



**County of San Mateo**

**Request for Proposals (RFP) for Affirmative Immigration  
Legal Services**

**County Executive's Office - Office of Community Affairs**

RFP No. 2026-RFP-00282

**RFP Contact:** Blanca Tapia  
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## 1. Introduction and Schedule

The County of San Mateo (the “County” or “SMC”) covers most of the San Francisco Peninsula. The region covers 744 mi and is home to nearly 800,000 residents and 20 incorporated cities. The County provides for the health and welfare of all people within its borders and serves as the local government for the unincorporated areas. Innovation thrives here in industries including bioscience, computer software, green technology, hospitality, financial management, health care, education and transportation. The County prides itself on how that prosperity fosters its commitment to protecting and enhancing the health, safety, welfare and natural resources of the community.

### 1.1. Summary

The County of San Mateo Office of Community Affairs (OCA) is seeking qualified firms and individuals to enter into a Master Agreement with the County to provide **Affirmative Immigration Legal Services**, which includes consultations, application preparation, community workshops, and limited-scope services for non-court immigration benefits. In the County, we value every resident, whatever their birthplace, language spoken, or immigration status. The OCA invites all potential proposers to review the three distinct requests for proposals (RFPs) for legal services: Affirmative Immigration Legal Services, Rapid Response Legal Services, and Limited-Scope Removal Defense Legal Services. Interested parties are welcome to submit proposals for one or more of these RFPs.

The County will be the administrator of resulting contracts only; the coordination is expected to be provided. All proposers must have an active membership, in good standing, with the State Bar of California and/or must be able to provide verification of such membership.

### 1.2. Background

The County is committed to protecting and enhancing the health, safety, and welfare of the community. Through resources and education, the County seeks to expand access to relief for individuals and families to address immigration law policy change and to support a coordinated legal services ecosystem.

### 1.3. Timeline

<b>RFP Released</b>	March 19, 2026
<b>Deadline for Questions, Comments and Contract Exceptions</b>	April 3, 2026, 3:00pm
<b>Question Response Deadline</b>	April 10, 2026, 3:00pm
<b>Proposal Due Date and Time</b>	April 20, 2026, 3:00pm

## 2. Program Objectives and Scope of Work

### 2.1. Program Objectives

The OCA is accepting proposals for Affirmative Immigration Legal Services. Under the RFP, the County will select proposers that meet the qualifications to be awarded to provide legal services to County residents.

The key priorities include:

- A. Increase quantity of affirmative immigration representation.
- B. Expand limited-scope legal services.
- C. Provide workshops, clinics, mobile clinics, and community outreach and education.
- D. Improve and synchronize coordination with providers of Rapid Response Services and Removal Defense Limited-Scope Legal Services.

The County prefers billing models tied to the amount of time and cost or level of effort necessary to perform the various tasks within the scope of this RFP. Examples:

- **Structure A — Fixed Fee per Matter (Task-Based).** Proposer shall invoice a fixed fee for each of the Matter-Based deliverables.
- **Structure B — Time & Materials with Not-To-Exceed (NTE) per Matter.** Proposer shall invoice hours by labor category, up to the Matter's authorized NTE. The work requires written pre-authorization.

All submitted billing models will require the County's approval.

## **2.2. Scope of Work**

The purpose of this RFP is to find qualified proposers to provide **Affirmative Immigration Legal Services**, assist navigating sources, and deliver education support to San Mateo County (SMC) residents.

### **A. Direct Legal Representation**

Affirmative immigration services may include assisting clients in completion of applications for immigration benefits, such as:

- Application for Asylum (I-589)
- Notice of Entry of Appearance (G-28)
- Special Immigrant Juvenile Status (SIJS)
- Violence Against Women Act (VAWA)
- U Nonimmigrant Status (U Visa)
- T Nonimmigrant Status (T Visa)
- Deferred Action for Childhood Arrivals (DACA)
- Temporary Protected Status (TPS I-821)
- Deferred Enforced Departure (DED)
- Naturalization
- Family-based petitions (I-130)
- Additional related documentation associated with the above applications that provide immigration relief.

### **B. Limited-Scope Legal Services**

Includes but is not limited to:

- Screening
- Consultations
- Relevant Freedom of Information Act (FOIA) requests
- Application Review
- Interview Preparation
- Documentation Preparation

### **C. Community Education**

Identifying and developing culturally responsive approaches for informing SMC residents and community partners about the availability of immigration benefits/relief from removal options, immigration policy updates and changes, U.S. Citizenship and Immigration Services (USCIS) rule changes, and other immigration programs and assist with applying for free or low-cost legal support through trusted community-based organizations.

Includes but not limited to:

- Know Your Rights Presentations.
- Workshops, Legal Clinics, and Mobile Legal Clinics.
- Outreach through schools, community-based organizations, and community partners.
- Provision of fraud prevention information and assist with accessing resources and services for SMC residents and individuals seeking affirmative immigration relief.

### **D. Required Coordination**

- Upon final award, the selected proposer will be expected to communicate and coordinate closely with the Rapid Response Provider and Removal Defense Limited-Scope Provider, and other County designated community service providers to ensure alignment of services, delivery, referrals and information-sharing, which will include participating in reoccurring coordination meetings.
- Must participate in meetings with the County of San Mateo OCA team and communicate updates and status regarding the matters (tasks).

### **E. Innovation Methodology (Optional)**

Navigator and Shared Intake / Screening System:

Proposing to provide the services described in this section is optional for all proposers. A Navigator, if applicable, is being sought to coordinate all limited-scope legal services. If proposers would like to submit for this scope and services within such scope are needed based on the design model being submitted by the proposer, Proposer should present a shared intake and screening process that will be able to be accessed by all selected collaborators (collaborators would include all selected legal service providers) and the County.

Navigation services include but are not limited to:

- Enabling improved triage and reducing duplication

- Develop an organizational staff capacity to provide legal services under the matter-based assignments to mitigate immigration legal precarity and expand the number of qualified individuals that can provide high-quality legal services.
- Facilitate referrals within a network of services or service providers
- Evidence collection and document gathering
- Hearing reminders
- Documents all referrals and follow-ups

### **2.3. Deliverables**

The County is looking for proposers to provide the following deliverables upon satisfactory completion of the services described in this RFP:

#### Direct Legal Representation

- A. Report on the number of completed applications, organized by application type. A minimum of 75 applications a year should be filed.
- B. Provide and report the application process and accompaniment support as related to affirmative immigration needs.
- C. Provide application outcomes, which include accepted, pending, and declined applications.
- D. Collect and report aggregated data, including race, ethnicity, age group, Zip Code, and primary language spoken, when applicable and in compliance with confidentiality and data privacy requirements.

#### Limited-Scope Legal Services

- A. Conduct a combination of office-based consultations and case review related to affirmative immigration relief.
- B. Report on the total number of consultations and limited-scope matters (including outcomes, where available) provided during the reporting period. A minimum of 30 consultations, and 50 limited-scope matters per year should be filed.
- C. Collect and report aggregated data, including race, ethnicity, age group, Zip Code, and primary language spoken, when applicable and in compliance with confidentiality and data privacy requirements.
- D. Report descriptions of the types of limited-scope services provided (e.g., representation at one hearing, application preparation only).
- E. Report on the types of direct legal representation services provided, including the nature of the legal issues addressed.

#### Community Education

- A. Organize and facilitate affirmative immigration information workshops, clinics, mobile clinics, and individual/group sessions. A minimum of 12 workshops, 6 KYR presentations, and 6 clinics/mobile clinics should be held each year, designed to reach underserved immigrant populations.
- B. Collect and report aggregated data of number of participants, where applicable.

- C. Collect and report aggregated data, including race, ethnicity, age group, Zip Code, and primary language spoken, when applicable and in compliance with confidentiality and data privacy requirements.
- D. Collect and report aggregated data regarding type of workshop, clinics, mobile clinics, and sessions (individual and group), where applicable.

#### Required Coordination

- A. Collect and report the aggregated data of the number of referrals to other immigration and post-conviction relief legal services and other programs for cases beyond the scope of services.
- B. Collect and report the aggregated data of referrals to pro bono services, where applicable.
- C. Collect and report aggregate data on the type of assistance or information provided, including referrals and pre-screening, where applicable.
- D. Report on the languages in which support was provided, when applicable.
- E. Report primary languages requested by individual's services, in aggregated.

### **3. Submission Requirements**

#### **3.1. Submission Deadline**

Proposals must be electronically received by 3:00 pm, on Monday, April 20, 2026, via eProcurement system.

Allow sufficient time for the upload to complete by the Due Date and Time. Partial uploads will automatically terminate, and proposals will be rejected. The eProcurement system submission time will be the official submission time. The County will not be responsible for and may determine not to accept proposals that are late due to slow internet connections or for any other failure of the eProcurement system.

NOTE: The County does not maintain the eProcurement system and is not liable for site failures or technical problems. To resolve technical issues, contact OpenGov Technical Support by using the real time chat located in the lower right hand corner of the screen, or via email at [procurement-support@opengov.com](mailto:procurement-support@opengov.com)

<https://procurement.opengov.com/portal/smcgov>

#### **3.2. Pre-submission Registration**

Organizations or individuals interested in responding to this solicitation must register online with the County of San Mateo [at](#):

- <https://procurement.opengov.com/portal/smcgov>

It is recommended that organizations complete this registration as soon as possible. The County will not be responsible for and may not accept proposals that are late due to a failure to register in the eProcurement system.

### **3.3. Submission via eProcurement Portal**

#### **Required Documents**

Please refer to the [Technical Proposal](#) section for submittal documents and requirements.

#### **Electronic Submissions**

Include the proposer name and the RFP title and number in each filename. Submit proposals via the eProcurement website, allowing sufficient time for the upload to complete by the Due Date and Time. As noted above, the eProcurement portal submission time will be the official submission time, and partial uploads will automatically terminate, and proposals will be rejected. Contact eProcurement Portal with technical questions regarding this site.

#### **Conflicts between Certain Requirements**

Prior to the submission deadlines and solely relating to a determination of the timeliness of questions, comments, and proposal submissions, information displayed on the eProcurement portal site will take precedence in the event of a discrepancy between that information and the information within the solicitation documents. For all other discrepancies, the information in the solicitation documents will take precedence.

#### **Format**

Documents should be created in the following format:

- Text should be Times New Roman (12-point minimum font size) and unjustified (i.e., with a ragged-right margin)
- Pages should have margins of at least one inch on all sides (excluding headers and footers)
- If the proposal is lengthy, a Table of Contents should be included.
- PDF format is preferred.

#### **Errors in Proposals**

The County will not be liable for any errors in proposals. Proposals may be rejected as unresponsive if they are late, incomplete, missing pages or information, or cannot be opened for any reason. The County may waive minor immaterial or irregularities, but such waiver will not modify any remaining RFP requirements.

### **3.4. Procurement Preference for Local Businesses and Local Non-Profits**

The County of San Mateo has adopted a Procurement Preference for Local Businesses Ordinance (County Ord. Code Ch. 2.89.) The purpose of this Ordinance is to promote a strong local economy by giving preference to local businesses, local non-profits, local small and micro businesses, and local small and micro non-profits in County procurements, to the extent consistent with the law and interests of the public. The County's process for applying local preferences to competitive procurements is set forth in County Ordinance Code Section 2.89.030. The Ordinance and exemptions (e.g. the ordinance will be exempt when all bids or proposals received are from Non-Profit Organizations) can be reviewed here:

The requirements for bidders to establish eligibility for a local preference for this solicitation are detailed below in Section III (Submission Requirements) The Ordinance does not apply if a procurement is determined to be exempt (County Ord. Code sec. 2.89.050), and the County reserves the right to waive application of the Ordinance to this procurement if determined to be in the best interests of the County (County Ord. Code sec. 2.89.060).

#### **4. Minimum Qualifications, Local Preference Ordinance, and Technical Proposal**

##### **4.1. Minimum Qualifications**

##### **4.1.1. Has Proposer has been providing affirmative legal services for a minimum of five (5) years, with some portion of this work within the last seven (7) years?\***

- Yes  
 No

\*Response required

##### **4.1.2. Proposer must have an active membership, in good standing, with the State Bar of California and/or must be able to provide verification of such membership.\***

- Please confirm

\*Response required

##### **4.1.3. Does Proposer have bilingual capacity?\***

- Yes  
 No

\*Response required

##### **4.1.4. Please confirm your firm is registered with System for Award Management (SAM)\***

[SAM.gov](#)

- Please confirm

\*Response required

##### **4.1.5. What is the registered Business Name and Unique Entity ID (UEI) No.??\***

- UEI number can be obtained by registering your business through SAM.GOV
- Should you be in the process of obtaining your UEI number, please enter the digits '123' temporarily for your response below in order to proceed with proposal. This temporary number should be replaced with the correct registration number for submission of the proposal.

\*Response required

#### **4.2. Procurement Preference for Local Businesses and Local Non-Profits**

##### **4.2.1. Is the Proposer a "Local Business"?**

As Defined by Chapter 2.89.020 of the San Mateo County Ordinance Code, a “Local Business” means any for-profit business which has its principal place of business, or is headquartered, in San Mateo County. If this designation applies to the proposer, a self-attestation form must be completed and provided with this response.

Please download the below documents, complete, and upload. If this designation is not applicable, please leave blank.

- [SMC LocalBusiness self-atte...](#)

**4.2.2. Is the Proposer a Non-Profit?\***

A Non-Profit is defined as a tax-exempt public charity organization (within the meaning of section 501(c)(3) of the Internal Revenue Code) that is formed for purposes other than making a profit, is exempt from paying federal income taxes on the income generated for their exempt purposes.

- Yes
- No

\*Response required

When equals "Yes"

**4.2.3. Is the Proposer a "Local Non-Profit"**

As Defined by Chapter 2.89.020 of the San Mateo County Ordinance Code, a “Local Non-Profit” means a tax-exempt public charity organization (within the meaning of section 501(c)(3) of the Internal Revenue Code) that is formed for purposes other than making a profit, is exempt from paying federal income taxes on the income generated for their exempt purposes, and has its principal place of business, or is headquartered, in San Mateo County. If this designation applies to the proposer, a self-attestation form must be completed and provided with this response.

Please download the below documents, complete, and upload. If this designation is not applicable, please leave blank.

- [SMC LocalBusiness self-atte...](#)

**4.3. Technical Proposal**

**4.3.1. Introduction and Executive Summary \***

Submit a letter of introduction and executive summary of the proposal. The letter must contain:

- Name, title and contact information (email, phone, and address) for representative of proposer that is responsible for communication related to this RFP.
- Name, title, contact information, and signature of person authorized to obligate firm to perform the commitment contained in the proposal.

Submission of the letter will constitute a representation by proposer that it is willing and able to perform the commitments contained in the proposal and has not violated the terms of this RFP.

\*Response required

#### **4.3.2. Statement of Minimum Qualifications \***

Describe how the proposer meets the minimum qualifications as set forth in **Minimum Qualifications** of this RFP.

Submission of the Minimum Qualifications checklist is not a substitute for providing a detailed written response.

\*Response required

#### **4.3.3. Project Approach\***

This section should correlate to the Scope of Work. Proposer should give a short summary describing how it will perform the relevant work

\*Response required

#### **4.3.4. Scope of Work tasks/milestones\***

Describe your proposed approach to tasks/milestones

\*Response required

#### **4.3.5. Performance Measures\***

Describe a plan for achieving performance measures

\*Response required

#### **4.3.6. Firm Qualifications \***

Attach information regarding background and qualifications, including the following:

- A brief description of the proposer.
- A description of not more than three (3) projects similar in size and scope conducted by the proposer, including the client, reference and telephone numbers, primary staff members involved, budget, schedule, and project summary. Descriptions should be limited to one (1) page for each project.
- Prior experience as part of a collaborative providing immigrant assistance.
- A demonstrated track record of providing affirmative immigration relief support to undocumented immigrants
- If subcontractors are anticipated, identify them (if known) and provide information on how they will be used.

\*Response required

#### **4.3.7. Team Qualifications\***

Provide a chart identifying:

- Project team and reporting structure
- Lead project manager

- Role each person will play in the project

Provide a brief description of the experience and qualifications of the project team members, including short resumes if desired.

Written assurance that the key individuals listed and identified will be performing the work and will not be substituted or reassigned without the County’s prior approval

\*Response required

**4.3.8. References\***

Provide 3 references for each of the following, including the name, address, and telephone number of recent clients (preferably other public agencies):

\*Response required

**4.3.9. Fee Proposal\***

The Fee Proposal should be submitted as a separate PDF file from the Technical Proposals detailed in Required Documents.

The County reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

\*Response required

**4.3.10. Innovation Methodology**

Provide Navigation Team and Shared Intake / Screening System innovations or improvements that you expect to provide (with respect to, for example, efficiency, technology, sustainability)

**5. Evaluation and Selection Criteria**

The proposals will be evaluated by a selection committee with relevant expertise. The County intends to evaluate the proposals generally in accordance with the criteria itemized below. Proposers with the highest scoring proposals may be interviewed by the committee to make the final selection.

No.	Evaluation Criteria	Scoring Method	Weight (Points)
1.	<b>Program Model and Capacity</b>	Points Based	33 <i>(33% of Total)</i>
2.	<b>Staffing and Qualifications</b>	Points Based	28 <i>(28% of Total)</i>
3.	<b>Coordination Plan</b>	Points Based	22 <i>(22% of Total)</i>
4.	<b>Budget and Cost Effectiveness</b>	Points Based	17 <i>(17% of Total)</i>

**6. Instructions to Proposers**

## **6.1. Instructions**

There will be no pre-proposal conference or site visit for this project.

## **6.2. Communications**

- A. As of the issuance date of this RFP and continuing until it is canceled or an award is made, no proposer or person acting on behalf of a prospective proposer may discuss any matter relating to the RFP with any officer, agent, or employee of the County, other than through eProcurement portal, to the Authorized Contact Person, or as outlined in the evaluation or protest procedures.
- B. Proposers (including any agent, owner, employee, board members, or other such affiliates) shall not offer any gift, favor, or other personal benefit to any County officer or employee during the procurement process for this agreement, including during the solicitation period and contract negotiations.

Violation of the foregoing prohibitions may result in a proposer being found non-responsible and barred from participating in this or future procurements.

## **6.3. Contract Award**

### **A. Award Procedure**

Contract negotiations are neither an offer nor guarantee that a contract will be executed. A contract award, if any is made, will be to the responsive, responsible proposer offering the overall best value to the County for the services and goods described in this solicitation, or as applicable, for a specific portion of the services and goods described. Any agreement reached will be memorialized in a formal agreement using the attached template, executed by the appropriate authority.

### **B. Notice of Intent to Award**

If a decision is made to take steps to enter into an agreement with one or more proposers, the County will post a Notice of Intent to Award or otherwise notify proposers the remaining proposers of their non-selection. Notice may instead be provided by including approval of the agreement as an item on an agenda for a meeting of the Board of Supervisors.

### **C. Commencement of Performance**

After all parties have signed the agreement, the County will notify the contractor and performance may proceed. Prior to execution of the agreement by the County, no County employee may authorize work under the agreement. Any work performed prior to the full execution of the Agreement may not be compensated.

- D. **Levine Act Disclosure**The Levine Act (California Government Code Section 84308) imposes certain requirements on parties contracting with the County of San Mateo related to campaign contributions to County “officers,” including elected County officers and candidates seeking elective office, who may participate in making a decision on certain County contracts. Elected County officers in San Mateo County include: the San Mateo County Board of Supervisors,

Assessor-County Clerk-Recorder, County Controller, Coroner, District Attorney, Sheriff, and Tax Collector-Treasurer. Generally, under current County policy, approval by the Board of Supervisors is required for any agreement for services above \$200,000, and agreements for services below that threshold may be approved by Department heads. **If your proposal is selected, you will be required to certify compliance with the Levine Act.** As part of this process, you will need to certify and warrant that you have fully complied, and will remain in full compliance, with all applicable requirements of the Levine Act in connection with the Agreement, including making any required disclosures of campaign contributions to County Officers, which includes but may not be limited to elected County Officers. Elected County Officers include members of the San Mateo County Board of Supervisors, as well as the Assessor-County Clerk-Recorder, Controller, Coroner, District Attorney, Sheriff, and Tax Collector-Treasurer. Any campaign contribution required to be disclosed under the Levine Act in connection with this Agreement shall be disclosed on the County of San Mateo Levine Act Disclosure Form, a copy of which is available from the County upon request. Parties are solely responsible for accurate certification and disclosure. The Levine Act is complex, and this brief description is not legal advice. For example, certain contributions must be aggregated when determining whether contributions have exceeded the \$500 threshold. If your proposal is selected, you are urged to review the Levine Act and consider consulting an attorney.

#### **6.4. Term**

County Executive's Office - Office of Community Affairs is issuing Request for Proposal (RFP) No. 2026-RFP-00282 for Affirmative Immigration Legal Services.

The agreement shall have a term of two (2) years. In addition, the County shall have one (1) option to extend the term for an additional period not to exceed two years, which the County may exercise in its sole, absolute discretion. To exercise this option, the County shall provide written notice to the Contractor at least thirty days before the end of the agreement's term.

The County's standard contract template has been included with this solicitation. The awarded contractor will be expected to sign an agreement prepared by the County using this template. Please ensure that your firm has completed legal review of these contract terms. If your firm wishes to request exceptions to these standard terms, submit a Contract Exceptions Request by the Deadline for Questions, Comments and Contract Exceptions listed in the Solicitation Schedule below. The County will consider Contract Exceptions Requests but reserves the right to reject requested modifications to its standard terms.

### **7. Terms and Conditions for Receipt of Proposals**

#### **7.1. Errors, Omissions and Inquiries regarding the RFP**

Proposers are responsible for reviewing all portions of this RFP. Proposers are to notify the department, in eProcurement portal, if the proposer discovers any ambiguity, discrepancy, omission, or apparent error in the RFP. Such notification should be made promptly after discovery, but in no event later than five business days prior to the deadline for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

Inquiries regarding the RFP should be lodged in eProcurement portal.

### **7.2. Objections to RFP Terms**

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not more than ten calendar days after the RFP is issued, provide written notice to the department, via eProcurement portal, setting forth with specific grounds for the objection.

### **7.3. Addenda**

The County may cancel, revise, or reissue this RFP, in whole or in part, for any reason. Revisions will be posted as Addenda on eProcurement portal. No other revision of this RFP is valid. Proposers shall be responsible for ensuring that their proposals reflects any and all Addenda issued by the County prior to the proposal due date regardless of when a proposal is submitted. Therefore, the County recommends that proposers consult eProcurement portal frequently, including shortly before the proposal due date, to confirm that all Addenda have been downloaded.

### **7.4. Term of Proposal**

Submission of a proposal signifies that the proposed services and prices are valid for the duration of the proposed agreement term and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

### **7.5. Revision or Withdrawal of Proposal**

A proposer may revise a proposal on the proposer's own initiative at any time before the deadline for submission of proposals. The proposer must submit the revised proposal in the same manner as the original on or before the proposal due date.

A proposer may withdraw a proposal at any time before the deadline for submission of proposals. After that time, whether or not a new RFP is issued for the same subject matter, withdrawal of a proposal may preclude the proposer from participating in the procurement as a proposer or subcontractor, except that an original equipment manufacturer may participate indirectly through a reseller.

### **7.6. Errors and Omissions in Proposal**

The County will not be liable for any errors in proposals. Proposals may be rejected as unresponsive if they are incomplete, are missing pages or information, or cannot be opened for any reason. The County may waive minor irregularities, but such waiver will not modify any of the remaining RFP requirements.

### **7.7. No Commitment**

Neither submission of a proposal nor the County's receipt of proposal materials confers any right to the proposer nor any obligation on the County. This RFP does not commit the County to award a contract.

### **7.8. Financial Responsibility**

The County shall have no financial responsibility for any costs incurred by a firm in responding to this RFP or participating in any presentations or negotiations.

## **7.9. Estimated Quantity**

If the RFP results in an indefinite quantity or a requirements agreement, the goods and services actually requested by the County may be less than the maximum value of the agreement and there is no guarantee, either expressed or implied, as to the actual quantity of goods and services that will be authorized under the agreement.

## **7.10. Public Record**

### **A. General**

1. All proposals, protests, and information submitted in response to this solicitation will become the property of the County and will be considered public records. As such, they may be subject to public review.
2. Any contract arising from this RFP will be a public record.
3. The County is not seeking proprietary information and will not assert any privileges that may exist on behalf of the proposer.
4. Submission of any materials in response to this RFP constitutes:
  - Consent to the County's release of such materials under the Public Records Act without notice to the person or entity submitting the materials; and
  - Waiver of all claims against the County and/or its officers, agents, or employees that the County has violated a proposer's right to privacy, disclosed trade secrets, or caused any damage by allowing the proposal or materials to be inspected; and
  - Agreement to indemnify and hold harmless the County for release of such information under the Public Records Act; and
  - Acknowledgement that the County will not assert any privileges that may exist on behalf of the person or entity submitting the materials.

## **7.11. Confidential Information**

- A. Proposers are responsible for asserting any applicable privileges or reasons why a document should not be produced in response to a public record request.
- B. If submitting information protected from disclosure as a trade secret or any other basis, identify each page of such material subject to protection as "CONFIDENTIAL." If requested material has been designated as confidential, the County will attempt to inform the proposer of the public records request in a timely manner to permit assertion of any applicable privileges.
- C. Failure to seek a court order protecting information from disclosure within ten days of the County's notice of a request to the proposer will be deemed agreement to disclosure of the information and the proposer agrees to indemnify and hold the County harmless for release of such information.

- D. Requests to treat an entire proposal as confidential will be rejected and deemed agreement to County disclosure of the entire proposal and the proposer agrees to indemnify and hold the County harmless for release of any information requested.
- E. Trade secrets will only be considered confidential if claimed to be a trade secret when submitted to the County, marked as confidential, and compliant with Government Code Section 6254.7.

#### **7.12. Reservations of Rights by the County**

The issuance of this RFP does not constitute an agreement by the County that any contract will actually be entered into by the County. The County expressly reserves the right at any time to:

- Waive or correct any defect or informality in any response, proposal, or proposal procedure;
- Reject any or all proposals;
- Reissue an RFP;
- Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
- Procure any materials, equipment or services specified in this RFP by any other means; or
- Determine that no project will be pursued.

#### **7.13. No Waiver**

No waiver by the County of any provision of this RFP shall be implied from any failure by the County to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

#### **7.14. Cooperative Agreement (Piggyback)**

This competitive solicitation is being conducted as a Cooperative Procurement. The services, terms and conditions of any agreement resulting from this solicitation may be used by other organizations as a Cooperative Agreement.

This provision in no way commits any affiliate to procure services from any awarded contractor, nor does it guarantee that any additional orders will result. At their discretion, and subject to their own procurement policies, interested organizations may make use of this competitive procurement and contract directly from the awarded contractor.

### **8. Protest Procedures**

#### **8.1. Protest of Non-Responsiveness Determination**

Within five (5) working days of the County's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the County has incorrectly determined that its proposal is non-

responsive may submit a written notice of protest. Such notice of protest must be received by the County on or before the fifth working day following the County's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the County to determine the validity of the protest.

### **8.2. Protest of Contract Award**

Within five (5) working days of the County's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the County has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the County on or before the fifth working day after the County's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the County to determine the validity of the protest.

### **8.3. Delivery of Protests**

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the County received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Protests@smcgov.org

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