



**REQUEST FOR PROPOSAL FOR LEGAL SERVICES RELATED TO  
THE LCLGRPB COVID-19 SMALL BUSINESS RECOVERY  
PROGRAM REVOLVING LOAN FUND**

**for the period of**

**October 1, 2020 - December 31, 2022**

**Release Date: September 2, 2020 (updated 9/3/20)**

**Response Date: September 28, 2020 at 3:00 pm**

**INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:**

Beth Gilles, Director

**Lake Champlain – Lake George Regional Planning Board**

**PO Box 765**

**Lake George, NY 12845**

**(518) 668-5773**

**[Beth.gilles@lclgrpb.org](mailto:Beth.gilles@lclgrpb.org)**

**I. GENERAL INFORMATION.**

- A. **Purpose.** This document is a request by the Lake Champlain – Lake George Regional Planning Board (LCLGRP) for proposals from attorneys or firms of attorneys (hereafter the Firm) admitted to the Bar to practice law in New York State to provide legal services associated with the LCLGRP’s COVID-19 Small Business Recovery Program Revolving Loan Fund for the period of October 1, 2020 to December 31, 2022.

Submission of a proposal indicates acceptance of the conditions contained in the request for proposal, unless clearly and specifically noted otherwise in the proposal submitted. The terms and conditions set forth herein and the presentations in the selected proposal shall form the basis for the agreement between the Firm and the LCLGRP.

- B. **Who May Respond.** Only attorneys who are currently licensed to practice law in New York State and maintain an office in New York State, or law firms including such attorneys, may respond to this RFP.

C. **Instructions on Proposal Submission.**

1. **Closing Submission Date.** Proposals must be submitted no later than 3:00 p.m. on Monday September 28, 2020.
2. **Inquiries.** Any inquiries concerning this request should be in writing and directed to Beth Gilles, Director, LCLGRP prior to Monday September 21, 2020 by 3:00 pm. No inquiries will be answered after that time. Responses to the inquiries will be posted on the LCLGRP website, [www.lclgrp.org](http://www.lclgrp.org), by Wednesday September 23, 2020 at 3:00 pm. Email inquiries are preferred, please send to [beth.gilles@lclgrp.org](mailto:beth.gilles@lclgrp.org) with the heading “Legal Services RFP Question.”
3. **Conditions of Proposal.** Firms wishing to submit proposals in response to this request do so entirely at their own expense. There is no expressed or implied obligation upon the LCLGRP to reimburse responding firms for any expenses they may incur in preparing proposals, attending a bidder conference or answering this request.
4. **Instructions to Prospective Contractors.** To be considered, one original, one print copy, and a digital copy (either CD or flash drive) of a proposal and an original, notarized Non-Collusive Bidding Certificate must be received by mail to P.O. Box 765, Lake George, NY 12845. Facsimile or email transmittals will not be accepted. Due to COVID-19, no in-person deliveries will be accepted.

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal  
SEALED PROPOSAL For Legal Services

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Offeror to ensure that the proposal is received by the LCLGRP by the date and time specified above.

5. **Right to Reject.** The LCLGRP reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Small and/or Minority-Owned Businesses.** Minority Business Enterprises, Women's Business Enterprises and Small Businesses are encouraged to submit proposals. Offeror qualifies as a small business firm if it meets the definition of "small business" as established by the Small Business Administration ([13 C.F.R. § 121.201](#)).
7. **Notification of Award.** It is expected that a decision selecting the successful Firm will be made by September 30, 2020. Upon conclusion of final negotiations with the successful Firm, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful consultant.

## II. BACKGROUND

The LCLGRP has been provided with a \$2,940,000 CARES Act grant from the Economic Development Administration to establish a COVID-19 Small Business Recovery Program Revolving Loan Fund (Program) in response to small business recovery needs. These low-interest loans will range from \$25,000 - \$150,000 and can be used for working capital to alleviate economic injury, the purchase of equipment/supplies/Personal Protection Equipment (PPE) or upgrades to a facility related to COVID-19 needs.

Loans will be provided to businesses within eight counties in New York State: Clinton, Essex, Hamilton, Warren, Washington, Jefferson, Lewis and St. Lawrence. To ensure loan funds are used wisely, applicants are asked to demonstrate how their business was negatively affected by the COVID-19 pandemic. Projects are then evaluated by the Loan Administrative Committee and approved or denied. If approved, LCLGRP staff work with the borrower and the Firm to compile all the necessary paperwork and schedule a loan closing.

The LCLGRP is anticipating that 20 – 30 loans will be approved by the LCLGRP's Loan Administrative Committee and closed within 24 months.

- ## III. SCOPE OF SERVICES.
- The Offeror shall be readily available to perform the following legal services, as requested by the Director, LCLGRP staff, Loan Administrative Committee and/or Board of Directors:

**Services and Costs to Include, but are not limited to: Representation of LCLGRP in the closing of COVID-19 related small business loans, including but not limited to,**

- Preparing loan closing documents such as Promissory Notes, Personal Guarantees and Endorsements, Borrower Resolutions, disbursement summaries and closing statements,
- Securing collateral mortgages and filing all necessary paperwork within the applicable county,
- Completing UCC collateral forms, Security Agreements and Schedule A's and filing with the state and appropriate county,
- Completing amortization schedules for loans,
- Compiling all loan closing fees and providing the information to the borrower,

- Ensuring that all loan closing paperwork is accounted for, accurate, signed and appropriately notarized,
- Ensuring that all loan closing paperwork protects the interests of the LCLGRP in the best manner possible,
- Representing the LCLGRP at loan closings,
- Re-negotiating loan terms for modifications and preparing all necessary and requested paperwork,
- Answering any and all questions and legal inquiries from the LCLGRP staff, Board of Directors or Loan Administrative Committee,
- Performing all duties in compliance with the LCLGRP Revolving Loan Fund Management Plan, (<https://lclgrp.org/revolving-loan-fund/>), the U.S. Department of Commerce Economic Development Administration Revolving Loan Fund Standard Terms and Conditions (attached), COVID-19 Small Business Recovery Program RLF Management Plan Addendum (attached), and any other federal regulations.
- Any and all other duties associated with the LCLGRP's RLF program.

Offeror shall be prepared to submit detailed billing statements for all services billed at an hourly rate, broken down into time increments of no more than a quarter hour. Offeror shall also include summaries of work performed and time spent on services performed.

**III. PROPOSAL CONTENTS.** The Offeror, in its proposal, shall, as a minimum, include the following;

- A. Legal Experience.** The Offeror should describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to LCLGRP, municipalities or counties. Experience should include the following categories:
1. Experience advising municipal organizations.
  2. No less than 5 years' experience in the representation of Creditors in business loan closings.
- B. Organization, Size, Structure, and Areas of Practice.** If the Offeror is a firm, it should describe its organization, size, structure, areas of practice, and office location(s) as well as the firm's capacity to meet this RFP's requirements in the time period stipulated by the LCLGRP. Indicate, if appropriate, if the firm is a small or minority/owned business. Also include copy of Equal Opportunity/Affirmative Action Policy, written Standards of Conduct and Conflict and Sexual Harassment Policy, if the firm has one.
- C. Attorney Qualifications.** The Offeror should have experience as stated above. The Offeror should describe the qualifications of attorney(s) to be assigned to the representation.
1. Professional and education background of each attorney.
  2. Overall supervision to be exercised.
  3. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered. Specify the extent of the availability and commitment of each such professional staff member who will be assigned to this engagement if the Firm's proposal is selected. Specify a project manager and contact person to coordinate the services for LCLGRP.
- D. Price.** The Offeror's proposed price should include information on the hourly rate of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as travel, legal research, copies, and faxes. The LCLGRP reserves the right to negotiate with the Offeror on the structure of the billing.

**IV. PROPOSAL EVALUATION**

- A. **Submission of Proposals.** All proposals shall include an original, one print copy and a digital copy, either on CD or thumb drive.
- B. **Evaluation Procedure and Criteria.** The LCLGRP Review Committee will review proposals. The Director and/or Review Committee may request a meeting with some qualified Offerors prior to final selection.

**V. LCLGRP RESERVED RIGHTS**

The LCLGRP reserves the right to:

- A. Define requirements to meet agency needs and to modify, correct and clarify requirements at any time during the process provided the changes are justified and that modifications would not materially benefit or disadvantage an Offeror. Changes to the RFP or any requirements will be posted on the LCLGRP website. It is the responsibility of the Offeror to ensure it has all of the necessary updated RFP information;
- B. Disqualify proposed solutions that fail to meet mandatory requirements;
- C. Eliminate mandatory requirements unmet by all offerors.

**VI. Title VI/Nondiscrimination Policy Statement**

It is the policy the LCLGRP that no person shall, on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

LCLGRP will make every effort to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are Federally funded or not. This policy incorporates all of LCLGRP's operations.

LCLGRP firmly believes in, and subscribes to, fair employment practices and opens its facilities to every qualified person. In all employment practices, the LCLGRP is committed to prohibiting discrimination on the basis of race, color, creed, national origin, sex, age, marital status, or disability. The LCLGRP supports all federal and state laws, rules and regulations dealing with discrimination and specifically endorses all applicable provisions of Title VII of the Federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law and the Americans with Disabilities Act.

**VII. ATTACHMENTS**

- A. COVID-19 Small Business Recovery Program Revolving Loan Fund Addendum
- B. U.S. Department of Commerce Economic Development Administration Revolving Loan Fund Standard Terms and Conditions

**NON-COLLUSIVE BIDDING CERTIFICATE**

State of \_\_\_\_\_ }

County of \_\_\_\_\_ }

\_\_\_\_\_, being duly sworn, deposes and says:(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor and;

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(b) If the bidder is an individual, the bid must be signed by that individual; if the bidder is a corporation, it must be impressed with the corporate seal, signed by an officer of that corporation, or other person authorized by resolution of the Board of Directors, and in such case, **a copy of the resolution must be attached**; if a partnership, it must be signed by one of the partners or other person authorized by a writing signed by at least one general partner and submitted with the bid or previously filed with the LCLGRP.

I, hereby affirm under the penalties of perjury that the foregoing statement is true.

\_\_\_\_\_  
Individual Bidder

\_\_\_\_\_  
Co-Partnership

(Corporate Seal) By: \_\_\_\_\_  
Partner

\_\_\_\_\_  
Corporation

(notary stamp) By: \_\_\_\_\_  
Corporate Officer - Title

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**NOTARIZATION OF SIGNATORY**

**FOR SOLE PROPRIETORSHIP OR PARTNERSHIP:**

STATE OF NEW YORK        }  
                                      } SS:  
COUNTY OF                 }

On this \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me

personally came \_\_\_\_\_, to me known and known to me to be the person who executed the foregoing instrument, and he/she duly acknowledge to me that he/she executed the same.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ **or** \_\_\_\_\_

**FOR CORPORATIONS:**

STATE OF NEW YORK        }  
                                      } SS:  
COUNTY OF                 }

On this \_\_\_\_\_ day of \_\_\_\_\_ 2020, before me personally came

\_\_\_\_\_, to me known who, being by me duly sworn, did depose

and say that he/she is the \_\_\_\_\_ of \_\_\_\_\_, the corporation

described in, and which executed the within Instrument; that he/she knows the seal of such corporation; that

the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and he/she signed his/her name hereto by like order.

\_\_\_\_\_  
Notary Public