



REQUEST FOR PROPOSAL FOR LEGAL SERVICES
FOR THE PERIOD
4/1/2018 to 3/31/2019

New York Wine and Grape Foundation
800 South Main Street, Suite 200
Canandaigua, NY 14424
585-394-3620
www.newyorkwines.org

I. GENERAL INFORMATION

- a. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided to the New York Wine and Grape Foundation (NYWGF) for the time period April 1, 2018 through March 31, 2019.
- b. **Who May Respond.** Only attorneys who are currently licensed to practice law in New York State, or law firms including such attorneys, may respond to this RFP.

c. Instructions on Proposal Submission

- i. **Closing Submission Date.** Proposals must be submitted no later than 5:00pm on November 3, 2017

- ii. **Inquiries.** Inquiries concerning this RFP should be emailed to:

Dana Alexander
Director of Business Development
New York Wine and Grape Foundation
danaalexander@nywgf.org

- iii. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by NYWGF.

- iv. **Instructions to Prospective Contractors.** Your proposal should be addressed as follows:

Samuel E. Filler
Executive Director
New York Wine and Grape Foundation
800 South Main Street, Suite 200
Canandaigua, NY 14424

It is important that the Offeror's proposal be submitted electronically to:

Dana Alexander
danaalexander@nywgf.org

With the subject clearly addressed as:

NYWGF RFP For Legal Services

- v. **Right to Reject.** NYWGF 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.
 - vi. **Small and/or Minority-Owned Businesses.** Efforts will be made by NYWGF to utilize small businesses, women and/or minority owned businesses. 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). And, MWBE firms must be certified in accordance with the requirements of Article 15-A of the New York State Executive Law.
 - vii. **Notification of Award.** It is expected that a decision selecting the successful Firm will be made within 12 weeks of the closing date for the receipt of proposals. 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. It is expected that the contract shall be a one-year with option for renewal.
- d. **Description of Entity.** NYWGF is a trade association that serves the New York grape and wine industry. NYWGF is a non-profit corporation has been determined to be exempt from Federal income tax under Section 501(c)(6) of the Internal Revenue Code]. NYWGF has an annual budget of approximately \$2.5 million dollars and is governed by a 17-member volunteer Board of Directors, which meets four (4) times per year. NYWGF employs six (6) full-time staff and one (1) part-time staff. Administrative offices are located at 800 South Main Street, Suite 200, Canandaigua, NY 14424.

NYWGF's mission is to have the New York grape and wine industry recognized as a world leader in quality, productivity and social responsibility.

II. **SCOPE OF SERVICES.** The Offeror shall be readily available to perform the following legal services, as requested by the Executive Director and/or Board of Directors:

- a. Review, draft, and negotiate contracts and leases
- b. Advise on corporate and tax-exempt organization legal issues
- c. Advise on individual labor and employment matters
- d. Review personnel, fiscal and other policies, as well as corporate by-laws
- e. Attend Board of Directors and Committee meetings as necessary
- f. Advise on government grant and contract issues
- g. Advise on responses to subpoenas, court orders, and requests for information from third parties
- h. Defend lawsuits, administrative claims, or other legal claims
- i. Conduct litigation as necessary
- j. Other legal services as needed

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 NYWGF. Experience should include the following categories:
 - i. Experience advising non-profit organizations.
 - ii. Experience with trade associations, preferably with an agricultural focus.
 - iii. Knowledge of New York State Alcohol Beverage Control law.
 - iv. Knowledge of New York State Agriculture and Markets law.
 - v. Knowledge of New York State Environmental Conservation Law.
 - vi. Knowledge of Federal and New York State Labor Law.
 - vii. Knowledge of lobby and gift laws, and how to be in compliance with fillings required by New York State Joint Commission on Public Ethics.
 - viii. Knowledge of Federal alcohol control and taxation laws.
- 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). Indicate, if appropriate, if the firm is a small or minority/owned business. Also include copy of Equal Opportunity/Affirmative Action Policy, if the firm has one.
- c. **Attorney Qualifications.** The Offeror should have experience in the following areas: non-profit and tax-exempt organizations; government grants and contracts; labor and employment; alcohol beverage business operations; agricultural business operations; and general business operations. The Offeror

should describe the qualifications of attorneys to be assigned to the representation. Descriptions should include:

- i. Professional and education background of each attorney.
 - ii. Overall supervision to be exercised.
 - iii. 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.
- d. **Price.** It is expected that NYWGF will require up to two hours per month of telephone/email consultation to address routine legal matters. The Offeror's proposed price should include information on the hourly telephone/email consultation billing rates for each attorney or other legal staff who are expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. Also include a rate card that would be charged for legal work expected to require more billable hours than the expected two hours per month of telephone/email consultation. NYWGF reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

IV. PROPOSAL EVALUATION

- a. **Submission of Proposals.** All proposals shall be sent electronically in PDF format.
- b. **Evaluation Procedure and Criteria.** NYWGF's Executive Director and appropriate staff will review proposals and make recommendations to the Board of Directors for final approval. The Executive Director and/or Board of Directors may request a meeting with some qualified Offerors prior to final selection. Proposals will be reviewed in accordance with the following criteria:
 - i. Proposed approach to scope of work.
 - ii. Level of experience of the individual(s) identified to work on this matter.
 - iii. The Offeror's experience with similar clients and legal matters.
 - iv. Response from references.
 - v. Cost.
 - vi. Interviews, if conducted.