

[DEADLINE EXTENDED] REQUEST FOR PROPOSAL (RFP) TO RETAIN DIRECT SERVICES FROM LEGAL OR COMMUNITY ORGANIZATIONS

INTRODUCTION

Jobs to Move America and Greater Birmingham Ministries (“the Parties”) are jointly requesting proposals from direct service nonprofits, law school clinics, legal service organizations and other applicable organizations (“organizations”) with offices located in Alabama, southern Tennessee or central-to-western Georgia to provide services, as described in this Request for Proposal (RFP), to non-supervisory plant employees of New Flyer of America Inc. in Anniston, Ala. who wish to file confidential internal complaints alleging discrimination, sexual harassment, and/or racism in the workplace.

All proposals and other documentation submitted in response to the RFP:

- a. Become property of the Parties.
- b. Will not be returned by the Parties.
- c. Must be clearly marked as confidential, if your organization considers any material or information contained in its proposal or other documentation confidential.

Company Descriptions

New Flyer of America (NFA) is the largest transit bus manufacturer in North America and is a leader in the development of electric buses.

Jobs to Move America (JMA) is a 501(c)(3) national nonprofit organization with an office in Alabama, dedicated to advancing a fair and prosperous economy with good jobs and healthier communities for all.

Greater Birmingham Ministries (GBM), founded in 1969, is a multi-faith, multi-racial organization that provides emergency services for people in need and engages the poor and the non-poor in systemic change efforts to build a strong, supportive, engaged community in the Birmingham, Ala. area.

All parties are signatories to a Community Benefits Agreement described herein.

Response Deadline

All proposals submitted in response to this RFP must be received by the Parties no later than 5 p.m. CDT on Friday, Nov. 11.

The Parties reserve the right to:

- a. Reject any proposal that is not received by the response deadline or is otherwise nonresponsive to the RFP.
- b. Reject any or all proposals submitted in response to the RFP.
- c. Request additional information from any organization.
- d. Withdraw the RFP at any time and for any reason.
- e. Award the engagement in its sole discretion or make multiple or partial awards.

PROJECT OVERVIEW AND GOALS

In May 2022, NFA, JMA, and GBM, entered into a Community Benefits Agreement (CBA) in order to support the creation of a robust jobs program for low-income workers and historically disadvantaged people.

The CBA establishes a Discrimination and Harassment Complaint System (the Complaint System). This Complaint System is intended to supplement NFA's existing employee complaint and hotline system to further allow and encourage employees to file complaints regarding alleged sexual and other illegal discrimination and illegal harassment and alleged racism at the New Flyer Anniston, AL Facility, in a manner that protects against retaliation and that permits employees to seek assistance in filing those complaints with NFA from the selected organization. This facility has approximately 700 total employees including plant, administration, professional, and management groups.

The Parties share a goal to select an organization which will help us establish this innovative system for addressing claims of discrimination and harassment and will serve workers who file such complaints as an independent advocate.

SCOPE OF SERVICES REQUIRED

The selected organization will provide the following services to the Parties:

- a. Educate and advise NFA employees at the company's Anniston, Ala. facility who file complaints related to discrimination, harassment, and/or retaliation through the company's internal complaint process.
- b. Assist workers in filing complaints through NFA's human resources system and advocate on the employee's behalf throughout the NFA internal complaint process.
- c. Maintain the confidentiality of NFA employees who have used the Complaint System, the allegations in any Complaint, and of any resolution to the Complaint.
- d. Attend and provide advice and assistance to NFA employees during investigatory interviews.
- e. Attend the plant for any in-person meetings concerning the complaint and may include off-site or virtual non-working-time interviews, document review and complaint preparation support, and/or on-site, non-working-time meetings in person with employee complainants or NFA.
- f. Track statistics on use of the Complaint Process, including the number of complaints filed by complaint type and the number of complaints resolved or closed, while maintaining the confidentiality of employees who have utilized the Complaint System.
- g. Provide employee complainants with resources and support as they communicate with NFA; and
- h. Strategize with each employee complainant about how to achieve their goals and protect their right to a workplace free of discrimination and harassment.

The selected organization must also:

- a. Have experience in providing information to employees concerning discrimination, harassment, and retaliation, including education about their rights under state and federal employment law;
- b. Have capacity to assign one administrative staff member to handle intake from the hotline system, CMS upkeep, and other related administrative matters;
- c. Have familiarity with relevant local, state, and federal laws concerning employment discrimination, harassment, and retaliation;
- d. Be diverse and inclusive at all levels, including organizational leadership, and support legal industry and inclusion diversity initiatives;
- e. Have policies and procedures related to the intake of confidential client information and the ability to maintain the confidentiality of that information;
- f. Have an office in one or more of the following areas: Birmingham, Ala., or the surrounding metropolitan area; Calhoun County, Ala.; Tuscaloosa, Ala.; Huntsville, Ala.; Scottsboro, Ala.; Gadsden, Ala.; Albertville, Ala.; Atlanta, Ga.; Columbus, Ga.; Auburn, Ala.; Montgomery, Ala.
- g. While not required, preference will be given to organizations familiar with electronic based external and internal complaint systems such as Ethics Point and “XpressLine” hotline systems.

TERM OF ENGAGEMENT

The Parties will engage the selected organization for one year, with the option to extend to two years. However, the Complaint System may be subject to change or supersession, in whole or in part, should a union and NFA management execute a Collective Bargaining Agreement. If this occurs, the Parties may terminate the organization’s engagement at any time at their discretion with at least 30 days advance notice.

CONFLICT OF INTEREST

The selected organization must be free of any conflict of interest with the Parties and NFA and affiliate(s). If a new or potential conflict of interest arises after the Parties retain the selected organization, the organization agrees to promptly notify and consult with the Parties to address and resolve the conflict.

PROPOSAL CONTENTS

A response to this RFP must include the following sections in the order listed:

- a. A transmittal letter that:
 1. is signed by an authorized organization representative;
 2. identifies all materials and enclosures being forwarded in response to the RFP; and

3. identifies the organization's representative for all matters relating to the RFP response.
- b. An executive summary of the contents of the organization's response.
- c. The organization's responses to the questions set forth below. Organizations should answer all questions in the same order as listed in this RFP.

Background and Qualifications

- a. Provide your organization's:
 1. legal name;
 2. date of establishment;
 3. number of employees; and
 4. address of each location, including home offices, from which services will be provided.
- b. Describe how your organization's background is pertinent to the requested services in this RFP.
- c. Identify any outside vendors that your organization may use to provide the services required by this RFP and describe how your organization will manage those vendors.
- d. Describe your organization's area(s) of specialization and/or area(s) of expertise and identify the number of staff practicing in each specialty.
- e. Describe any relevant special services your organization provides, particularly those that may not be offered by other organizations.
- f. Describe how your organization would approach:
 - a. providing information and resources to employees concerning discrimination, harassment, and retaliation;
 - b. handling intake from the hotline system, data collection, CMS upkeep, and other related administrative matters;
 - c. maintaining the confidentiality of NFA employees who have utilized the Complaint System; and
 - d. preparing and executing investigation plans
- g. Describe your organization's diversity and inclusion policies.
- h. Describe the participation of diverse staff in your organization by providing the number of staff, including leadership, who identify among one or more of the following groups: Black, Indigenous, and/or People of Color; women; LGBTQ+ persons; criminal justice systems-involved people; persons emancipated from the foster-care system; and veterans.

Pricing

The budget for this engagement is up to \$100,000 per year. Please provide a budget that shows how your organization would meet the described scope of services. The Parties will not share your pricing information with any other service provider.

Staffing

It is the Parties' strong preference that your organization create a professional and diverse team dedicated to performing the work described herein. With this strong preference in mind, please describe your organization's proposed staffing for this RFP by:

- a. Identifying all staff selected to work on this matter and providing each person's biography and office location;
- b. Identifying the role each of your organization's leaders, partners, supervisors, managers or other staff would play in carrying out the work described herein and the approximate percentage of the work they would perform;
- c. Stating the professional qualifications and experience of each staff person involved in handling this matter, including:
 1. education;
 2. number of years engaged in practice work relevant to the scope of work in this RFP;
 3. area(s) of specialization;
 4. professional accomplishments;
 5. for attorneys only, years and jurisdictions of admission to practice; and
- d. Providing information relating to the diversity of each staff person involved in handling the Parties' matters. Please note in this description whether each staff person identifies among one or more of the following groups: Black, Indigenous, and/or People of Color; women; LGBTQ+ persons; criminal justice systems-involved people; persons emancipated from the foster-care system; and veterans.

Whether or not selected to become part of your organization's staffing team for this matter, please list any professional relationships any of your organization's staff may have with JMA, GBM, or NFA's officers, directors, or employees.

References

If applicable, identify at least one client for whom your organization has performed work similar to that requested in this RFP. For each client, provide:

- a. Client name and address.
- b. The telephone number and email address for a client contact person.
- c. A description of the scope of the project performed for the client
- d. The duration of the client relationship.

The Parties will contact an organization's references only if the organization is short-listed after initial review of all submitted proposals.

Insurance and Liability

Proposals must:

- a. Identify any insurance coverage that may cover the work you perform as part of the matter, including proof of workers compensation, if applicable, or other analogous coverage. For any related policy, list:
 - i. the insurance carrier(s); and
 - ii. each carrier's rating by a nationally recognized service.
- b. Identify and describe any data security incidents that your firm has experienced, including whether any client information was lost or otherwise compromised.
- c. Describe measures that your organization undertakes to protect client information against cyber security risk.

Other Information (Optional)

Provide any additional information that you believe is relevant to this RFP and your organization's capability to provide the services requested.

EVALUATION PROCEDURE AND CRITERIA

The Parties will review all submitted proposals to determine responsiveness to the RFP and may reject any nonresponsive proposal.

The Parties will evaluate all submitted proposals with the objective that the selected organization:

- a. Clearly demonstrates a thorough understanding of the engagement's scope.
- b. Has strong relevant background experience and a history of success on past similar matters.
- c. Possesses adequate resources to handle all assigned responsibilities.
- d. Assigns highly experienced, responsive, and diverse staff to this matter.
- e. Maintains high ethical standards.
- f. Has no conflict of interest with the Parties.

After the Parties' review of all submitted proposals by Nov. 21, 2022, it may invite a short list of 3 semi-finalist organizations to interview (remotely) with the Parties representatives no later than Dec. 5, 2022 to introduce their professional team and to make a presentation of their qualifications to the Parties.

The Parties expect to notify the selected organization in writing by Dec. 16, 2022, and award the engagement no later than Dec. 31, 2022. However, the Parties, in its sole discretion, may or may not make an award to any organization and reserve the right to reject any and all proposals submitted in response to the RFP.

CONTACT INFORMATION

If you have any questions concerning this RFP, please contact JMA Strategic Campaign Manager Will Tucker (wtucker@jobstomoveamerica.org, 256-603-4043) no later than Nov. 8, 2022. Organizations are prohibited from contacting any other employees of the Parties about this RFP. Failure to adhere to this requirement will be grounds for disqualifying a proposal.