



Ohio Funeral Directors Association
2501 North Star Road
Columbus, OH 43221-0760

Request For Proposal Association General Counsel Commencing January 1, 2022 For The Ohio Funeral Directors Association

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

Melissa S. Sullivan
Executive Director
Ohio Funeral Directors Association
2501 North Star Road
Columbus, OH 43221
Melissa@OFDAonline.org
614-486-5339

I. GENERAL INFORMATION.

A. Purpose. This request for proposal (RFP) is to contract for legal services to be provided for the benefit of the Ohio Funeral Directors Association, its affiliated organizations and its membership, beginning January 1, 2022.

B. Who May Respond. Only attorneys who are currently licensed to practice law in Ohio and maintain an office in Ohio, 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 **5:00 pm ET on June 15, 2021**

2. Inquiries. Inquiries concerning this RFP should be emailed to:

Melissa S. Sullivan
Executive Director
Ohio Funeral Directors Association
Melissa@OFDAonline.org

3. 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 the Ohio Funeral Directors Association (hereinafter referred to as OFDA).

4. Instructions to Prospective Contractors. Your proposal should be addressed as follows:

Melissa S. Sullivan
Executive Director
Ohio Funeral Directors Association
2501 North Star Road
Columbus, OH 43221

The Offeror's proposal must be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal For Association General Counsel

It is the responsibility of the Offeror to ensure that the proposal is received by OFDA, by the date and time specified. Late proposals will not be considered.

5. Right to Reject. OFDA 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. Notification of Award. It is expected that a decision selecting the successful Firm will be made within twelve (12) weeks of the closing date for the receipt of proposals.

Upon notification of award, the selected Firm will be responsible for requesting and facilitating the successful transfer of OFDA historical data, files and other pertinent information. The Firm awarded the contract will be responsible for their own costs associated with the transfer of data, including time allocated to consulting with present OFDA General Counsel and OFDA staff.

D. Description of Entity. OFDA is an association serving nearly 1,000 member funeral homes throughout Ohio. OFDA is a nonprofit 501(c)(6) corporation and operates affiliates North Star Insurance Agency a for profit subsidiary, Ohio Funeral Education Foundation 501(c)(3), and OFDA Mortuary Response Foundation 501(c)(3). OFDA has an annual budget of approximately one million dollars and is governed by a fifteen (15) member volunteer Board of Directors, which meets four (4) times per year. OFDA employs seven (7) people. Administrative offices are located at 2501 North Star Road, Columbus, OH. OFDA's mission is to represent and support our membership by promoting professional standards and excellence in funeral service.

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:

See Attachment A outlining present General Counsel responsibilities
Successor General Counsel responsibilities may be modified

Although it is preferable for an attorney or firm to submit a proposal covering all of the areas referenced in Attachment A, OFDA will consider proposals for subsets of these areas. 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 under the flat monthly fee, as discussed below.

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 OFDA. Experience should include the following categories:

1. Experience advising nonprofit organizations
2. Experience advising clients and understanding of Ohio funeral related law and regulations

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).

C. Attorney Qualifications. The Offeror should have experience in the following areas:

1. Nonprofit and tax-exempt organizations
2. Ohio funeral related law and regulations
3. Administrative law experience
4. Effective creation and delivery of presentations, both in person and virtual
5. Article and legal form development to support Ohio funeral related law and regulations

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

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.

D. Price. The Offeror's proposed price should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. Also include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone, email or otherwise without extensive research or other legal work. OFDA reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

IV. PROPOSAL EVALUATION and CRITERIA

OFDA's Executive Director and members of the OFDA General Counsel Search Committee will review proposals and make recommendations to the OFDA 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:

1. Proposed approach to scope of work
2. Level of experience of the individual(s) identified to work on this matter
3. The Offeror's experience with similar clients and legal matters
4. Response from references
5. Cost
6. Interviews

ATTACHMENT A TO RFP

SUMMARY OF CURRENT RESPONSIBILITIES OF OFDA GENERAL COUNSEL

I. BOARD OF DIRECTORS

- Prepare and submit Legal Report for Board agenda.
- Prepare and submit reports/recommendations on miscellaneous legal and regulatory issues.
- Attend meetings of the Board of Directors.
- Draft proposed amendments to OFDA Bylaws.

II. MASTER TRUST

- Prepare and submit Legal Report for monthly meetings.
- Attend meetings of the Master Trust Committee.
- Update Master Trust contract forms to reflect legislative changes.
- Monitor and draft legislative changes impacting Ohio preneed and Master Trust issues.

III. STATE ADVOCACY

- Track funeral-related laws and regulations of other states that may be useful or have an impact in Ohio.
- Draft new legislation and regulations for OFDA to pursue in the General Assembly or with regulatory board.
- Draft testimony and correspondence to support legislative or regulatory efforts.

IV. MEMBER HOTLINE

- Respond to telephone and e-mail inquiries from OFDA membership on the following legal issues:
 - Right of disposition issues
 - Medicaid
 - Indigent disposition
 - Billing and collection issues
 - Employment issues
 - Preneed contract and payment issues
 - Miscellaneous legal and compliance issues
- Advise and e-mail/fax articles, legal forms, Ohio laws and regulations to members upon request.
- Monitor and respond to member inquiries on OFDA website chat room.

V. PRESENTATIONS

- Present Ohio Cremation Law workshop/webinar.
- Present overview of FTC Funeral Rule and Ohio preneed law at OFDA Apprentice Seminars.
- Present different legal topics at OFDA Convention when requested.
- Attend OFDA Convention.

VI. LEGAL AND COMPLIANCE FORMS

- Draft and update legal and compliance forms for OFDA website and OFDA members.

VII. ARTICLES

- Periodically research issues impacting funeral service/small business in Ohio.
- Draft articles on legal and regulatory issues impacting Ohio funeral service.

VIII. OFDA EXTERNAL AFFAIRS

- Draft and/or review contracts with vendors, suppliers, and endorsed companies.
- Draft and/or review hotel, speaker, and meeting contracts.
- Handle and negotiate issues regarding meeting and speaker cancellations or attrition.

IX. OFDA INTERNAL ISSUES

- Coordinate with OFDA CEO on issues that arise with volunteer leadership.
- Advise on employment issues that may arise with OFDA staff.