracts for services is contingent upon the availability of funding, satisfactory performance of services, compliance with the provisions of the awarded agreement and mutual agreement by both parties. KIPDA reserves the right to extend the procurement period as necessary to ensure the continuous delivery of services for older adults in its region. Additionally, KIPDA reserves the right to discontinue a contract with a successful applicant if it is determined that performance by the successful applicant is jeopardizing the quality or delivery of services. Funded organizations shall give priority to low-income and minority individuals, those with limited English proficiency, and older individuals residing in rural areas, and those with the greatest social and economic need, in the area served by the provider, in the delivery of its services funded through KIPDA. Applicants must meet the minimum conditions to apply and complete the proposal in its entirety, with submission of the documents as requested.

II. Service Definitions

Title IIIB Supportive Services

Legal Assistance means legal advice or representation by an attorney or counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney to older individuals (persons 60 years of age and over). One unit of service consists of one (1) hour of legal assistance on behalf of clients.

Title IIIE National Family Caregivers Support Program

Legal Assistance (Supplemental Services) legal advice or representation by an attorney or counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney to the caregivers or guardians on behalf of persons 60 years of age and over.

KY Caregiver Program (Grandparents Raising Grandchildren)

Legal Assistance (Supplemental Services): Required legal services which shall:

1. Be related to the grandchild's safety and stability; and
2. Not include representation against any criminal charges

Unduplicated Client Count - The number of clients counted one time receiving a legal service, regardless of the number of times the service is delivered on behalf of the client.

Caregiver – An adult family member or another individual, who is an “informal” provider of in-home and community care to an older individual. “Informal” means that the care is not provided as part of a public or private formal service program.

This category also includes caregivers of individuals with a diagnosis of Alzheimer's Disease and related disorders with neurological and organic brain dysfunction (diagnosis must be verified by a doctor's statement) who are under 60 years old.

Child – An individual who is not more than 18 years of age or an individual 19-59 years of age who has a severe disability. The term relates to a grandparent or other order relative who is a caregiver of a child.

Grandparent or older relative caregiver of a child (FCSP) – A caregiver who is 55 or older and related to the individual they provide care for and lives with, provides informal care, and is the primary caregiver for a child or an individual with a disability.

Grandparent (KY Grandparent) – Grandparent means a grandparent or step grandparent of a grandchild who is a Kentucky resident; resides with the grandchild but does not reside with the grandchild's parent; is the primary caregiver of the child, does not receive a monthly payment for Kinship Care pursuant to 922 KAR 1:130; and does not have a household income that exceeds 150% of the federal poverty level.

Note: The following activities facilitate the delivery of services but must not be reported as units of service in reporting performance outcomes, except where required for a specific service:

- (a) Review, update or maintenance of resource or agency files.
- (b) Travel time incurred in the delivery of services.
- (c) Training, staff meeting (other than direct SHIP training).
- (d) Project management.

III. Service Delivery and Funding

Legal services are a necessary service for older adults and caregivers who require assistance in handling housing matters, access to the public benefits programs and services, establishing necessary legal documents to serve in the role of power of attorney, medical or financial surrogate, wills and other necessary legal documents. Funding for legal services as it relates to criminal cases, domestic disputes, divorce and estate planning or corporate legal matters will not be supported with the public funds identified in this announcement.

Applicants will be required to support the federally funded programs with the following minimum match;

1. Title IIIB program requires a minimum 15% match,
2. Title IIIE program requires a minimum 30% match, and
3. KY Grandparents is a State funded program so does not require match.

Match may be cash (agency non-federal resources) to support the cost of services or in-kind which would be the value of donated space, volunteer time for legal services or other allowable, KIPDA approved, in-kind resources to support the cost of conducting business as described in this RFP.

The instructions and description of services to be provided have been developed for guidance to interested parties wishing to submit a proposal for the services outlined within and provides general information to all service applicants. The requested information represents an integral part of each RFP and, therefore, will become a part of the successful applicant's contract by reference. Each applicant must adhere to the instructions for submitting the proposal.

The successful applicant must be prepared to provide the highest quality of service and, always, provide services as funded. Applicants should indicate realistic goals and program design consistent with the scope of services. Commitment to this goal must be the impetus in a system of service delivery that is cognizant of quality care, recognition of individual rights of choice and respect for confidentiality.

OLDER ADULT AND CAREGIVER LEGAL ASSISTANCE

1. Applicant must maintain an office where clients are able to apply for and receive legal services during ordinary business hours. If it is determined through intake that a client is homebound, the legal services advocate or qualified designee, will conduct a home visit.
2. Applicant must provide group presentations, distribute materials, and educate Title IIIB provider and caregiver network (particularly senior center locations) about the availability and type of services offered.
3. Maintain complete and accurate files and records of agency services and client services received; time incurred for service delivery, maintain records of training and employee certifications or licenses; maintain financial records to validate services delivered and costs incurred for IIIB services separate from other agency services.
4. Maintain internal monitoring and review procedures to ensure accuracy and accountability for services delivered.
5. The successful applicant must provide legal services in the following civil matters related to income, healthcare, long-term care, nutrition, housing, utilities, protective services, defense of

guardianship, abuse, neglect, and age discrimination. However, should funds be limited, services will be provided in the following order of priority:

- a. Protective Services – including adult abuse, mental health commitment, and representation of ward in involuntary guardianship or conservatorship proceedings;
 - b. Health care – including nursing home care, hospital and other institutional care, and health insurance;
 - c. Access to Public benefits – including Social Security, Supplemental Security Income, Food Stamps, Medicare, Medicaid, public and subsidized housing, energy assistance.
 - d. Housing – including landlord-tenant problems, substandard housing, evictions, and rent disputes;
 - e. Other – civil cases for beneficiaries in the greatest economic and social need, except that legal services must not be provided in fee-generating cases unless adequate private legal representation is unavailable, in accordance with the terms of 45 C.F.R. Section 1321.73(h).
6. Applicant must coordinate its efforts with the efforts of the Long-Term Care Ombudsman's (LTCO) Office and implement a Memorandum of Agreement on coordination of information and referral services.
 7. Legal services must be provided at locations that are accessible to the most economically and socially needy beneficiaries, including low-income minority individuals, the institutionalized, homebound and isolated beneficiaries.
 8. For Title IIIB older adult legal services, at least one (1) educational program will be provided at each of the rural senior centers. The funded senior centers will be identified upon completion of the procurement process.
 9. Caregiver Legal Services offered will include: implementation of and carrying out legal services to assist caregivers and eligible grandparents raising their grandchildren through individual consultation, representation on court and legal proceedings appropriate for the applicant's scope of business, guardianship, adoption, access to public benefits, housing assistance, advocacy on various public issues that impact a caregiver or grandparent and powers of attorney or living wills. Other topics for legal representation will also be considered, with the exception of legal representation for criminal proceedings.
 10. Eligibility requirements for KY Caregiver Program include submission of eligibility documents to KIPDA for referral to the Department for Community Based Services to determine income and other program eligibility requirements.

LEGAL SERVICES FACILITIES AND OPERATIONS

The applicant must ensure the following conditions of the facilities are maintained for purposes of providing Legal Services:

Facilities:

1. The location of Legal Services must be in a location that is convenient for clients, aged 60 and older, persons with disabilities and caregivers who require legal services with access to the general public and capacity to serve the number of clients identified to be served.
2. Facilities must comply with The Americans with Disabilities Act (ADA) and safety standards for services to the public.
3. The facility meets Occupational Safety and Health Act (OSHA) standards and regular inspections of the facility for safety and local fire code standards are conducted.
4. An emergency contingency plan is developed and utilized in the event of emergencies; including weather-related or public health emergencies.

Operations:

1. A sufficient number of staff will be available to provide legal services for clients referred and eligible for Title IIIB, IIIE and/or KY Caregiver services.
2. Services provided will be consistent with the parameters established in this application and the scope of the funded organization's ability to provide specific legal services.
3. The services must be available to eligible clients at a convenient time and location to ensure equal access to services.
4. Develop a process for monitoring the quality and effectiveness of services to eligible clients.

IV. Provider Responsibilities

The selected applicant will provide free legal services for eligible Title IIIB clients, Title IIIE National Family Caregiver eligible clients, and Grandparents Raising Grandchildren eligible for the Kentucky Caregiver Program:

1. Provide approved legal services proposed and agreed upon through the final RFP and Contract, in the proposed geographic area, and in a timely and safe manner.
2. Coordinate Legal Services with the Long-Term Care Ombudsman (LTCO) program provider to ensure representation of Long-Term Care (LTC) clients as needed.
3. Treat clients in a respectful and dignified manner, involve the client and caregiver in the delivery of services and provide services in a timely and safe manner.
4. Permit staff of the Department for Aging and Independent Living, Federal Officials and KIPDA to monitor and evaluate services provided;
5. Maintain records to substantiate the number of units of service provided, number of unduplicated clients served, program income, match and client files to compile a record of services from the beginning date of service through the closure of the legal case.
6. Ensure records are available and provided to KIPDA that reflect the amount reported as match toward the overall project cost.
7. Maintain written job descriptions for staff and volunteer positions (if applicable) involved in direct service delivery and maintain written personnel policies and wage scales for each job.
8. Identify staff who will supervise program activities, volunteers, professionals, and staff working in programs;
9. Identify staff responsible for monitoring the work of partners/subcontractors and ensure monitoring of service delivery is completed and ensures participants are treated fairly and equitably.
10. If providers awarded a contract propose entering into a subcontract with an entity to implement specific components, DAIL and KIPDA must approve the proposed plan for subcontract and all terms of the contract between KIPDA and the approved provider shall flow down to the subcontractor, including background checks, HIPAA requirements, financial reporting and performance reporting. Monitoring of subcontractor services is required and a written record of monitoring shall be completed annually. Subcontracting is prohibited without prior written approval.
11. Transfer of Client Records – In the event an agreement with KIPDA is terminated, copies of all KIPDA client records and/or participant data must be provided to KIPDA for release to a designated provider;
12. Adhere to HIPAA Privacy Rules and KIPDA policies and procedures regarding HIPAA and HITECH compliance. Ensure the security of client information and safety of data obtained that could violate a client's rights or privileges. In accordance with KIPDA policies and Federal / State Laws, the privacy of all clients and HIPAA must always be upheld, particularly when transmitting information electronically. Encryption software as prescribed by KIPDA must always be used when transmitting Protected Health Information, including client names and contact information.
13. Provide and/or secure appropriate orientation prior to the delivery of services and continued in-service training annually for staff responsible for providing legal services.

14. Adhere to the guidelines set forth in the KIPDA Policy and Procedures Manual. The General, Fair Hearing and Title IIIB Legal Services, and Caregiver/KY Caregiver sections of the KIPDA Policy and Procedures Manual will be available at the bidder's meeting.
15. Ensure that all staff and supervisors who have direct contact with clients complete a criminal background check in accordance with 910 KAR 1:170;
16. Assure that each paid or voluntary staff member meets qualifications and training standards established for each specific services as defined by KIPDA or the Cabinet for Health and Family Services;
17. Notify KIPDA when services cannot be provided (unforeseen circumstances) and identify how services will be modified or rescheduled
18. In the event the electronic data collection system is temporarily inoperable, other methods to communicate between the provider and KIPDA must include e-mail, fax, or telephone.
19. Conduct universal screening for client services and eligibility determination documents prescribed by KIPDA for Title IIIB, IIIE and KY Caregiver Services. Submit KY Caregiver and other program eligibility documents to KIPDA for final determination as instructed by KIPDA staff, unless otherwise instructed to discontinue this practice.
20. Utilize the electronic data system adopted by KIPDA and follow KIPDA procedures for timely input and maintenance of client data, case notes and communication with KIPDA staff.
21. Follow KIPDA procedures for reporting monthly units of service, adjustment to units of service, and charges for the delivery of services. If an error is found in reporting and units billed, an adjustment will be made and KIPDA notified of adjustments.
22. Ensure the accuracy of reports, units of service, clients served on a monthly basis. Provide signed original invoices to KIPDA on a monthly or quarterly basis as approved by KIPDA by a date specified in the contract.
23. Fees must not be charged for any part of the services conducted on behalf of KIPDA through this procurement. The charging of fees for these stated services is unallowable and the participants / clients must not realize a fee for time and effort expended on his/her behalf.
24. Notify Adult Protective Services and KIPDA when potentially unsafe and/or hazardous conditions exist that may place the client or others in imminent danger.
25. Notify Adult Protective Services and KIPDA staff when there are suspicions of abuse, neglect or exploitation regardless of suspected perpetrator in accordance with KRS requirements.
26. Recruit volunteers to staff and/or assist with programs as proposed; provide or arrange for appropriate insurance coverage to protect volunteers from personal liabilities;
27. If providers awarded a contract propose entering into a subcontract with an entity to implement specific components, DAIL and KIPDA must approve the proposed plan for subcontract and all terms of the contract between KIPDA and the approved provider shall flow down to the subcontractor, including background checks, HIPAA requirements, financial reporting and performance reporting. Monitoring of subcontractor services is required and a written record of monitoring shall be completed annually. Subcontracting is prohibited without prior written approval.
28. Document third party (partnership) contributions to services to substantiate implementation of planned partnerships and modifications to partnership agreements should they occur over time;
29. Identify staff responsible for monitoring the work of partners/subcontractors and ensure monitoring of service delivery is completed and ensures participants are treated fairly and equitably.

MAINTENANCE OF PARTICIPANT RECORDS, FILES AND DOCUMENTATION

The selected applicant will be responsible for maintaining records sufficient to report the number of units, individuals receiving legal services, time records to validate units of service and a client file to record the history of legal services and the final disposition of services. Records to substantiate the amount of match and program income reported must be maintained and provided to KIPDA upon request. The following information will be required to complete necessary reports and information requested by KIPDA:

1. Monthly reporting of services provided, record of the type of legal services as listed in this application, number of units of service and demographic data of clients served.
2. Maintain an accurate list of individuals having received services throughout each year and maintain client intake and eligibility documents along with case records and case notes (electronic maintenance is acceptable as well as paper record).
3. Age of individuals participating in services
4. Legal records and notes from legal counseling for each client
5. Records to substantiate program income and match
6. Client Satisfaction Survey Results.

The applicant must maintain participant records in accordance with KIPDA policies and procedures. Records with client signatures will be required and maintained in the client files. Records must be sufficient to determine services provided. Records may be maintained with the participant file, electronically or separate location if the information is secured and not available for viewing by others outside of the parties permitted to access such records.

Monthly and quarterly reports shall be submitted on a schedule established by KIPDA and electronic records entered and maintained in a timely manner as prescribed by the Department for Aging and Independent Living procedures.

V. Minimum Requirements To Apply

Organizations may submit proposals for consideration of funding contingent upon meeting the following conditions:

1. Licensure to Practice Law and operate a legal services business in the Commonwealth of Kentucky - Organizations applying to provide Legal Services for individuals aged 60 and older must be licensed in the Commonwealth of Kentucky. License number or other proof to validate compliance with this requirement must be submitted by the applicant.
2. Financial Capability - Applicants must demonstrate financial solvency and be capable of supporting the programs and services described in its proposal. Applicants must have a financial management system established and capable of tracking revenue and expenditures by funding stream or program.
3. Business Eligibility - Applicants must be registered and eligible to conduct business in Kentucky and with the Federal Government. Applicants must possess a Federal and State tax identification number. Applicants will be registered with the Secretary of State's Office if incorporated, possess a current 501(C)(3) certificate to conduct business as a not-for-profit organization, or shall possess a Business License issued by the Commonwealth of Kentucky. Applicants must have for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers compensation policy in effect. Additionally, applicants shall not be ineligible to conduct business with the Federal Government as presented on the Federal Debarment and Suspension list.
4. Experience – Applicants must be experienced in the delivery of services as proposed under this RFP and be able to provide evidence of sustainability in providing legal services in the community. (at least three (3) years of experience is preferred).
5. Reporting and Computer Systems – Applicant possesses computer hardware and software that meets the minimum standards established by KIPDA for purposes of reporting and communicating electronically. Applicant can develop or currently has in place a reporting system to provide information regarding the units of service, number of KIPDA participants served, demographic data regarding those served, record of outcomes and time records for each service delivered. Applicant will utilize regional information data system.
6. Match – Applicants must be able to provide the minimum required match (15% for IIIB funding, 30% for IIIE funding) toward the overall cost of the program. Match can be either cash or in-kind third-party contribution.
7. Partnership - Accessing additional funds including, but not limited to, fundraising to supplement public funding is encouraged. Details regarding planned events or methods of collecting and usage of additional funds is at the discretion of the organization, but mandatory for review during the procurement process.
8. Facilities – Applicant facilities where services are to be performed meet federal accessibility requirements and OSHA standards for safety and cleanliness.
9. Staffing – Staff are available to deliver the services as proposed, have completed a criminal records check with a clean record prior to hire, and are licensed or trained as necessary to complete the service to be delivered.

VI. Procurement and Contract Information

A. Procurement Process and Requirements

Rules of Procurement

To facilitate this procurement, various rules have been established. These are described in the following paragraphs. The Second Party (Provider)s should review and comply with the General Conditions and Instructions for submission of proposals and inquiry period to ask questions. After the inquiry period has elapsed, subsequent questions will not be addressed by KIPDA management, staff or council members.

The procurement process will provide for the evaluation of the proposal(s) and selection of applicant(s) to be awarded a contract. KIPDA anticipates the selection of organization(s) to serve in the capacity of a Title IIIB, IIIE and KY Caregiver legal services provider.

Approach

The Kentuckiana Regional Planning and Development Agency (KIPDA), in the exercise of its lawful duties, has determined that the services outlined in this proposal are necessary for the performance of the statutory and regulatory requirements of KIPDA. KIPDA has concluded that either state personnel are not available to perform these services, or it would not be feasible to utilize state personnel to perform these services. Additionally, a Second Party (Provider) is available and qualified to perform these services; and, for the before-stated reasons, the state agency desires to avail itself of the services of a Second Party (Provider).

The procurement process will provide for the evaluation of proposals and selection of the winning proposal in accordance with State law and regulations. KRS Chapter 45A of the Kentucky Model Procurement Code provides the regulatory framework for the procurement of services by State agencies. See 45 CFR 74.326-335; 45 CFR 74, Appendix II for Federal guidelines for "Contract Provision for Non-Federal Entity Contracts under Federal Awards".

Independent Price Determination

A proposal shall not be considered for award if the price in the proposal was not arrived at independently without collusion, consultation, communication, or agreement as to any matter relating to such prices with any other bidding entity or with any competitor. In addition, the bidding entity is prohibited from making multiple proposals in a different form.

Organizations submitting proposals must include a certified statement via the Certification of Assurances and Compliance with General Provisions document that the price was arrived at without any conflict of interest. Should a conflict of interest be detected at any time during the contract, the contract shall be null and void and the Second Party (Provider) shall assume all costs of the project until such time that a new Second Party (Provider) is selected.

No Contingent Fees

No person or selling agency shall be employed or retained or given anything of monetary value to solicit or secure this contract, except bona fide employees of the bidding organization or bona fide established commercial or selling agencies maintained by the Offeror for the purpose of securing business. For breach

or violation of this provision, KIPDA shall have the right to reject the proposal or cancel the contract without liability.

Cancellation of This Solicitation

In accordance with KRS 45A.105 and KIPDA policies and procedures, this Request for Proposals may be canceled at any time and for any reason, or all bids or proposals rejected, if it is determined in writing that such action is in the best interest of KIPDA. Receipt of proposal materials by KIPDA or submission of a proposal to KIPDA confers no rights upon the Proposer nor obligates KIPDA in any manner.

Cost of Preparing Proposal

Costs for developing the proposals are solely the responsibility of the Offerors. KIPDA will provide no reimbursement for such costs.

EEO Requirements

The Kentucky EEO Act, KRS 45.560-45.640, applies to all State government projects with an estimated value exceeding \$500,000.00. The Second Party (Provider) shall comply with all terms and conditions of the Act. Organizations submitting proposals must include a certified statement via the Certification of Assurances and Compliance with General Provisions document that it has complied with and adheres to the provisions of KRS 45.560 – 45.640.

Waiver of Minor Irregularities

KIPDA reserves the right to reject any offers and to waive informalities and minor irregularities in offers received providing such action is in the best interest of KIPDA. Where KIPDA may waive minor irregularities, such waiver shall in no way modify the RFP requirements or excuse the bidding organization from full compliance with the RFP specifications and other requirements if the bidding organization is awarded the contract.

Clarifications of Proposal

KIPDA reserves the right to request additional information as may reasonably be required for selection, and to reject any proposals for failure to provide additional information on a timely basis. KIPDA reserves the right to conduct discussions with any bidding organization who has submitted a proposal to determine the bidding organization's qualifications for further consideration. Discussions must not disclose any information derived from proposals submitted by other offerors.

Best and Final Offers

KIPDA reserves the right at its discretion to request a Best and Final Offer (BAFO) for technical and/or cost proposals. Bidding organizations are cautioned to propose their best possible offers at the outset of the process, as there is no guarantee that any Offeror will be allowed an opportunity to submit a Best and Final technical and/or cost offer.

Rules of Withdrawal of Proposals

Prior to the date specified for receipt of offers, a submitted proposal may be withdrawn by submitting a signed written request for its withdrawal to the Sole Point of Contact listed in the Communications and Proposal Submission Criteria section.

Issuing Office

Kentuckiana Regional Planning and Development Agency (KIPDA) is issuing this RFP on behalf of the Division of Social Services. KIPDA is the only entity authorized to change, modify, amend, alter, or clarify the specifications, terms and conditions of this RFP.

Disposition of Proposals

All proposals become the property of KIPDA. The successful entities' proposals will be incorporated into the resulting contract by reference. Disposal of unsuccessful proposals shall be at the discretion of the Director of Social Services.

KIPDA's Right to Use Proposal Ideas

KIPDA shall have the right to use all system ideas, or adaptations of those ideas, contained in any proposals received in response to the RFP. Selection or rejection of the proposal will not affect this right.

Confidentiality of Contract Terms

The Second Party (Provider) and KIPDA agree that all information communicated between them before the effective date of the Contract shall be received in strict confidence and shall not be necessarily disclosed by the receiving party, its agents, or employees without prior written consent of the other party. Such material will be kept confidential subject to Commonwealth and Federal public information disclosure laws.

Upon signing of the Contract by all Parties, terms of the contract become available to the public, pursuant to the provisions of the Kentucky Revised Statutes. The Second Party (Provider) must have an appropriate agreement with its Subcontractors extending these confidentiality requirements to all Subcontractors' employees.

Prohibitions of Certain Conflicts of Interest

In accordance with KRS 45A.340, the Second Party (Provider) represents and warrants, and KIPDA relies upon such representation and warranty, that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services. The Second Party (Provider) further represents and warrants that in the performance of the contract, no person, including any subcontractor, having any such interest shall be employed.

In accordance with KRS 45A.340 and KRS 11A.040 (4), the Second Party (Provider) agrees that it shall not knowingly allow any official or employee of KIPDA who exercises any function or responsibility in the review or approval of the undertaking or carrying out of this contract to voluntarily acquire any ownership interest, direct or indirect, in the company prior to the completion of the contract.

Sworn Statement Regarding Violations of Kentucky Revised Statutes

Pursuant to KRS 45A.485, Second Party (Provider)s are required to reveal final determinations of violation of certain statutes incurred within the last five years and be in continuous compliance with those statutes during the contract. Where applicable, the Second Party (Provider) is required to complete and submit the Sworn Statement Regarding Violations of Kentucky Revised Statutes with the Technical Proposal.

Open Records Law

Requests for bid/contract information shall comply with the Kentucky Open Records Act (KRS 61.870 to 61.884).

Deviations to Provisions of the Solicitation

The provisions appearing elsewhere in this Request for Proposals (RFP) shall become a part of any resulting contract. Any deviations from the provisions of the RFP must be specifically identified by the Second Party (Provider) in its proposal, which if successful, shall become a part of the Contract. Such deviations shall not be in conflict with the basic nature of the technical and cost requirements of this RFP. Deviations must be submitted as stated in Section 4 of this Solicitation. KIPDA reserves the right to reject any and/or all deviations in whole or in part.

Second Party (Provider) Response and Public Inspection

The RFP specifies the format, required information, and general content of proposals submitted in response to the RFP. KIPDA will not disclose any portions of the proposals prior to contract award to anyone outside KIPDA, representatives of the agency for whose benefit the contract is proposed, representatives of the Federal Government, if required, and the members of the evaluation committees. After a contract is awarded in whole or in part, KIPDA shall have the right to duplicate, use, or disclose all proposal data submitted by Second Party (Provider)s in response to this RFP as a matter of public record.

All documents submitted by a Second Party (Provider) in response to the RFP shall be available for public inspection after contract award. No such documents shall be exempt from disclosure under the Kentucky Open Records Act regardless of the Second Party (Provider)'s designation of the information contained therein as proprietary, confidential, or otherwise. Therefore, KIPDA will not redact or withhold any documents submitted in response to the RFP if a request to inspect these records is made.

KIPDA shall have the right to use all system ideas, or adaptations of those ideas, contained in any proposal received in response to this RFP. Selection or rejections of the proposal will not affect this right.

Restrictions on Communications

Restrictions on Communications

The sole point of contact throughout the procurement process is <https://kipda.bonfirehub.com/>. All communications (formerly done through regular mail, express mail, electronic mail, or fax), concerning this procurement must be submitted only in this format. From the issue date of this RFP until a Second Party (Provider) is selected and the selection is announced, applicants are not allowed to communicate with any staff, Board or Advisory Council members concerning this RFP.

KIPDA reserves the right to reject the proposal response for any violation of above provision.

B. Contract Information

Basis of Contract

Proposals will be evaluated based on response to implementation of services consistent with the initiatives identified in the proposal, reasonableness of cost, experience and establishment of partnerships. Proposals will be considered based on the lowest evaluated bid price. The evaluation criteria will be made available at the bidder's meeting. The period in which services are to be performed is from **July 1, 2023– June 30, 2024**. KIPDA has the option to extend contracts through the procurement period, contingent upon the availability of funding, satisfactory performance of contracted services and compliance with the executed agreement between KIPDA and the provider. The KIPDA Board of Directors is the authorizing body that

awards contracts on behalf of KIPDA. KIPDA reserves the right to negotiate any terms, conditions, and unit price payments with successful applicants as appropriate. Payments will be made to successful bidders on a unit price basis established and agreed upon by both parties. The unit price payment contract method allows for payment to providers at established unit prices based on the number and type units provided in accordance with service unit definitions. The cost reimbursement portion of the contract allows for payment to providers upon receipt of appropriate, accurate, and actual invoices (and backup documentation), and is specific to public information. KIPDA reserves the right to refuse any and all bids and to accept those bids that are most advantageous to KIPDA in carrying out the goal of the program and to modify payment structure as appropriate. Applicants will be notified in writing of approval or denial of contract award. Upon final selection of successful proposals submitted in response to the RFP, all proposals shall become public documents of KIPDA and shall be open for review by the public.

Program Income can be a source of revenue collected and reported to support expansion of the Title IIIB & Title IIIE funded programs.

The amount of Title IIIB & Title IIIE Legal Services and KY Grandparents Legal Service funds available to support eligible individuals must serve the entire KIPDA region. Therefore, KIPDA reserves the right to allocate funds and negotiate funding levels based on consideration of the proposed plan for service implementation, population and number of persons served in addition to outreach to targeted populations. In the event requests for funding far exceed available funds, KIPDA will establish a method for the allocation of funds to support the region. See 45 CFR 74.326-335; 45 CFR 74, Appendix II for Federal guidelines for "Contract Provision for Non-Federal Entity Contracts under Federal Awards".

KIPDA staff will monitor provider performance and actual expenditure of the funds awarded to ensure resources are spent for the purposes intended, regardless of the type of payment method negotiated.

Subcontracting

Subcontracting of services in whole or in part will not be permitted without prior approval from KIPDA. Applicants shall submit a copy of all subcontracts applicable to the services to be delivered with the submission of the proposal. (Draft subcontracts are acceptable).

Post-Contract Audit

The Second Party must comply with audit requirements as set forth by 2 CFR, Part 200 for federally funded services and/or audit requirements set forth by the Cabinet for Health and Family Services.

Pre-Contract Costs

Unless the applicant receives written approval from KIPDA's Executive Director, all costs incurred prior to the date of the contract award are not allowable for reimbursement from KIPDA through this process.

Availability of Funds

KIPDA has no legal liability for payment of funds or award of a contract until funds are made available to KIPDA for this procurement and notice of such availability, to be confirmed in writing by the Executive Director of KIPDA, is provided to the Contractor.

ExParte Contact

Contact by an applicant with any member of the KIPDA Aging Advisory Council, KIPDA staff and/or KIPDA Board of Directors to provide information or influence a recommendation outside a scheduled public

meeting established by KIPDA will be grounds for disqualification of the proposal from further consideration of funding.

Reporting Requirements

Successful applicants will be expected to complete monthly billing reports, and quarterly program and financial or performance reporting documents. Further, client intake forms containing information necessary to meet Federal reporting requirements will be necessary for each client served. Successful applicants will be required to maintain documentation to validate service units entered (time records per day) and complete data entry of service units. Quarterly reports will contain statistical and program summary information to evaluate the continued effectiveness of services. **Reporting requirements will include the following:**

1. Number of unduplicated clients served
2. Number of units of service delivered (depending upon service funded)
3. Total billing request
4. Document, retain and submit match and program income source documentation to validate allowable program income.
5. Demographic data related to the clientele served (minority groups, number of clients in poverty).
6. Quarterly reports may be required for certain components which would contain more specific performance and service information not normally captured in the billing invoice or supporting documentation.

Additional information may be requested, as necessary, for KIPDA to meet reporting requirements to DAIL and Federal Authorities.

Performance-Based Penalties

KIPDA reviews performance on a regular basis. In the event of underperformance or non-performance, KIPDA will work with the contracted organization to resolve the performance issue. KIPDA reserves the right to amend and revise provider contracts including the recoupment of or reduction in funding.

VII. Proposal Application Instructions

General Instructions

The following is a list of documents to be included in the completed proposal package submitted to KIPDA for consideration of funding.

- Proposal Application – General Section and Scope of Work (Specific to type of service)
- Proposal Application – Project Budget
- Organizational Planning Summary
- Service Funding Summary – Anticipated Additional Funds to Support Services
- Resources Used for Match Form – Local Resources Used for Match
- Certification of Assurances and Compliance with General Provisions
- Prohibited Employee & Volunteer Activities Form
- Minimum Office Equipment and Software Requirement
- Certification of Current Cost or Pricing Data
- Checklist for Proposal Submission

Instructions

1. The Bidder's Meeting for this RFP will be held April 5, 2023 at 1:00 p.m. Eastern Time, at the KIPDA office. Attendance via conference call or Zoom is also available using the bidders meeting Zoom link on KIPDA's website, under Upcoming Meetings and Events. Applicants are permitted to submit inquiries up to Close of Business, April 12, 2023. Proposals may be viewed on the KIPDA website at <https://www.kipda.org/> and downloaded from <https://kipda.bonfirehub.com/>.
2. Applicants must submit a completed proposal electronically to <https://kipda.bonfirehub.com/> after registering on this site. Prepare responses directly in the body of the application. Attachments and addenda must be clearly identified and labeled in the proposals and only included if additional supporting documents are necessary. Proposals are due to KIPDA no later than 12:00 Noon (Eastern Time) April 19, 2023. Proposals not completed in the format outlined or with questions unanswered will not be considered for funding. KIPDA reserves the right to accept or reject any or all proposals and to obtain additional information from applicants to consider final recommendations for funding if this information is deemed necessary and will benefit the agency.
3. Submit completed forms following the list in the General Instructions section above, by uploading in <https://kipda.bonfirehub.com/>.
4. Proposals will be reviewed for reasonableness of cost for the services, completeness of responses in the application, past performance as an entity serving older adults (statistical data), proposed services that address the needs of older adults and the changing population, and other criteria as established by KIPDA.
5. Applicants that fail to respond to any section or topic may be declared non-responsive and will not be considered for funding during the procurement cycle. Applicants that submitted non-responsive applications may submit applications for future procurements. Questions that do not pertain to the services proposed or not applicable to the applicant organization should be marked "not applicable" or NA.

6. It is expected that all required forms and information requested are signed and submitted with the application to be considered for review. Certified electronic signatures or scanned inked signatures are acceptable. The proposal will not be scored if the forms are not complete.

Submission Instructions

All Responses must be received before the Closing Time at the Electronic Closing Location, as identified in the Timeline section.

Proposals submitted by hard copy, mail, facsimile, or e-mail will not be accepted.

Proposals submitted after the established deadline will not be accepted.

Upload your submission at: <https://kipda.bonfirehub.com/>

Important Bonfire Notes:

- Logging in and/or uploading your file(s) does not mean your response is submitted. Applicants must successfully upload all the file(s) and MUST click the submit button before the closing time.
- You will receive an email confirmation receipt with a unique confirmation number once you finalize your submission. This will confirm that you have successfully submitted your proposal.
- Each submitted item of requested information will only be visible to KIPDA after the Closing Time.
- If the file is mandatory, you will not be able to complete your submission until the requirement is met.
- Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed.
- Please note the type and number of files allowed. The maximum upload file size is 1000 MB. Please do not embed any documents within your uploaded files, as they will not be accessible or evaluated.
- Minimum system requirements: Internet Explorer 11, Microsoft Edge, Google Chrome, or Mozilla Firefox. Java Script must be enabled.

Need Help? Please contact Bonfire directly at [Support.GoBonfire.com](https://support.gobonfire.com) or 1.800.354.8010 x2 for technical questions or issues related to your submission. You can also visit their help forum at <https://bonfirehub.zendesk.com/hc>

Inquiries:

Inquiries must be submitted by close of business April 12, 2023. All inquiries must be submitted in the Q/A section of the Bonfire project listing.

Upon completion of the opening, proposals will be reviewed for general responsiveness. Non-responsive proposals will not be reviewed with applicants notified in writing of non-responsiveness and non-review of proposal. Responsive proposals will be reviewed according to the established schedule and criteria with final consideration of proposals by the KIPDA Board of Directors.

Budget Information for Proposal Submission

Budget Workbook:

Applicants must complete the line-item budget contained in a separate Excel workbook that incorporates the budget narrative pages and populates into the line-item project budget. The budget narrative provides for an explanation of the individual line-item costs through description, purpose and amount necessary to support the cost of services.

Reasonableness of Costs and Allowable costs:

In accordance with Federal and State cost principles and financial management guidelines, all entities awarded public funds must ensure that costs presented are reasonable and can be supported with cost estimate information if necessary and must only be utilized for allowable costs. Applicants are to adhere to the provisions of 2 CFR, Part 200 - Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. Further, the Department for Aging and Independent Living in accordance with Cabinet policies, may further require limitations on certain types of costs or amounts.

The following limitations apply and must be incorporated as applicants determine and present the proposed budget:

1. Travel for all staff will be limited to no more than the State mileage rate.
2. Food purchases for programs and services are unallowable with the Federal and State funds authorized through this procurement.
3. Only costs that are necessary, reasonable and allocable to the specific programs included in this procurement will be considered. Costs that are determined to be unnecessary or reasonable will be eliminated or reduced at the discretion of KIPDA. The costs incorporated into the project budget must only include the proportionate share for staff or other operating costs related to the direct implementation of the stated project(s). Costs that are associated with the overall operation of the applicant entity or not related to the specific programs or services bid must not be incorporated into the project budget or proposal.

VIII. Timeline

KIPDA will attempt to adhere to the evaluation and decision schedule but reserves the right to modify timeframes if in the best interest of the Agency and satisfactory completion of the procurement process.

| | |
|-------------------------|---|
| March 27, 2023 | Request for Proposals released. |
| April 5, 2023 | Bidder's Meeting at KIPDA April 5, 2023 at 1:00 p.m. (Eastern Time). Attendance via conference call or Zoom is also available using the bidders meeting Zoom link on KIPDA's website, under Upcoming Meetings and Events. Applicants are permitted to submit inquiries up to Close of Business, April 12, 2023. Proposals may be viewed on the KIPDA website at https://www.kipda.org/ and downloaded from https://kipda.bonfirehub.com/ . |
| April 12, 2023 | Applicant inquiry period concludes on April 12, 2023 by close of business. This period allows written contact with KIPDA for asking questions regarding the application and process. Questions must be submitted at https://kipda.bonfirehub.com/ |
| April 19, 2023 | Proposals must be submitted at https://kipda.bonfirehub.com/ by 12:00 Noon (Eastern Time). |
| April - May 2023 | Evaluation Team reviews and scores proposals |
| June 2023 | Funding Committee of Advisory Council meets |
| June 2023 | KIPDA Board considers proposals |

Proposals must be submitted at <https://kipda.bonfirehub.com/> **no later than the scheduled deadline of 12:00 noon (Eastern Time), April 19, 2023.** All proposals will remain unopened until the deadline of submission has elapsed. The Executive Director of KIPDA, or designee, will open proposals.

Proposals submitted after the established deadline will not be accepted.

Upon completion of the opening, proposals will be reviewed for general responsiveness. Non-responsive proposals will not be reviewed with applicants notified in writing of non-responsiveness and non-review of proposal. Responsive proposals will be reviewed according to the established schedule and criteria with final consideration of proposals by the KIPDA Board of Directors.

IX. Protest

Pursuant to KRS 45A.285, The Secretary of the Finance and Administration Cabinet, or his/her designee, shall have authority to determine protests and other controversies of actual or prospective parties in connection with the solicitation or selection for award of an Agreement or Contract.

Any actual or prospective party, who is aggrieved in connection with the solicitation or selection for award of an Agreement or Contract, may file protest with KIPDA in accordance with its grievance policies, with state level grievances to be conducted in accordance with KRS 13B. A protest or notice of other controversy must be filed promptly and in any event within two (2) calendar weeks after such aggrieved person knows or should have known of the facts giving rise thereto. All protests or notices of other controversies must be in writing and shall be addressed to:

Jarrett Haley
Executive Director
Kentuckiana Regional Planning and Development Agency
11520 Commonwealth Drive
Louisville, KY 40299

KIPDA will follow its local resolution process and if satisfactory resolution to a grievance is not established at the local level, state level fair hearing procedures shall be followed. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action taken.

In all disputes escalated to a State Level review or hearing will receive a decision by the Secretary of the Finance and Administration Cabinet and shall be final and conclusive.